



Coachella Civic Center, Hearing Room  
53-462 Enterprise Way, Coachella, California  
(760) 398-3502 ♦ [www.coachella.org](http://www.coachella.org)

# AGENDA

OF A REGULAR MEETING  
OF THE  
CITY OF COACHELLA  
PLANNING COMMISSION

**November 18, 2020**  
6:00 PM

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Pursuant to Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

- You may submit your public comments to the Planning Commission electronically. Material may be emailed to [llopez@coachella.org](mailto:llopez@coachella.org), [jcarrillo@coachella.org](mailto:jcarrillo@coachella.org) and [ybecerril@coachella.org](mailto:ybecerril@coachella.org).
- Transmittal prior to the start of the meeting is required. Any correspondence received during or after the meeting will be distributed to the Planning Commission and retained for the official record.
- You may provide telephonic comments by calling the Planning Department at (760)-398-3102 **no later than 4:00 p.m.** the day of this meeting to be added to the public comment queue. At the appropriate time, you will be called so that you may provide your public testimony to the Planning Commission.
- The public shall have access to watch the meeting live using following link:  
<https://youtu.be/yVBav271qpc>

## CALL TO ORDER:

## PLEDGE OF ALLEGIANCE:

## ROLL CALL:

## APPROVAL OF AGENDA:

“At this time the Commission may announce any items being pulled from the agenda or continued to another date or request the moving of an item on the agenda.”

## WRITTEN COMMUNICATIONS:

## PUBLIC COMMENTS (NON-AGENDA ITEMS):

“The public may address the Commission on any item of interest to the public that is not on the agenda, but is within the subject matter jurisdiction thereof. Please limit your comments to three (3) minutes.”

**REPORTS AND REQUESTS:**

**NON-HEARING ITEMS:**

1. Request for Retroactive 24-Month Time Extension for Conditional Use Permit (CUP 279) and Architectural Review (AR 17-03) to allow the phased development of a 644,567 sq. ft. commercial cannabis project in fourteen buildings on 49 acres of vacant land in the M-S (Manufacturing Service) zone located at 86-601 Industrial Way.

**PUBLIC HEARING CALENDAR (QUASI-JUDICIAL):**

2. Conditional Use Permit (CUP 335 to allow a 225 square foot Non-Storefront Retail Cannabis business to be located within an existing building in the M-W (Wrecking Yard) zone located at 48-050 Harrison Street, Suite No. 2 (APN: 603-290-001); Kyle Friend (dba: Kismet Organic), Applicant.
3. Bejarano Cannabis Cultivation Facility
  - a) Environmental Assessment (EA 20-02) adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Bejarano Project located at 48-100 Harrison Street.
  - b) Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) to allow the construction of a new 225,705 square foot cannabis cultivation facility with two-story head house and industrial greenhouse structures, perimeter fencing, landscaping, retention basin, and parking lot improvements on 10.01 acres of partially-developed land located in the M-W (Wrecking Yard) zone at 48-100 Harrison Street. David E. Argudo (Applicant)

**INFORMATIONAL:**

**ADJOURNMENT:**

*Complete Agenda Packets are available for public inspection in the Planning Department at 53-990 Enterprise Way, Coachella, California, and on the City's website [www.coachella.org](http://www.coachella.org).*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



**STAFF REPORT**  
**11/18/2020**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Luis Lopez, Development Services Director

**SUBJECT:** Request for Retroactive 24-Month Time Extension for Conditional Use Permit (CUP 279) and Architectural Review (AR 17-03) to allow the phased development of a 644,567 sq. ft. commercial cannabis project in fourteen buildings on 49 acres of vacant land in the M-S (Manufacturing Service) zone located at 86-601 Industrial Way.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission grant a retroactive 24-month time extension for CUP 279 and Architectural Review No. 17-03 to allow the phased development of a 644,567 sq. ft. commercial cannabis project in fourteen buildings on 49 acres of vacant land in the M-S (Manufacturing Service) zone located at 86-601 Industrial Way. Scott Dolan, Applicant.

**BACKGROUND:**

Pursuant to Chapters 17.72 and 17.74 of the Coachella Municipal code, approvals for Conditional Use Permits and Architectural Reviews are valid for 12 months unless a building permit is issued and construction is diligently pursued within that time. The Planning Commission can grant up to three 12-month time extensions when the applicant submits a written request stating the reasons for the project delays.

On November 15, 2017 the Planning Commission conducted a duly noticed public hearing at which time the Commission voted to approve the Coachella Green Industrial Park project. The Planning Commission approved and adopted a Mitigated Negative Declaration and Mitigation Monitoring Program, pursuant to CEQA Guidelines for the project, as well as Change of Zone 17-01, Conditional Use Permit No. 279, and Architectural Review No. 17-03 as part of the entire proposed project.

**DISCUSSION/ANALYSIS:**

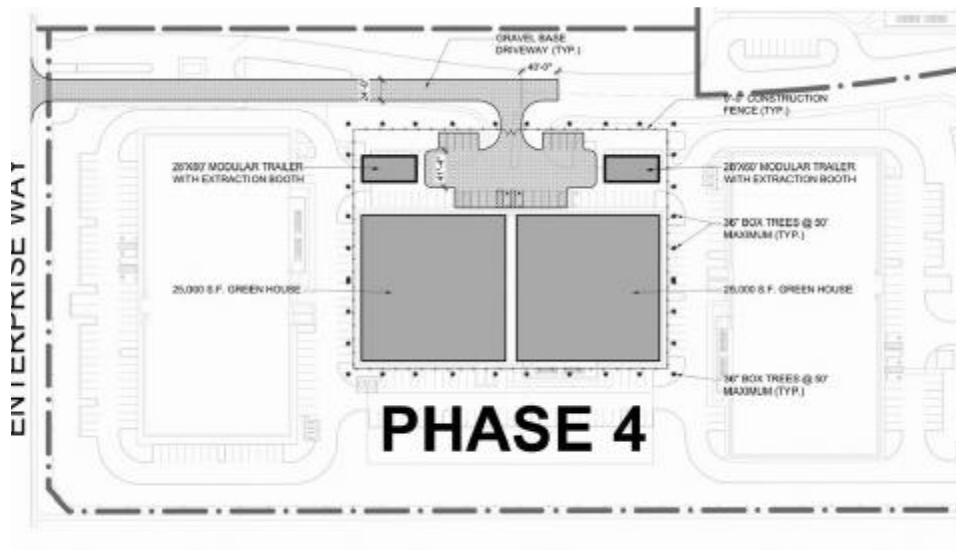
As illustrated below, the Coachella Green project proposes the overall development of an industrial business park including 14 buildings totaling 644,567 square feet that will be developed on the 49-acre site over five phases plus an interim phase.



consists of 5 triple wide modular trailers that total 10,800 square feet. The interim facilities have been conditioned to operate for a one-year period with an additional one-year extension available. Exhibits of the proposed interim facilities are illustrated below:

Building/P hase	Primary Building Use	Building Statistics		Parking			
		Square Feet	Height	Required Standard Spaces	ADA	Provided Standard Spaces	ADA
<i>Interim Phase –3.0 acres (To be located within Phase 2 and Phase 4 areas)</i>							
Greenhouse Buildings	Cultivation	50,000	19'	76	3	20	2
Modular Trailer Bldg. with Extraction Booth	Manufacturing and Packaging	4,320	15'	6	0	19	2
<b>Total Interim Phase</b>		<b>29,320</b>		<b>82</b>	<b>3</b>	<b>39</b>	<b>4</b>

A detailed exhibit of the interim use facility, including the proposed temporary greenhouses, within the phase 4 area, to be accessed from Enterprise Way, are illustrated below:



A detailed exhibit of the interim facility within the phase 2 area including the use of modular offices and extraction booth, are illustrated below.



### Architectural Theming:

The buildings proposed feature quality, timeless, and low-maintenance exterior materials, which are consistent with high-end research and development facilities worldwide.

The building envelope combined innovative use of insulated concrete tilt-up construction, with an exposed aggregate surface. The tilt-up exteriors can be varied, in shades of grey through the use of a variety of techniques, including alternate concrete mixes, changes to aggregate, and the use of integral color. Paint schemes can also be introduced to provide variety to the contemporary horizontal theme. Tilt-up panels can project or recede to further accentuate the building facades. The entry towers utilize high-efficiency thermal-decoupled aluminum curtain wall and state of the art dual or triple glazing. Building individuality and corporate identity can be achieved by the use of colored curtain wall and variation in glass hues and reflectivity, as well as signage. The exterior walls can be varied in height to increase interest, but must provide enough parapet to hide all proposed rooftop equipment. The building exteriors include the use of “rust color lattice frames” to articulate wall lengths. The color of the lattice frames can also be coordinated with the colors of the curtain wall entry towers. The foliage fostered by the lattice frame will augment and vary exterior views. The strong vertical entry element provides an identifiable entry and is an ideal complement to the height-reducing horizontal lines of the tilt-up concrete.

The buildings are proposed as non-combustible fire safe facilities that include metal roof decking, steel sub-structure, and steel interior columns. Tapered roof insulation over the steel deck can be installed at varying thickness to achieve a high degree of interior environmental quality. Interior insulation can be added to further building performance.

The roof surface would be a single ply white roof to comply with California Title 24 Energy Efficiency Requirements.

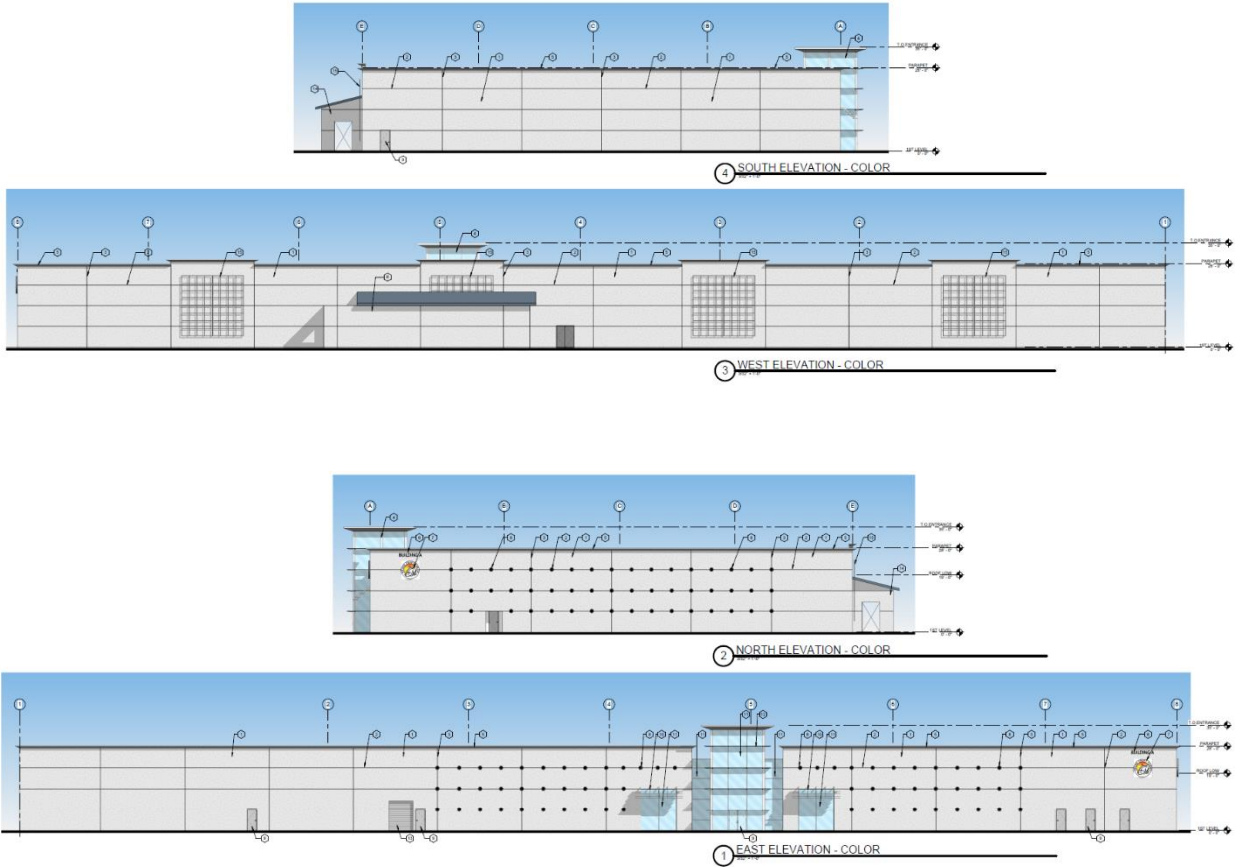
The prototypical building designs propose ground mounted, state of the art, energy-efficient central cooling, ventilating, and heating systems. The buildings allow for the use of multiple types of mechanical systems, including roof-mounted systems.

The building environment for interior plant cultivation and staff comfort requires a unique degree of climate control. The buildings allow for a wide variety of capacity, and distribution systems.

Separate or integrated exhaust and make-up air systems can be provided, that will allow for filtering of incoming and exhaust air to meet industry and environmental standards.

Interior plumbing and drainage from cultivation processes will be directed to public facilities after passing through appropriate clarifiers. Casual water from roof drainage will run through interior downspouts and will be directed to retention areas and biofiltration.

Design guidelines have been prepared for the Coachella Green Project and are included as part of the attachments. The proposed elevations are included below:



Landscaping:

The project includes landscaped areas along the periphery and interior of the site. The plant palate includes Acacia Mulga, Acacia Shoestring, Sonoran Palo Verde and Tipu Tree, Mediterranean Fan Palm, Medjool Date Palm and Mexican Fan Palm. Proposed shrubs include Century Plant, Trunkata, Desert Spoon, Bougainvillea, Red Bird of Paradise, Dwarf Bottle Brush, Golden Barrel, Crown of Thorn Fire Sticks, Red Yucca Ocotillo, Irene Lantana, Purple Trailing Lantana, Trailing Lantana, Chihuahuan Rain Sage, Pink Mulhy, Coral Fountain and Chaparral Sage. Groundcover includes ¾ inch crushed rock desert gold. Sidewalks are proposed along Industrial Way, Enterprise Way and along Polk Street and will be constructed in accordance with the phasing plan. The perimeter plantings, and parking lot plantings exceed the City’s landscaping regulations. A conceptual landscaping plan for the entire project is illustrated below. Final landscaping plans will be submitted and approved prior to the issuance of a building permits for each development within the project.



**ENVIRONMENTAL REVIEW:**

The Planning Commission adopted a Mitigated Negative Declaration for the Coachella Green project pursuant to the California Environmental Quality Act Guidelines Based on this Environmental Assessment/Initial Study and proposed mitigation measures therein, it was determined that the project would not have a significant impact on the environment. The CEQA mitigation measures, are included in the project’s conditions of approval. As such, no additional environmental review is required for the time extension.

**CONCLUSIONS AND RECOMMENDATIONS:**

Based on the discussion above, staff finds that the project is in keeping with the goals and objectives of the City’s General Plan, including policies the creation of new industrial park developments (Land Use & Community Character) and for continued economic development and jobs creation. Staff recommends that the Planning Commission grant a retroactive 24-month



time extension for CUP No. 279 and Architectural Review No. 17-03, making the new expiration date November 29, 2021.

Attachments:   Aerial Photograph  
                  Time Extension Request Letter  
                  Coachella Green Site Plan  
                  Resolution No. 2017-81  
                  Resolution No. 2017-82

INDUSTRIAL WAY

ENTERPRISE WAY

POLK STREET



**Luis Lopez**

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**From:** Scott Dolan <SDolan@windset.com>  
**Sent:** Thursday, October 29, 2020 11:47 AM  
**To:** Luis Lopez  
**Cc:** Juan Carrillo  
**Subject:** RE: Coachella Green

Thank you.

The reason why we are asking for an extension is because of delays in negotiating our debt refinancing with our banking syndicate.

We recently changed one of our major financial lenders, and the new lender is encouraging us to stabilize our business in the midst of the COVID19 pandemic before starting on new capital projects.

Also, it's been very difficult to budget and plan for the project because of the varying prices in Steel, access to the specialized personal in Holland the we typically contract with to complete the work, and planning and organizing the work of so many people while still maintaining the distances required for COVID19 as recommended by the CDC.

We will mail the check today.

Thank you,  
 Scott

**From:** Luis Lopez <llopez@coachella.org>  
**Sent:** Wednesday, October 28, 2020 1:48 PM  
**To:** Scott Dolan <SDolan@windset.com>  
**Cc:** Juan Carrillo <jcarrillo@coachella.org>  
**Subject:** RE: Coachella Green

That is correct, payable to "City of Coachella".

Luis

**From:** Scott Dolan <SDolan@windset.com>  
**Sent:** Wednesday, October 28, 2020 1:43 PM  
**To:** Luis Lopez <llopez@coachella.org>  
**Cc:** Juan Carrillo <jcarrillo@coachella.org>  
**Subject:** RE: Coachella Green

Payable to the City of Coachella?

Thank you,  
 Scott

**From:** Luis Lopez <llopez@coachella.org>  
**Sent:** Wednesday, October 28, 2020 1:42 PM  
**To:** Scott Dolan <SDolan@windset.com>

**Cc:** Juan Carrillo <jcarrillo@coachella.org>  
**Subject:** RE: Coachella Green

Yes, that is fine.

**Luis Lopez, J.D.** | Development Services Director  
City of Coachella – Permit Center  
53-990 Enterprise Way ° Coachella, CA 92236  
Office: (760) 398-3102 ext. 118  
Mobile: (760) 625-6307  
Fax: (760) 398-5421  
[LLopez@coachella.org](mailto:LLopez@coachella.org) ° [Website](#)



**City Hall Hours:**  
Monday – Thursday 7:00 a.m. to 6:00 p.m.  
Closed Fridays

*CONFIDENTIALITY NOTICE: This communication contains legally privileged and confidential information sent solely for the use of the intended recipient. If you are not the intended recipient of this communication you are not authorized to use it in any manner, except to immediately destroy it and notify the sender.*

**From:** Scott Dolan <[SDolan@windset.com](mailto:SDolan@windset.com)>  
**Sent:** Wednesday, October 28, 2020 10:13 AM  
**To:** Luis Lopez <[llopez@coachella.org](mailto:llopez@coachella.org)>  
**Cc:** Juan Carrillo <[jcarrillo@coachella.org](mailto:jcarrillo@coachella.org)>  
**Subject:** RE: Coachella Green

Luis,

Can I make payment using a money order?

Thank you,  
Scott

**From:** Luis Lopez <[llopez@coachella.org](mailto:llopez@coachella.org)>  
**Sent:** Tuesday, October 27, 2020 9:59 AM  
**To:** Scott Dolan <[SDolan@windset.com](mailto:SDolan@windset.com)>  
**Cc:** Juan Carrillo <[jcarrillo@coachella.org](mailto:jcarrillo@coachella.org)>  
**Subject:** RE: Coachella Green

Hi Scott,

Good to hear from you.

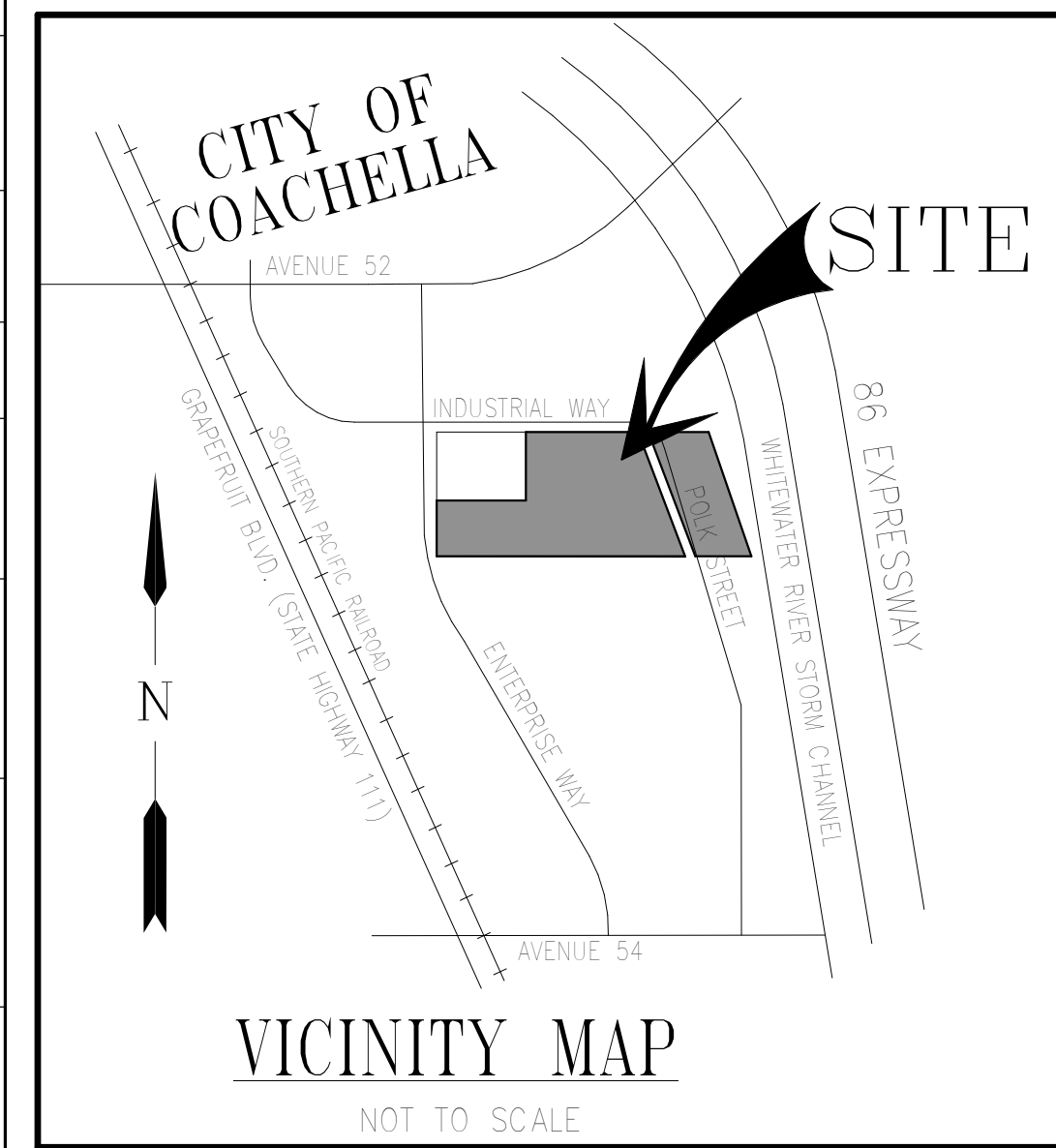
We will need a written request, and a filing fee of \$1,125.00 for the time extension.

# COACHELLA GREEN INDUSTRIAL PARK - PHASE 1

86-601 Industrial Way  
Coachella, CA 92236

## PROJECT DATA

<b>OWNER</b>	
COACHELLA GREEN, LLC 1933 S. BROADWAY, SUITE 806 LOS ANGELES, CA 90007	
<b>SITE ADDRESS</b>	
86-601 Industrial Way Coachella, CA 92236	
<b>ASSESSOR'S PARCEL NO.</b>	
763-131-082 THROUGH 086, INCLUSIVE	
<b>LEGAL DESCRIPTION</b>	
PARCELS 1 THROUGH 5, INCLUSIVE OF PARCEL MAP 38859 AS RECORDED IN BOOK 239 OF PARCEL MAPS AT PAGES 7 AND 8, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA	
<b>LAND USE INFORMATION AND OVERLAYS</b>	
SITE AREA	48.19 ACRES (2,142,720 S.F.)
SURROUNDING:	VACANT, INDUSTRIAL/COMMERCIAL
EXISTING:	VACANT
PROPOSED:	HYDROPONIC CANNABIS GROWTH WAREHOUSE
<b>PHASING AREAS</b>	
OVERALL SITE:	49.17 ACRES
PHASE 1:	7.28 ACRES
PHASE 2:	9.54 ACRES
PHASE 3:	7.97 ACRES
PHASE 4:	12.65 ACRES
PHASE 5:	11.73 ACRES
<b>PRELIMINARY LOT COVERAGE</b>	
PHASE 1:	BUILDINGS: 29%
PHASE 2:	BUILDINGS: 31%
PHASE 3:	BUILDINGS: 19%
PHASE 4:	BUILDINGS: 31%
PHASE 5:	BUILDINGS: 28%
<b>LANDSCAPE</b>	
PHASE 1:	LANDSCAPE: 67,395.84 SF
PHASE 2:	LANDSCAPE: 116,220.97 SF
PHASE 3:	LANDSCAPE: 135,378.56
PHASE 4:	LANDSCAPE: 6,5213.38
	TOTAL: 484,208.75 SF = 30% OF SITE
PHASE 5:	LANDSCAPE: 187,045.46 SF = 12% OF SITE

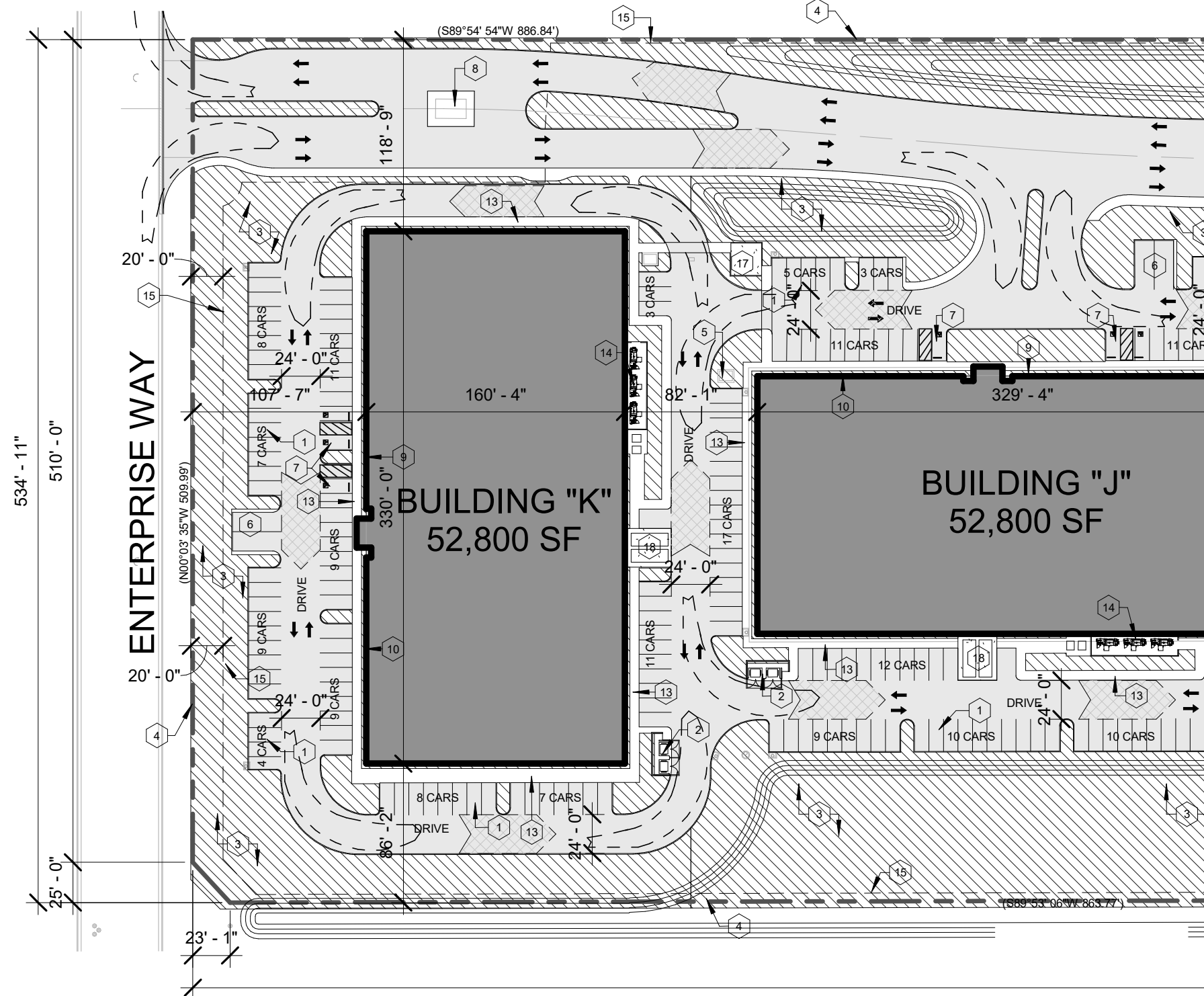


## LEGEND

SYMBOL	DESCRIPTION
[Hatched Box]	AREA OF LANDSCAPE
[Grey Box]	AREA OF PAVING
[Arrow]	DIRECTIONAL ARROW
[Dashed Line]	AREA OF FIRE LANE (MINIMUM 24' WIDTH)
[Circle with Arrow]	FIRE TRUCK TURNING RADIUS
[Square with X]	POLE MOUNT AREA LIGHT (1 HEAD) (xx) = MTG. HT. XX' A.F.G.
[Square with X]	POLE MOUNT AREA LIGHT (2 HEAD) (xx) = MTG. HT. XX' A.F.G.
[Square with X]	POLE MOUNT AREA LIGHT (3 HEAD) (xx) = MTG. HT. XX' A.F.G.
[Square]	WALL MOUNT TYPE AREA FLOOD LIGHT. SEE EXTERIOR ELEVATIONS FOR MOUNTING HEIGHT
[Dashed Line]	HANDICAP PATH OF TRAVEL. NOT TO EXCEED 5% SLOPE IN DIRECTION OF TRAVEL AND NOT TO EXCEED 2% CROSS SLOPE.
[Dashed Line]	SITE RETAINING WALL. SEE CIVIL DRAWINGS
[Dashed Line]	PROPOSED LOT LINE ADJUSTMENT

## KEY NOTES

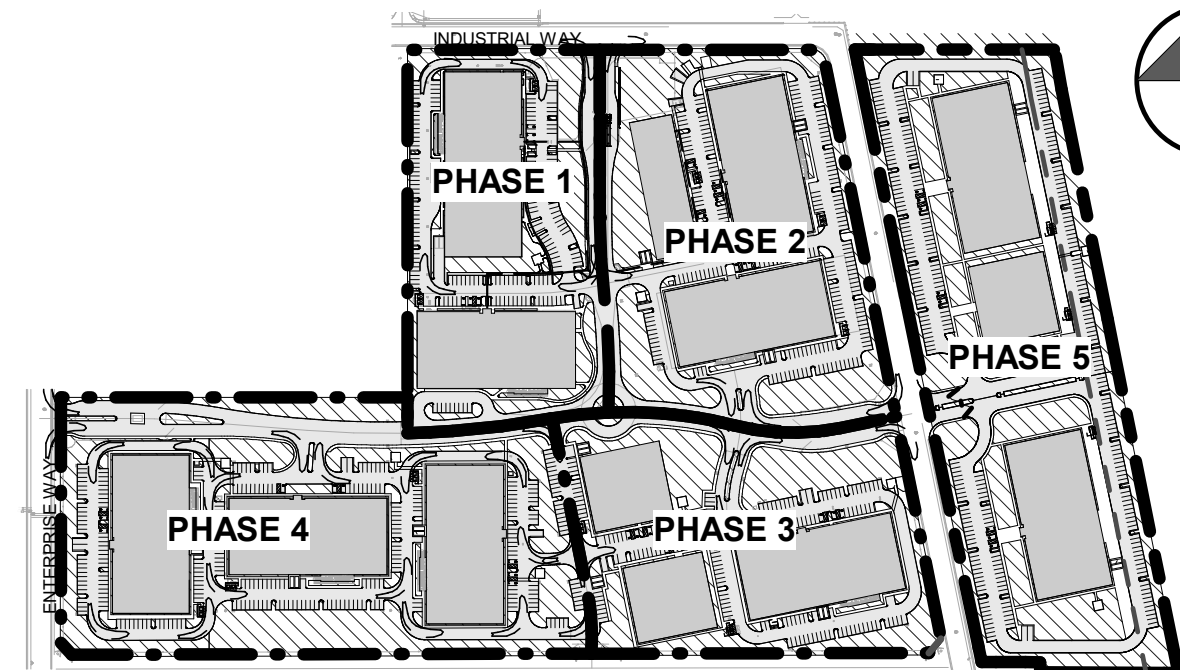
- 9'-0" x 20'-0" PARKING STALLS
- TRASH ENCLOSURE, SEE 9/A1.0.3
- LANDSCAPE
- PROPERTY LINE
- ELECTRICAL TRANSFORMER
- LOADING AREA
- ACCESSIBLE PARKING
- SITE RECEPTION SECURITY GUARD HOUSE, SEE DETAIL 1/A1.0.2
- MAIN ENTRANCE
- LOADING DOOR
- PATH OF TRAVEL
- CURB RAMP WITH DETECTABLE WARNINGS
- CONCRETE WALKWAY
- HVAC CHILLER ENCLOSURE
- 8'-0" HIGH WROUGHT IRON SITE FENCE, SEE DETAIL 7 ON SHEET A1.0.2
- SITE SIGNAGE, SEE DETAIL 1 ON SHEET A1.0.3
- RECREATION AREA
- PLANT MEDIA RECYCLE BINS
- EVAPORATIVE COOLING TOWERS, 14' - 17' HIGH



## PROJECT INFORMATION

BUILDING	PRIMARY BUILDING USE	SPRINKLERED	BUILDING PROVIDED			PARKING			TYPE "C" LOADING SPACES		
			BUILDING AREA (S.F.)	STORIES	HEIGHT	PARKING REQUIRED	REQUIRED ACCESSIBLE PARKING	PROVIDED	LOADING REQUIRED	LOADING PROVIDED	
<b>PHASE 1</b>											
A	CULTIVATION - (1) TYPE 3	Yes	62,167	1	28'-0"	93	3	93	3	2	2
B	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	3	82	3	1	1
			114,967			176		175		3	3
<b>PHASE 2</b>											
C	CULTIVATION - (1) TYPE 2	Yes	26,200	1	25'-0"	57	2	53	2	1	1
D	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	2	83	2	1	1
E	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	3	83	3	1	1
			131,800			223		219		3	3
<b>PHASE 3</b>											
F	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	84	3	85	3	2	2
G	CULTIVATION - (1) TYPE 2	Yes	27,000	1	25'-0"	57	2	57	2	1	1
H	CULTIVATION - (1) TYPE 2	Yes	27,000	1	25'-0"	57	2	57	2	1	1
			106,800			198		199		4	4
<b>PHASE 4</b>											
I	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	3	84	3	1	1
J	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	2	84	2	2	2
K	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	2	84	2	2	2
			158,400			249		252		5	5
<b>PHASE 5</b>											
L	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	3	87	3	2	2
M	CULTIVATION - (2) TYPE 2	Yes	27,000	1	25'-0"	57	2	85	2	1	1
N	CULTIVATION - (2) TYPE 2	Yes	52,800	1	28'-0"	83	3	134	3	2	2
			132,600			223		306		5	5
Grand total:	14		644,567			1,069		1,151		20	20

## PHASING PLAN



**BDN SOLUTIONS**  
Carlos Bishop  
(760) 855-8000  
carlos@bdn.solutions  
P.O. Box 843  
Escondido, CA 92033

**MARCA TECTS**  
architecture | engineering | planning  
240 N. Market Pl. Escondido, CA 92029  
760 743 4109 | 760 743 4106 fax  
marca@marctects.com | www.marctects.com

STAMP



CLIENT LOGO



CLIENT **COACHELLA GREEN, LLC**

PROJECT **COACHELLA GREEN INDUSTRIAL - PHASE 1**

ADDRESS 86-601 Industrial Way  
Coachella, CA 92236

PROJECT NO. 1700

DATE **Issue Date**

SCALE **As indicated**

TITLE

**MASTER SITE PLAN - PHASE 1**

PHASE SHEET  
**1 A1.0.0**

MARCA TECTS architecture | planning 2016

PRINTED DATE: 11/02/2017 9:30:32 AM

**RESOLUTION NO. 2017-81**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION (ENVIRONMENTAL ASSESSMENT NO. 17-01) FOR ARCHITECTURAL REVIEW NO. 17-03, CUP 279, AND CHANGE OF ZONE 17-01, FOR PROPERTY LOCATED SOUTH OF INDUSTRIAL WAY, EAST OF ENTERPRISE WAY ON EITHER SIDE OF POLK STREET. COACHELLA GREEN LLC, APPLICANT.**

**WHEREAS**, the Coachella Green Project, as set forth in Architectural Review No. 17-03, CUP 279 and CZ 17-01, consists of the above referenced applications on 49 acres of land located south of Industrial Way, east of Enterprise Way on either side of Polk Street. (APN 763-131-082 thru 086 inclusive), and the Project includes the following requests: Conditional Use Permit (CUP 279) for the development of a commercial cannabis cultivation complex including fourteen industrial buildings totaling 644,567 square feet and common parking, landscaping and security fencing. Architectural Review 17-03 for the architectural design of the two buildings proposed for commercial cannabis operations; a change of zone that proposes to change the zone from M-H, (Heavy Manufacturing) to M-S (Manufacturing Service) zoning; and

**WHEREAS**, the City completed Environmental Assessment/Initial Study No. 17- 01 for the Proposed Project pursuant to the California Environmental Quality Act, as amended; and

**WHEREAS**, based on this Environmental Assessment/Initial Study and proposed mitigation measures therein, the City has made a determination that the Project will not have a significant impact on the environment and has prepared a Mitigated Negative Declaration for this Project; and

**WHEREAS**, a Notice of Intent to Adopt a Mitigated Negative Declaration for the Project was posted with the County Clerk on October 23, 2017 and duly noticed and published in the Desert Sun Newspaper, a local newspaper of general circulation, on October 22, 2017; and

**WHEREAS**, the proposed Mitigated Negative was made available for a 30-day public review period commencing on Monday, October 23, 2017 ending on Monday, November 13, 2017; and

**WHEREAS**, interested and concerned individuals and public agencies had the opportunity to review and comment on the proposed Mitigated Negative Declaration; and

**WHEREAS**, on November 15, 2017 the Planning Commission held a duly noticed public hearing at 1515 6<sup>th</sup> Street, Coachella, California to review the project and the related environmental documents, at which time during the hearing members of the public were given an opportunity to testify regarding the project, and the Commission recommended to City Council with a 4/0 vote adoption of the Mitigated Negative Declaration; and

**WHEREAS**, findings of the Initial Study indicated that the Proposed Project would not create any significant impacts to air quality, biological resources, cultural resources, geology and soils, traffic and transportation and noise provided certain mitigation measures were incorporated into the project; and

**WHEREAS**, the Proposed Project has been conditioned to include recommended mitigation measures of the environmental analysis as set forth in a Mitigation Monitoring and Reporting Program (Exhibit A); and

**WHEREAS**, the Proposed Project would not be detrimental to the general health, safety and welfare of the community.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

**SECTION 2. Compliance with the Environmental Quality Act (“CEQA”).** As the advisory body for the Project, the City Council has reviewed and considered the information contained in the draft Mitigated Negative Declaration, Initial Study, comments received, and other documents contained in the administrative record for the Project. The City Council finds adequacy in the CEQA documents and the City Council finds that the Mitigated Negative Declaration, Initial Study and administrative record contain a complete and accurate reporting of the environmental impacts associated with the Project. The City Council further finds that the Mitigated Negative Declaration and the Initial Study have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Coachella’s Local CEQA Guidelines.

**SECTION 3. Findings on Environmental Impacts.** Based on the whole record before it, including the Mitigated Negative Declaration, Initial Study, the administrative record and all other written and oral evidence presented to the City Council, the City Council finds adequacy in the documents and finds that all environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Mitigated Negative Declaration, the Initial Study and the Mitigation Monitoring and Reporting Program. The City Council further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts. The City Council finds that the Mitigated Negative Declaration contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the City Council.

**SECTION 4. Wildlife Resources.** Pursuant to Fish and Game Code Section 711.4(c), all project applicants and public agencies subject to CEQA shall pay a filing fee for each Proposed Project, as specified in subdivision 711.4(d) for any adverse effect on wildlife resources or the habitat upon which wildlife depends unless a “no effect” finding is made by the California Department of Fish and Game. This fee is due and payable as a condition precedent to the County Clerk’s filing of a Notice of Determination.

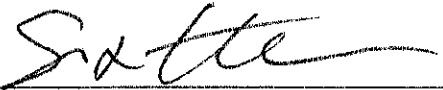
**SECTION 5. Recommendation Regarding Adoption of the Mitigated Negative Declaration.** The City Council hereby adopts the Mitigated Negative Declaration and adopts the Mitigation Monitoring Program.

**SECTION 6. Adoption of Mitigation Monitoring and Reporting Program.** The City Council hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the Project, attached hereto as Exhibit "A".


**SECTION 7. Location and Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings are based are located at Coachella City Hall. The Development Services Director is the custodian of the record of proceedings.

**SECTION 8. Execution of Resolution.** The Mayor shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.


**PASSED, APPROVED and ADOPTED** this 29<sup>th</sup> day of November, 2017.

  
\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

*for*   
\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
City Attorney



STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )


**I HEREBY CERTIFY** that the foregoing Resolution No. 2017-81 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 29<sup>th</sup> day of November, 2017 by the following vote of Council:

AYES:            Councilmember Bautista, Councilmember Sanchez, and Mayor Hernandez.

NOES:           None.

ABSENT:        Councilmember Brown and Mayor Pro Tem Martinez.

ABSTAIN:       None.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**RESOLUTION NO. 2017-82**

**A RESOLUTION OF THE CITY OF COACHELLA CITY COUNCIL APPROVING ARCHITECTURAL REVIEW (AR 17-03) AND CONDITIONAL USE PERMIT (CUP 279) TO ALLOW THE DEVELOPMENT OF A COMMERCIAL CANNABIS CULTIVATION FACILITY INCLUDING FOURTEEN INDUSTRIAL BUILDINGS TOTALING 644,567 SQUARE FEET AND COMMON PARKING, LANDSCAPING AND SECURITY FENCING ON A TOTAL OF 49 ACRES OF LAND IN THE M-S (MANUFACTURING SERVICE) ZONE LOCATED SOUTH OF INDUSTRIAL WAY, EAST OF ENTERPRISE WAY, ON EITHER SIDE OF POLK STREET. COACHELLA GREEN LLC, APPLICANT.**

**WHEREAS**, Coachella Green LLC filed an application for Architectural Review No. 17-03 and attendant applications Conditional Use Permit 279 and Change of Zone 17-01, to allow the construction of a commercial cannabis cultivation facility including fourteen industrial buildings totaling 644,567 square feet and common parking, landscaping and security fencing to be located on 49 acres of land south of Industrial Way, on either side of Polk Street Assessor's Parcel No's. APN 763-131-082 thru 086 inclusive, ("Project"); and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on Architectural Review No. 17-03, CUP 279 and CZ 17-01, on November 15, 2017 in the Council Chambers, 1515 Sixth Street, Coachella, California; and,

**WHEREAS**, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

**WHEREAS**, the Project is permitted pursuant to Chapter 17.38 of the Coachella Municipal Code and Ordinance 1103, as amended and by Ordinance 1109, and the attendant applications for a Conditional Use Permit, Architectural Review and Change of Zone, to allow the Project; and,

**WHEREAS**, the proposed use is necessary or desirable for the development of the community, is consistent with the objectives of the City's General Plan, and is not detrimental to the existing uses or the uses specifically permitted in the zone in which the proposed use is to be located; and,

**WHEREAS**, the proposed site is adequate in size and shape to accommodate the proposed development; and,

**WHEREAS**, the site for proposed use relates properly to streets which are designed to carry the type and quantity of traffic to be generated by the proposed use; and,

**WHEREAS**, the proposed use will have no significant deleterious effect on the environment; and,

**WHEREAS**, a Mitigated Negative Declaration was prepared and considered for the proposal pursuant to the California Environmental Quality Act, as amended; and,

**WHEREAS**, the conditions as stipulated by the City are necessary to protect the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Coachella, California does hereby approve Architectural Review 17-03 and Conditional Use Permit No. 279 subject to the findings listed below and the attached Conditions of Approval for the Coachella Green Project (contained in "Exhibit A" and made a part herein).

**Findings for Architectural Review #17-03 and Conditional Use Permit #279:**

1. The Project is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has an Industrial District land use designation that allows for industrial development. The proposed structures on the site are in keeping with the policies of the Industrial District land use classification and the Project is internally consistent with other General Plan policies for this type of development.

2. The Project is in compliance with the applicable land use regulations and development standards of the City's Zoning Code. The site plan proposes a commercial marijuana cultivation facility including fourteen industrial buildings totaling 644,567 square feet and common parking, landscaping and security fencing. The Project complies with applicable M-S (Manufacturing Service) and Ordinance 1108 zoning standards as proposed.

3. Every use, development of land and application of architectural guidelines and development standards shall be considered on the basis of the suitability of the site for a particular use or development intended, and the total development, including the prescribed development standards, shall be so arranged as to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and shall be in accord with all elements of the general plan. The Project site is within the Industrial District land use designation of the City's general plan. This category provides for a broad spectrum of industrial and manufacturing uses. The proposed uses are compatible with existing adjacent uses that include similar industrial and manufacturing land uses.

4. The Project will be compatible with neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this Project propose a commercial marijuana cultivation facility that is permitted in the M-S (Manufacturing Service) zone pursuant to an approved Conditional Use Permit. Surrounding property to the north and northwest in the City of Coachella contain industrial land uses and vacant land. Properties to the west include vacant land and industrial land uses. As such, the Project will be in keeping with the scale, massing, and aesthetic appeal of the existing area and future development. The one-story buildings will be set back from property lines and street frontages to mitigate the impacts upon loss of sunlight to neighboring lots.

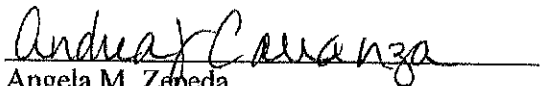
5. An Initial Environmental Study recommending the adoption of a Mitigated Negative Declaration was prepared for this Project, pursuant to the California Environmental Quality Act Guidelines (CEQA Guidelines) and mitigation measures have been recommended in order to reduce the environmental effects of the project to a level of less than significant. The Project will not have any significant adverse effects on the environment.

**PASSED, APPROVED and ADOPTED** this 29<sup>th</sup> day of November, 2017.



Steven A. Hernandez  
Mayor

**ATTEST:**



for

Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**



Carlos Campos  
City Attorney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

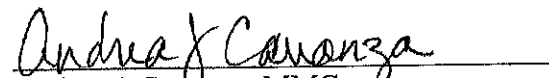
**I HEREBY CERTIFY** that the foregoing Resolution No. 2017-82 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 29<sup>th</sup> day of November, 2017 by the following vote of Council:

AYES: Councilmember Bautista, Councilmember Sanchez, and Mayor Hernandez.

NOES: None.

ABSENT: Councilmember Brown and Mayor Pro Tem Martinez.

ABSTAIN: None.

  
Andrea J. Carranza, MMC  
Deputy City Clerk

**“EXHIBIT A”****CONDITIONS OF APPROVAL FOR THE COACHELLA GREEN BUSINESS  
PARK DEVELOPMENT INCLUDING CONDITIONAL USE PERMIT (CUP 279)  
AND ARCHITECTURAL REVIEW (AR 17-03)****General Conditions:**

1. Conditional Use Permit No. 279 hereby approves the development of a commercial cannabis cultivation complex as shown on the submitted plans totaling 644,567 square feet and common parking, landscaping and fencing. Prior to the issuance of building permits, the applicant or successor in interest shall execute an Agreement with the City of Coachella adhering to City Council policies for local hiring, payment of excise taxes, and royalty payment for use of “Coachella” branding of products produced outside of the City of Coachella, subject to negotiations and finalizations by the City Attorney.
2. Architectural Review 17-03 hereby approves the architectural plans for Phase 1 of the Coachella Green Project consisting of Buildings A and B, subject to final building elevations to be reviewed and approved by the Planning Commission prior to the issuance of grading and or building permits.
3. Architectural Review applications for the additional 12 buildings within the Coachella Green Project shall be submitted and approved by the Planning Commission prior to the issuance of grading or building permits for the building(s) in question.
4. The interim facilities proposed in the Phase 2 area shall be valid for a maximum of 12 months from the date the interim facilities begin operation or within 30 days after a Certificate of Occupancy for the first building is issued, whichever occurs first. An extension of time request to extend the use of the interim facilities must be submitted to the Development Services Director and approved by the Planning Commission. In no event will the interim facilities be permitted beyond 24 months from the date of City Council final approval.
5. Architectural Review (AR 17-03) and Conditional Use Permit (CUP 279) shall be valid for 12 months from the effective date of said City Council approvals unless an extension of time is requested by the applicant and granted by the Planning Commission. Issuance of building permits and pursuit of construction will vest the Architectural Review and Conditional Use Permit.
6. The construction of all new structures shall be in conformance with construction drawings and landscaping plans designed in accordance with the Design Guidelines for the Coachella Green Business Park Project and conditions of approval imposed below:
  - a. All exterior building materials and colors shall substantially match the exhibits submitted with the Coachella Green Business Park Development applications.
  - b. Conditional Use Permit No. 279 hereby approves the development of a commercial

- cannabis cultivation complex as shown on the submitted plans totaling 644,567 square feet and common parking, landscaping and security fencing.
- c. Pursuant to Ordinance 1109, a Regulatory Permit must be issued by the Coachella City Manager prior to the issuance of a business license.
  - d. All fencing or garden walls shall be subject to issuance of a separate building permit by the City Building Division.
  - e. All parking lot lighting for the Project shall be consistent with the architectural design exhibits of the Project, as approved by the Development Services Director.
  - f. All masonry/wrought iron perimeter walls and garden walls shall be consistent with the Design Guidelines, as shown in Attachment 8, subject to review by the Development Services Director, and subject to the City's Building Codes.
7. All plans, as shown, are considered "conceptual," subject to revisions as called out by the conditions of this resolution. The plans shall not be stamp-approved until all conditions requesting revisions have been satisfied during the building plan check process. Any substantial changes to the plans, including changes shown on future building permit plans deemed by Staff to not be within substantial conformance with this approval, will require an amendment to the approval of Architectural Review No. 17-03, including architectural features, materials, and site layout.
  8. The project shall comply with all applicable codes, laws and regulations, regardless of whether they are listed in these conditions. This includes conformance with the requirements of the adopted U.B.C., U.P.C., U.M.C., N.E.C., including all requirements of the South Coast Air Quality Management District, the Riverside County Fire Department and any requirements by any other agency having jurisdiction on the project.
  9. The applicant shall defend, indemnify and hold harmless the City of Coachella, its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City, its officials, officers, employees or agents to attack, set aside, void or annul any project approval or condition of approval of the city concerning this project, including but not limited to any approval or condition of approval or mitigation measure imposed by the City Council or Planning Commission. The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees and agents in the defense of the matter. The applicant shall execute an indemnification agreement, in a form acceptable to the City Attorney, within five days of the effective date of this approval.
  10. All plan submittals are the responsibility of the developer; this includes plan submittals to the City of Coachella, the Riverside County Fire Department or to other agencies for whom plan review and approval is required.

**Mitigation Measures – Air Quality:**

11. As required by SCAQMD for all development projects in the Salton Sea Air Basin that would disturb one-acre or greater, Best Available Control Measures (BACMs) will be incorporated into a PM-10 Dust Control Plan prepared for the project prior to commencement of site grading or other construction activity where soil disturbance or other fugitive dust may be generated. BACMs are listed at the end of the MMRP.

**Mitigation Measures – Hazards and Hazardous Materials:**

12. Prior to any land disturbance, including grading or construction, the following mitigation measures shall be implemented:
- a) In the event any onsite structures are demolished, an asbestos inspection of onsite structures shall be conducted by a qualified professional in accordance with currently accepted methods and protocols. The inspection shall include, but not be limited to visual inspection, sampling, and laboratory analysis for the presence of asbestos products, including asbestos-containing material (ACM) and asbestos-containing construction material (ACCM). Polarized Light Microscopy and other methods consistent with the US EOA 600 method shall be applied to this investigation. A comprehensive report that documents methods, findings, and appropriate mitigation measures and/or recommendations shall be provided to the City.
  - b) In the event any onsite structures are demolished, a lead-based paint inspection of onsite structures shall be conducted by a qualified professional in accordance with currently accepted methods and protocols. Inspections shall be carried out in accordance with US Department of Housing and Urban Development (HUD) guidelines, as well as OSHA Lead Exposure in Construction, Code of Federal Regulations, Title 29, Section 1926. The inspection shall include, but not be limited to visual inspection, sampling, and analysis of materials suspected of containing lead paint or other lead-based materials and coatings. A comprehensive report that documents methods, findings, and appropriate mitigation measures and/or recommendations shall be provided to the City.
  - c) Prior to the start of any activity that might disturb materials potentially containing asbestos, lead, and/or other hazardous or potentially hazardous materials, a qualified and licensed contractor shall be hired to complete necessary abatement procedures. All demolition and other project related actions that might potentially disturb hazardous materials shall be performed by properly trained and qualified personnel. Remediation actions are expected to include but will not be limited to the following:
    1. Each part of the building from which asbestos is being removed shall, as appropriate, be sealed off in order to prevent contamination of the other area. Methods of area containment may include polyethylene film, duct tape, negative air pressure machines and other appropriate means depending on the type of asbestos materials encountered.
    2. Specially designed vacuum cleaners that are designed for asbestos containment (class H) can be safely used when cleaning up during and after asbestos removal.



3. Removed asbestos and materials with embedded or coated with asbestos shall, as appropriate, be double wrapped in plastic and driven to a landfill.
- d) If surficial or buried materials within the project site are found to contain potentially hazardous materials (such as: asbestos-containing material, lead-based paint, and mercury or PCB-containing material) such materials shall be removed properly prior to any further site disturbance in the affected area, and disposed of at appropriate landfills or recycled, in accordance with the regulatory guidance provided in California Code of Regulation (CCR) and following the requirements of the Universal Waste Rule (40 CFR part 9).
  - e) During project construction and implementation, the handling, storage, transport, and disposal of all chemicals, including herbicides and pesticides, runoff, hazardous materials and waste used on, or at, the project site, shall be in accordance with applicable local, state, and federal regulations.
  - f) Vapor Encroachment Screening shall be conducted in accordance with the ASTM Standard E2600-10 Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions to identify the likelihood of migrating vapors to encroach on the subject property, thereby creating a Vapor Encroachment Condition (VEC). A complete report of findings and recommended mitigation measures, if any, shall be provided to the City prior to the issuance of building permits.
  - g) A vapor intrusion risk evaluation shall be conducted in accordance with most recent version of the CalEPA Department of Toxic Substances Control's "Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air" to identify the likelihood of vapor intrusion into future buildings and potential impacts on indoor air quality. A complete report of findings and recommended mitigation measures, if any, shall be provided to the City prior to the issuance of grading and building permits.
  - h) Butane extraction shall be subject to the following requirements:
    - i. The City shall engage, at the applicant's expense, a qualified engineer or certified industrial hygienist to review and certify the plans for all components of the butane extraction process, including storage areas and quantities of butane to be stored, electrical systems, extraction machinery, gas monitoring equipment, extraction room ventilation, fire suppression systems and fireproofing of equipment and structures, consistent with current building, fire and electrical codes specific to this process. No building permits shall be issued, and no occupancy of the buildings are permitted prior to written certification by the engineer.
    - ii. The applicant shall provide the City with copies of permits required by the South Coast Air Quality Management District, or a written confirmation that no permits are necessary.
    - iii. The applicant shall satisfy all requirements of the Fire Department relating to construction, operation, and emergency response. No building permits shall be issued,

and no occupancy of the buildings shall be permitted prior to written approval by the Fire Department.

**Mitigation Measures – Cultural Resources:**

13. Approved Native American monitor(s) from the Twenty-Nine Palms Band of Mission Indian shall be present during any ground disturbing activities. Should human remains be uncovered, the Riverside County Coroner's Office shall be immediately contacted and all work halted until final disposition by the Coroner. Health Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made necessary findings as to the origin and disposition pursuant to Public Resources Code Section 5097.98. Shall the remains be determined to be of Native American descent, the Native American Heritage Commission shall be consulted to determine the appropriate disposition of said remains.
14. If the coroner determines that the remains are not recent and may be Native American, in accordance with Public Resource Code 5097.94, the coroner will notify the Native American Heritage Commission (NAHC) within 24 hours of the find. The NAHC will then determine the Most Likely Descendant (MLD). The City will work with the designated MLD to determine the final disposition of the human remains.

**Mitigation Measures – Traffic and Transportation:**

15. The applicant shall pay applicable City of Coachella Development Impact Fees (DIF) and County of Riverside Transportation Uniform Mitigation Fees (TUMF) in effect at that time.
16. Five (5) sets of copies of check prints. The applicant shall pay all necessary plan check, permit, and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
17. The applicant shall pay plan check fees of \$750.00 per sheet of improvement plans, and \$350.00 for PM 10 plan.

**Engineering – Grading and Drainage:**

18. A precise grading/improvement plan for CUP 279 shall be prepared by a California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits. Contact George Iniguez in engineering for plan check and submittal procedures at 760-398-5744 Ext. 143.
19. A Drainage Report, prepared by California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. The report shall contain a Hydrology Map showing on-site and off-site tributary drainage areas and shall be prepared in accordance with the requirements of the Riverside County Flood Control District. Adequate provisions shall be made to accept and conduct the existing

tributary drainage flows around or through the site in a manner, which will not adversely affect adjacent or downstream properties. If the design of the project includes a retention basin, it shall be sized to contain the runoff resulting from a 10-year storm event and the runoff from a 100-year storm event shall be contained within basin with shallow ponding (3.5' max.). The basin shall be designed to evacuate a 10-year storm event within 72 hours. The size of the retention basin(s) shall be determined by the hydrology report and be approved by the City Engineer. Retention basin shall be provided with a minimum of 2.00 feet sandy soil if determined to contain silt or clay materials. Maximum allowable percolation rate for design shall be 10 gal./s.f./day unless otherwise approved by the City Engineer. A percolation test for this site is required to be submitted. A combination drywell vertical drain field shall be constructed at all points where runoff enters the retention basin. Drywell & vertical drain field design shall be based on soils borings made at the proposed drywell locations after the retention basins have been rough graded. Minimum depth shall be 45-feet. A log that includes sieve analysis for each strata of the borings shall be submitted to the City Engineer for confirmation of depth of the vertical drain fields. Underground retention under the proposed parking area will be considered as an alternative to surface retention subject to the approval of the City Engineer.

20. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
21. Applicant shall obtain approval of site access and circulation from the Fire Marshall.
22. If applicant is planning to build a wall, separate permits shall be required for wall construction. The maximum height of any wall shall be limited to nine (9) feet as measured from an average of the ground elevations on either side.
23. Applicant shall provide public utilities easement for existing drain lines.

**Engineering – Street Improvements:**

24. If applicable, street improvement plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check prior to issuance of encroachment permits. All street improvements including streetlights shall be designed and constructed in conformance with City Standards and Specifications. Street flow line grade shall have a minimum slope of 0.35 percent as approved by the City Engineer. Contact George Iniguez in engineering for plan check and submittal procedures at 760-398-5744 Ext. 143.
25. Applicant shall construct all off-site and on-site improvements including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standard for commercial driveways with a minimum width of 24.00 feet and curbed radius entrances.
26. Water and Sewer connection and capacity fees must be paid in the Building Division prior to construction.

27. Applicant shall obtain an encroachment permit for any improvements constructed within the public right-of-way including alleys.

#### **Sewer and Water Improvements**

28. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval. Contact George Iniguez in engineering for plan check and submittal procedures at 760-398-5744 Ext 143.
29. Applicant is required to provide easement documentation for water and sewer lines.

#### **Engineering – General:**

30. Prior to approval, the applicant shall resolve CVWD issues related to existing tile drains or irrigation mains located within the project boundary or along the streets adjacent to the property. If necessary tile drains and irrigation lines shall be relocated, and easement document prepared for the new location of any such lines. Plans for the tile drain or irrigation relocation shall be submitted to the City for evaluation regarding possible conflict with City facilities. The applicant shall submit to the City approved copies of any relocation plans. If the above referenced CVWD facilities do not need to be relocated as part of the project, they can remain as easements provided approved by CVWD.
31. The developer shall submit a Fugitive Dust Control and Erosion Control plan in accordance with Guidelines set forth by CMC and SCAQMD to maintain wind and drainage erosion and dust control for all areas disturbed by grading. Exact method(s) of such control shall be subject to review and approval by the City Engineer. No sediment is to leave the site. Additional securities in amount of \$2,000 per acre of gross area, and a one-time cash deposit of \$2,000.00 are required to insure compliance with this requirement. No work may be started on or off site unless the PM-10 plan has been approved and the original plans are in the engineering department at the City of Coachella.
32. The applicant shall pay all necessary plan check, permit and inspection fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check. Contact George Iniguez in engineering for plan check and submittal procedures at 760-398-5744 Ext. 143.
33. Prior to the issuance of a Certificate of Occupancy, Applicant shall make a deposit to contribute to the city as its fair share contribution or the cost of future traffic signals. At the end of construction of mentioned traffic signal their fair share will be re-evaluated and a final amount will be provided. The amount and locations of the traffic signal at Avenue 52 & Enterprise Way per parcel are as follows:

APN	AMOUNT
763131082	\$ 24,397.87
763131083	\$ 16,699.29
763131084	\$ 22,917.34
763131085	\$ 15,659.48
763131086	<u>\$ 22,626.19</u>
TOTAL	\$102,300.17

- 34. Applicant shall comply with the valley wide NPDES permit requirements including but not limited to submittal of a preliminary WQMP for plan review accompanied by a \$3,000 plan check deposit and a Final WQMP for final approval including executed maintenance agreement. All unused plan check fees will be refunded to the applicant upon approval of the Final WQMP. Contact George Iniguez in engineering for plan check and submittal procedure at 760-398-5744 Ext 143.
- 35. Applicant shall construct Avenue 53 as shown in Exhibit "B" of Agreement for Future Improvements, recorded on July 02, 2015, or as approved by the City Engineer
- 36. Applicant shall provide reciprocal access easements for entire site.

**Completion**

- 37. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCAD format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.
- 38. Prior to the issuance of a certificate of occupancy, all public improvements, including landscaping and lighting of retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection shall be required for all said public improvements.

**Development Services – Landscaping:**

- 39. Final landscaping and irrigation plans shall be submitted to the Development Services Department for review and approval. Said plans shall conform to the landscaping plan submitted and Design Guidelines, as part of the subject Architectural Review, and as conditioned herein.
- 40. Prior to the issuance of building permits, the applicant shall submit detailed landscaping and irrigation plans for review and approval by the City's Engineering Department and Development Services Department.
- 41. Landscaping and irrigation shall be provided in accordance with Section 17.54.010(J) of the Municipal Code and in accordance with the State Model Water Efficient Landscape

Ordinance (AB 1881). Water budget calculations, including the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) shall be provided as part of the landscaping and irrigation plan.

42. The landscape plan shall provide for a minimum 5-gallon groundcover plants, 5-gallon shrubs, and 24-inch box trees. The plants and trees shall be irrigated with an automatic and durable drip irrigation system.
43. Landscaped areas shall be dressed with a minimum 2-inch layer of compacted and/or glue-bonded decomposed granite that cannot be wind driven. A weed barrier underlayment shall be placed under the decomposed granite.
44. Plant materials selected shall be represented by symbols that show the plants at 75% of their mature size.
45. The applicant shall obtain written clearance from the County Agricultural Commissioner's Office regarding the type of landscaping to be planted. The clearance letter shall be included as a note on the landscape plans. The applicant shall utilize only plants that were listed on the landscape plan submitted to the Commissioner's office. Any substitutions must be approved by both the Commissioner's office as well as the City's Development Services Department.
46. Six-inch concrete bands shall be installed as mow strip borders for planting areas where separating turf areas or synthetic turf areas from pavement parking.
47. All landscape planter beds in interior parking areas shall be not less than five (5) feet in width and bordered by a concrete curb not less than six (6) inches nor more than eight (8) inches in height adjacent to the parking surface.
48. All non-landscaped and undeveloped areas of the site shall be kept free of weeds and debris and shall be treated with a dust-preventative groundcoating.

**Development Services – Project Design:**

49. Prior to the issuance of building permits, all exterior architectural features and treatments shall be consistent with the submitted Architectural Review No. 17-03 the projects construction plans and elevations, and subject to review and approval.
50. All exposed metal flashing, downspouts, or utility cabinets shall be painted to match the building color prior to final inspection.
51. Trash enclosures installed for the project shall be architecturally compatible with the building and include storage areas for recycling containers. The enclosure shall be constructed to Burrtec Waste Management Standards and be consistent with the Design Guidelines. Both Burrtec Waste Management and the City Engineer shall approve the location of the trash enclosure.

52. All roof mounted mechanical equipment, except solar panels, shall be view obscured by a parapet wall greater in height than the equipment installed. Ground mounted mechanical equipment shall be view obscured by landscaping or enclosure.
53. Outdoor storage areas shall be obscured from public view and specifically shall not be visible from any public roads.

**Riverside County Fire Department:**

54. The Fire Department requires the listed fire protection measures be provided in accordance with the City of Coachella Municipal Code and/or the Riverside County Fire Department Fire Protection Standards. Final conditions will be addressed when complete building plans are reviewed.

**Access**

55. Fire department emergency vehicle apparatus access road locations and design shall be in accordance with the California Fire Code, City of Coachella Municipal Code, Riverside County Ordinance 787, and Riverside County Fire Department Standards. All portions of structures shall be within 150 feet of the approved 24-foot wide fire lane or Municipal Street.

**Water**

56. The Fire Department water system(s) for fire protection shall be in accordance with the California Fire Code, Riverside County Ordinance 787 and Riverside County Fire Department Standards. Plans shall be submitted to the Fire Department for review and approval prior to building permit issuance.
  - a. For the proposed project, provide or show a water system capable of delivering at least 3375 gallons per minute for a four hour duration at 20psi residential operating pressure.
  - b. The required water system including fire hydrants shall be installed and accepted by the appropriate water agency prior to combustible building material being placed on an individual lot. Two sets of water plans are to be submitted to the Fire Department for approval. Hydrants shall be located at corners and space 350-500 feet apart, depending on the subdivision (per Coachella City).
  - c. Fire sprinklers are required in all areas, except the interim use modular buildings, as approved the Fire Department.
  - d. Any building constructed on lots created by this project shall comply with the special California Building Code and Riverside County Fire Department information Bulletin #08-05. Plans must be submitted to the Fire Department for review and approval prior to building permit issuance.

- e. The applicant or developer shall prepare and submit to the Fire Department for approval, a site plan designating required fire lanes with appropriate lane printing and/or signs.

**Imperial Irrigation District:**

57. Any construction or operation on IID property or within its existing and proposed right-of-way or easements will require an encroachment permit, including but not limited to: surface improvements such as proposed new streets, driveways, parking lots, landscape; and all water, sewer, storm water, or any other above ground or underground utilities (e.g. power lines).
58. Any and all mitigation necessary as a result of the construction, relocation and/or upgrade of IID facilities is the responsibility of the project proponent.

**Utilities:**

59. Water and sewer plans outside the buildings and interior plumbing or mechanical plans (i.e. floor drains and sinks, equipment which discharges to the sewer system, chemical storage and spill containment measures) shall be provided to the City Utilities Department for review and approval.
60. A Source Control "Short Form" (and the Source Control application if required) shall be completed and turned into Source Control (Utilities Department) by the applicant.
61. Based on findings of the Source Control application, all modifications shall be completed prior to issuance of a certificate of occupancy.
62. Adequate fire protection shall be included and the public water supply shall be protected with a DCDA or greater on all fire water lines to commercial/industrial facilities.
63. An RP shall be correctly installed within 12" of all water meters servicing domestic usage, landscape, commercial and/or industrial facilities.
64. All landscaping shall be on a separate water meter with an RP ensuring the establishment is not assessed sewer fees for water used on landscape.
65. All mechanical and plumbing plans shall be submitted to the Utilities Department for review to determine if pretreatment and/or a sample location is required.
66. All facilities and landscape plumbing which have water or wastewater (sewer) services shall obtain approval from the Environmental Compliance (Source Control), Water and Sanitary Sewer Divisions prior to receipt of the Certificate of Occupancy.
67. Fire hydrants must be at the end of each dead end for flushing.



68. RPZ Style Backflow devices shall be installed on commercial and landscape meters.
69. Above ground DCDA backflows must be installed for all fire lineservices.
70. Master-metered, radio-read water meters shall be utilized for the project.
71. Domestic and fire service backflow meter devices must be in utility right of way.

### **ENVIRONMENTAL COMPLIANCE**

72. The applicant shall submit water and sewer plans for approval from Utilities General Manager. The project shall be required to connect to City public sewer and water system by extending service mains as needed.
73. The project will require a Water Quality Management Plan (WQMP) >100,000 sq/ft.
74. The proposed facility will be required to submit a source control survey, and submit detailed plumbing and mechanical plans.
75. The applicant shall install an above ground "Double Check Detector Assembly" DCDA for fire system to protect water supply from contamination or pollution.
76. Backflow devices; will require Reduced Pressure Principle Device (RP) at least 12 inches within all water meters servicing landscape, commercial and or industrial facilities.
77. The applicant shall install separate AMI metering system for each building, and install separate AMI metering system for the irrigation system.
78. The project shall implement the State's drought mandate, which prohibits irrigation with potable water outside newly constructed homes, and buildings that is not delivered by drip or micro-spray systems.
79. The facility may be required to install a discharge meter on sewer line to determine "return to sewer" from water use.

#### **Fees:**

80. Prior to the issuance of a building permit, the applicant shall pay all Development Fees to the City; including outside agency fees such as sewer water and utilities. Copies of receipts shall be provided to the Development Services Department prior to permit issuance.
81. The applicant shall be responsible for paying all applicable development and processing (plan check, inspection, etc.) fees associated with this project.
82. The applicant shall pay all required water connection fees.
83. The applicant shall be required to pay the Multiple Species Habitat Conservation

(MSHCP) fees for industrial development prior to issuance of building permits.

84. The applicant shall comply with the City's Art in Public Places Ordinance. If the applicant elects to pay in-lieu art fees, then the fees shall be deposited into the Public Arts Fund at an amount of (1) One-half (1/2) of one percent (1%) for new commercial and industrial construction.
85. The project is subject to payment of all industrial development impact fees whether or not explicitly stated in other conditions of approval or the environmental mitigation measures for the subject project.

### **Coachella Valley Unified School District**

86. The Coachella Valley Unified School District is authorized by the State Legislature to levy a developer fee on commercial/industrial development. The Applicant or successor in interest shall pay fees in effect at the time of building permit issuance. The fees collected will be used to assist in the housing of students within the Coachella Valley Unified School District.

### **Miscellaneous:**

87. Installation of sidewalks along all public roads may be satisfied by an improvement agreement subject to review and approval by the City Engineer.
88. Final design plans for proposed landscaping and fencing along the project street frontages shall be presented as an administrative item before the Planning Commission for final review and approval.
89. The subdivider or successor in interest shall submit Covenants, Conditions, and Restrictions (CC & R's) in a form acceptable to the City Attorney, for the proposed project, prior to the recordation of any CC & R's on the subject property. The CC & R's shall be submitted for review by the Planning Director and City Engineering prior to the issuance of a certificate of occupancy. The applicant or successor in interest shall submit a deposit of \$1,000 to cover legal costs incurred by the City in its review of CC & R's and related documents prior to their recordation. The CC & R's shall include provisions to form a Property Owner Association for the maintenance of the following:
  - All interior and exterior common areas including driveways, gates, retention basins, perimeter walls, landscaping and irrigation.
  - Exterior landscape at gated entries and along the perimeter of the site's frontage along Enterprise Way, Industrial Way and Polk Street.
  - Graffiti abatement for the interior and exterior of the premises.
  - Maintenance and operations of the streetlights.
  - Maintenance of all perimeter walls and fencing.

90. The Property Owners Association created by the CC&R's shall comply with the City of Coachella Insurance requirements.
91. A minimum of two points of access shall be provided during all phases of construction to the satisfaction of the Riverside County Fire Marshal's office.



**STAFF REPORT**  
**11/18/2020**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Juan Carrillo, Associate Planner

**SUBJECT:** Conditional Use Permit (CUP 335 to allow a 225 square foot Non-Storefront Retail Cannabis business to be located within an existing building in the M-W (Wrecking Yard) zone located at 48-050 Harrison Street, Suite No. 2 (APN: 603-290-001); Kyle Friend (dba: Kismet Organic), Applicant.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission acknowledge a Class 3 CEQA Exemption for the project and approve Conditional Use Permit No. 335 with the findings and conditions contained in this Staff Report.

**BACKGROUND:**

EnterTextHere The applicant submitted an application for a Conditional Use Permit on September 28, 2020 requesting to establish a 225 square foot Non-Storefront Retail Cannabis delivery use. The subject property is entitled for a medical cannabis cultivation facility. The entitled project includes approximately 89,402 square feet of floor area that will be developed over two phases and currently under construction.

**DISCUSSION/ANALYSIS:**

The applicant, Mr. Kyle Friend (dba: Kismet Organic) has submitted an application for Conditional Use Permit to establish a 225 square-foot non-storefront retail cannabis microbusiness to include delivery-only retail cannabis sales of cannabis products within an existing building in the M-W (Wrecking Yard) zone.

On May 13, 2020, the City Council of the City of Coachella adopted Ordinance No. 1161 and Ordinance No. 1162 setting zoning regulations for non-storefront retailers, and non-storefront retail microbusinesses in the various commercial and industrial zoning districts of the city (Ordinance No. 1161); and amendments to the City's cannabis regulatory permitting regulations for commercial cannabis uses including non-storefront cannabis retailers, and non-storefront retail cannabis microbusinesses (Ordinance No. 1162). Non-storefront cannabis retailers are defined by both ordinances as a commercial cannabis retailer that provides cannabis products **exclusively through delivery**. Like the name implies, these businesses do not have a retail storefront that is open to the public. Rather, the business will obtain cannabis and cannabis products, secure the

merchandise on site, and then deliver it to the customer’s address. There will be no customer traffic at the proposed business location.

Environmental Setting:

The subject project is proposed to be located within a one-story building located at the southeast side of Avenue 48 and Harrison Street. The subject site is substantially flat, and is substantially surrounded by urban uses which include other cannabis related uses, with adjoining zoning and land uses as follows:

North: Vacant industrial land (entitled for cannabis related uses), / M-W, (Wrecking Yard)

South: Vacant industrial land (entitled for cannabis related uses), / M-W, (Wrecking Yard)

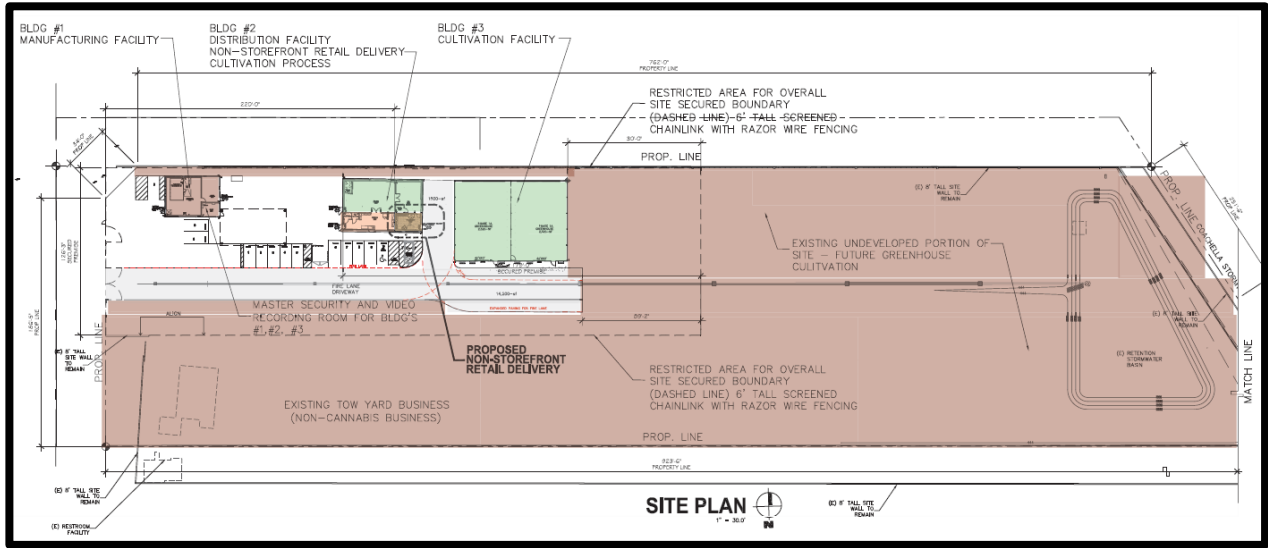
East: Whitewater Channel and Expressway 86

West: Existing cannabis related uses, M-W, (Wrecking Yard)

The aerial map and site photographs below show the existing conditions on the site.



Site Plan Exhibit:

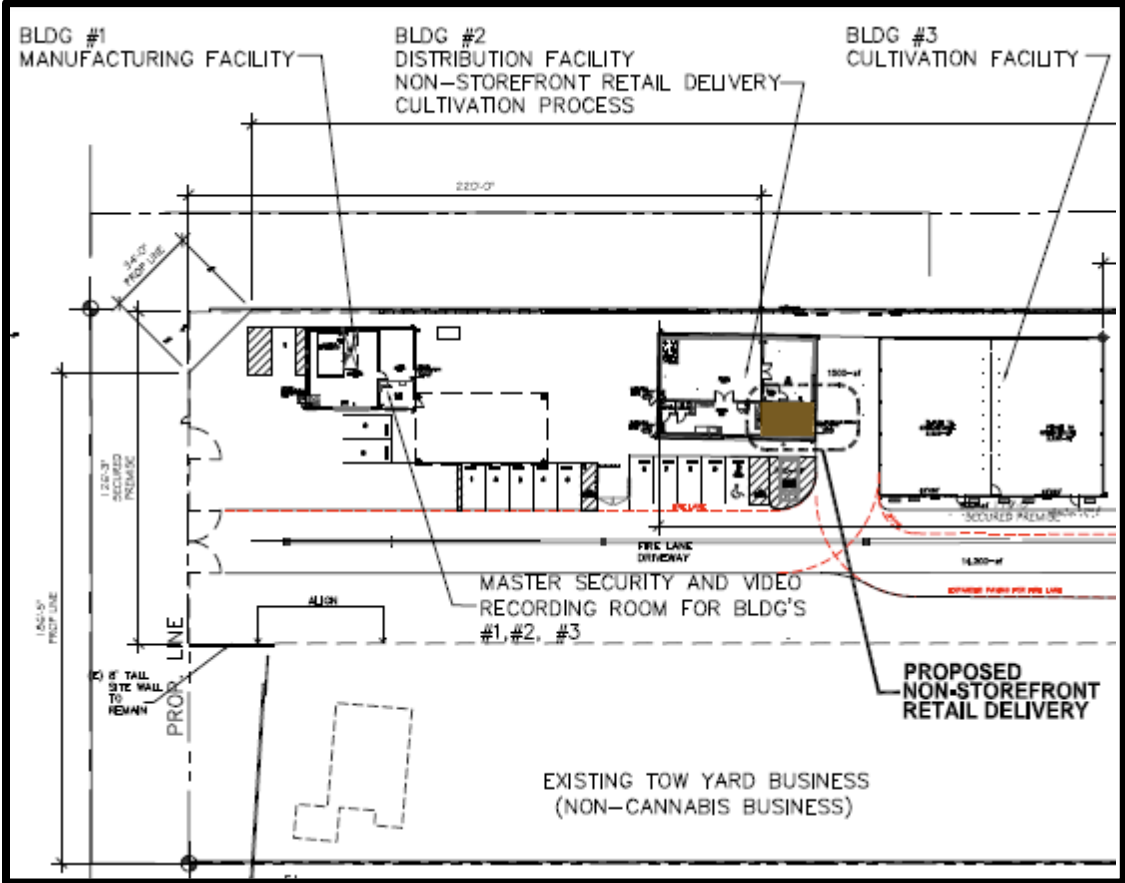


Site Layout/ Parking:

The existing building where the use is proposed is shown below and it is currently being used for cannabis related uses as approved previously. As explained before, 225 square feet of the building are being proposed for the non-storefront retail cannabis delivery use within this building below.



The site plan and floor plan submitted for this application show that the proposed use will be in a suite located on the ground floor within a suite consisting of 225 square feet. The proposed non-storefront retail cannabis microbusiness to include delivery-only retail sales of cannabis products would operate between the hours of 10:00 am and 10:00 pm Monday through Sunday. The subject site was an older industrial development with approximately 13 parking spaces with additional on-street parking.

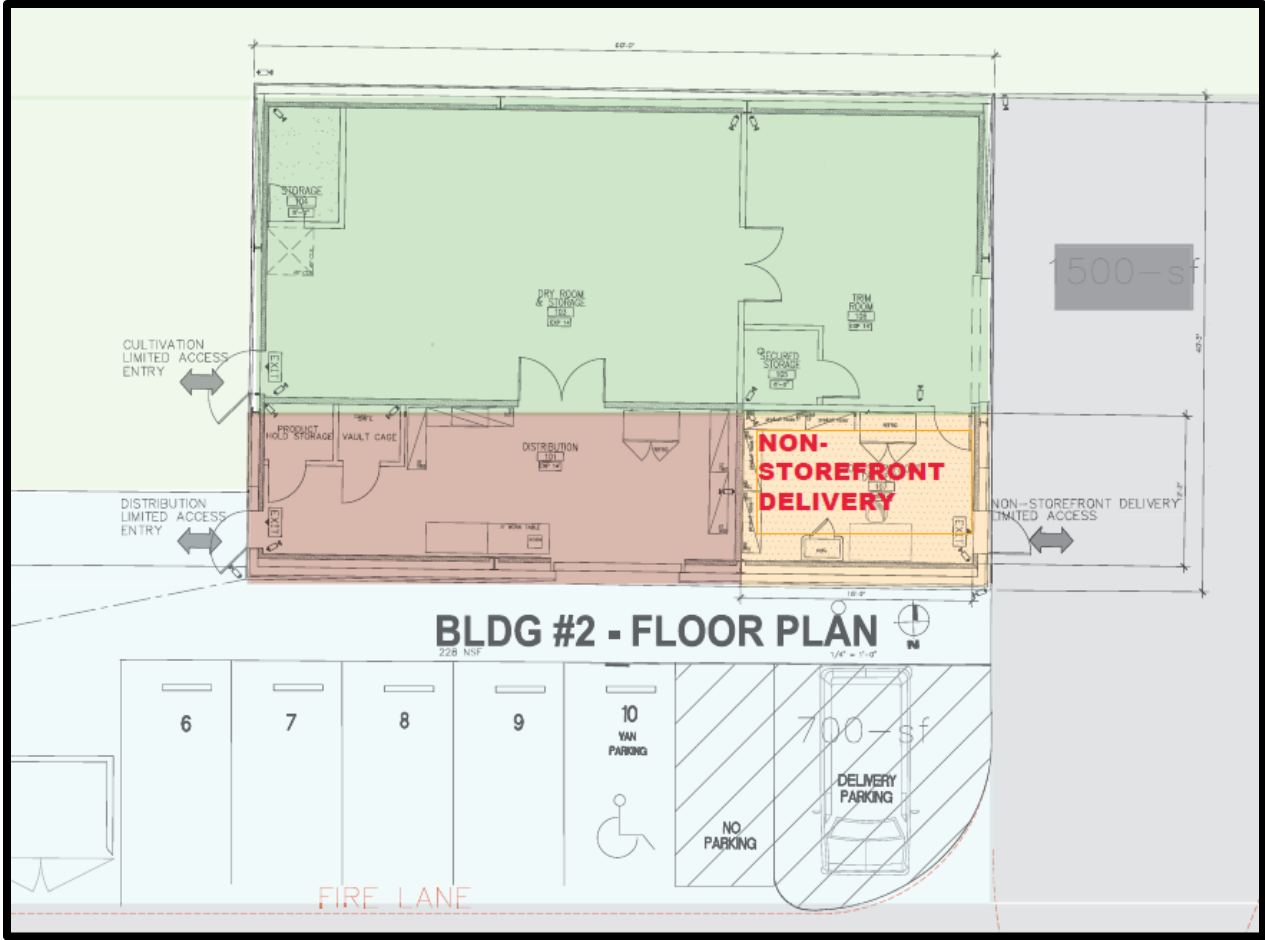


Development Standards

Non-storefront retailers are subject to three property development standards:

- A minimum of one hundred (100) feet separation from any residential structure;
- Be at least five hundred (500) feet from any other storefront retail or non-storefront retail cannabis business; and
- May not be located in the City’s Pueblo Viejo District.

The proposed use meets all three-development standard noted above.



Overall Building - Ground Floor Plan.

Off-Street Parking:

Chapter 17.54 of the Coachella Municipal Code includes a minimum requirement of off-street parking for commercial and retail uses that requires “One parking space for each 250 square feet of floor area”. The existing commercial and office use building is an older development with approximately 13 parking spaces and additional on-street parking. The proposed business would operate similar to a dispatch office where office personnel would schedule deliveries. The space in the rear will include small-scale assembly and a space for the distribution office (this is needed mostly for addressing purposes). The subject site has 13 available parking spaces on the site which is more than adequate for the business. The owner proposes to have two delivery vehicles parked on the site in addition to employee parking.

ENVIRONMENTAL REVIEW:

The City of Coachella has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as a “Conversion of Small Structures” project (CEQA Guidelines, Section 15303). The proposed building for the non-storefront retail cannabis microbusiness was previously entitled for cannabis



cultivation uses (CUP No. 278 and AR No. 17-02). The proposed 225 square foot space that will be converted into a non-storefront retail cannabis (delivery-only) microbusiness is within an existing building with no changes to the exterior. The existing building for the proposed use is substantially surrounded by urban uses, including other cannabis cultivation facilities. The proposed use does not involve substantial quantities of hazardous materials.

### **CONCLUSIONS AND RECOMMENDATIONS**

Based on the analysis contained herein and the findings listed below, staff is recommending that the Planning Commission approve Conditional Use Permit No. 335 with the findings and conditions listed below.

### **ALTERNATIVES:**

1. Acknowledge that the project is exempt from environmental review as a Class 3 Exemption, and Approve Conditional Use Permit No. 335 with the findings and conditions contained in the staff report.
3. Continue Conditional Use Permit No. 335 and provide staff direction.
4. Make findings and Deny Conditional Use Permit No. 335.

### **FINDINGS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 335:**

1. The proposed use will not be in conflict with, but will be in harmony with and in accordance with the objectives of the general plan because the proposed non-storefront retail cannabis microbusiness to include delivery-only retail sales of cannabis products use is within the Neighborhood Center land use designation according to the General Plan 2035, which allows primarily neighborhood-serving commercial uses and high density residential uses. The proposed uses will serve the Commercial Cannabis Cultivation businesses in the nearby industrial districts of the City and can also provide delivery services for the cannabis industry. Additionally, the proposed use will be compatible with the vicinity in that it is similar to other cannabis uses.
2. The proposed use will be located, designed, constructed, operated and maintained so as to be compatible with the existing character of the general vicinity and shall not change the essential character of the same area because the proposed project is within a zoning designation of 'M-W' (Wrecking Yard) which permits non-storefront retail cannabis microbusiness to include delivery-only retail sales, of cannabis products are allowed with the approval of a conditional use permit. The proposed use is located on a cannabis cultivation site that is compatible with the adjoining industrial uses and the conditional use permit can be revoked if any of the conditions of approval are violated.
3. Consideration has been given to harmony in scale, bulk, coverage and density, of the proposed non-storefront retail cannabis microbusiness to include delivery-only retail sales of cannabis products use upon the existing industrial uses, to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development. The proposed

building was designed to be in keeping with the urban design goals of the General Plan which seeks to provide cannabis uses. The project does not propose any new construction, except for tenant improvements, which may trigger minor ADA upgrades to the parking stalls and sidewalk ramps.

4. Where the proposed use may be potentially hazardous or disturbing to existing or reasonably expected neighboring uses, it must be justified by the common public interest as a benefit to the community as a whole. As conditioned, the proposed non-storefront retail cannabis delivery will operate during daytime hours only, and would not create any noise, traffic or odors to adjoining uses. Additionally, the project will have adequate parking to serve the needs of its patrons. The minor use of hazardous materials will be regulated by the Fire Marshal and Building Official as part of the required tenant improvements for the proposed use
5. The proposed use will provide vehicular approaches to the property designed for reasonable minimal interference with traffic on surrounding public streets or roads. The proposed non-storefront retail cannabis microbusiness to include delivery-only retail sales of cannabis products will serve a need to local businesses and will be within close proximity to its patrons in the City and neighboring areas of the Coachella Valley, and future retail cannabis businesses in the City's commercial and industrial zoning districts.
6. The City of Coachella has determined that the proposed project is categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act as a "Conversion of Small Structures" project (CEQA Guidelines, Section 15303). The proposed building for the non-storefront retail cannabis microbusiness was previously entitled for cannabis cultivation uses (CUP No. 278 and AR No. 17-02). The proposed 225 square foot space that will be converted into a non-storefront retail cannabis (delivery-only) microbusiness is within an existing building with no changes to the exterior. The existing building for the proposed use is substantially surrounded by urban uses, including other cannabis cultivation facilities. The proposed use does not involve substantial quantities of hazardous materials.

**CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT NO. 335:**

1. Conditional Use Permit No. 335 is approved for a 225 square-foot non-storefront retail cannabis microbusiness to include delivery-only retail sales, and non-volatile manufacturing (light mechanical extraction) of cannabis products within an existing building as shown on the submitted plans and shall be effective for a one-year period unless an extension of time is requested by the applicant and granted by the Planning Commission. A building permit for the tenant improvements, diligent pursuit of construction, and establishment of the use shall vest the conditional use permit. Violation of any of the conditions of approval shall be cause for revocation of the Conditional Use Permit.
2. The hours of operation for the 225 square-foot non-storefront retail cannabis microbusiness may be from 10:00 am to 10:00 pm Monday through Sunday.
3. Prior to the issuance of a business license, the applicant shall apply for, and obtain, a Cannabis Regulatory Permit (CRP) from the City of Coachella. The CRP shall include, and

the applicant shall agree to, the payment of a six percent (6%) cannabis excise tax based on gross receipts for cannabis gross receipts generated from the business, pursuant to Section 4.31.010 of the Coachella Municipal Code.

4. The applicant shall comply with all plan check corrections from the Building Official and Fire Marshal and secure permits from both agencies for the tenant improvements for non-storefront retail and small-scale manufacturing cannabis uses.
5. The applicant shall provide a conforming ADA Parking stall and “path of travel” from parking stall to the main entry of the business per ADA requirement.
6. The applicant shall coordinate with the City’s public works inspector to inspect for possible needed repairs to any damaged curb, gutter or sidewalk present along Cesar Chavez Street fronting the subject tenant space and building.
7. The applicant shall consult with the Coachella Water Authority to verify compliance with City standards regarding Backflow devices; Reduced Pressure Principle Device (RP) within 12 inches of water service, Above-Ground “Double Check Detector Assembly” DCDA for fire system, and proper metering to the tenant space.
8. Prior to final approval of the tenant improvement permits, the applicant shall submit written proof of having obtained permits and final inspection approval from the Valley Sanitary District for the proposed non-volatile manufacturing (light mechanical extraction) of cannabis products.
9. The proposed drying room shall be subject to the requirements of CBC 417.
10. The operator shall submit detailed plumbing and mechanical plans.
11. The operator shall submit a source control survey.
12. The operator shall submit a Spill Response and Prevention Plan.
13. The operator shall submit disposal methods for spent residual of plant material and solvents.
14. The operator shall submit Safety Data Sheets for all chemicals used in extraction/manufacturing process.



**STAFF REPORT**  
**11/18/2020**

**TO:** Planning Commission Chair and Commissioners

**FROM:** Luis Lopez, Development Services Director

**SUBJECT:** Bejarano Cannabis Cultivation Facility

**SPECIFICS:**

- a) Environmental Assessment (EA 20-02) adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Bejarano Project located at 48-100 Harrison Street.
- b) Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) to allow the construction of a new 225,705 square foot cannabis cultivation facility with two-story head house and industrial greenhouse structures, perimeter fencing, landscaping, retention basin, and parking lot improvements on 10.01 acres of partially-developed land located in the M-W (Wrecking Yard) zone at 48-100 Harrison Street. David E. Argudo (Applicant)

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission approve the proposed project with the findings contained in the attached resolutions.

- 1) Resolution No. PC2020-11 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program (EA 20-02) for the Bejarano Project located at 48-100 Harrison Street.
- 2) Resolution No. PC2020-12 approving Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) to allow the construction of a new 225,705 square foot cannabis cultivation facility with perimeter fencing, landscaping, retention basin, parking lot and greenhouse structure in the M-W (Wrecking Yard) zoning district, on 10.01 acres of partially-developed land located at 48-100 Harrison Street.

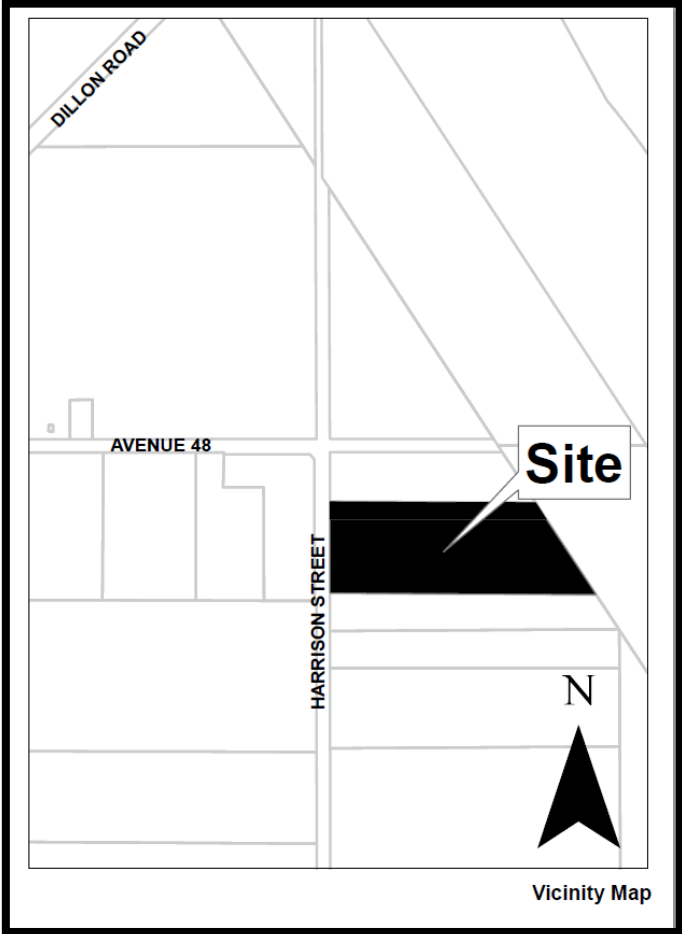
**BACKGROUND:**

The applicant, David E. Argudo, has applied for the above-referenced applications in order to develop a vacant 10.01-acre site that is currently undeveloped and partially disturbed, into a 225,705 square foot cannabis cultivation facility. Historically the property has been used for auto

wrecking, auto repair, and outdoor storage uses. In 2016 the applicant entitled a very similar project on property located approximately 330 feet to the south of the subject site, known as the “High Hampton” cannabis cultivation facility and the Bejarano Cannabis Cultivation Facility Project has been modeled in a very similar layout with a two-story head house building in the front and a large single-story industrial greenhouse behind the head house.

The proposed project entails a conditional use permit (CUP 327) and architectural review (AR 20-06) to allow a new cannabis cultivation facility consisting of one 53,244 square foot two-story office/ head-house building fronting on Harrison Street, and a 172,461 square foot industrial cannabis cultivation building with greenhouse roof structure behind the head-house building. As such, the greenhouse structure will be substantially screened from view to the street. The proposed site improvements include a perimeter masonry wall, off-street parking with gated entry behind the front building line, landscaping and irrigation improvements, and an on-site retention drainage basin in the rear of the site.

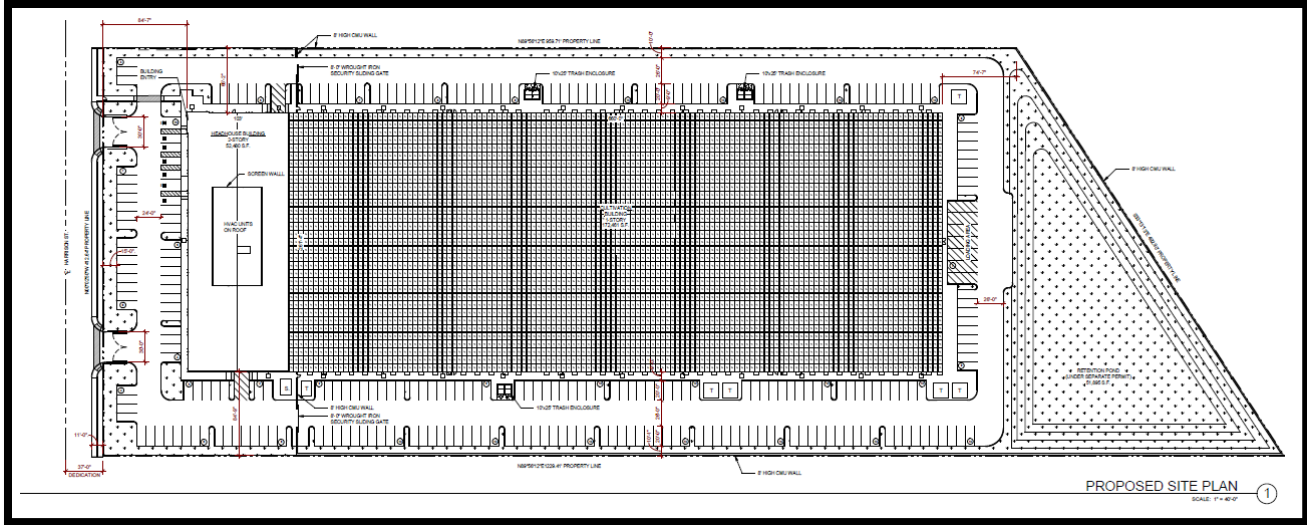
The project site is located in the M-W (Wrecking Yard) zone as shown on the vicinity map to the right. The City’s Utilities Division maintains a 20-foot public utilities easement (PUE) for sewer line purposes that runs along the rear property boundary line, adjacent to the Whitewater Channel levee.



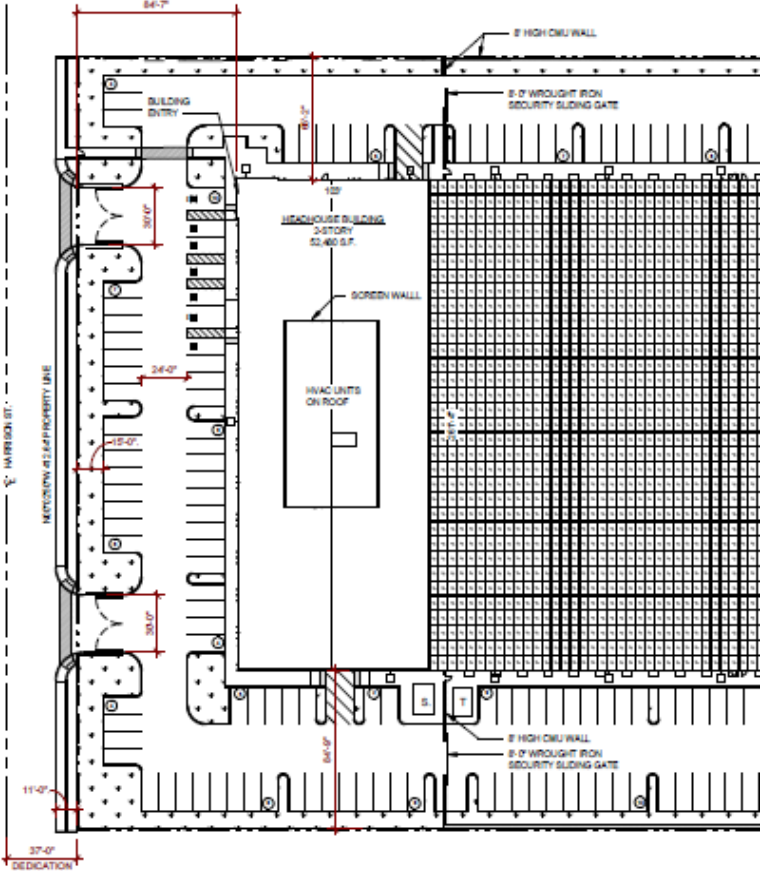
The project is proposed to be developed in two phases. The first phase to be commenced in early 2021 will consist of an “Interim Use Facility” to include 50 temporary cannabis cultivation greenhouse structures at 2,500 square foot each, which will operate for up to 36 months while construction is ongoing. The start date for construction of permanent buildings will be in the second quarter of 2023), with completion anticipated in the second quarter of 2024.

**Site Plan Layout/Street Improvements:**

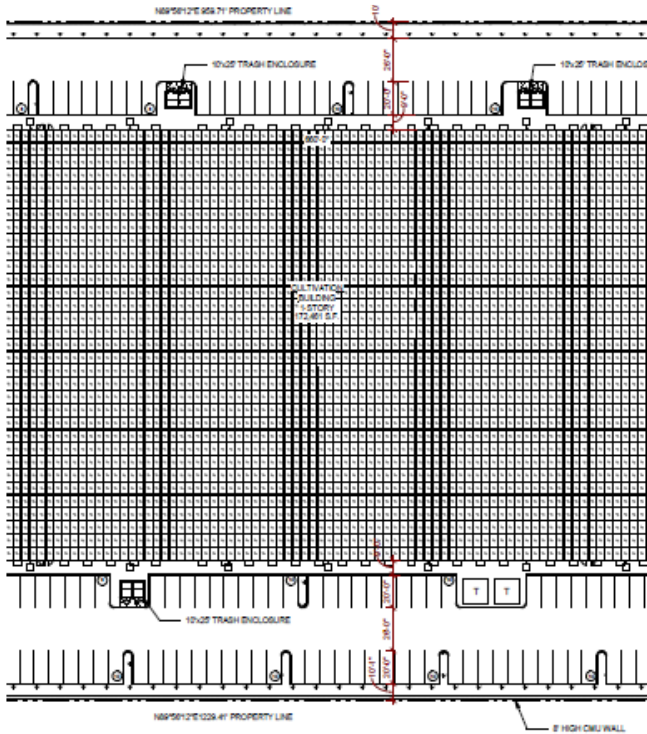
The project went through a Pre-Application Review process, and all City departments, and the Riverside County Fire Marshal’s Office conceptually approved the proposed site layout of the building with the aisle dimensions as shown, and have recommended a finding of adequacy for fire apparatus access for the structures. The proposed site plan for the project, including some close-in exhibits of the same, are illustrated below:



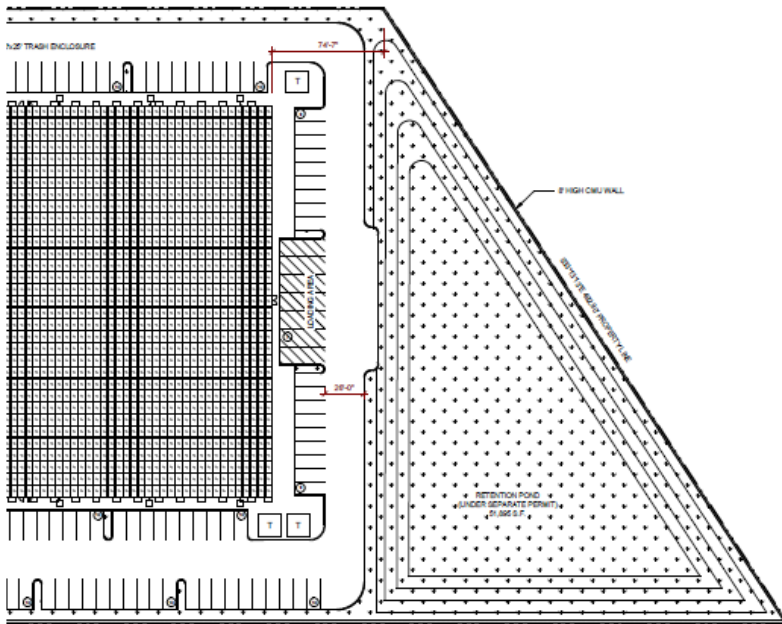
Overall Site Plan



Westerly 1/3 of Site Plan



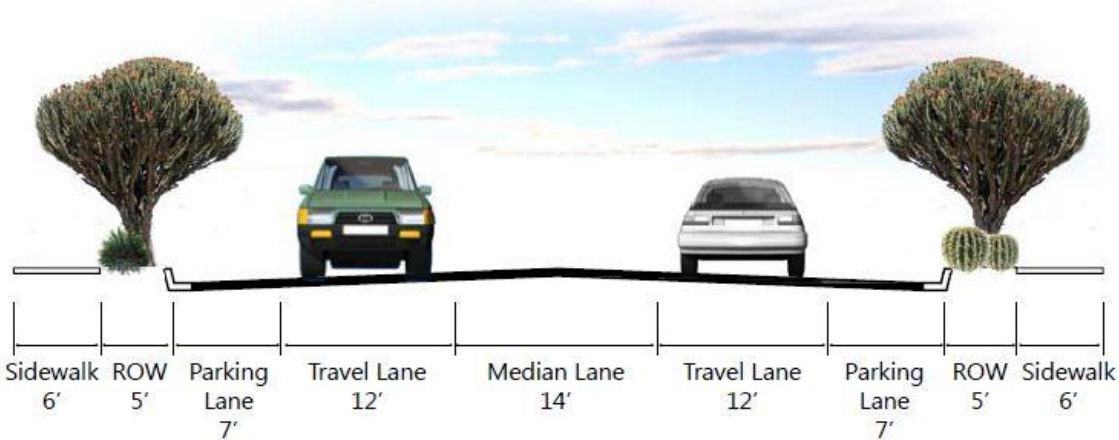
Central 1/3 of Site Plan



Easterly 1/3 of Site Plan

As shown on the proposed site layout, there will be two 30-foot entry drives along Harrison Street and a double-loaded parking aisle in front of the two-story head house / office building with a 26-foot aisle. The single-story cultivation building will be behind the two-story structure and there will be a single row of 90-degree parking along the north side of the buildings. The south side of the buildings will have a double-loaded row of 90-degree parking with a 26-foot drive aisle. The rear side of the building will have a single row of 90-degree parking and a retention basin in the easternmost portion of the site.

The project will require street widening along Harrison Street, pursuant to the “Local Industrial Street” roadway diagram of the City’s General Plan Mobility Element, which calls for a 74-foot street improvement with two lanes, and a median lane with an 11-foot parkway as shown in the cross-section below.



The project is responsible for building its 37-foot half-street of the above roadway cross-section. Additionally, the City has encouraged an enhanced landscaped setback area of 20-25 feet as measured from the face of curb for projects in the M-W zone, to accommodate future electrical infrastructure needs. The project proposes a landscaped area of 15 feet behind the parkway, thus creating a total landscaped perimeter of 26 feet from face of curb to the parking row, at the street.

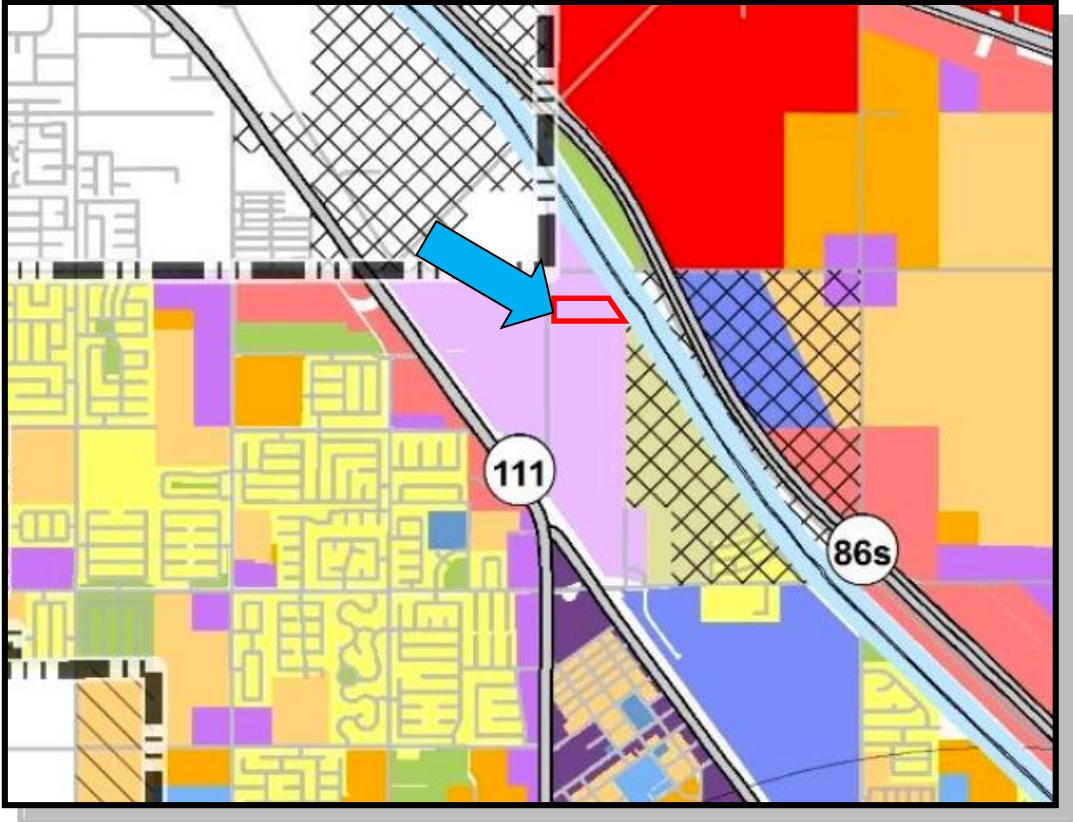
**DISCUSSION/ANALYSIS:**

**Environmental Setting:**

The proposed project is located on 10.01 acres of partially-developed land within the M-W (Wrecking Yard) Zone and has been historically used for auto wrecking and outdoor storage uses. However, the property does not have any civil improvements or permanent buildings. The site adjoins two cannabis cultivation facilities to the north and west, a metal recycling facility to the south, and the Whitewater Channel levee to the east.

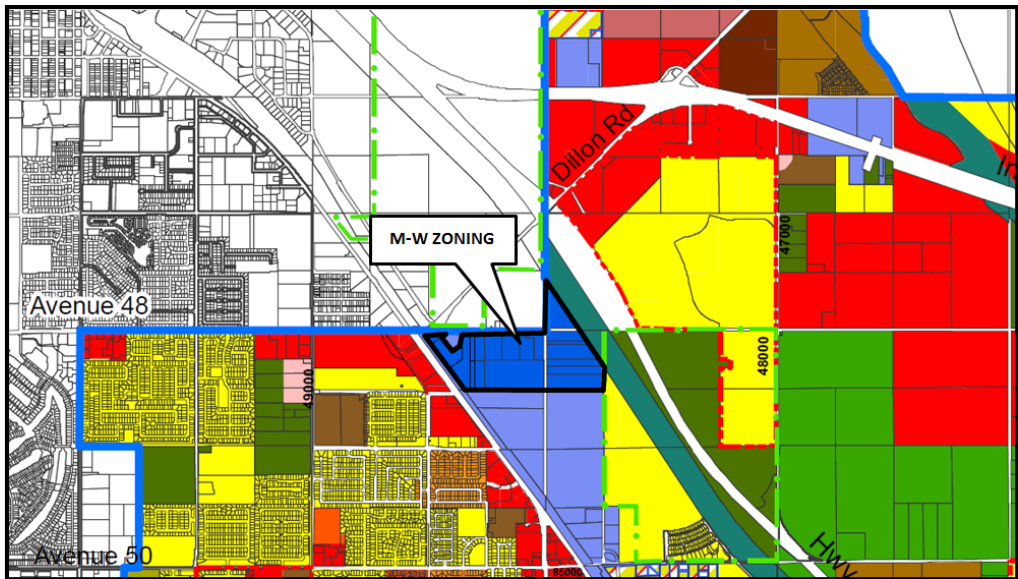


The subject site and the adjoining properties in the vicinity are designated “Industrial District” on the 2035 Coachella General as illustrated on the red “highlighted” parcel below:



Surrounding properties to the north, south, and west are also designated “Industrial District” and to the east is the Whitewater Channel and the CA-86 Expressway.

The site is zoned M-W (Wrecking Yard) as illustrated below:



Surrounding properties to the north, south and west are also zoned M-W (Wrecking Yard).

An aerial photograph of site is depicted below and shows the previously disturbed areas in the front portion of the site that were used for outdoor storage.



The properties to the north and west are cannabis cultivation facilities that are under construction. The property to the south is an existing metal recycling facility.

The photographs below show the existing, unimproved conditions of the site, as it is mostly used for outdoor storage uses on unimproved surfaces. The site has been recently cleared and grubbed for future development.



### Compliance with City Commercial Cannabis Ordinances:

In January 2016 the City Council adopted ordinances allowing indoor cannabis cultivation in the M-W (Wrecking Yard) Zone subject to obtaining a CUP, on any site having a minimum of five acres and 250 feet of street frontage. Since that time the City has amended the Zoning Code to further allow cannabis cultivation in the MS-IP (Manufacturing Service – Industrial Park Overlay) zone on a minimum of 10 acres, subject to obtaining a CUP. Additionally, Chapter 5.68 to the Municipal Code that requires qualified applicants to obtain regulatory permits prior to operating cannabis cultivation, manufacturing, distribution, testing, and transportation facilities was adopted in 2016..

The Zoning Code also includes the following development standards for indoor cannabis cultivation uses.

- Cannabis cultivation facilities must be served by municipal water and sewer services.
- Cannabis cultivation facilities shall be located a minimum distance of 1,000 feet away from any residential zone (amended to 600 feet). The distance requirement shall be measured from the cultivation facility structures to the zoning district boundary.
- Cannabis cultivation facilities shall not result in the creation of any odors detectable from anywhere off the property boundaries. The use of carbon filtration systems and other mitigation measures shall be used on all cultivation facilities and operations.

The proposed Bejarano Cannabis Cultivation Facility project meets all of the above referenced requirements of the Zoning Code. The site has 365 feet of street frontage and has 10.99 acres of land. As of today, the City does not allow retail cannabis uses in the industrial zoning districts. As such, this project is conditioned to not allow any retail sales of cannabis products.

### Consistency with M-W Zone and Parking Standards

The Bejarano project complies with the development standards as specified in Section 17.34.030 of the Coachella Municipal Code with regards to setback/yard requirements, and height limits, trash enclosures, screening of rooftop equipment, paving, and landscaping requirements. Additionally, the project provides off-street parking and loading that is consistent with the City's Parking Ordinance as shown below:

*In the M-W (Wrecking Yard) zone, one parking space shall be provided for each four hundred (400) square feet of unit area up to twenty thousand (20,000) square feet, plus one space for each one thousand (1,000) square feet of unit area over twenty thousand (20,000) square feet, plus one space for each one thousand (1,000) square of outside sale, display or storage area, unless otherwise specified in subsection 4 of this section.*

The above parking ratio would require a minimum of 255 parking spaces for the project, based on the size of proposed buildings. The site plan submitted shows a total of 283 parking spaces which represents an excess of 28 parking spaces. Additionally, the site plan shows with eight 12' X 34' loading spaces (one on the south side of the building and seven in the rear) which comply with the City's loading regulations.

Circulation and On-Site Improvements:

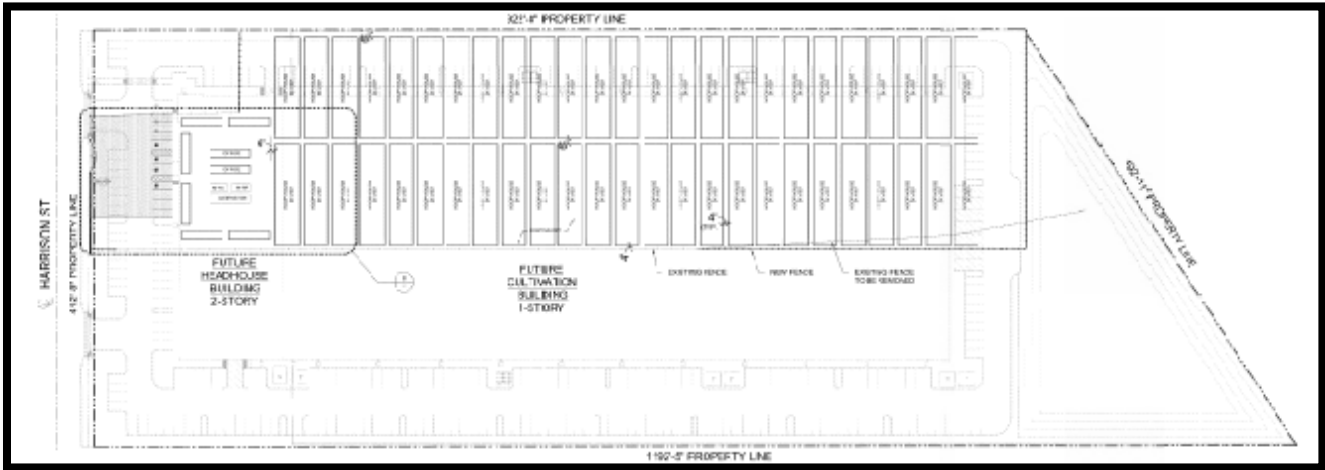
The project proposes two driveways along the Harrison Street frontage with a circular aisle around the entire building. The project includes the construction of an 8-foot high block wall along the north, south and east side of the property with automated gates along each entrance on the north and south sides of the buildings, approximately 127 feet behind the front building line. As proposed, all parking areas will have continuous circulation around all parking areas with no dead-end aisles and good truck access to the rear of the site. All drainage infrastructure will drain onto the rear retention basin and the perimeter planter areas could be used for incidental retention areas.

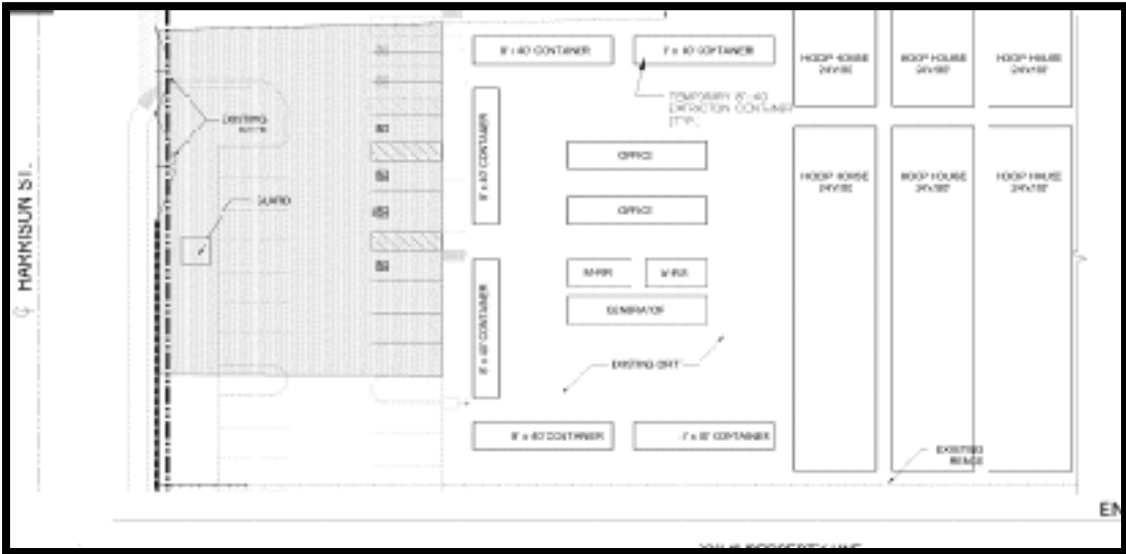
Interim Use Facility:

The project is proposing an “Interim Use Facility” to begin the operations of cannabis cultivation and manufacturing uses, prior to the first phase of construction of the permanent buildings, or up to 36 months. This practice has been allowed in the adjoining cannabis cultivation facilities as a response to the lack of electrical utility infrastructure, and in the interest of getting commercial cannabis licensees ready to operate when the permanent buildings are in place. However, the adjoining other facilities have been allowed to have an interim facility for 18-24 months. Due to the IID infrastructure challenges, these interim facilities have asked for time extensions and staff is not opposed to allowing the interim facility for up to 36 months or until the building permit for the first phase of construction is issued, whichever occurs first.

The Bejarano project proposes to provide 50 interim greenhouses at 2,500 square feet each. The proposed greenhouses would utilize auto-depth blackouts, a racking drip system with soilless medium. From dusk to dawn, lighting will be utilized for cultivation, with lighting to be contained within the greenhouse through the utilization of auto-depth-blackouts.

A copy of the site plan exhibit showing the interim use facility, and a close up of the parking area for same, is shown below:

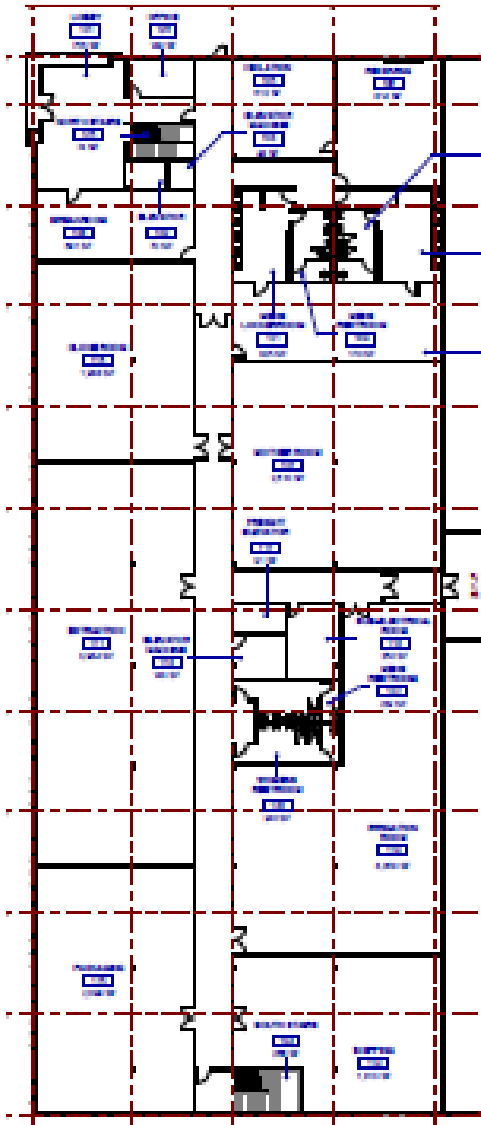




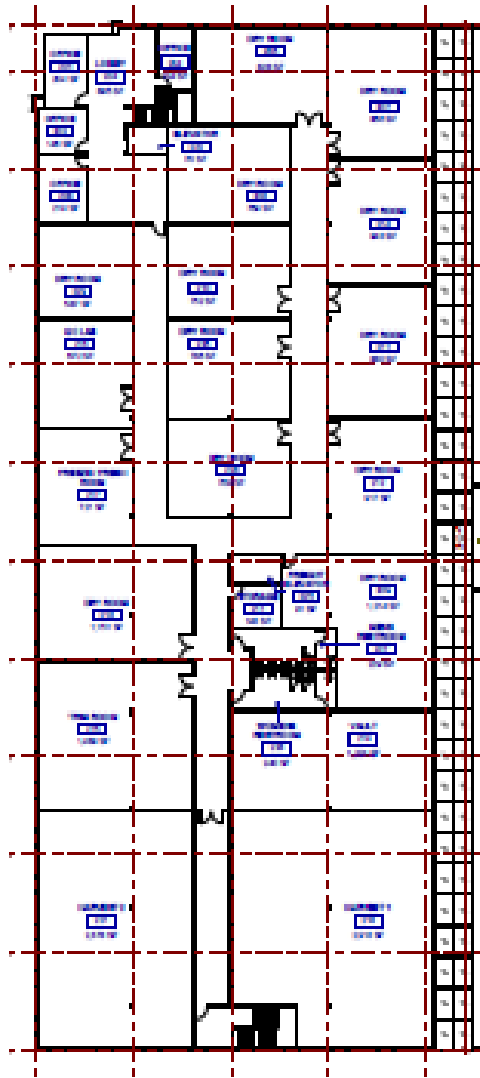
Architectural Theming:

The proposed buildings consist of a modern industrial “concrete tilt-up” building for the front headhouse/manufacturing/office building. The main entry located at the northwest corner of the building will have full-height varying dark/light blue glazing with anodized aluminum trims, and a modern storefront entrance. The greenhouse structure in the rear, behind the front head-house building will consist of a “stucco finish” textured metal paneling on the sides, and a transparent polyurethane gable roof system to allow natural light into the cultivation grow areas. The front building will have a two-story flat roofed structure with parapet walls up to 34 feet in height with varying roofline. The exterior building materials consist of three shades of “beige” and “gray steel” field colors with white accents. The building will have horizontal and vertical banding with using the variety of colors and windows placed in a pattern adjacent to the main entry. There is a framed rooftop penthouse structure to screen rooftop equipment from view to the street.

The proposed floor plans and building elevations, and an exhibit showing the line of sight for effective architectural screening of rooftop equipment, as a result of the building wall heights, are shown below:



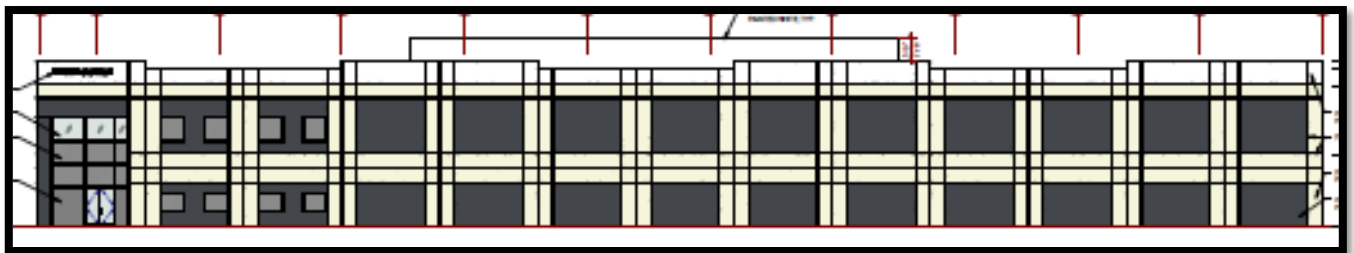
*Headhouse – Floor Plan (Ground Level)*



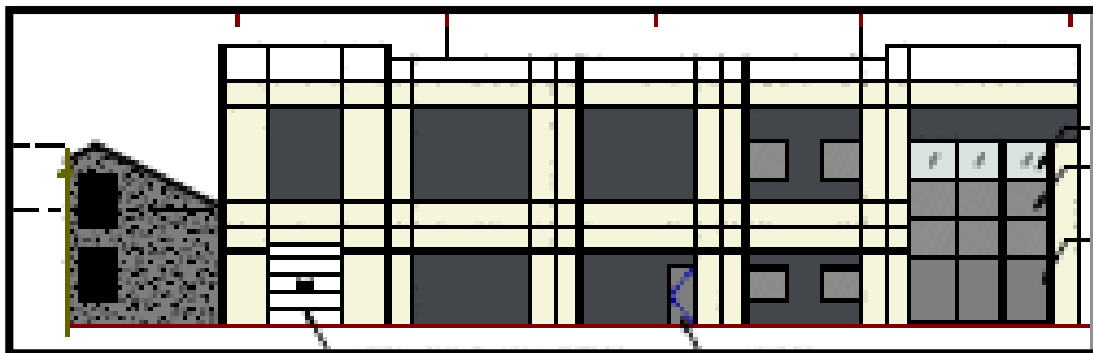
*Headhouse – Floor Plan (2<sup>nd</sup> Level)*



*Colored Perspective Drawing – Looking Southeasterly*

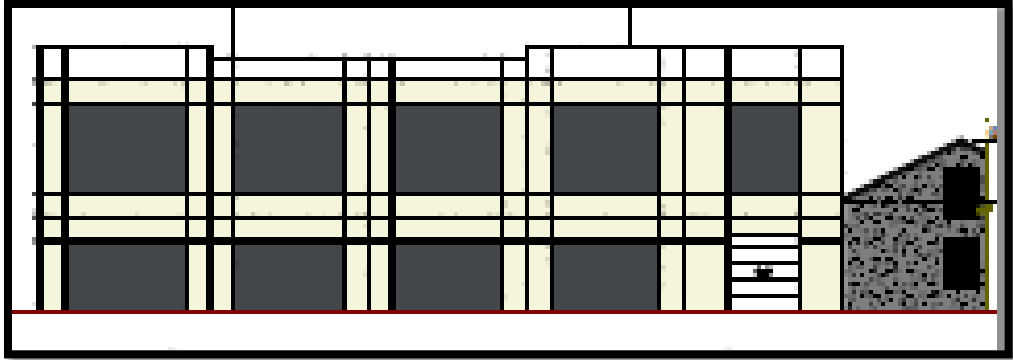


*Front Building Elevation*

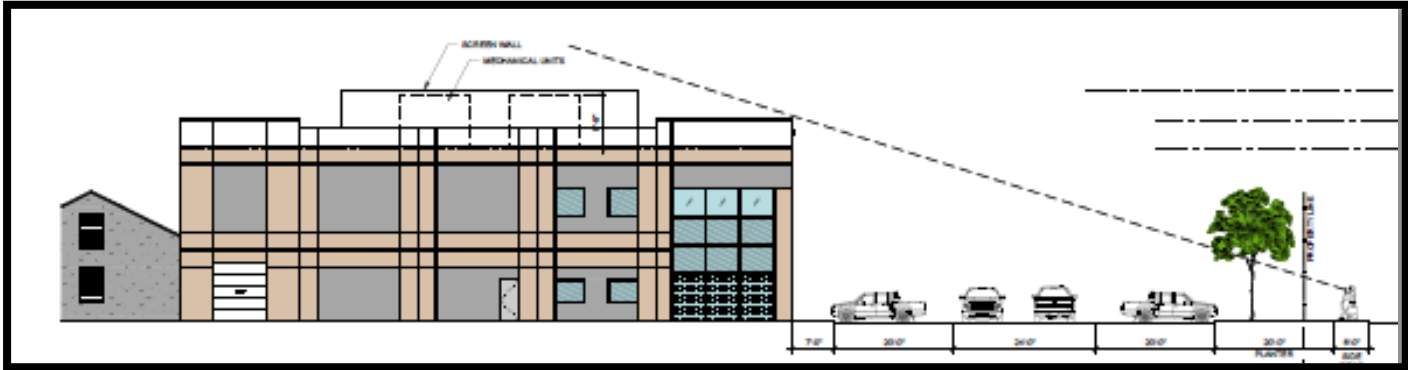


*North Headhouse Building Elevation*



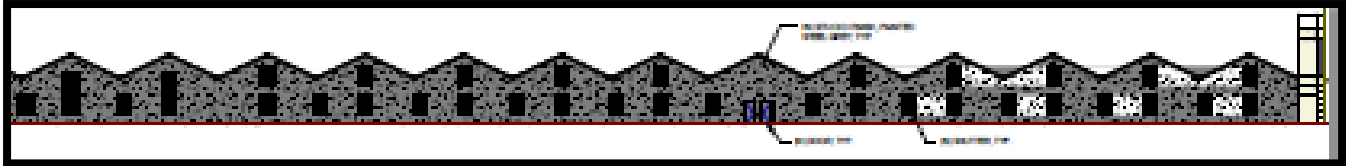


*South Headhouse Building Elevation*

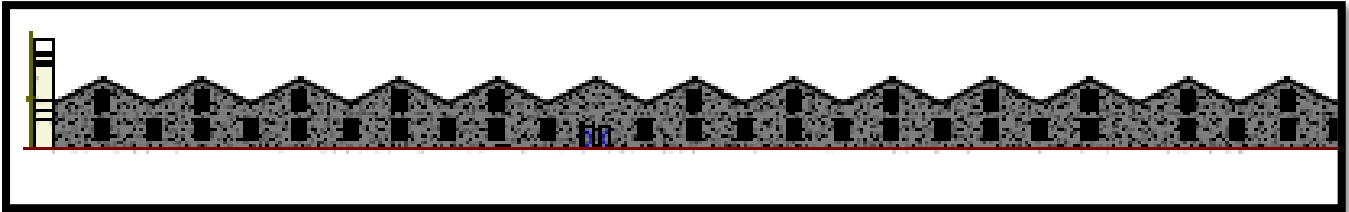


*Line-of-Sight Exhibit*

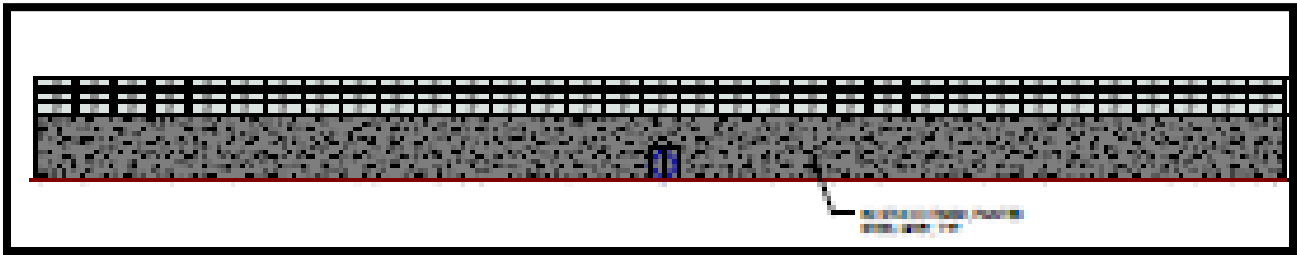
The cultivation building is a one-story structure that consists of “steel grey” stucco finished exterior textured panels and metal and painted shutters facing the north and south sides of the property. The roof structure will consist of a series of 22 “gable end” A-Frame translucent ridges and rafter with a rigid polycarbonate sheeting. The top plate height is 14 feet and the ridge lines are 22 feet in height. The images below show the typical north, south, and east side architectural elevations of the building.



*North-Facing Greenhouse Typical Elevation*



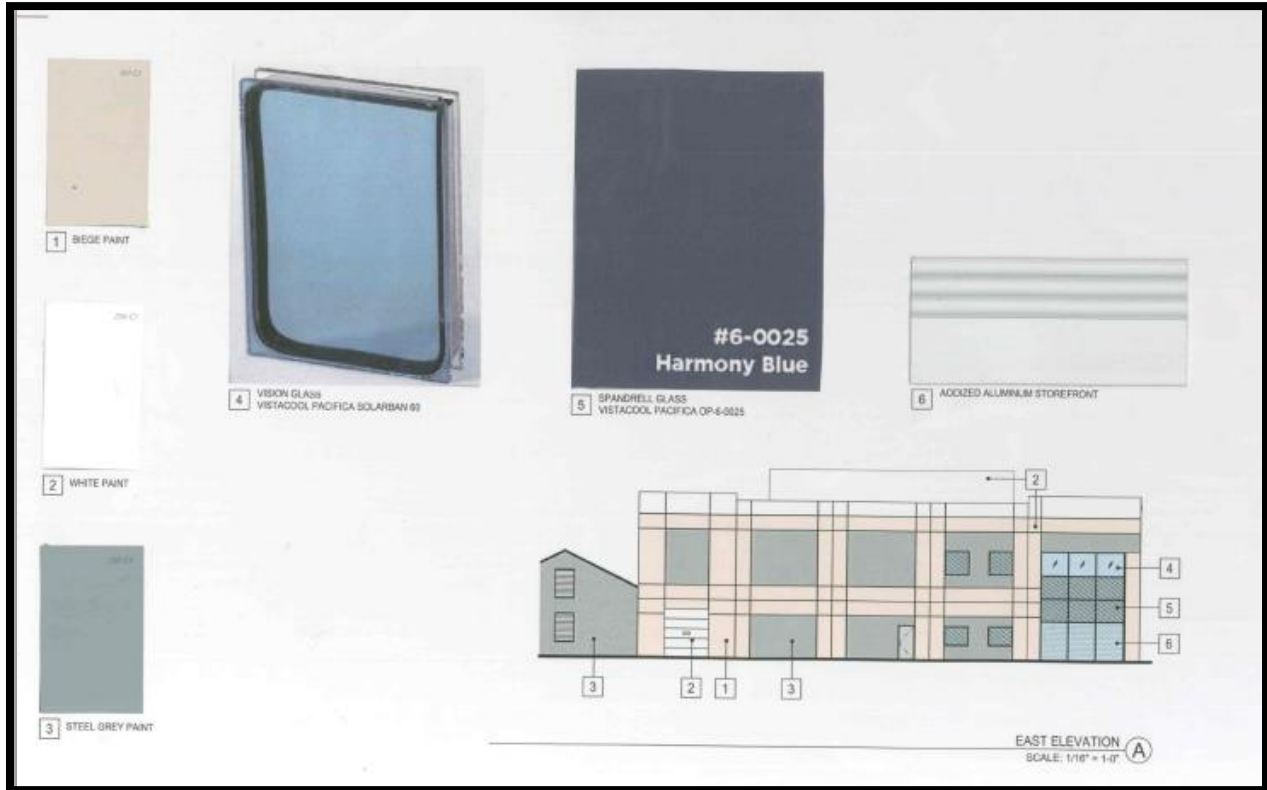
*South-Facing Greenhouse Typical Elevation*



*East-Facing Greenhouse Typical Elevation*

In prior staff reviews of similar greenhouse structures, staff has had concerns with the poor aesthetic quality of this type of greenhouse structure which proposes a very long (660 feet) wall plane with a metal exterior and minimal architectural features or offsets, except for a series of louvered vents and some color accents near the front building. This structure could have a potentially adverse effect on the aesthetics when viewed from the street or from adjoining properties due to its prefabricated appearance. However, the Planning Commission has allowed this type of greenhouse in the configuration where it is behind a large structure (over 30-foot high two story-structure), and where the greenhouse is only 22 feet tall at the ridgeline. As such the greenhouse be substantially screened from public view. Additionally, the greenhouse is 185 feet from the front property line which makes it difficult to see. Similarly, when the adjoining properties to the north and south are developed, this greenhouse building will not be visible from adjoining streets in any significant way.

A copy of the material sample board is shown below, for more specificity as to where the building materials will be placed on the buildings.

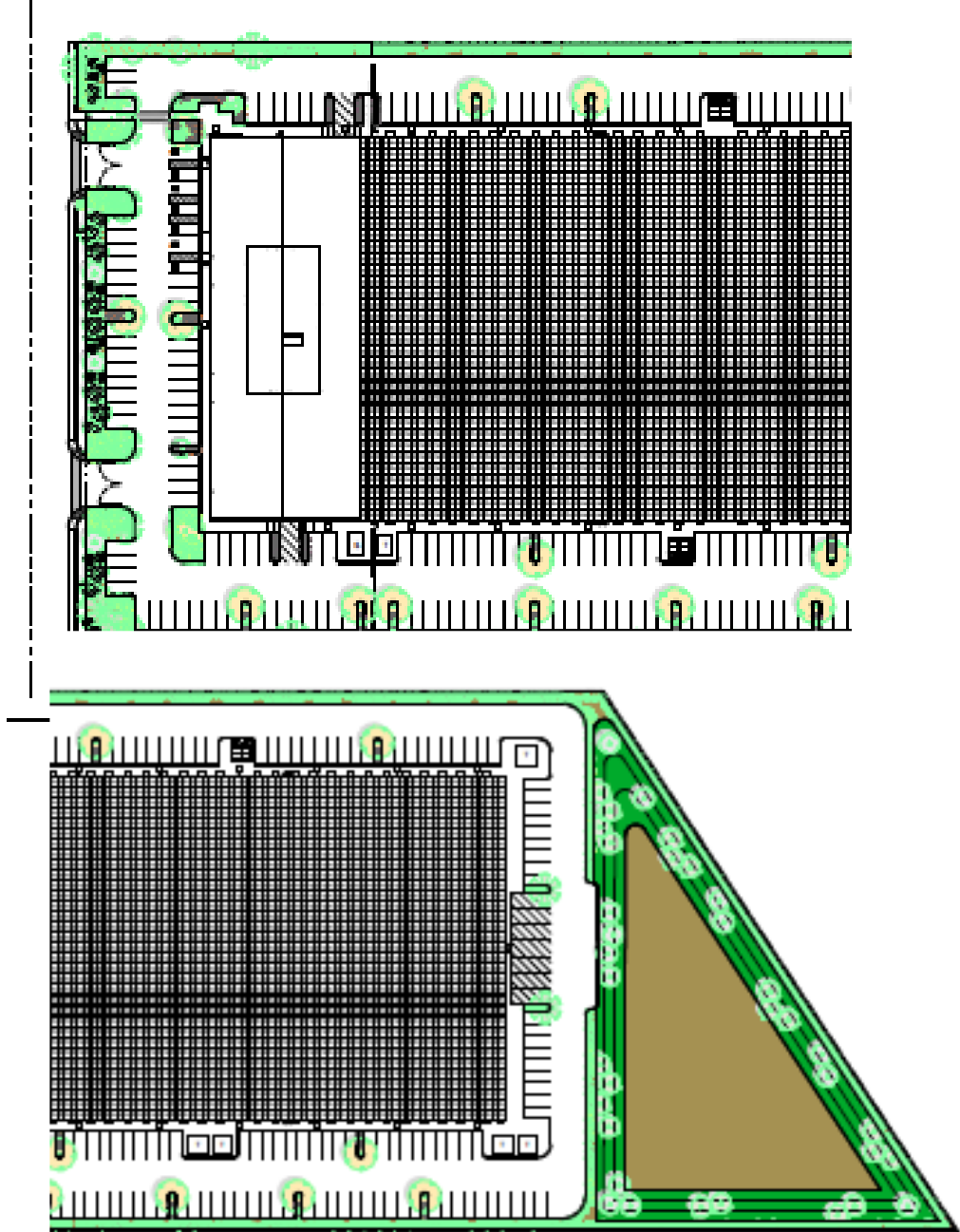


### Landscaping Plans:




A conceptual landscaping plan for the Bejarano project was submitted for this project. The project will provide a 102 foot planter with street trees along the street property line and 10-foot landscaped planters along the interior property lines adjacent to the driveway aisles. An 8-foot tall masonry wall / security fence is proposed along the north and south property lines, and gated entries are shown at driveways approximately 195 feet back front property line behind the head house structure. The perimeter plantings and parking lot plantings show minimum compliance with the City’s parking lot landscaping regulations. Conceptual plans show a variety of shade trees including *Acacia stenophylla*, *Olea eruopaea* “Swan Hill”, *Fraxinus oxycarpa* “Raywood”, Desert Palo Verde, and *Chilopsis linearis* “Desert Willow”.






The landscape plan further shows *Washingtonia robusta* “Mexican Fan Palm” trees as accent trees at the entry driveways s. A variety of desert-friendly shrubs are used including Purpose Hopseed Bush, Texas Ranger, Carolina Cherry , *Grevillea*, Desert Lavender, Lion’s Tail, Dwarf Pomegranate, and Rosemary bush. Trailing shrubs / groundcovers include *bougainvillea* and *Myoporum parvifolium*. All planters will be finished in decomposed granite fines or shredded bark mulch. The plan further shows a rear landscaped retention basin and finger island planters at every 10-12 parking stalls.

The conceptual landscaping plans, and copies of the preliminary plant list and legend showing groundcovers are shown below:



SYMBOL	BOTANICAL NAME	COMMON NAME
TREE		
	ACACIA STENOPHYLLA	SHOESTRING ACACIA
	OLEA EUROPAEA 'SWAN HILL'	SWAN HILL FRUITLESS OLIVE
	FRAXINUS OXYCARPA 'RAYWOOD'	RAYWOOD ASH
	ARKINSONIA 'DESERT MUSEUM'	THORNLESS PALO VERDE HYBRID
	CHILOPSIS LINEARIS	DESERT WILLOW
	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM
	AESALPINIA PULCHERRIMA	RED BIRD OF PARADISE

SYMBOL	BOTANICAL NAME	COMMON NAME	PLANT FACTOR*	
TALL SCREENING SHRUBS				
	DODONAEA VISCOSA 'PURPUREA'	PURPLE HOPSEED BUSH	MOD./LOW	
	LEUCOPHYLLUM FRUTESCENS	TEXAS RANGER	LOW	
	PRUNUS CAROLINIANA 'BRIGHT N' TIGHT'	CAROLINA CHERRY HYBRID	MODERATE	
MID-SIZED SHRUBS				
	GREVILLEA 'NOELLI'	NOEL'S GREVILLEA	MOD./LOW	
	HYPTISEMORYI	DESERT LAVENDER	LOW	
	LEONOTIS LEONURIS	LION'S TAIL	MOD./LOW	
		PUNICA GRANATUM 'CHICO'	DWARF POMEGRANATE	MODERATE
	ROSMARINUS OFFICINALIS 'BLUE SPIRES'	UPRIGHT ROSEMARY	MOD./LOW	

SYMBOL	BOTANICAL NAME	COMMON NAME
<b>ACCENT SHRUBS/PERENNIALS</b>		
 	ALOE 'BLUE ELF'	ALOE HYBRID
	BULBINE FRUTESCENS	NO COMMON NAME
	HESPERALOE PARVIFLORA	RED YUCCA
	LANTANA 'SPREADING SUNSHINE'	SHRUB LANTANA (YELLOW)
<b>LOW SHRUBS/GROUND COVERS</b>		
	BOUGAINVILLEA 'ROSENKA'	SHRUB BOUGAINVILLEA
	CALLISTEMON VIMINALIS 'LITTLE JOHN'	DWARF BOTTLE BRUSH
	COTONEASTER DAMMERI 'LOWFAST'	BEARBERRY COTONEASTER
	ERIGERON KARVINSKIANUS	SANTA BARBARA DAISY
	ROSMARINUS OFFICINALIS HUNT. CARPET'	HUNTINGTON CARPET ROSEMARY
<b>GROUND COVER FROM FLATS</b>		
	MYOPORUM PARVIFOLIUM	NO COMMON NAME
<b>NON-PLANTED GROUND COVER</b>		
	DECOMPOSED GRANITE AND/OR SHREDDED BARK MULCH	

**ENVIRONMENTAL REVIEW:**

An Environmental Initial Study recommending the adoption of a Mitigated Negative Declaration was prepared and distributed to responsible agencies for review and comment pursuant to the guidelines of the California Environmental Quality Act (CEQA). A 30-day public review period for the Mitigated Negative Declaration commenced on September 19, 2020 and ended on October 19, 2020 for interested and concerned individuals and public agencies to submit written comments on the documents. The Planning Commission will be adopting a Mitigated Negative Declaration for the project. The City received comment letters from the following agencies:

- 1) California Department of Fish and Wildlife (CDFW)
- 2) Inland Empire Biking Alliance

- 3) California Department of Food and Agriculture (CDFA)
- 4) South Coast Air Quality Management District (SCAQMD)

The City received the above written comment letters on the proposed MND for the Bejarano Cannabis Cultivation Project by the close of the comment period on October 19, 2020. CEQA requires a Negative Declaration to consist of the Initial Study, copies of the comments, any responses to comments on the following pages, and any other Project related material prepared to address issues evaluated in the Initial Study.

Attached to this staff report are the CEQA Initial Study, the City's Response to Comments, and the Mitigation Monitoring and Reporting Program (MMRP), constitute the Final Negative Declaration package that will be used by the City to consider the environmental effects of implementing the proposed Project. The City Attorney has reviewed the CEQA documents and Response to Comments and is recommending that the Planning Commission adopt the Mitigated Negative Declaration and MMRP as outlined in the staff recommendation above.

**ALTERNATIVES:**

1. Approve the Bejarano Cannabis Cultivation Facility project by adopting the attached resolutions.
2. Approve the Bejarano Cannabis Cultivation Facility project by adopting the attached resolutions with modified conditions.
3. Continue this matter and provide staff direction.
4. Make findings for denial and direct staff to bring back a denial action.

**RECOMMENDED ALTERNATIVE(S):**

Staff recommends Alternatives #1 or #2 as noted above.

Attachments: Resolution No. PC2020-11 / CEQA IS/MND, Comment Letters, Response to Comments, MMRP  
Resolution No. PC 2020-12 / CUP 327 & AR 20-06  
Exhibit A - Conditions of Approval

**RESOLUTION NO. PC2020-11**

**A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR THE BEJARANO CANNABIS CULTIVATION PROJECT, CONSISTING OF CONDITIONAL USE PERMIT (CUP 327) AND ARCHITECTURAL REVIEW (AR 20-06) TO ALLOW CONSTRUCTION OF A NEW 225,705 SQUARE FOOT CANNABIS CULTIVATION FACILITY IN THE M-W (WRECKING YARD) ZONE ON 10.01 ACRES OF PARTIALLY-DEVELOPED LAND LOCATED AT 48-100 HARRISON STREET (APN 603-290-020 & -021). DAVID E. ARGUDO, APPLICANT.**

**WHEREAS**, David E. Argudo filed an application for Environmental Assessment (EA 20-02), Conditional Use Permit (CUP 327), and Architectural Review (AR 18-01) to allow the construction of a new 225,705 square foot cannabis cultivation facility on 10.01 acres of partially-developed land located at 48-100 Harrison Street; Assessor Parcel No.'s 603-290-020 and 603-290-021 ("Project"); and,

**WHEREAS**, the City completed Environmental Assessment/Initial Study (EA 20-02) for the Bejarano Cannabis Cultivation Facility project pursuant to the California Environmental Quality Act, as amended; and,

**WHEREAS**, based on this Environmental Assessment/Initial Study and proposed mitigation measures therein, the City has made a determination that the Project will not have a significant impact on the environment and has prepared a Mitigated Negative Declaration for this Project; and,

**WHEREAS**, a Notice of Intent to Adopt a Mitigated Negative Declaration for the Project was posted with the County Clerk on September 28, 2020 and duly noticed and published in the Desert Sun Newspaper, a local newspaper of general circulation, on October 1, 2020; and,

**WHEREAS**, the proposed Mitigated Negative was made available for a 20-day public review period commencing on Saturday September 19, 2020 and ending on Monday, October 19, 2020; and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP 327, and AR 20-06 on November 18, 2020 in the Permit Center, 53-990 Enterprise Way, Coachella, California; and,

**WHEREAS**, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

**WHEREAS**, the Project is conditionally permitted pursuant to Chapter 17.84 of the Coachella Municipal Code and Ordinance 1120 which allows cannabis cultivation facility uses subject to obtaining a conditional use permit; and,



**WHEREAS**, findings of the Initial Study indicated that the Proposed Project would not create any significant impacts to air quality, biological resources, cultural resources, geology and soils, traffic and transportation and noise; and,

**WHEREAS**, the Proposed Project has been conditioned to include recommended mitigation measures of the environmental analysis as set forth in a Mitigation Monitoring and Reporting Program (Exhibit A); and,

**WHEREAS**, the Proposed Project would not be detrimental to the general health, safety and welfare of the community.

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COACHELLA DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:**

**SECTION 1.**      Recitals. The Planning Commission hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

**SECTION 2.**      Compliance with the Environmental Quality Act (“CEQA”). As the decision-making body for the Project, the Planning Commission has reviewed and considered the information contained in the Mitigated Negative Declaration, Initial Study, comments received, and other documents contained in the administrative record for the Project. The Planning Commission hereby adopts the Mitigated Negative Declaration along with the Initial Study and administrative record and finds that the record is a complete and accurate reporting of the environmental impacts associated with the Project. The Planning Commission further finds that the Mitigated Negative Declaration and the Initial Study have been completed in compliance with CEQA, the State CEQA Guidelines, and the City of Coachella’s Local CEQA Guidelines.

**SECTION 3.**      Findings on Environmental Impacts. Based on the whole record before it, including the Mitigated Negative Declaration, Initial Study, the administrative record and all other written and oral evidence presented to the Planning Commission, the Planning Commission finds that all environmental impacts of the Project are either insignificant or can be mitigated to a level of insignificance pursuant to the mitigation measures outlined in the Mitigated Negative Declaration, the Initial Study and the Mitigation Monitoring and Reporting Program. The Planning Commission further finds that there is no substantial evidence in the administrative record supporting a fair argument that the Project may result in any significant environmental impacts. The Planning Commission finds that the Mitigated Negative Declaration contains a complete, objective, and accurate reporting of the environmental impacts associated with the Project and reflects the independent judgment and analysis of the Planning Commission.

**SECTION 4.**      Wildlife Resources. Pursuant to Fish and Game Code Section 711.4(c), all project applicants and public agencies subject to CEQA shall pay a filing fee

for each Proposed Project, as specified in subdivision 711.4(d) for any adverse effect on wildlife resources or the habitat upon which wildlife depends unless a “no effect” finding is made by the California Department of Fish and Game. This fee is due and payable as a condition precedent to the County Clerk’s filing of a Notice of Determination.

**SECTION 5.**        Adoption of the Mitigated Negative Declaration. The Planning Commission hereby adopts the Mitigated Negative Declaration based on the CEQA Initial Study and CEQA Response to Comments attached hereto as Exhibit “A” and contained in the project file records.

**SECTION 6.**        Adoption of Mitigation Monitoring and Reporting Program. The Planning Commission hereby approves and adopts the Mitigation Monitoring and Reporting Program prepared for the Project, attached hereto as Exhibit “B”.

**SECTION 7.**        Location and Custodian of Records. The documents and materials that constitute the record of proceedings on which these findings are based are located at Coachella Permit Center. The Development Services Director is the custodian of the record of proceedings.

**SECTION 8.**        Execution of Resolution. The Chairman shall sign this Resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

**PASSED APPROVED and ADOPTED** this 18<sup>th</sup> day of November 18, 2020.

\_\_\_\_\_  
Javier Soliz, Chairperson  
Coachella Planning Commission

**ATTEST:**

\_\_\_\_\_  
Yesenia Becerril  
Planning Commission Secretary

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos  
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2020-11, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 18<sup>th</sup> day of November 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Yesenia Becerril  
Planning Commission Secretary

**EXHIBIT A**

**CEQA INITIAL STUDY AND RESPONSE TO COMMENTS**

**EXHIBIT B**

**MITIGATION MONITORING & REPORTING PROGRAM – BEJARANO CANNABIS CULTIVATION PROJECT**

**INITIAL STUDY**

**FOR THE**

**BEJARANO CANNABIS CULTIVATION**

**PROJECT**

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Prepared for:

**City of Coachella**  
1515 Sixth Street  
Coachella, California 92236

Prepared by:

**Tom Dodson & Associates**  
2150 N Arrowhead Avenue  
San Bernardino, California 92405  
(909) 882-3612

**February 2020**

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**LIST OF ABBREVIATIONS AND ACROYNMS**

**ENVIRONMENTAL CHECKLIST**

- 1. Project Title: Bejarano Cannabis Cultivation Project
- 2. Lead Agency Name: City of Coachella  
Address: 1515 Sixth Street, Coachella, CA 92236
- 3. Contact Person: Luis Lopez  
Phone Number: (760) 398-3502
- 4. Project Location: The proposed project is located in the City of Coachella, Riverside County, at the approximate address the property is directly east of 48100 Harrison Street, Coachella, CA 92236. The project is located on the east side of Harrison Street just south of the southeast corner of Avenue 48 and Harrison Street. The geographic coordinates of the proposed project are 33.698979, - 116.181375 and the proposed project is located within the Indio, CA USGS Topo 7.5-minute topographic map, within Section 32 Township 5 South, Range 8 East. See Figures 1 and 2 for regional and site locations.
- 5. Project Sponsor: Bejarano, David Ardugo  
E-Mail: [davideargudo@gmail.com](mailto:davideargudo@gmail.com)  
Phone: (415) 640 4420
- 6. General Plan Designation: Heavy Industrial (IH)
- 7. Zoning: Wrecking Yard (M-W)
- 8. Project Description:

**Project Description**

The City of Coachella is located in the middle of Riverside County just northeast of the Salton Sea, which forms the border between Riverside and Imperial County. Bejarano proposes the development of a cannabis cultivation facility on a 10.01-acre site in the City of Coachella, Riverside County, California. The project site is comprised of Assessor Parcel Numbers 603-290-020 and 603-290-021. Bejarano, the Applicant, proposes two buildings inclusive of greenhouses and a dedicated Administration and Facility building designed to facilitate the cultivation and processing of medicinal marijuana. The City of Coachella Code Section 17.34.20 Permitted Uses, Article C7, states that Medical Cannabis cultivation and manufacturing is a Conditional Use in the IH District pursuant to Chapter 16.36. Therefore, the application for the cannabis cultivation facility requires the approval of a Conditional Use Permit (CUP) in the M-W (Wrecking Yard) zone, the zone within which the project is located. The applicant has submitted an application for approval of a CUP entitlement from the City.

At present, the site contains disturbed loose gravelly soil with trash and other debris lining the northern portion of the site along with remnants of broken down vehicles and storage areas, as well as active heavy machinery; there is a chain link fence at the front of the property facing Harrison Street. The previous use of the site was as a wrecking yard to store vehicles. According to the site plan (Figure 3), the project will construct 2 buildings total. The Headhouse building will be 2-stories, totaling 53,244 square feet (SF) in size, while the Cultivation Building will be 1-story totaling 172,461 SF in

size. The total building area will be 225,705 SF. The site coverage will be 199,083 SF given that the Headhouse Building is 2-stories. This equates to approximately 47% building coverage on the site.

Onsite parking will be provided on the outskirts of the two Buildings, which are located directly adjacent to one another near the center of the project site. The project will provide a total of 291 parking spaces, which is greater than the 256 parking spaces required by the City for the project as proposed. The parking provided includes 277 standard parking spaces, 7 handicapped parking spaces, and 7 loading spaces. The north side of the site will contain 69 parking spaces; the east side of the site will contain 25 parking spaces; the south side of the site will contain two rows of parking containing 152 parking spaces; and, the west side of the site will contain two rows of parking containing 45 parking spaces. The loading spaces are located at the eastern border of the site, while the majority of the handicapped parking spaces are located at the entrance of the Headhouse Building along the western border of the site.

The entirety of the site will be fenced with concrete blocks measuring 8 feet tall for security purposes. Access to the site will be through two 30-foot wide throughways at Harrison Avenue. A 37-foot land dedication will separate the site entrance from Harrison Street to enable sidewalk and future roadway improvements to be installed. All incoming and outgoing employee vehicles and other vehicular traffic associated with supply and materials deliveries, green and solid waste collection, and product shipping will enter and exit from these two entryways. For security purposes, just east and on either side of the Headhouse Building are security gates that will limit access to the Cultivation Building to authorized persons only. A security station for security personnel will be located just west of the south security fence.

Along the property boundary, the project will develop landscaping. The buffer between the Headhouse and Cultivation Buildings and the property line is at least 65 feet 8 inches from the two buildings at any point within the project site.

The Headhouse Building will contain offices and necessary operation facilities, which may include the following: Vault Security, Break Room, Dry Rooms, Show Room, Packaging, Soil Potting, Interior Loading, Janitors Closet, Storage Room, Men's and Women's Restrooms, an Elevator, an Equipment Area, Electric/Telephone Room, and a Transportation Corridor. Building 1 will be a two-story structure consisting of 26,622 SF for each floor. The Cultivation Building will include Flower, Vegetation, and Greenhouse Canopy areas that are designed to accommodate the various phases of cannabis cultivation and processing. Several trash enclosures will be located on the outskirts of the Cultivation Building: 2 will be located on the north side of the site, and 1 will be located on the south side of the site. Additionally, several transformers will be located on the outskirts of the Cultivation Building: 5 on the south side of the site, 1 at the northeast corner of the site. It is anticipated that the Cultivation Building will require 7 megawatts (MW) per year to operate as the structure will be retrofitted to utilize natural lighting—much as a typical greenhouse would.

Odors on site will be handled utilizing commercial odor controls with carbon filters, which utilize activated charcoal, carbon filters, and an extractor fan for flow of air.

The project includes a 52,131 SF retention basin that will collect runoff from the project site, which will be located directly on the eastern boundary of the site. The retention basin will be triangular to accommodate the site configuration, and will be surrounded on each side with additional landscaping.

Once in operation, it is anticipated that the Bejarano Cannabis Cultivation Project will employ a maximum of 100 persons.

### Project Phasing

The proposed project will become operational in phases. As such, once the site is cleared, the Bejarano Cannabis Cultivation Facility will become operational as shown on the Interim Site Plan (Figure 4). Each of these components are temporary and easily removed or moved as the Future Headhouse and Cultivation Buildings are installed. Bejarano intends to install 6 containers that will be 8' x 40' in size towards the western border of the site adjacent to Harrison Avenue. In order to begin cultivation of cannabis as part of the Bejarano interim operations, Bejarano intends to install 24 hoop houses 24' x 100' in size. These hoop houses will effectively serve as temporary greenhouses that can be covered or uncovered. An example of what the hoop houses will look like is provided on Figures 5 and 6. The operations will be managed within two mobile office buildings at the center of the western border of the site.

Access to the site will be managed through an existing gate along Harrison Avenue and operation will occur within a portion of the site that is currently partially bound by a chain link fence. In the interim, a temporary fence will be installed to connect to the existing chain link fence to create a firm boundary around the interim operational area, which does not encompass the entirety of the site. A guard station will be located at the existing gated entrance, which will secure the site.

### **Construction Scenario**

Due to the extent of entitlements required for a development of this type, it is anticipated that entitlements, construction documents, and permits would be obtained by the First Quarter of 2020. Construction of the proposed Cannabis Cultivation Facility is anticipated to take approximately 7 to 9 months, with an anticipated start date in the Second Quarter of 2022, which is anticipated to occur concurrently with the installation of a new Imperial Irrigation District (IID) transformer that will serve the project area. The project's anticipated completion date is the Second Quarter of 2023. Once the entitlements are acquired, and the site is cleared (by approximately the First Quarter of 2020), the Bejarano Cannabis Cultivation Facility will operate under the interim operational scenario outlined above. The interim operational scenario will terminate at or before the Cannabis Cultivation Facility has been constructed and is deemed operational. The project site contains disturbed loose gravely soil; development of the site would require site preparation (i.e., grading and excavation), paving, and construction of buildings. The project is anticipated to require minimal cut and fill with any cut being reused to balance of the site through grading; which will minimize import/export material to an anticipated amount of  $\pm 2,000$  CY. The retention pond will require excavation below ground surface of approximately 5 to 10 feet. Delivery of construction supplies and removal of any excavated materials, if necessary, will be accomplished using trucks during normal working hours, with a maximum of 50 round trips per day. Grading will be by traditional mechanized grading and compaction equipment. Equipment utilized will be traditional site development equipment of front end graders, vibratory compactors, petroleum powered fork lifts, and various hand tools traditional to commercial construction. The maximum number of construction employees required to complete the proposed development is about 50 persons.

#### 9. Surrounding land uses and setting: (Briefly describe the project's surroundings)

The project site is located in a heavy industrial area. The area surrounding the project has one Cannabis Farm that is in the process of being developed at the southwest corner of 48<sup>th</sup> Avenue and Harrison Street. The land uses surrounding the project area as follows:

- North: IH Heavy Industrial/Open Space;

- West: IH Heavy Industrial, further west IL Light Industrial;
  - South: IH Heavy Industrial, further south IL Light Industrial; and
  - East: Open Space, further east CE Entertainment Commercial
10. Other agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
- State Water Resource Control Board
  - South Coast Air Quality Management District
  - Colorado River Basin Regional Water Quality Control Board
  - County of Riverside Fire Department
11. Have California Native American tribes traditionally and cultural affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun? Four tribes have requested consultation under AB 52 from the City of Coachella. The Torres Martinez Desert Cahuilla Indians, Agua Caliente Band of Cahuilla Indians, Soboba Band of Luiseño Indians, Cabazon Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians.

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED**

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

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

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

On the basis of this initial evaluation, the following finding is made:

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

\_\_\_\_\_  
Prepared by

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lead Agency (signature)

\_\_\_\_\_  
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

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

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) the significance criteria or threshold, if any, used to evaluate each question; and
  - b) the mitigation measure identified, if any, to reduce the impact to less than significance.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>I. AESTHETICS:</b> Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized 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 or other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**I. AESTHETICS**

SUBSTANTIATION

- a. *Less Than Significant Impact* – Adverse impacts to scenic vistas can occur in one of two ways. First, an area itself may contain existing scenic vistas that would be altered by new development. A review of the project area determined that there are no scenic vistas located internally within the area proposed for the development of the Bejarano Project. The project site is located in an industrial, developed area with industrial uses to the north, south, and west, and the Whitewater River channel with vegetation adjacent to Highway 86 to the east. Therefore, the development of the Bejarano Cannabis Cultivation Facility is not expected to impact any important scenic vistas within the project area. A scenic vista impact can also occur when a scenic vista can be viewed from the project area or immediate vicinity and a proposed development may interfere with the view to a scenic vista. The Coachella Valley is located between several mountain ranges, the Little San Bernardino Mountains to the north and east, and the San Jacinto Mountains and Santa Rosa Mountains to the south and west. The City of Coachella General Plan generally states that the City desires to preserve scenic views of the mountains. However, views around the proposed project are limited because of existing man-made features and surrounding development, which consists of one- and two- story buildings. The development of the project would be consistent with the surrounding development and the height of the proposed structures will be no greater than 20-feet tall, with an 8-foot concrete block wall that will surround the property. This height is similar to surrounding development, and all buildings within the proposed development would be constructed to a height well within the 50-foot height limit designated under the Wrecking Yard (M-W) zone classification. Therefore, development of the proposed project has a less than significant potential to have a substantial adverse effect on a scenic vista.
- b. *No Impact* – The project site does not contain any scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway corridor. The project site has been previously bladed and contains remnants of broken down vehicles and storage areas, as well as active heavy machinery; the current use within the site is as a scrap metal recycling facility. The site contains some loose to slightly compacted dirt and non-native vegetation that is approximately at-grade. No trees, rock outcroppings, or scenic features existing on site. According to Caltrans, the proposed project is not located within a state scenic highway and the City of Coachella does not

identify any locally important scenic roadways. Therefore, the proposed project cannot affect any scenic resources within a state scenic highway corridor. Based on the site condition and immediate surroundings, the project site itself does not contain any significant scenic resources. Therefore, no damage to a scenic resource will occur and any impacts under this issue are considered less than significant.

- c. *Less Than Significant Impact* – The Coachella General Plan has designated the area for Industrial uses, and the zoning classification is Wrecking Yard; a use of this type is allowed within this designation and classification. Though the surrounding businesses consist mostly of auto wrecking yards and tree farms, the cannabis cultivation farm will be designed accordingly to fit the constraints of this land use designation. Additionally, recently two other Cannabis Cultivation projects were approved by the City along this corridor, one of which is currently in operation. It is anticipated that the proposed scale, architectural design and articulation of the development on the site will enhance the site and surrounding developed environment compared to the existing visual setting. Thus, by developing this site in accordance with City design guidelines and in accordance with the site development plans, the visual character of this site and its surroundings will be enhanced. Thus, the design elements incorporated in the project and the implementation of the City's design standards will ensure that the proposed project will not conflict with applicable zoning or other regulations governing scenic quality.
  
- d. *Less Than Significant Impact* – Implementation of the proposed project will create new sources of light during the operational phases of the project. Light and glare from interior and exterior building lighting, safety and security lighting, and vehicular traffic accessing the site will occur once the site is in operation. There are no lighting restrictions within the City of Coachella Municipal Code Section 17.34 that apply to the M-W Wrecking Yard Zone. Therefore, the project will be designed in accordance with the City of Coachella Municipal Code and will install light fixtures in such a way that minimal light would disturb surrounding properties, which do not include any light sensitive uses. No mitigation is required for this project to meet all light and glare control requirements imposed by the City. Thus, light and glare impacts are considered a less than significant impact.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<p><b>II. AGRICULTURE AND FORESTRY RESOURCES:</b>                      In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**II. AGRICULTURE AND FORESTRY RESOURCES**

**SUBSTANTIATION**

- a. *No Impact* – The project site is been previously bladed and the current use within the site is as a scrap metal recycling facility, and as such, contains remnants of broken down vehicles and storage areas, as well as active heavy machinery within the City of Coachella’s Heavy Industrial land use designation, and the Wrecking Yard zoning classification. Coachella has many agricultural operations throughout the City. According to the California Important Farmland Finder map (Figure II-1), the project is located within an Urban area, though there is agricultural land a few parcels south of the project. Construction and operation of the proposed Bejarano Project, which will ultimately function as a commercial crop cultivation facility, will be confined to the project site, and therefore will not convert farmland of any importance to non-agricultural use. No impacts are anticipated and no mitigation is required.

- b. *No Impact* – As stated under issue II(a) above, the proposed project site is not designated for agricultural use by the Coachella General Plan. The adjacent uses are not designated for agricultural uses, though a tree farm to the south is designated as Prime Farmland. The activities associated with the proposed project will be confined to the project site; therefore, no potential exists for a conflict between the proposed project and agricultural zoning or Williamson Act contracts within the project area. No mitigation is required.
- c. *No Impact* – The project site is not located within forest land, timberland or timberland zoned for Timberland Production. Therefore, the proposed project will not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). No impacts are anticipated and no mitigation is required.
- d. *No Impact* – The project site is not located within forest land and has no trees on the property; therefore, the project will not result in the loss of forest land or conversion of forest land to non-forest production use. No impacts are anticipated and no mitigation is required.
- e. *No Impact* – Implementation of the proposed project will not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of valuable farmland to non-agricultural use or forest to non-forest uses. No forest resources or uses occur within the general vicinity of the proposed project site, and the agricultural uses to the south of the project site would not be impacted by the development or operation of the Bejarano Cannabis Cultivation Facility as the development of a project of this type is a form of agricultural use. Therefore, no adverse impacts to agricultural, forest or timberland resources will result from project implementation and no mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>III. AIR QUALITY:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**III. AIR QUALITY**

**SUBSTANTIATION:** The following information utilized in this section of the Initial Study was obtained from the *Air Quality and GHG Impact Analysis, Bejarano Cannabis Cultivation Project, Coachella, California* prepared by Giroux and Associates dated February 4, 2020. This document is provided as Appendix 1 to this document.

Background

*Climate*

The proposed project site is in the Coachella Valley Planning Area (CVPA) of the Salton Sea Air Basin (SSAB). The SSAB was part of the Southeast Desert Air Basin (SEDAB) until May, 1996 when the SSAB was created. The project site is in the hottest and driest parts of California. The climate is characterized by hot, dry summers and relatively mild winters. Rainfall is scant in all seasons, so differences between the seasons are characterized principally by differences in temperature. Average annual precipitation in the air basin ranges from 2 to 6 inches per year.

Seasonal temperature differences in the basin are large, confirming the absence of marine influences due to the blocking action of the mountains to the west. Average monthly maximum temperatures in the project vicinity range from 108°F in July to 57°F in January. The average monthly minima range from about 40°F in January to about 80°F in July.

During much of the year, California is covered by a moderately intense high-pressure system. In winter, the Pacific High retreats to the south, so that frontal systems from the North Pacific can move onto the California coast. On average, 20 to 30 frontal systems pass through California each winter. The first front usually arrives around the middle of October, and the average period of frontal activity is five to six months. Most of these systems are relatively weak by the time they reach the SSAB, however, and they become more diffuse as they move southeastward.

*Air Quality Standards*

Existing air quality is measured at established Southern California Air Quality Management District (SCAQMD) air quality monitoring stations. Monitored air quality is evaluated and in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an

adequate margin of safety, to protect the public health and welfare. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are shown in Table III-1. Because the State of California had established Ambient Air Quality Standards (AAQS) several years before the federal action and because of unique air quality problems introduced by the restrictive dispersion meteorology, there is considerable difference between state and national clean air standards. Those standards currently in effect in California are shown in Table III-1. Sources and health effects of various pollutants are shown in Table III-2.

**Table III-1  
AMBIENT AIR QUALITY STANDARDS**

Pollutant	Average Time	California Standards <sup>1</sup>		National Standards <sup>2</sup>		
		Concentration <sup>3</sup>	Method <sup>4</sup>	Primary <sup>3,5</sup>	Secondary <sup>3,6</sup>	Method <sup>7</sup>
Ozone (O3) <sup>8</sup>	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Ultraviolet Photometry	–	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )		0.070 ppm (137 µg/m <sup>3</sup> )		
Respirable Particulate Matter (PM10) <sup>9</sup>	24 Hour	50 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	150 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		–		
Fine Particulate Matter (PM2.5) <sup>9</sup>	24 Hour	–	–	35 µg/m <sup>3</sup>	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Gravimetric or Beta Attenuation	12.0 µg/m <sup>3</sup>	15.0 µg/m <sup>3</sup>	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m <sup>3</sup> )	–	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9 ppm (10 mg/m <sup>3</sup> )		9 ppm (10 mg/m <sup>3</sup> )	–	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m <sup>3</sup> )		–	–	
Nitrogen Dioxide (NO2) <sup>10</sup>	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Gas Phase Chemiluminescence	100 ppb (188 µg/m <sup>3</sup> )	–	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )		0.053 ppm (100 µg/m <sup>3</sup> )	Same as Primary Standard	
Sulfur Dioxide (SO2) <sup>11</sup>	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Ultraviolet Fluorescence	75 ppb (196 µg/m <sup>3</sup> )	–	Ultraviolet Flourescence; Spectrophotometry (Paraosaniline Method)
	3 Hour	–		–	0.5 ppm (1300 µg/m <sup>3</sup> )	
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (for certain areas) <sup>11</sup>	–	
	Annual Arithmetic Mean	–		0.030 ppm (for certain areas) <sup>11</sup>	–	
Lead <sup>8,12,13</sup>	30-Day Average	1.5 µg/m <sup>3</sup>	Atomic Absorption	–	–	–
	Calendar Quarter	–		1.5 µg/m <sup>3</sup> (for certain areas) <sup>12</sup>	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Rolling 3-Month Avg	–		0.15 µg/m <sup>3</sup>		
Visibility Reducing Particles <sup>14</sup>	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	<b>No Federal Standards</b>		
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Ultraviolet Fluorescence			
Vinyl Chloride <sup>12</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	Gas Chromatography			

Footnotes

- 1 California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter – PM10, PM2.5, and visibility reducing particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- 2 National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24-hour standard is attained when the expected number of days per calendar year, with a 24-hour average concentration above 150 µg/m<sup>3</sup>, is equal to or less than one. For PM2.5, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over 3 years, are equal to or less than the standard. Contact U.S. EPA for further clarification and current federal policies.
- 3 Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- 4 Any equivalent procedure which can be shown to the satisfaction of the ARB to give equivalent results at or near the level of the air quality standard may be used.
- 5 National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
- 6 National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
- 7 Reference method as described by the EPA. An “equivalent method” of measurement may be used but must have a “consistent relationship to the reference method” and must be approved by the EPA.
- 8 On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
- 9 On December 14, 2012, the national PM2.5 primary standard was lowered from 15 µg/m<sup>3</sup> to 12.0 µg/m<sup>3</sup>. The existing national 24-hour PM2.5 standards (primary and secondary) were retained at 35 µg/m<sup>3</sup>, as was the annual secondary standard of 15 µg/m<sup>3</sup>. The existing 24-hour PM10 standards (primary and secondary) of 150 µg/m<sup>3</sup> also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
- 10 To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- 11 On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.  
  
Note that the 1-hour national standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- 12 The ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- 13 The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- 14 In 1989, the ARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

**Table III-2  
HEALTH EFFECTS OF MAJOR CRITERIA POLLUTANTS**

Pollutants	Sources	Primary Effects
Carbon Monoxide (CO)	<ul style="list-style-type: none"> <li>Incomplete combustion of fuels and other carbon-containing substances, such as motor exhaust.</li> <li>Natural events, such as decomposition of organic matter.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced tolerance for exercise.</li> <li>Impairment of mental function.</li> <li>Impairment of fetal development.</li> <li>Death at high levels of exposure.</li> <li>Aggravation of some heart diseases (angina).</li> </ul>
Nitrogen Dioxide (NO <sub>2</sub> )	<ul style="list-style-type: none"> <li>Motor vehicle exhaust.</li> <li>High temperature stationary combustion.</li> <li>Atmospheric reactions.</li> </ul>	<ul style="list-style-type: none"> <li>Aggravation of respiratory illness.</li> <li>Reduced visibility.</li> <li>Reduced plant growth.</li> <li>Formation of acid rain.</li> </ul>
Ozone (O <sub>3</sub> )	<ul style="list-style-type: none"> <li>Atmospheric reaction of organic gases with nitrogen oxides in sunlight.</li> </ul>	<ul style="list-style-type: none"> <li>Aggravation of respiratory and cardiovascular diseases.</li> <li>Irritation of eyes.</li> <li>Impairment of cardiopulmonary function.</li> <li>Plant leaf injury.</li> </ul>
Lead (Pb)	<ul style="list-style-type: none"> <li>Contaminated soil.</li> </ul>	<ul style="list-style-type: none"> <li>Impairment of blood function and nerve construction.</li> <li>Behavioral and hearing problems in children.</li> </ul>
Fine Particulate Matter (PM-10)	<ul style="list-style-type: none"> <li>Stationary combustion of solid fuels.</li> <li>Construction activities.</li> <li>Industrial processes.</li> <li>Atmospheric chemical reactions.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced lung function.</li> <li>Aggravation of the effects of gaseous pollutants.</li> <li>Aggravation of respiratory and cardio respiratory diseases.</li> <li>Increased cough and chest discomfort.</li> <li>Soiling.</li> <li>Reduced visibility.</li> </ul>
Fine Particulate Matter (PM-2.5)	<ul style="list-style-type: none"> <li>Fuel combustion in motor vehicles, equipment, and industrial sources.</li> <li>Residential and agricultural burning.</li> <li>Industrial processes.</li> <li>Also, formed from photochemical reactions of other pollutants, including NO<sub>x</sub>, sulfur oxides, and organics.</li> </ul>	<ul style="list-style-type: none"> <li>Increases respiratory disease.</li> <li>Lung damage.</li> <li>Cancer and premature death.</li> <li>Reduces visibility and results in surface soiling.</li> </ul>
Sulfur Dioxide (SO <sub>2</sub> )	<ul style="list-style-type: none"> <li>Combustion of sulfur-containing fossil fuels.</li> <li>Smelting of sulfur-bearing metal ores.</li> <li>Industrial processes.</li> </ul>	<ul style="list-style-type: none"> <li>Aggravation of respiratory diseases (asthma, emphysema).</li> <li>Reduced lung function.</li> <li>Irritation of eyes.</li> <li>Reduced visibility.</li> <li>Plant injury.</li> <li>Deterioration of metals, textiles, leather, finishes, coatings, etc.</li> </ul>

Source: California Air Resources Board, 2002.

Baseline Air Quality

In the CVPA portion of the SSAB, air quality planning, enforcement and monitoring responsibilities are carried out by the South Coast Air Quality Management District (SCAQMD). Existing and probable future levels of air quality around the project area can be best inferred from ambient air quality measurements conducted by the SCAQMD at the Indio and Palm Springs air quality monitoring stations. In Indio, ozone and 10 microns or less in diameter, (respirable) particulates called PM-10, are monitored. These two pollutants are the main air pollution problems in the CVPA portion of the SSAB. Vehicular pollution levels such as carbon monoxide (CO) and nitrogen dioxide (NO<sub>2</sub>) are monitored at Palm Springs. Levels of CO and NO<sub>2</sub> at the project site are likely lower than those monitored in Palm Springs. However, because CO and NO<sub>2</sub> levels in Palm Springs are well within acceptable limits, their use to characterize the project site introduces no complications. The last four years of published data from Indio and Palm Springs stations are summarized in Table III-3. The following conclusions can be drawn from these data:



- Photochemical smog (ozone) levels periodically exceed standards. The 1-hour state standard was violated less than one percent of all days in the last four years near Indio. The 8-hour state ozone standard has been exceeded an average of nine percent of all days per year in the same time period. The Federal eight-hour ozone standard is violated on around five percent of all days per year. Ozone levels are much lower than 10 to 20 years ago. Attainment of all clean air standards in the project vicinity is not likely to occur soon, but the severity and frequency of violations is expected to continue to slowly decline during the current decade.
- Carbon monoxide (CO) measurements near the project site have declined throughout the last decade, and 8-hour CO levels were at their lowest in 2017. Federal and state CO standards have not been exceeded in the last 10+ years. Despite continued basin-wide growth, maximum CO levels at the closest air monitoring station are less than 25 percent of their most stringent standards because of continued vehicular improvements.
- PM-10 levels as measured at Indio, have exceeded the state 24-hour standard on 14 percent of all measurement days in the last four years, but the national 24-hour particulate standard has not been exceeded during the same period. The state standard is considerably more restrictive.
- A fraction of PM-10 is comprised of ultra-small diameter particulates capable of being inhaled into deep lung tissue (PM-2.5). There have no violations of the 24-hour federal PM-2.5 standard in recent years. With dustier conditions along the I-10 Corridor, there may be occasional violations of PM-2.5 standards at the project site.

**Table III-3  
AIR QUALITY MONITORING SUMMARY  
(DAYS STANDARDS WERE EXCEEDED AND MAXIMUM OBSERVED CONCENTRATIONS 2015-2018)**

Pollutant/Standard	2015	2016	2017	2018
Ozone <sup>a</sup>				
1-Hour > 0.09 ppm (S)	0	2	8	4
8-Hour > 0.07 ppm (S)	12	27	44	49
8- Hour > 0.075 ppm (F)	4	12	27	28
Max. 1-Hour Conc. (ppm)	0.093	0.099	0.107	0.106
Max. 8-Hour Conc. (ppm)	0.085	0.089	0.093	0.091
Carbon Monoxide <sup>b</sup>				
1-hour > 20. ppm (S)	0	0	0	0
8- Hour > 9. ppm (S,F)	0	0	0	0
Max 8-hour Conc. (ppm)	0.7	1.5	0.5	1.1
Nitrogen Dioxide <sup>b</sup>				
1-Hour > 0.18 ppm (S)	0	0	0	0
Max 1-hour Conc. (ppm)	0.04	0.04	0.04	0.04
Respirable Particulates (PM-10) <sup>a</sup>				
24-hour > 50 µg/m <sup>3</sup> (S)	36/270	56/313	43/363	43/353
24-hour > 150 µg/m <sup>3</sup> (F)	0/270	0/313	0/363	0/363
Max. 24-Hr. Conc. (µg/m <sup>3</sup> )	145.	137.	128.	146.
Ultra-Fine Particulates (PM-2.5) <sup>a</sup>				
24-Hour > 35 µg/m <sup>3</sup> (F)	0/94	0/115	0/110	0/122
Max. 24-Hr. Conc. (µg/m <sup>3</sup> )	24.6	25.8	18.8	28.7

(S) = state standard, (F) = federal standard  
<sup>a</sup>Data from Indio monitoring station.  
<sup>b</sup>Data from Palm Springs air monitoring station.  
 Source: SCAQMD Air Monitoring Summaries.

Air Quality Planning

The U.S. EPA is responsible for setting and enforcing the NAAQS for O3, CO, NOx, SO2, PM10, PM2.5, and lead. The U.S. EPA has jurisdiction over emissions sources that are under the authority of the federal government including aircraft, locomotives, and emissions sources outside state waters (Outer Continental Shelf). The U.S. EPA also establishes emission standards for vehicles sold in states other than California. Automobiles sold in California must meet the stricter emission requirements of the CARB.

The Federal Clean Air Act (1977 Amendments) required that designated agencies in any area of the nation not meeting national clean air standards must prepare a plan demonstrating the steps that would bring the area into compliance with all national standards. The SCAB could not meet the deadlines for ozone, nitrogen dioxide, carbon monoxide, or PM-10. In the SCAB, the agencies designated by the governor to develop regional air quality plans are the SCAQMD and the Southern California Association of Governments (SCAG). The two agencies first adopted an Air Quality Management Plan (AQMP) in 1979 and revised it several times as earlier attainment forecasts were shown to be overly optimistic.

The 1990 Federal Clean Air Act Amendment (CAAA) required that all states with air-sheds with “serious” or worse ozone problems submit a revision to the State Implementation Plan (SIP). The most current regional attainment emissions forecast for ozone precursors (ROG and NOx) and for carbon monoxide (CO) and for particulate matter are shown in Table III-4. Substantial reductions in emissions of ROG, NOx and CO are forecast to continue throughout the next several decades. Unless new particulate control programs are implemented, PM-10 and PM-2.5 are forecast to slightly increase.

The Air Quality Management District (AQMD) adopted an updated clean air “blueprint” in August 2003. The 2003 AQMP was based upon the federal one-hour ozone standard which was revoked late in 2005 and replaced by an 8-hour federal standard. Because of the revocation of the hourly standard, a new air quality planning cycle was initiated. With re-designation of the air basin as non-attainment for the 8-hour ozone standard, a new attainment plan was developed. This plan shifted most of the one-hour ozone standard attainment strategies to the 8-hour standard. The attainment date was to “slip” from 2010 to 2021. The updated attainment plan also includes strategies for ultimately meeting the federal PM-2.5 standard.

Because projected attainment by 2021 required control technologies that did not exist yet, the SCAQMD requested a voluntary “bump-up” from a “severe non-attainment” area to an “extreme non-attainment” designation for ozone. The extreme designation was to allow a longer time period for these technologies to develop. If attainment cannot be demonstrated within the specified deadline without relying on “black-box” measures, EPA would have been required to impose sanctions on the region had the bump-up request not been approved. In April 2010, the EPA approved the change in the non-attainment designation from “severe-17” to “extreme.” This reclassification set a later attainment deadline (2024), but also required the air basin to adopt even more stringent emissions controls.

**Table III-4  
SOUTH COAST AIR BASIN EMISSIONS FORECASTS (EMISSIONS IN TONS/DAY)**

Pollutant	2015 <sup>a</sup>	2020 <sup>b</sup>	2025 <sup>b</sup>	2030 <sup>b</sup>
<b>NOx</b>	357	289	266	257
<b>VOC</b>	400	393	393	391
<b>PM-10</b>	161	165	170	172
<b>PM-2.5</b>	67	68	70	71

<sup>a</sup>2015 Base Year.

<sup>b</sup>With current emissions reduction programs and adopted growth forecasts.

Source: California Air Resources Board, 2013 Almanac of Air Quality

AQMPs are required to be updated every three years. The 2012 AQMP was adopted in early 2013. An updated AQMP was required for completion in 2016. The 2016 AQMP was adopted by the SCAQMD Board in March, 2017, and has been submitted the California Air Resources Board for forwarding to the EPA. The 2016 AQMP acknowledges that motor vehicle emissions have been effectively controlled and that reductions in NOx, the continuing ozone problem pollutant, may need to come from major stationary sources (power plants, refineries, landfill flares, etc.). The current attainment deadlines for all federal non-attainment pollutants are now as follows:

8-hour ozone (70 ppb)	2032
Annual PM-2.5 (12 µg/m³)	2025
8-hour ozone (75 ppb)	2024 (old standard)
1-hour ozone (120 ppb)	2023 (rescinded standard)
24-hour PM-2.5 (35 µg/m³)	2019

The key challenge is that NOx emission levels, as a critical ozone precursor pollutant, are forecast to continue to exceed the levels that would allow the above deadlines to be met. Unless additional stringent NOx control measures are adopted and implemented, ozone attainment goals may not be met.

The proposed project does not directly relate to the AQMP in that there are no specific air quality programs or regulations governing cannabis projects. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less-than-significant just because the proposed development is consistent with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis.

Significance Thresholds Used in This Document

Air quality impacts are considered “significant” if they cause clean air standards to be violated where they are currently met, or if they “substantially” contribute to an existing violation of standards. Any substantial emissions of air contaminants for which there is no safe exposure, or nuisance emissions such as dust or odors, would also be considered a significant impact.

Appendix G of the California CEQA Guidelines offers the following five tests of air quality impact significance. A project would have a potentially significant impact if it:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?
- c) Expose sensitive receptors to substantial pollutant concentrations?
- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

*Primary Pollutants*

Air quality impacts generally occur on two scales of motion. Near an individual source of emissions or a collection of sources such as a crowded intersection or parking lot, levels of those pollutants that are emitted in their already unhealthful form will be highest. Carbon monoxide (CO) is an example of such a pollutant. Primary pollutant impacts can generally be evaluated directly in comparison to appropriate clean air standards. Violations of these standards where they are currently met, or a measurable worsening of an existing or future violation, would be considered a significant impact. Many particulates, especially fugitive dust emissions, are also primary pollutants. Because of the non-attainment status of the South Coast Air Basin (SCAB) for PM-10, an aggressive dust control program is required to control fugitive dust during project construction.

*Secondary Pollutants*

Many pollutants, however, require time to transform from a more benign form to a more unhealthful contaminant. Their impact occurs regionally far from the source. Their incremental regional impact is minute on an individual basis and cannot be quantified except through complex photochemical computer models. Analysis of significance of such emissions is based upon a specified amount of emissions (pounds, tons, etc.) even though there is no way to translate those emissions directly into a corresponding ambient air quality impact.

Because of the chemical complexity of primary versus secondary pollutants, the SCAQMD has designated significant emissions levels as surrogates for evaluating regional air quality impact significance independent of chemical transformation processes. Projects in the Coachella Valley portion of the SCAQMD with daily emissions that exceed any of the following emission thresholds are to be considered significant under CEQA guidelines.

**Table III-5  
DAILY EMISSIONS THRESHOLDS**

Pollutant	Construction <sup>1</sup>	Operations <sup>2</sup>
ROG	75	75
NOx	100	100
CO	550	550
PM-10	150	150
PM-2.5	55	55
SOx	150	150
Lead	3	3

<sup>1</sup> Construction thresholds apply to both the SCAB and the Coachella Valley (Salton Sea and Mojave Desert Air Basins).

<sup>2</sup> For Coachella Valley the mass daily emissions thresholds for operation are the same as the construction daily emissions thresholds.

Source: SCAQMD CEQA Air Quality Handbook, November, 1993 Rev.

*Sensitive Uses*

The land uses surrounding the project area as follows:

- North: IH Heavy Industrial/Open Space;
- West: IH Heavy Industrial, further west IL Light Industrial;
- South: IH Heavy Industrial, further south IL Light Industrial; and
- East: Open Space, further east CE Entertainment Commercial

The closest sensitive use (residential) is more than 2,000 feet to the west, on the opposite side of Highway 111.

Impact Analysis

- a. *Less Than Significant Impact* – Projects such as the proposed Bejarano Cannabis Cultivation Project do not directly relate to the AQMP in that there are no specific air quality programs or regulations governing general development. Conformity with adopted plans, forecasts and programs relative to population, housing, employment and land use is the primary yardstick by which impact significance of planned growth is determined. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less than significant just because the proposed development is consistent with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis. The City requires compliance with the Municipal Code for project such as this, and the Applicant will to meet these standards. The Bejarano Cannabis Cultivation Project will be fully consistent with both the General Plan designation and Zone classification for the project site, because

Cannabis-related uses are consistent with the M-W (Wrecking Yard) zone. Thus, the proposed project is consistent with regional planning forecasts maintained by the Southern California Association of Governments (SCAG) regional plans. The SCAQMD, however, while acknowledging that the AQMP is a growth-accommodating document, does not favor designating regional impacts as less than significant only because of consistency with regional growth projections. Air quality impact significance for the proposed project has therefore been analyzed on a project-specific basis. As the analysis of project-related emissions provided below indicates, the proposed project will not cause or be exposed to significant air pollution, and is, therefore, consistent with the applicable air quality plan.

- b. *Less Than Significant Impact With Mitigation Incorporated* – Air pollution emissions associated with the proposed project would occur over both a short and long-term time period. Short-term emissions include fugitive dust from construction activities (i.e., site prep, demolition, grading, and exhaust emission) at the proposed project site. Long-term emissions generated by future operation of the proposed project primarily include energy consumption required to operate the Bejarano Cannabis Cultivation Facility and employee/visitor truck trips to the Bejarano Cannabis Cultivation Project.

**Construction Emissions**

The proposed project consists of the development of the Bejarano Cannabis Cultivation Facility within the City of Coachella. The proposed approximate 10-acre site is currently used as a wrecking yard and vehicular storage. This project will be developed with 2 buildings; a 53,244 sf Headhouse and 172,461 sf Cultivation Building. There will also be a 52,131 sf retention basin and a surface parking lot with 291 parking spaces. Construction is anticipated to take approximately 7-9 months with an anticipated start date in the second quarter of 2022. Mostly earthworks will balance onsite but a maximal 2,000 CY of export was modeled as a worst case. Estimated construction emissions were modeled using CalEEMod2016.3.2—developed by SCAQMD to provide a model by which to calculate both construction emissions and operational emissions from a variety of land use projects—to identify maximum daily emissions for each pollutant during project construction. Construction was modeled using default construction equipment and schedule for a project of this size as shown in Table III-6.

**Table III-6  
CONSTRUCTION ACTIVITY EQUIPMENT FLEET**

Phase Name and Duration	Equipment
Demo (20 days)	3 Excavators
	1 Concrete Saw
	2 Dozers
Site Prep (10 days)	3 Dozers
	4 Loader/Backhoes
Grading (20 days)	1 Grader
	1 Excavator
	1 Dozer
	3 Loader/Backhoes
Construction (120 days)	1 Crane
	3 Loader/Backhoes
	1 Welder
	1 Generator Set
	3 Forklifts
Paving (20 days)	2 Pavers
	2 Paving Equipment
	2 Rollers

Utilizing this indicated equipment fleet and durations shown in Table III-6 the following worst-case daily construction emissions are calculated by CalEEMod and are listed in Table III-7.

**Table III-7  
CONSTRUCTION ACTIVITY EMISSIONS  
MAXIMUM DAILY EMISSIONS (POUNDS/DAY)**

Maximal Construction Emissions	ROG	NOx	CO	SO <sub>2</sub>	PM-10	PM-2.5
2022	68.2	33.2	22.3	0.0	20.2	11.6
SCAQMD Thresholds	75	100	550	150	150	55

Peak daily construction activity emissions are below their respective SCAQMD CEQA significance thresholds without the need for any additional mitigation. However, though construction activities are not anticipated to cause dust emissions to exceed SCAQMD CEQA thresholds, emissions minimization through enhanced dust control measures is recommended for use because of the non-attainment status of the air basin. As such, the following mitigation measure shall be implemented:

***AIR-1 Fugitive Dust Control. The following measures shall be incorporated into Project plans and specifications for implementation:***

- ***Apply soil stabilizers or moisten inactive areas.***
- ***Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically 2-3 times/day).***
- ***Cover all stock piles with tarps at the end of each day or as needed.***
- ***Provide water spray during loading and unloading of earthen materials.***
- ***Minimize in-out traffic from construction zone.***
- ***Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.***
- ***Sweep streets daily if visible soil material is carried out from the construction site.***

Similarly, ozone precursor emissions (ROG and NOx) are calculated to be below SCAQMD CEQA thresholds. However, because of the regional non-attainment for photochemical smog, the use of reasonably available control measures for diesel exhaust is recommended. Combustion emissions control options include:

***AIR-2 Exhaust Emissions Control. The following measures shall be incorporated into Project plans and specifications for implementation:***

- ***Utilize well-tuned off-road construction equipment.***
- ***Establish a preference for contractors using Tier 3 or better heavy equipment.***
- ***Enforce 5-minute idling limits for both on-road trucks and off-road equipment.***

With the above mitigation measures, any impacts related to construction emissions are considered less than significant. No further mitigation is required.

***Operational Emissions***

The project would be expected employ an estimated 100 employees. In addition, the cultivation building is predicted to consume 7,000,000 kWh/year and the emergency generator is expected to consume 1,000,000 kWh/year. Water use is estimated at 2,235,337 gallons/year.

Operational emissions were calculated using CalEEMod2016.3.2 for a build-out year of 2022 as a worst case. If the project does not come on-line until a later year, emissions would be slightly less because of improvements of vehicular and equipment technology. The operational impacts are shown in Table III-8.

**Table III-8  
PROPOSED USES DAILY OPERATIONAL IMPACTS (2022)**

Source	Operational Emissions (lbs/day)					
	ROG	NOx	CO	SO <sub>2</sub>	PM-10	PM-2.5
Area	6.3	0.0	0.1	0.0	0.0	0.0
Energy	0.1	0.6	0.5	0.0	0.0	0.0
Mobile	0.4	3.0	5.0	0.0	1.7	0.5
<b>Total</b>	<b>6.8</b>	<b>3.6</b>	<b>5.6</b>	<b>0.0</b>	<b>1.7</b>	<b>0.5</b>
SCAQMD Threshold	55	55	550	150	150	55
<b>Exceeds Threshold?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>

Source: CalEEMod Output in Appendix

As shown, operational emissions will not exceed applicable SCAQMD operational emissions CEQA thresholds of significance.

*Conclusion*

With the incorporation of mitigation measures **AIR-1** and **AIR-2**, the development of the Bejarano Cannabis Cultivation Project would have a less than significant potential to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

- c. *Less Than Significant Impact* – The SCAQMD has developed analysis parameters to evaluate ambient air quality on a local level in addition to the more regional emissions-based thresholds of significance. These analysis elements are called Localized Significance Thresholds (LSTs). LSTs were developed in response to Governing Board’s Environmental Justice Enhancement Initiative 1-4 and the LST methodology was provisionally adopted in October 2003 and formally approved by SCAQMD’s Mobile Source Committee in February 2005.

Use of an LST analysis for a project is optional. For the proposed project, the primary source of possible LST impact would be during construction. LSTs are applicable for a sensitive receptor where it is possible that an individual could remain for 24 hours such as a residence, hospital or convalescent facility.

LSTs are only applicable to the following criteria pollutants: oxides of nitrogen (NOx), carbon monoxide (CO), and particulate matter (PM-10 and PM-2.5). LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard, and are developed based on the ambient concentrations of that pollutant for each source receptor area and distance to the nearest sensitive receptor.

LST screening tables are available for 25, 50, 100, 200 and 500 meter source-receptor distances. For this project, the closest receptor is more than 2,000 feet from the site and therefore the 500-meter distance was used. The SCAQMD has issued guidance on applying CalEEMod to LSTs. LST pollutant screening level concentration data is currently published for 1, 2 and 5 acre sites for varying distances. Using guidance from the SCAQMD a site of 1.5 acres was used by interpolating between the 1- and 2-acre data.

The following thresholds and emissions in Table III-9 are therefore determined (pounds per day):

**Table III-9  
LST AND PROJECT EMISSIONS (POUNDS/DAY)**

LST Coachella Valley	CO	NOx	PM-10	PM-2.5
LST Threshold	25,315	751	218	108
Max On-Site Emissions	22	33	20	12

CalEEMod Output in Appendix

LSTs were compared to the maximum daily construction activities. As seen in Table II-9, LST impacts are less than significant. As such, the proposed project would have a less than significant potential to expose sensitive receptors to substantial pollutant concentrations.

- d. *Less Than Significant Impact* – Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills or various heavy industrial uses. The project does not propose any such uses or activities that would result in potentially significant operational source odor impacts. However, cannabis growth can generate some odors that may be unpleasant to certain persons. The proposed project includes office and administration for the High Hampton operation, and operation of the various phases of cannabis cultivation and processing. Odors on site will be handled utilizing commercial odor controls with carbon filters, which utilize activated charcoal, carbon filters, and an extractor fan for flow of air. There are no sensitive receptors located within 1,000 feet of the proposed project, and the proposed project use is not of the type that would result in odor impacts to sensitive receptors during either construction or operation. Therefore, the potential for objectionable odors posing a health risk to humans on- or off-site is considered a less than significant impact.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>IV. BIOLOGICAL RESOURCES:</b> Would the project:				
a) 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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) 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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**IV. BIOLOGICAL RESOURCES**

**SUBSTANTIATION:** The following information is provided based on a study titled “Biological Resources Assessment for the Proposed 20 & 21 Cannabis Cultivation Project, Coachella, Riverside County, California” prepared by Jericho Systems, Inc. dated October 27, 2017 and provided as Appendix 2a; an updated report was prepared for this project due to the date in which the original Biological Resources Assessment (BRA) was prepared. The updated report is titled “Biological Resources Assessment 2020 Update Proposed 20 & 21 Cannabis Cultivation Project, Coachella, Riverside County” prepared by Jericho Systems, Inc. dated January 8, 2020. The following information is abstracted from Appendix 2a and 2b.

General Site Conditions

The existing site is surrounded by a chain link fence, except for the western boundary which is defined by a series of metal sheets, plywood, and other items to form a sort of wall that secures the western boundary. Access to the site was provided by the tenant through the doors/gate located along the western boundary of the site. The project site is characterized by disturbed loose gravelly soil with trash and other debris lining the northern portion of the site along with remnants of broken down vehicles and storage areas, as well as active heavy machinery. Dumped material lined the eastern boundary of the project area, and human habitation was evident in various locations.

Wildlife observed onsite included house finch (*Haemorhous mexicanus*), common raven (*Corvus corax*), domestic pigeon (*Columba livia domestica*), European starling (*Sturnus vulgaris*), and mourning dove (*Zenaida macroura*).

Vegetation onsite consisted of ornamentals and ruderals that grew close to the fence line, where site compaction was at the lowest. Plants observed included Russian thistle (*Salsola tragus*), date palm (*Phoenix dactylifera*, from nearby farm), and silk tree (*Albizia julibrissin*).

*Coachella Valley Multiple Species Habitat Conservation Plan*

The project area is located within the area covered by the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). However, it is not located in an area designated for conservation, and implementation of the project will therefore not interfere with the goals of the CVMSHCP.

*Burrowing owl*

The field survey results for BUOW identified no evidence of BUOW individuals or sign including pellets, feathers or white wash in the project site, there were no burrows found onsite. Per the definition provided in the 2012 CDFG Staff Report on Burrowing Owl Mitigation, "Burrowing owl habitat generally includes, but is not limited to, short or sparse vegetation (at least at some time of year), presence of burrows, burrow surrogates or presence of fossorial mammal dens, well-drained soils, and abundant and available prey."

Therefore, the project site would not be considered suitable for BUOW for the following reasons:

- *No appropriately sized mammal burrows or burrow surrogates were observed within the project area during survey;*
- *No BUOW host burrowers were observed within the project area during survey; and*
- *No feathers, pellet castings, white-wash, or BUOW individuals were found.*

*Coachella Valley Fringe-toed lizard (CVFL)*

CVFL occupies a specific habitat consisting of accumulations of Aeolian sand. Deeper sand deposits with more topographic relief are preferred by the species over flatter sand sheets. Per the literature review, the nearest documented CVFL occurrence within the project vicinity is 0.61 mile south of the project site. However, this occurrence is a historical occurrence that has since been developed, and the occurrence location is also now separated from the project site by a palm tree farm.

The project site predominantly consists of compacted bare ground. There is no Aeolian sand dune habitat within the project site or immediate surrounding area. Soils on site are stabilized due to human use of the site, including compaction from vehicle use. Therefore, the site does not contain any habitat that would be considered suitable to support CVFL, and this species is not expected to occur within the project area.

In addition, no suitable habitat was found for any other sensitive species known to occur in the broader project vicinity. Therefore, implementation of this project would have no effect on BUOW, CVFL or other sensitive species. The follow up survey conducted on January 7, 2020 confirmed conditions on site have not changed.

Conclusion and Recommendation

No suitable habitat was identified for any other sensitive species known to occur in the broader project vicinity. Therefore, implementation of this project would have no effect on CVFL or other sensitive species, and no impact on BUOW with the implementation of the recommended mitigation. Thus, due to the presence of burrows that are of appropriate size for BUOW to colonize, a preconstruction survey no less than 30 days before commencement of the construction phase of the project is recommended to ensure that no BUOW have colonized the project area.

Impact Analysis

- a. *Less Than Significant Impact* – Implementation of the project does not have a potential for a significant adverse effect, either directly or through habitat modifications, on 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 Wildlife (CDFW) (*formerly Department of Fish and Game*) or U.S. Fish and Wildlife Service (USFWS). Though the proposed project is located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), the project site itself is not located within critical habitat for any species. Based on a biological field survey of the site, the Biological Resources Assessment (BRA) and BRA Update provided as Appendices 2a and 2b determined that because the site has been previously disturbed, and does not contain any suitable habitat for any Federal or State listed species. Furthermore, the Biological Resources Report concluded that the project site would not be considered suitable for burrowing owl. Therefore, the project would have a less than significant potential to 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.
- b. *Less Than Significant Impact* – Implementation of the proposed project will not have an adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. The project site itself consists of highly disturbed sandy ground, with scattered vegetation and evidence of dumping use, while the vegetation observed onsite includes Russian thistle (*Salsola tragus*), date palm (*Phoenix dactylifera*, from nearby farm), and silk tree (*Albizia julibrissin*). The site has been subject to historic human disturbance and ongoing human use. It is surrounded by open land to the east, and active commercial junkyards surround the project site to the north, south, and east. Based on the field survey conducted by Jericho Systems and the information contained in Appendices 2a and 2b, no significant impacts to riparian habitat or other sensitive communities are anticipated to occur as a result of implementation of the proposed project.
- c. *No Impact* – According to the data gathered by Jericho Systems in Appendices 2a and 2b, no federally protected wetlands occur within the project footprint. Therefore, implementation of the proposed project will have no potential to impact state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. No mitigation is required.
- d. *Less Than Significant With Mitigation Incorporated* – Based on the field survey of the project site, the project will not substantially interfere with the movement of any native resident or migratory species or with established native or migratory wildlife corridors, or impede the use of native nursery sites. However, the State does protect all migratory and nesting native birds. No impacts to nesting or migratory birds have been identified in Appendices 2a or 2b, however, the project area may include locations that function as nesting locations for native birds. To prevent interfering with native bird nesting, the following mitigation measure shall be implemented.

**BIO-1** *The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.*

Thus, with implementation of the above measure, any effects on wildlife movement or the use of wildlife nursery sites can be reduced to a less than significant impact.

- e. *No Impact* – Based on the field survey, the project footprint does not contain any biological resources, such as trees, that might be protected by local policies or ordinances. Past grading maintenance activities and human disturbance of the site have eliminated any trees or other biological resources that might be protected. With no potential for conflicts with local policies or ordinances, no mitigation is required.
  
- f. *Less Than Significant Impact* – Please refer to the discussion under response IV(a) above. The BRA provided as Appendices 2a and 2b concluded that the project, though located within the CVMSHCP, is not located in an area designated for conservation, and implementation of the project will therefore not interfere with the goals of the CVMSHCP. Therefore, the project does not have a significant potential to conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. No further mitigation is necessary.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>V. CULTURAL RESOURCES:</b> Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**V. CULTURAL RESOURCES**

SUBSTANTIATION: A cultural resources report has been prepared to evaluate the potential for cultural resources to occur within the project area of potential effect entitled “Historical/Archaeological Resources Survey Report: David Argudo Coachella Cannabis Cultivation Farm, Assessor’s Parcel Nos. 603-290-20 and -21, City of Coachella, Riverside County, California” dated December 6, 2017, prepared by CRM TECH (Appendix 3a). The updated report is titled “Update to Historical/Archaeological Resources Survey Report Assessor’s Parcel Numbers 603-290-020 and 603-290-021 City of Coachella, Riverside County, California” prepared by CRM TECH, dated January 16, 2020. The following information is abstracted from Appendix 3a and 3b. It provides an overview and findings regarding the cultural resources found within the project area.

Background

The purpose of the Cultural Resources study is to provide the City with the necessary information and analysis to determine whether the proposed project would cause substantial adverse changes to any “historical resources” or “tribal cultural resources,” as defined by CEQA, that may exist in or around the project area.

In order to identify such resources, CRM TECH conducted a historical/archaeological resources records search, pursued historical background research, contacted Native American representatives, and carried out an intensive-level field survey of the entire project area. Through the various avenues of research, this study did not encounter any “historical resources” or “tribal cultural resources” within or adjacent to the project area. On November 25, 2019, CRM TECH updated the results of the 2017 records search at the Eastern Information Center (EIC), University of California, Riverside. The findings indicate that no additional cultural resources studies have occurred in the immediate vicinity of the project area since 2017, nor have any cultural resources been identified within or adjacent to the project boundaries.

Therefore, the conclusion of the 2017 study that the proposed development project on the property will have No Impact on any “historical resources” (Tang et al. 2017:14) remains valid and appropriate today. As in 2017, no further cultural resources investigation is recommended for the project unless development plans undergo such changes as to include areas not covered by this study and the 2017 survey. However, if buried cultural materials are encountered during any earth-moving operations associated with the project, all work in that area should be halted or diverted until a qualified archaeologist can evaluate the nature and significance of the finds.

Impact Analysis

a&b. *Less Than Significant With Mitigation Incorporated* – CEQA establishes that “a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment” (PRC §21084.1). “Substantial adverse change,” according to

PRC §5020.1(q), "means demolition, destruction, relocation, or alteration such that the significance of a historical resource would be impaired."

Per the above discussion and definition, no archaeological sites or isolates were recorded within the project boundaries; thus, none of them requires further consideration during this study. In light of this information and pursuant to PRC §21084.1, the following conclusions have been reached for the project:

- No historical resources within or adjacent to the project area have any potential to be disturbed as they are not within the proposed area in which the facilities will be constructed and developed, and thus, the project as it is currently proposed will not cause a substantial adverse change to any known historical resources.
- No further cultural resources investigation is necessary for the proposed project unless construction plans undergo such changes as to include areas not covered by this study.

However, if buried cultural materials are discovered during any earth-moving operations associated with the project, the following mitigation measure shall be implemented:

***CUL-1 Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.***

With the above mitigation incorporation, as well as the mitigation identified under Tribal Cultural Resources below, the potential for impacts to cultural resources will be reduced to a less than significant level. No additional mitigation is required.

- c. *Less Than Significant Impact* – As noted in the discussion above, no available information suggests that human remains may occur within the Area of Potential Effect (APE) and the potential for such an occurrence is considered very low. Human remains discovered during the project will need to be treated in accordance with the provisions of HSC §7050.5 and PRC §5097.98, which is mandatory. State law (Section 7050.5 of the Health and Safety Code) as well as local laws requires that the Police Department, County Sheriff and Coroner's Office receive notification if human remains are encountered. Compliance with these laws is considered adequate mitigation for potential impacts and no further mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>VI. ENERGY:</b> Would the project:				
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VI. ENERGY**

SUBSTANTIATION: The following information utilized in this section of the Initial Study was obtained from the *Air Quality and GHG Impact Analysis, Bejarano Cannabis Cultivation Project, Coachella, California* prepared by Giroux and Associates dated February 4, 2020. This document is provided as Appendix 1 to this document.

- a. *Less Than Significant With Mitigation Incorporated* –The proposed project consists of a cannabis cultivation facility. Both state and local jurisdictions require the use of renewable energy for all commercial cannabis activities, which will lower the energy demand of cannabis cultivation to a less than significant level.

Energy consumption encompasses many different activities. For example, construction can include the following activities: delivery of equipment and material to a site from some location (note it also requires energy to manufacture the equipment and material, such as harvesting, cutting and delivering wood from its source); employee trips to work, possibly offsite for lunch (or a visit by a catering truck), travel home, and occasionally leaving a site for an appointment or checking another job; use of equipment onsite (electric or fuel); and sometimes demolition and disposal of construction waste. The proposed project will employ approximately 100 employees on a typical work day, resulting in about 100 round trips per day, which is a modest number of trips requiring energy per day from employees. Energy consumption by equipment will be reduced through mitigation that requires shutdowns when equipment is not in use after five minutes and ensures that equipment is operated within proper operating parameters (tune-ups) to minimize emissions and fuel consumption. These requirements are consistent with State and regional rules and regulations. Under the construction scenario outlined above, the proposed project will not result in wasteful, inefficient, or unnecessary energy consumption during construction.

The project includes indoor cannabis cultivation which will involve artificial lighting which is anticipated to utilize wattage at a rate above twenty-five watts per square foot, temperature/ humidity/air flow control, carbon filters, and irrigation and water treatment equipment. Additionally, the project proposes to incorporate solar panels, LED lights, and zero emission or hybrid vehicles into their business plan, which will reduce energy consumption for the project. The Bejarano Cannabis Cultivation Project structures must be constructed in conformance with a variety of existing energy efficiency regulatory requirements or guidelines including:

- Compliance California Green Building Standards Code, AKA the CALGreen Code (Title 24, Part 11), which became effective on January 1, 2017. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of building through the use of building concepts encouraging sustainable construction practices.
- The provisions of the CALGreen code apply to the planning, design, operation, construction, use, and occupancy of every newly construction building.

- Compliance with California Energy Commission Building Energy Efficiency Standards would ensure that the building energy use associated with the proposed project would not be wasteful or unnecessary.
- Compliance with Indoor Water use consumption reduced through the maximum fixture water use rates.
- Compliance with diversion of construction and demolition materials from landfills.
- Compliance with AQMD Mandatory use of low-pollutant emitting finish materials.
- Compliance with AQMD Rules 431.1 and 431.2 to reduce the release of undesirable emissions.
- Compliance with diesel exhaust emissions from diesel vehicles and off-road diesel vehicle/equipment operations.
- Compliance with these regulatory requirements for operational energy use and construction energy use would not be wasteful or unnecessary use of energy.

Additionally, the State's regulations require indoor cannabis cultivation, beginning January 1, 2023, to ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code.

Further, Imperial Irrigation District (IID), which is anticipated to provide electricity to the project area once a new transformer is installed to connect this area of the City to their service area, is presently in compliance with State renewable energy supply requirements and SCE will supply electricity to the project. According to IID's website<sup>1</sup>, "Located in a region with abundant sunshine, enviable geothermal capacity, wind and other renewable potential, IID has met or exceeded all Renewable Portfolio Standard requirements to date, procuring renewable energy from diverse sources, including biomass, bio-waste, geothermal, hydroelectric, solar and wind." As such, renewable energy is abundant in the vicinity of the project.

Under the operational scenario for the proposed project, the proposed project will not result in wasteful, inefficient, or unnecessary energy consumption that could result in a significant adverse impact to energy issues based on compliance with the referenced laws, regulations and guidelines. Please refer to the operational impacts discussion under Air Quality, issue III(b). Operational emissions will be well below SCAQMD thresholds.

No mitigation beyond those identified under the Section III, Air Quality above are required.

- b. *Less Than Significant With Mitigation Incorporated* – Based on the analysis in the preceding discussion, the proposed project will not conflict with current State energy efficiency or electricity supply requirements or any local plans or programs for renewable energy or energy efficiency requirements. The City of Coachella has adopted State energy efficiency standards as part of its Municipal Code. No mitigation beyond those identified above are required.

<sup>1</sup> <https://www.iid.com/energy/about-iid-energy>



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>VII. GEOLOGY AND SOILS:</b> Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**VII. GEOLOGY AND SOILS**

**SUBSTANTIATION**

a.(i) *Less Than Significant Impact* – The project site is located in the City of Coachella, which is located in an area with several active faults, including the San Andreas fault zone to the north and east, the Mecca Hills fault zone to the east, and the Indio Hills fault zone to the northeast as shown on the City of Coachella General Plan Faults and Historical (1800-2011) Seismicity Map (Figure VII-1). The California Geologic Survey Earthquake Zones of Required Investigation Indio Quadrangle map depicts the Alquist-Priolo fault zones in the City of Coachella area (Figure VII-2). According to Figure VII-2, the site is not located within an Alquist-Priolo fault zone, but is located approximately 2 miles from the nearest Alquist-Priolo fault zone. Based on the project site’s distance from the nearest fault zone, the risk for ground rupture at the site location is low; therefore, it is not likely that future

employees of Bejarano will be subject to seismic hazards from rupture of a known earthquake fault. Therefore, any impacts under this issue are considered less than significant; no mitigation is required.

- a.(ii) *Less Than Significant Impact* – As stated in the discussion above, several faults run through the City, and as with much of southern California, the proposed structures will be subject to strong seismic ground shaking impacts should any major earthquakes occur in the future, particularly due to the site’s proximity to the San Andreas Fault Zone, which is classified as an Alquist-Priolo fault zone. Additionally, several active Fault Zones as defined by the City of Coachella, shown in Figure VII-1, travel through the City and surrounding area. As a result, and like all other development projects in the City and throughout the Southern California Region, the proposed project will be required to comply with all applicable seismic design standards contained in the 2016 California Building Code (CBC), including Section 1613 Earthquake Loads. Compliance with the CBC will ensure that structural integrity will be maintained in the event of an earthquake. Therefore, impacts associated with strong ground shaking will be less than significant without mitigation.
- a.(iii) *Less Than Significant With Mitigation Incorporated* – According to the City of Coachella General Plan Update 2035 EIR Liquefaction Risk map (Figure VII-3), the project is located within an area of high liquefaction susceptibility. Due to the dense condition of the deeper alluvial sediments, the soils beneath the site are generally not susceptible to liquefaction during seismic events. However, the following mitigation measure shall be implemented to minimize any potential liquefaction impacts at this site:

**GEO-1** *Prior to initiating grading, the site developer shall provide a geotechnical evaluation of the potential liquefaction hazards at the site and, if a hazard exists at the proposed project location, the evaluation shall define design measures that will ensure the safety of any new structures in protecting human life in the event of a regional earthquake affecting the site. The developer shall implement any design measures required to protect human safety.*

Implementation of the above mitigation measure will reduce any potential impacts to a less than significant level and will ensure that human safety will be protected from any liquefaction hazards that may exist at the project site.

- a.(iv) *No Impact* – According to the City of Coachella General Plan Update 2035 EIR Landslide Risk map (Figure VII-4), the proposed project site is not located in an area with any known earthquake induced landslide hazards. Based on a site reconnaissance the project site is essentially flat. Therefore, the project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. No impacts under this issue are anticipated and no mitigation is required.
- b. *Less Than Significant With Mitigation Incorporated* – Due to the existing bladed and disturbed nature of the project site, and the type of project being proposed, a potential for soil erosion, loss of topsoil, and/or placing structures on unstable soils is generally considered less than significant. The project site is vacant with minimal non-native vegetation coverage. City grading standards, best management practices and the Storm Water Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) are required to control the potential significant erosion hazards. The topography is generally flat with less than a 4-foot elevation change within the entirety of the site. It is anticipated that any required soil excavation will be reused on site with any excess cut or fill that may require removal from or transport to the site totaling no more than 2,000 cubic yards (CY). During project construction when soils are exposed, temporary soil erosion could occur, which could be exacerbated by rainfall. Project grading would be managed through the preparation and implementation of a SWPPP, and will be required to implement best management practices to achieve concurrent water quality controls after construction is completed and Bejarano is in operation. The following mitigation measures or equivalent BMPs shall be implemented to address these issues:

**GEO-2** *Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. If covering is not feasible, then measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup.*

**GEO-3** *All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the Bejarano Cannabis Cultivation Facility is being constructed.*

With implementation of the above mitigation measures, implementation of the SWPPP and associated BMPs, any impacts under this issue are considered less than significant.

- c. *Less Than Significant With Mitigation Incorporated* – Refer to the discussion under VII(a) above. As discussed under issue VI(a) above, liquefaction is a concern at the site, and is a concern throughout the portions of the City of Coachella. With the implementation of mitigation measure **GEO-1** above, prior to any construction, a geotechnical study will be prepared and any design measure identified to increase seismic safety will be implemented. This will ensure that the soils that underlie the site will be stable. Though subsidence can occur throughout the City of Coachella, the proposed project site has been previously rough graded, which minimizes the potential for subsidence to occur at the project site, furthermore the Geotechnical Investigation will identify any mitigation to address soil constraints. Therefore, with mitigation, implementation of the proposed project will have a less than significant potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in onsite or offsite landslide, lateral spreading, subsidence, liquefaction or collapse.
- d. *Less Than Significant With Mitigation Incorporation* – The site is currently vacant and the surface of the site has been bladed in the past, with non-native vegetation throughout the project site. According to the United States Department of Agriculture Web Soil Survey, the project Area of Potential Effect (APE) is underlain by Fluvents (Fluvents are the more or less freely drained Entisols that formed in recent water-deposited sediments on flood plains, fans, and deltas along rivers and small streams<sup>2</sup>), Gilman fine sandy loam, wet, 0-2 percent slopes, and Indio very fine sandy loam, wet (Appendix 4). These soil classes are, according to the USDA Soil Series website<sup>3,4</sup>, well drained, have slow runoff, and moderate permeability. As previously stated, liquefaction is a concern on the site; however, with the implementation of mitigation measure **GEO-1** above, any impacts from implementing the proposed project on this site will be mitigated through the implementation of design measures designed to protect human safety. Also, the site has been previously disturbed, which indicates that the soils were stable enough for previous uses. Therefore, with implementation of mitigation measure **GEO-1**, the development of the proposed project will not create a substantial risk to life or property by being placed on expansive soils. No further mitigation is required.
- e. *No Impact* - This project will be connected to the regional wastewater collection system and it will not utilize any subsurface septic tank-leach system. Therefore, no impact to underlying soil from wastewater disposal can occur and no mitigation is required.
- f. *Less Than Significant With Mitigation Incorporated* – The potential for discovering paleontological resources during development of the project is considered not likely based on the data gathered within the Cultural Resources Report provided as Appendix 3. No unique geologic features are known or suspected to occur on or beneath the sites. However, because these resources are located beneath the surface and can only be discovered as a result of ground disturbance activities, the following measure shall be implemented:

<sup>2</sup> [https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/class/maps/?cid=nrcs142p2\\_053597](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/survey/class/maps/?cid=nrcs142p2_053597)

<sup>3</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/G/GILMAN.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/G/GILMAN.html)

<sup>4</sup> [https://soilseries.sc.egov.usda.gov/OSD\\_Docs/I/INDIO.html](https://soilseries.sc.egov.usda.gov/OSD_Docs/I/INDIO.html)

**GEO-4** *Should any paleontological resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection should be performed immediately by a qualified paleontologist. Responsibility for making this determination shall be with the City's onsite inspector. The paleontological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.*

With incorporation of this contingency mitigation, the potential for impact to paleontological resources will be reduced to a less than significant level. No additional mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>VIII. GREENHOUSE GAS EMISSIONS:</b> Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**VIII. GREENHOUSE GAS EMISSIONS**

**SUBSTANTIATION:** The following information utilized in this section of the Initial Study was obtained from the *Air Quality and GHG Impact Analysis, Bejarano Cannabis Cultivation Project, Coachella, California* prepared by Giroux and Associates dated February 4, 2020. This document is provided as Appendix 1 to this document.

a&b. *Less Than Significant Impact –*

Global Climate Change (GCC) is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. Many scientists believe that the climate shift taking place since the industrial revolution (1900) is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of greenhouse gases in the earth’s atmosphere, including carbon dioxide, methane, nitrous oxide, and fluorinated gases. Many scientists believe that this increased rate of climate change is the result of greenhouse gases resulting from human activity and industrialization over the past 200 years.

An individual project like the project evaluated in this GHGA cannot generate enough greenhouse gas emissions to effect a discernible change in global climate. However, the project may participate in the potential for GCC by its incremental contribution of greenhouse gasses combined with the cumulative increase of all other sources of greenhouse gases, which when taken together constitute potential influences on GCC.

Significance Thresholds

In response to the requirements of SB97, the State Resources Agency developed guidelines for the treatment of GHG emissions under CEQA. These new guidelines became state laws as part of Title 14 of the California Code of Regulations in March 2010. The CEQA Appendix G guidelines were modified to include GHG as a required analysis element. A project would have a potentially significant impact if it:

- Generates greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?
- Conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Section 15064.4 of the Code specifies how significance of GHG emissions is to be evaluated. The process is broken down into quantification of project-related GHG emissions, making a determination of significance, and specification of any appropriate mitigation if impacts are found to be potentially significant. At each of these steps, the new GHG guidelines afford the lead agency with substantial flexibility.

Emissions identification may be quantitative, qualitative or based on performance standards. CEQA guidelines allow the lead agency to “select the model or methodology it considers most appropriate.” The

most common practice for transportation/combustion GHG emissions quantification is to use a computer model such as CalEEMod, as was used in the ensuing analysis.

The significance of those emissions then must be evaluated; the selection of a threshold of significance must take into consideration what level of GHG emissions would be cumulatively considerable. The guidelines are clear that they do not support a zero net emissions threshold. If the lead agency does not have enough expertise in evaluating GHG impacts, it may rely on thresholds adopted by an agency with greater expertise.

On December 5, 2008 the SCAQMD Governing Board adopted an Interim quantitative GHG Significance Threshold for industrial projects where the SCAQMD is the lead agency (e.g., stationary source permit projects, rules, plans, etc.) of 10,000 Metric Tons (MT) CO<sub>2</sub> equivalent/year. Because this project is considered industrial, the 10,000 MT threshold was used for this project.

Project Related GHG Emissions Generated

*Construction Activity GHG Emissions*

The project is assumed to require less than one year for construction. During project construction, the CalEEMod2016.3.2 computer model predicts that the construction activities will generate the annual CO<sub>2</sub>e emissions identified in Table VIII-1.

**Table VIII-1  
CONSTRUCTION EMISSIONS (METRIC TONS CO<sub>2</sub>e)**

	<b>CO<sub>2</sub>e</b>
Year 2022	12.8
<b>Amortized</b>	<b>7.0</b>
Significance Threshold	10,000

\*CalEEMod Output provided in appendix

SCAQMD GHG emissions policy from construction activities is to amortize emissions over a 30-year lifetime. The amortized level is also provided. GHG impacts from construction are considered individually less than significant.

*Operational GHG Emissions*

The input assumptions for operational GHG emissions calculations, and the GHG conversion from consumption to annual regional CO<sub>2</sub>e emissions are summarized in the CalEEMod2016.3.2 output files found in the appendix of the Air Quality Impact Assessment.

As discussed above, under Section III, Air Quality, the project would be expected employ 100 employees and therefore generate 200 trips per day. In addition, the cultivation building is predicted to require 7,000,000 kWh/year and the emergency generator is expected to consume 1,000,000 kWh/year. Water use is estimated at 2,235,337 gallons/year.

The total operational and annualized construction emissions for the proposed project are identified in Table VIII-2. The project GHG emissions are considered less-than-significant.

**Table VIII-2  
Operational Emissions (Metric Tons CO<sub>2</sub>e)**

<b>Consumption Source</b>	<b>MT CO<sub>2</sub>e</b>
Area Sources	0.0
Energy Utilization	5,146.2
Mobile Source	349.8
Solid Waste Generation	114.7
Water Consumption	19.9
Construction	12.8
<b>Total</b>	<b>5,643.4</b>
Guideline Threshold	10,000

Therefore, both construction and operation related emissions are below SCAQMD GHG emissions thresholds. Impacts under these issues are considered less than significant. No mitigation is required.

*Consistency with GHG Plans, Programs and Policies*

In the City of Coachella’s Climate Action Plan (2014), the City proposes to set an efficiency-based greenhouse gas reduction target of 15% below 2010 (per service population) emissions by 2020 and an emissions reduction target of 49% (per service population) emissions by 2035.

The recent Coachella General Plan Update addresses GHG emissions as well. The General Plan Update discusses the significance criteria proposed but not adopted by the South Coast Air Quality Management District to evaluate air quality impacts. Since the project results in GHG emissions below the recommended SCAQMD 10,000 metric ton threshold, for industrial use the project would not conflict with any applicable plan, policy, or regulation to reduce GHG emissions.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>IX. HAZARDS AND HAZARDOUS MATERIALS:</b> Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**IX. HAZARDS AND HAZARDOUS MATERIALS**

SUBSTANTIATION

a&b. *Less Than Significant Impact With Mitigation Incorporated* – The project may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or may 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. During construction, there is a potential for accidental release of petroleum products in sufficient quantity to pose a significant hazard to people and the environment. The following mitigation measure will be incorporated into the Storm Water Pollution Prevention Plan (SWPPP) prepared for the project and implementation of this measure can reduce this potential hazard to a less than significant level.

**HAZ-1** *All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed*



***disposal or treatment facility. This measure will be incorporated into the SWPPP prepared for the Project development.***

The proposed project consists of an industrial agricultural use that may include the use of cleaners, fertilizers, solvents, and pesticides for routine cleaning and cultivation of medical marijuana. None of these materials would be used in sufficient quantities to pose a threat to the environment or cause a foreseeable release of hazardous materials into the environment. The handling of hazardous these materials would comply with all Federal, State, and local laws. Thus, with implementation of the above mitigation measure, the project would not create a significant hazard to the public or the environment either through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Impacts are considered less than significant with implementation of standards best management practices (BMPs) and mitigation incorporated and no further mitigation is required.

- c. *No Impact* – The project site is located greater than one-quarter mile from any public school. The nearest public school—Cesar Chavez Elementary School, located at 49601 Avenida De Oro, Coachella, CA 92236—is more than one mile southwest of the project site. Based on this information, implementation of the project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No adverse impacts are anticipated. No additional mitigation is required.
- d. *No Impact* – The project site has been previously bladed and is vacant containing non-native vegetation throughout. The project will not be located on a site that is included on a list of hazardous materials sites that are currently under remediation. According to the California State Water Board’s GeoTracker website (consistent with Government Code Section 65962.5), which provides information regarding Leaking Underground Storage Tanks (LUST), there are no active LUST sites located within the project site, though there is one open, but inactive, LUST cleanup site—previously a Quail Oil gas station—located just beyond the 2,500-foot radius around the project site, located west of Old California 86 (refer to Figures IX-1 through IX-3). A second, closed LUST Cleanup site is located just outside of the 2,500-foot radius around the project site. Neither of these sites has no potential to create a hazard that would affect the operations of the proposed project. Therefore, the proposed construction and operation of the site as the Bejarano Cannabis Cultivation Facility will not create a significant hazard to the population or to the environment from their implementation. No impacts are anticipated. No mitigation is required.
- e. *No Impact* – The closest airport is the Jacqueline Cochran Regional Airport located approximately 6 miles south of the project site at 56-850 Higgins Drive, Thermal, CA 92274. According to the Riverside County Airport Land Use Commission Compatibility Map for Jacqueline Cochran Regional Airport (Figure IX-4), the proposed project is located outside of the airport influence boundary. No private airstrips are located in the vicinity of the project. Therefore, given that the project is not located within an airport influence zone, construction and operation of the project at this location would not result in a safety hazard for people residing or working in the project area as a result of proximity to a public airport or private airstrip. No impacts are anticipated and no mitigation is required.
- f. *Less Than Significant Impact* – The proposed project will occur entirely within the boundaries of the project site, which is located on Harrison Street just south of Avenue 48. These roadways are not located adjacent to any major arterial roadway, such as Highway 86 or Interstate 10 to the north/northeast. The City of Coachella does not identify any evacuation routes within the City. Access to the site will be provided through two entryways facing Harrison Street. The proposed onsite parking and circulation plans will be reviewed by the local Fire Department and Police Department to ensure that the project’s ingress/egress are adequate for accommodating emergency vehicles. Finally, a construction traffic plan will be required to be submitted to the Fire Department prior to development in order to provide adequate emergency access during construction of the proposed project. Therefore, there is no potential for the development of the project to physically interfere with any adopted emergency response plans, or evacuation plans. No impacts are anticipated and no mitigation is required.

- g. *Less Than Significant Impact* – According to the City of Coachella General Plan 2035, the area east of the Coachella Canal is mapped as having moderate fuel rank and as such may be susceptible to wildfires. The proposed project is located on the west side of the Coachella Canal/Whitewater River Channel, and is in an industrial area with very little fuel load in the surrounding area that could be susceptible to wildfires. Therefore, because the proposed project is located outside of the area identified as a high fire hazard zone within the City's General Plan, the proposed project has a less than significant potential to expose people or structures to a significant risk of loss, injury or death involving wildland fires. No mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>X. HYDROLOGY AND WATER QUALITY:</b> Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
(i) result in substantial erosion or siltation onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**X. HYDROLOGY AND WATER QUALITY**

SUBSTANTIATION

a. *Less Than Significant With Mitigation Incorporated* – The proposed project is located within a developed area within the Whitewater River watershed, which is within the Coachella Valley Planning Area of the Colorado River Basin Regional Water Quality Control Board (RWQCB). The Coachella Water Authority (CWA) is responsible for the water supply to the City, though it pays a replenishment charge to Coachella Valley Water District (CVWD). CWA’s existing water system consists of different pressure zones, groundwater wells, storage reservoirs, booster pumping stations, and distribution facilities. CWA has one principal source of water supply, local groundwater pumped from CWA owned and operated wells. CWA is required to meet potable water quality requirements of the Division of Drinking Water, State Water Resources Control Board (SWRCB).

For a developed area, the only three sources of potential violation of water quality standards or waste discharge requirements are from generation of municipal wastewater, stormwater runoff, and potential discharges of pollutants, such as accidental spills. Municipal wastewater is delivered to the

Coachella Sanitation District, which meets the waste discharge requirements imposed by the RWQCB. Wastewater will be transported and processed at the wastewater treatment plant (WTP) located to the south on Avenue 54. To address stormwater and accidental spills within this environment, any new project must ensure that site development implements a Storm Water Pollution Prevention Plan (SWPPP) and a National Pollutant Discharge Elimination System (NPDES) permit to control potential sources of water pollution that could violate any standards or discharge requirements during construction and a Water Quality Management Plan (WQMP) to ensure that project-related after development surface runoff meets discharge requirements over the short- and long-term. The WQMP would specify stormwater runoff permit Best Management Practices (BMPs) requirements for capturing, retaining, and treating on site stormwater once the Bejarano Cannabis Cultivation Facility has been developed. Because the project site consists of pervious surfaces, the project has identified onsite drainage that will generally be directed to the onsite retention pond that will be developed as part of the project. Additionally, the Coachella Sanitation District will impose conditions of approval that would require compliance with its regulations and standards related to the release of fertilizers or pesticides which may be released by the Bejarano Cannabis Cultivation Facility in its cultivation practices. The SWPPP would specify the BMPs that the project would be required to implement during construction activities to ensure that all potential water pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. With implementation of these mandatory Plans and their BMPs, as well as mitigation measure **HAZ-1** above, the development of the Bejarano Cannabis Cultivation Facility will not cause a violation of any water quality standards or waste discharge requirements.

- b. *Less Than Significant Impact* – Implementation of the proposed project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin. The project will be supplied water by the CWA, which utilizes groundwater to supply its customers, though it pays water replenishment charges to CVWD. The City of Coachella does not currently have water demand factors, though CVWD has developed demand factors that are applicable to the proposed project, outlined in their Urban Water Management Plan (2015)<sup>5</sup>. Industrial land uses such as the proposed project site are estimated to generate an average of 1.43-acre feet per acre per year; therefore, the anticipated demand of the 10.01-acre project site is 14.31 acre feet per year (AFY). The project will include cannabis growth within a 172,461 SF structure, of which an estimated 75% of the building area will be utilized for plant growth. This amounts to about 2.97 acres of growing area. According to a recent publication of Marijuana Venture, an article titled “Cannabis Cultivators’ Report on Water Usage,”<sup>6</sup> which describes cannabis water use from the perspective of the grower, one-eighth of an acre would use 24,000 gallons of water per season (about eight months or 240 days). As such, it is estimated that the proposed project would require about 855,360 gallons of water per year or 2,343 gallons of water per day, or about 2.63 acre feet of water per year (AFY) ( $2.97 \div 0.125 = 23.76 \times 24,000 = 570,240 \times 1.5$  to equal one year = 855,360). Another method in which to determine the water use for cannabis cultivation is to utilize the average estimated water use per square foot for cannabis cultivation projects in the Coachella Valley. Utilizing calculations from similar projects, it is anticipated that the project would require 35.05 gallons per 1,000 square feet of greenhouse/cultivation area. This equates to approximately 6,122.37 gallons per day (GPD), or 6.86 AFY. Therefore, utilizing either the lower water demand estimation—2.63 AFY—or the higher water demand estimation for cannabis cultivation—6.86 AFY—the proposed project is anticipated to require less water to operate than the 14.31 AFY estimated for industrial land uses. As such, the proposed project is expected to have a demand for water that is well within that which is anticipated for industrial land uses. The City of Coachella has a Water Conservation Program that new development such as the Bejarano Cannabis Cultivation Facility must comply with, which includes installation of water efficient irrigation systems. Furthermore, the proposed project will install a 52,131 SF retention pond to store surface water runoff from the site, which will recharge to the groundwater basin. Examples of these water conservation methods include water conserving plumbing fixtures, drought tolerant landscaping, and drip irrigation

<sup>5</sup> <https://www.cvwd.org/Archive/ViewFile/Item/331>

<sup>6</sup> <https://www.marijuanaventure.com/report-on-water-usage/>

systems. Therefore, no significant adverse impacts to groundwater resources are forecast to occur from implementing the proposed project. No mitigation is required.

- c.(i) *Less Than Significant Impact* – The proposed project is not anticipated to significantly change the volume of flows downstream of the project site, and would not be anticipated to change the amount of surface water in any water body in an amount that could initiate a new cycle of erosion or sedimentation downstream of the project site. The onsite drainage will capture the incremental increase in runoff from the project site associated with project development. Runoff will be detained on the project site within the proposed 52,131 SF retention pond located at the eastern end of the project site. This system has been designed to intercept the peak 100-year flow rate from the project site. The downstream drainage system will not be altered and given the control of future surface runoff from the project site, the potential for downstream erosion or sedimentation will be controlled to a less than significant impact level.
- c.(ii) *Less Than Significant Impact* – The proposed project will alter the existing drainage courses or patterns onsite but will maintain the existing offsite downstream drainage system through control of future discharges from the site, which would prevent flooding onsite or offsite from occurring. The onsite drainage will capture the incremental increase in runoff from the project site associated with project development, which will decrease the amount of pervious area within the site. Runoff will be detained on the project site within the proposed 52,131 SF retention pond located at the eastern end of the project site. This system will be designed to capture the peak 100-year flow runoff from the project site or otherwise be detained on site and discharged in conformance with Riverside County requirements. Thus, the implementation of onsite drainage improvements and applicable requirements will ensure that stormwater runoff will not substantially increase the rate or volume of runoff in a manner that would result in flooding on- or off-site. Impacts under this issue are considered less than significant with no mitigation required.
- c.(iii) *Less Than Significant With Mitigation Incorporated* – As indicated above, the project will not substantially create or contribute runoff water that would exceed the capacity of existing or planned stormwater capacity, or provide substantial additional sources of polluted water, particularly because the site plan includes a 52,131 SF retention pond located at the eastern end of the project site, and other water quality control measures that will collect on-site runoff. The project will require the implementation of a SWPPP and WQMP, and implementation of mitigation measure **HAZ-1**, which will ensure that discharge of polluted material does not occur or is remediated in the event of an accidental spill. However, in most cases onsite surface flows will be collected and conveyed to 52,131 SF retention pond, or otherwise controlled through other water quality control measures. At present, the site is mostly pervious and runoff is either retained on site or is directed into adjacent public rights-of-way; thus, with the development of the site as proposed and through development of the planned drainage systems, runoff from the site would be managed more efficiently than that which exists at present. Thus, the implementation of onsite drainage improvements and applicable requirements will ensure that that drainage and stormwater will not create or contribute runoff that would exceed the capacity of existing or planned offsite stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts under this issue are considered less than significant with implementation of mitigation.
- c.(iv) *Less Than Significant Impact* – The proposed project site is located adjacent to the Coachella Stormwater Channel/Whitewater River, which is subject to overflow during periods of inclement weather. The channel is located within a 100-year flood zone; however, the proposed project is located in Zone X according to the City of Coachella General Plan Flood Hazard map (Figure X-1). Zone X corresponds to areas of 500-year flood, areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 100-year floods. The project site is in an area of reduced flood impact due to the presence of a levee limiting flows during potential flood events, as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06065C2260H (Figure X-2). Furthermore, development of this site is not anticipated to redirect or impede flood flow within the project site, particularly given that surface flows on site will be directed to the onsite drainage features which will

be capable of intercepting the peak 100-year flow rate from the project site or otherwise be detained on site and discharged in conformance with Riverside County requirements. Therefore, impacts under this issue are considered less than significant and no mitigation is required.

- d. *Less Than Significant Impact* – As stated above, the proposed project is located adjacent to the Coachella Stormwater Channel/Whitewater River, which is subject to overflow during periods of inclement weather. According to the City of Coachella General Plan EIR, the Whitewater River levee is designed to hold double the amount of water that would flow in a 100-year flood. The levee and channelized portions of the Whitewater River are managed by the City of Coachella Engineering Department. Potential risks and planned responses associated with failures of these systems are addressed in the City’s Local Hazard Mitigation Plan. The proposed project is located over 100 miles from the Pacific Ocean, therefore, there is no potential for tsunami to occur within the project area. According to the City of Coachella General Plan EIR, the proposed project and the entirety of the City are outside of the area that could be affected by seiche that could occur at the Salton Sea, which is over 10 miles away. It is anticipated that through compliance with the City’s Municipal Code and implementation of the onsite drainage system, inundation hazards within the City would be reduced to a level of less than significant. Therefore, the potential to expose people or structures to a significant risk of pollutants due to inundation would be minimal. No mitigation is required.
  
- e. *Less Than Significant With Mitigation Incorporated* – The Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high- and medium-priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. The proposed project is located within the Coachella Valley Groundwater Basin, in the Indio Subbasin, which has been designated by the California Department of Water Resources Groundwater Sustainability Agency Formation Notification System<sup>7</sup>, as medium priority under the SGMA. CWA is a Groundwater Sustainability Agency (GSA), which enables it to manage a portion of the Indio/Whitewater Subbasin, which is both adjudicated and designated as medium priority under the SGMA. According to the Indio Subbasin Annual Report for 2017/2018<sup>8</sup>, the GSAs that manage the Indio Subbasin have been working to implement the goals and programs of the 2010 Coachella Valley Water Management Plan (CVWMP) Update. WY 2016-2017 saw the highest volume of water recharged in a 12-month period. The City of Coachella, where the project is located, has experienced water level gains during the period. The GSAs have until Jan. 1, 2020 to have an approved Groundwater Sustainability Plan (GSP) because the Indio Subbasin is in overdraft (Bulletin 118 [2018]); as such, the Indio Subbasin does not currently have an approved GSP. In a phone conversation with Ms. Berlinda Blackburn of CWA on November 20, 2019, Ms. Blackburn indicated that CWA does not pose any conservation measures beyond those identified by the State<sup>9</sup>, which are mandatory. Compliance with the State water conservation measures is enforced through CWA visits to operations, such as the proposed Bejarano Cannabis Cultivation Facility. Additionally, Ms. Blackburn indicated that, in her experience, cannabis cultivation operations in Coachella have generally exceeded the State water conservations measures, and she indicated that CWA deems these conservations measures sufficient to meet the future SGMA objectives. Furthermore, though controlling water quality during construction and operations through implementation of both short (SWPPP) and long (WQMP) term best management practices at the site, the potential for conflict or obstruction of the Regional Board’s water quality control plan or with the Indio Subbasin sustainable groundwater management plan is considered less than significant.

<sup>7</sup> <https://sgma.water.ca.gov/webgis/?appid=SGMADataViewer#boundaries>

<sup>8</sup> <https://sgma.water.ca.gov/portal/alternative/print/23>

<sup>9</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/](https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/)

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XI. LAND USE AND PLANNING:</b> Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XI. LAND USE AND PLANNING**

SUBSTANTIATION

- a. *No Impact* – The project site consists of two parcels of land, which are zoned for Wrecking Yard, and designated Heavy Industrial. The surrounding uses include Heavy Industrial and Open Space to the north, Open Space to the east, Heavy Industrial to the south, and Heavy Industrial to the west. The project site is currently used for scrap metal recycling; the site has been previously bladed and contains remnants of broken down vehicles and storage areas, as well as active heavy machinery, with non-native vegetation throughout the site. The addition of Bejarano at this location would be consistent with both the uses surrounding the project and the surrounding land use designations and zoning classifications, particularly given the two previously approved cannabis cultivation operations located within this corridor. Consequently, the development of the project site with the proposed use will not divide any established community in any manner. Therefore, no adverse impacts under this issue are anticipated and no mitigation is necessary.
  
- b. *No Impact* – The project site is designated for Heavy Industrial and zoned for Wrecking Yard within the City of Coachella. Consistent with the provisions of Coachella’s Ordinance 1083, the cultivation of medical marijuana requires the approval of a Conditional Use Permit (CUP) in the M-W (Wrecking Yard) zone. With approval of the CUP application on this property, the proposed project will be fully consistent with both the General Plan designation and Zone classification for the project site as shown on Figure XI-1 and XI-2 which depict the City of Coachella General Plan Land Use Map and the City of Coachella Zoning Map. Therefore, the implementation of this project at this site will be consistent with surrounding land uses, and current use of the site. Based on this information, implementation of the Bejarano Cannabis Cultivation Project would not conflict with any applicable any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. No impacts are anticipated under this issue and no mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XII. MINERAL RESOURCES:</b> Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XII. MINERAL RESOURCES**

SUBSTANTIATION:

a&b. *No Impact* – The proposed site for the Bejarano Cannabis Cultivation Facility is in a highly disturbed industrial area that previously contained an auto wrecking yard. The site is surrounded by development to the north, south, and west; the Whitewater River and open space are located to the east of the project site. According to the Map prepared for the City of Coachella General Plan EIR depicting Mineral Resources (Figure XII-1), the proposed project is located in Mineral Resource Zone-1, which indicates an area where available geological information indicates that little likelihood exists for the presence of significant mineral resources. The project is designated for Heavy Industrial uses, and is not designated for mineral resource-related land uses. Therefore, the development of the project will not cause any loss of mineral resource values to the region or residents of the state, nor would it result in the loss of any locally important mineral resources identified in the City of Coachella General Plan. No impacts would occur under this issue. No mitigation is required.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XIII. NOISE:</b> Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of a project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIII. NOISE**

SUBSTANTIATION

Background

Noise is generally described as unwanted sound. Bejarano will be developed as a cannabis cultivation farm that will consist of the following: 1 administration and facilities building, 1 building containing flower, vegetation, and greenhouse areas, parking, security, and a 52,131 SF retention pond. The site is in a heavily industrial area with Heavy Industrial land uses to the south, north, and west, and Open Space (the Coachella Stormwater Channel/Whitewater River) to the east. The project site is located in an area with intermittent heavy background noise from traffic along nearby highways and from surrounding industrial uses, including several auto-wrecking yards.

The unit of sound pressure 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 over one million times within the range of human hearing. A logarithmic loudness scale, similar to the Richter scale for earthquake magnitude, is therefore used to keep sound intensity numbers at a convenient and manageable level. The human ear is not equally sensitive to all sound frequencies within the entire spectrum. Noise levels at maximum human sensitivity from around 500 to 2,000 cycles per second are factored more heavily into sound descriptions in a process called "A-weighting," written as "dBA."

Leq is a time-averaged sound level; a single-number value that expresses the time-varying sound level for the specified period as though it were a constant sound level with the same total sound energy as the time-varying level. Its unit is the decibel (dB). The most common averaging period for Leq is hourly.

Because community receptors are more sensitive to unwanted noise intrusion during more sensitive evening and nighttime hours, state law requires that an artificial dBA increment be added to quiet time noise levels. The State of California has established guidelines for acceptable community noise levels that are based on the Community Noise Equivalent Level (CNEL) rating scale (a 24-hour integrated noise measurement scale). The guidelines rank noise land use compatibility in terms of "normally acceptable," "conditionally acceptable," and "clearly unacceptable" noise levels for various land use types. The State Guidelines, Land Use Compatibility for Community Noise Exposure, single-family homes are "normally acceptable" in exterior noise environments up to 60 dB CNEL and "conditionally acceptable" up to 70 dB CNEL based on this scale. Multiple family residential uses are "normally acceptable" up to 65 dB CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries and churches are "normally acceptable"

up to 70 dB CNEL, as are office buildings and business, commercial and professional uses with some structural noise attenuation.

Impact Analysis

- a. *Less Than Significant With Mitigation Incorporated* – The proposed project is located in a highly industrial area of development. The proposed project is located between Highway 111—about 2,000 feet to the west, and State Route 86—about 1,000 feet to the east. The nearest residences are located to the east of the project site approximately one-half mile to the west of the project on the opposite side of Highway 111. Background noise is anticipated to be at or lower than the City of Coachella Municipal Code noise standard for Industrial uses (75 dBA). The proposed project site currently serves as a scrap metal recycling facility, and as such currently generates some noise typical of heavy industrial uses.

Short Term Noise

Short-term construction noise impacts associated with the proposed project will occur in phases as the project site is developed. The earth-moving sources are the noisiest type of equipment typically ranging from 82 to 85 dB at 50 feet from the source. Construction equipment generates noise that ranges between approximately 75 and 90 dBA at a distance of 50 feet. Refer to Table XIII-1, which shows construction equipment noise levels at 25, 50 and 100 feet from the noise source. Section 7.04.070 of the Coachella Municipal Code (CMC) specifically exempts noise sources associated with construction, erection, demolition, alteration, repair, addition to or improvement of any building, structure, road or improvement to realty, provided that such activities take place during daytime hours, as follows: October 1st through April 30<sup>th</sup>: Monday – Friday: 6:00 AM to 5:30 PM, May 1st through September 30<sup>th</sup> Monday – Friday: 5:00 AM to 7:00 PM, all year Saturday: 8:00 AM to 5:00 PM, all year Sunday: 8:00 AM to 5:00 PM, all year Holidays: 8:00 AM to 5:00 PM. The proposed project would be constructed in compliance with the City’s Noise Performance Standards, and therefore construction of the project would be less than significant. However, to minimize the noise generated on the site to the extent feasible, the following mitigation measures shall be implemented:

- NOI-1** *All construction vehicles and fixed or mobile equipment shall be equipped with properly operating and maintained mufflers.*
- NOI-2** *All employees that will be exposed to noise levels greater than 75 dB over an 8-hour period shall be provided with adequate hearing protection devices to ensure no hearing damage will result from construction activities.*
- NOI-3** *No exterior construction activities shall occur during the hours of 5:30 PM through 6 AM, Monday through Friday between October 1<sup>st</sup> and April 30<sup>th</sup>, and 7 PM and 5 AM Monday through Friday between May 1<sup>st</sup> and September 30<sup>th</sup>; all year between the hours of 5 PM and 8 AM on Saturdays, Sundays, and holidays, unless a declared emergency exists.*
- NOI-4** *Equipment not in use for five minutes shall be shut off.*
- NOI-5** *Equipment shall be maintained and operated such that loads are secured from rattling or banging.*
- NOI-6** *Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.*
- NOI-7** *The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.*

**Table XII-1  
NOISE LEVELS OF CONSTRUCTION EQUIPMENT AT 25, 50 AND 100 FEET (in dBA Leq) FROM THE SOURCE**

Equipment	Noise Levels at 25 feet	Noise Levels at 50 feet	Noise Levels at 100 feet
<b>Earthmoving</b>			
Front Loader	85	79	73
Backhoes	86	80	74
Dozers	86	80	74
Tractors	86	80	74
Scrapers	91	85	79
Trucks	91	85	79
<b>Material Handling</b>			
Concrete Mixer	91	85	79
Concrete Pump	88	82	76
Crane	89	83	77
Derrick	94	88	82
<b>Stationary Sources</b>			
Pumps	82	79	70
Generator	84	78	72
Compressors	87	81	75
Other			
Saws	84	78	72
Vibrators	82	76	70

Source: U.S. Environmental Protection Agency “Noise”

Long-Term Noise

Noise generated as a result of the project would attenuate to a less than significant level, or an inaudible level by the time it reaches the residences one half mile to the east. The primary source of noise generated as a result of the operation of the Bejarano Cannabis Cultivation Facility will be vehicular traffic entering, exiting and accessing the site, maintenance equipment that may be required as needed, heating, ventilation and air conditioning units. The City of Coachella does not identify exterior noise standards for industrial land uses, but the Coachella Land Use/Noise Compatibility Matrix (Figure XIII-1) defines noise levels up to 75 CNEL within commercial/industrial development areas to be normally acceptable. The project is not anticipated to operate at a level greater than 75 CNEL. Furthermore, the project site is within an industrial land use area, in which noise levels are generally higher than within other land use. Noise attenuates at a rate of approximately 6 to 7 decibels per doubling of distance, and much like construction noise, equipment required to operate the Bejarano will generate some noise, anticipated to range from approximately 75 dBA to 85 dBA at 50 feet from the source. Given the distance from the nearest residence to the project site—about 2,500 feet to the west—the noise environment at the nearest residence will be well within the levels deemed acceptable by the City. With no sensitive receptors nearby, the proposed project should not expose of persons to or generation of noise levels in excess of established standards. Thus, based on the existing noise environment within this industrial corridor, and through the implementation of the mitigation measures identified above, neither operation or construction of the proposed project would violate noise standards outlined in the City of Coachella Development Code. Impacts under this issue are considered less than significant with mitigation incorporated.

- b. *Less Than Significant Impact* – Vibration is the periodic oscillation of a medium or object. The rumbling sound caused by vibration of room surfaces is called structure borne noises. Sources of groundborne vibrations include natural phenomena (e.g. earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g. explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous or transient. Vibration is often described in units of velocity (inches per second), and discussed in decibel (dB) units in order to compress the range of numbers required to describe vibration. Vibration impacts related to human development are generally associated with activities such as train operations, construction, and heavy truck movements.

The Federal Transit Authority (FTA) Noise and Vibration Assessment<sup>10</sup> states that in contrast to airborne noise, ground-borne vibration is not a common environmental problem. Although the motion of the ground may be noticeable to people outside structures, without the effects associated with the shaking of a structure, the motion does not provoke the same adverse human reaction to people outside. Within structures, the effects of ground-borne vibration include noticeable movement of the building floors, rattling of windows, shaking of items on shelves or hanging on walls, and rumbling sounds. The FTA Assessment further states that it is unusual for vibration from sources such as buses and trucks to be perceptible, even in locations close to major roads. However, some common sources of vibration are trains, trucks on rough roads, and construction activities, such as blasting, pile driving, and heavy earth-moving equipment. The FTA guidelines identify a level of 80 VdB for sensitive land uses. This threshold provides a basis for determining the relative significance of potential project related vibration impacts.

Due to the large size of the project site, and the lack of any sensitive receptors within a reasonable distance of the project site, the proposed project will not expose people to generation of excessive groundborne vibration or groundborne noise levels. During construction, certain construction activities have some potential to create vibration, but due to the size of the site and lack of sensitive receptors, any impacts are considered less than significant. Furthermore, the City of Coachella Municipal Code Section 7.04.070 places restrictions on hours of construction, which are outlined above. The proposed project would comply with the construction hours established by the City's Municipal Code. Additionally, because the rubber tires and suspension systems of heavy trucks and other on-road vehicles provide vibration isolation and reduced noise, it is unusual for on-road vehicles to cause noticeable groundborne noise or vibration impact. Most problems with on-road vehicle-related noise and vibration can be directly related to a pothole, bump, expansion joint, or other discontinuity in the road surface. Smoothing a bump or filling a pothole will usually solve the problem. The proposed project would be constructed with smooth new pavement throughout the project and would not result in significant groundborne noise or vibration impacts from vehicular traffic. Thus, any impacts under this issue are considered less than significant and no mitigation is required.

- c. *No Impact* – The closest airport is the Jacqueline Cochran Regional Airport located approximately 6 miles south of the project site at 56-850 Higgins Drive, Thermal, CA 92274. According to the Riverside County Airport Land Use Commission Compatibility Map: Noise Compatibility Contours Jacqueline Cochran Regional Airport (Figure XIII-1), the proposed project is located outside of the airport noise contours. No private airstrips are located in the vicinity of the project. Therefore, given that the project is not located within the airport noise contours, construction and operation of the project at this location would not expose people residing or working in the project area to excessive noise levels in a safety hazard for people residing or working in the project area as a result of proximity to a public airport or private airstrip. No impacts are anticipated and no mitigation is required.

<sup>10</sup> [https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA\\_Noise\\_and\\_Vibration\\_Manual.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FTA_Noise_and_Vibration_Manual.pdf)

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XIV. POPULATION AND HOUSING:</b> Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. POPULATION AND HOUSING**

**SUBSTANTIATION**

- a. *Less Than Significant Impact* – The proposed project will employ about 100 persons. It is unknown whether the new employees will be drawn from the general area or will be new residents to the project area. Relative to the total number residents of Coachella, approximately 45,635 persons in 2018 according to the Southern California Association of Governments (SCAG) 2019 Local Profile for the City of Coachella<sup>11</sup>, an increase of about 100 employees as new residents represents a minor increase in the area population. According to the City of Coachella General Plan EIR, by 2020, an estimated 70,200 persons will reside in Coachella, with the population growing to 128,700 persons by 2035. As such, given the current population, the City of Coachella has planned for significant population growth to occur, and as such project related population growth is not anticipated to be beyond that which has been planned by the City. Thus, based on the type of project, and the small increment of potential indirect population growth the project may generate, the population generation associated with project implementation will not induce substantial population growth that exceeds either local or regional projections.
- b. *No Impact* – No occupied residences are located on the project site; therefore, implementation of the proposed project will not displace substantial numbers of existing housing or persons, necessitating the construction of replacement housing elsewhere. No impacts will occur; therefore, no mitigation is required.

<sup>11</sup> <https://www.scag.ca.gov/Documents/Coachella.pdf>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XV. PUBLIC SERVICES:</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XV. PUBLIC SERVICES**

**SUBSTANTIATION**

- a. *Less Than Significant Impact* – The City of Coachella contracts with Riverside County Fire Department for local fire protection services. The nearest fire station is Station 79 located at 1377 Sixth Street, approximately 2.5 miles southeast of the project site. Development of the project will marginally increase demand for fire and emergency services within the City. Based on the location of the nearest fire station, the project site is clearly within a distance (approximately 2.5 miles) where any future calls can be responded to within 5 minutes, which is the City’s target response time. Emergency access to the project site will be provided by the site entrance on Harrison Street. The Fire Department will review the site plan to ensure that it meets applicable fire standards and regulations. The proposed project will incrementally add to the existing demand for fire protection services. Cumulative impacts are mitigated through the payment of the Development Impact Fee (DIF), which contains a fire facilities component. There is no identified near term need to expand facilities in a manner that could have adverse impacts on the environment. Any impacts are considered less than significant and no mitigation is required.
- b. *Less Than Significant Impact* – The City of Coachella Police Department operates a substation from the Riverside County Sheriff’s Department. Local headquarters for the Police area located at 82-625 Airport Boulevard, approximately 4 miles southeast of the proposed project site. The nearest police station is the Indio Police Department, which is located at 46800 Jackson Street in the City of Indio. This Department operates out of a single facility with response times of about three minutes for emergency calls. At the time that the City of Coachella General Plan EIR was compiled (2012), the Department had 36 sworn officers and two non-sworn personnel for a total of 38 positions. The proposed project will result in a marginal increase in demand for police services. Access to the site for Police protection services will be provided at the entrance to the project site on Harrison Street. The proposed project will incrementally add to the existing demand for police protection services. These incremental impacts are mitigated through the payment of the DIF, which contains a Law Enforcement component. Therefore, with payment of DIF, impacts to police protection services are considered less than significant.
- c. *Less Than Significant Impact* – The proposed project is an industrial farming development that is not forecast to generate any new direct demand for the area schools. The proposed project may place additional demand on school facilities, but such demand would be indirect and speculative. The

Coachella Valley Unified School District (CVUSD) requires commercial industrial developments such as the Bejarano Cannabis Cultivation Facility to pay a Level II Fee to support development of future facilities due to development within the City. The development impact fee mitigation program of the CVUSD adequately provides for mitigating the impacts of the proposed project in accordance with current state law. No other mitigation is identified or needed. Since this is a mandatory requirement, no additional mitigation measures are required to reduce school impacts of the proposed project to a less than significant level.

- d. *Less Than Significant Impact* – The proposed project will not directly add to the existing demand on local recreational facilities. According to the City’s General Plan EIR, as developments are built and constructed, developers would be subject to all provisions of the Coachella Quimby Ordinance 868 fees to set aside land or pay in-lieu fees to provide park and recreation facilities. However, at present, the City only requires residential development to pay Quimby Fees. Therefore, with no existing or planned park facilities located within the project site, and no required payment of fees, the proposed project would have a less than significant impact to parks and recreation facilities.
- e. *Less Than Significant Impact* – Other public facilities include library and general municipal services. Since the project will not directly induce substantial population growth, it is not forecast that the use of such facilities will substantially increase as a result of the proposed project. Section 4.45.050(B) of the City of Coachella Municipal Code requires developer fees for library facilities to be used for the land acquisition and construction costs of a public library facility as part of the Riverside County Library System. Therefore, the project will be required to contribute developer fees to library services and these fees are considered sufficient to offset any impacts to other public facilities as a result of implementing the project. Thus, any impacts under this issue are considered less than significant, and no mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XVI. RECREATION:</b>				
a) Would the project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XVI. RECREATION**

**SUBSTANTIATION**

- a. *Less Than Significant Impact* – The Coachella Valley Recreation and Park District (CVRPD) provides park and recreational services for the City. The nearest park to the proposed project is Bagdouma Park located at 84-620 Bagdad Avenue, which is approximately 3 miles east of the project site. Bagdouma Park is a 34.3-acre community park that contains the following amenities: 7 baseball/softball fields, 3 soccer/football fields, several basketball courts, gym, swimming pool, pavilion, playground, picnic tables, benches, and blenchers. As stated under issue XV(d), the City of Coachella does not require commercial/industrial projects to pay Quimby Act fees dedicated to development of City parks. Additionally, the proposed project will be developed on land that is designated by the City’s General Plan for Heavy Industrial use, and is not listed in any planning documents as desirable land for future park development. Therefore, the proposed project would have a less than significant potential to physically deteriorate park or recreational facilities through increased use. No mitigation is required.
- b. *No Impact* – The proposed project consists of developing Bejarano Cannabis Cultivation within the City of Coachella. The project will develop a cannabis cultivation farm, and will not include any recreational facilities, nor will it require the construction of new recreational facilities or expansion of new recreational facilities because the proposed project is not anticipated to substantially induce any population growth. The site currently contains a scrap metal recycling facility, with no existing recreational facilities on or near the project site, and the project site is in an area of the City that is designated for Heavy Industrial use. As a result, no recreational facilities—existing or new—are required to serve the project, thus any impacts under this issue are considered less than significant. No mitigation is required.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XVII. TRANSPORTATION:</b> Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XVII. TRANSPORTATION**

SUBSTANTIATION

- a. *Less Than Significant Impact* – Implementation of the proposed Bejarano Cannabis Cultivation Project will not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The proposed project is located off of Harrison Street just south of Avenue 48. According to the City of Coachella General Plan, Harrison Street extends north-south and is specified in the Circulation Element as an enhanced major arterial from Grapefruit Boulevard (Highway 111) south to Avenue 52, then as a major arterial south to Airport Boulevard. Grapefruit Boulevard is located south of the project site’s location on Harrison Street; this section of roadway is not heavily traveled due to the industrial nature of this corridor. The General Plan identifies existing traffic on Harrison Street north of Avenue 50 as being capable of handling 21,900 trips per day, and operates at a Level of Service (LOS) of 0.61 C or better at present. The 2035 roadway segment LOS, as forecast in the General Plan, at Harrison Street north of Avenue 50 would be capable of handling 56,000 trips per day operating at an LOS C or better, though the forecasted volume for 2035 is 26,600 trips, which is well below the forecasted capacity identified in the General Plan.

The proposed project is anticipated to employ a maximum of 100 persons, which would generate an average daily trip rate of 2 trips per day, which would result in 200 trip ends per week day should the project employ a maximum of 200 persons. It is anticipated that, in the future when Bejarano is set up to receive visitors and customers that the site would receive an average of approximately 100 customers per day—no more than 50 of these trips are anticipated occur during peak AM or PM hours. Deliveries related to operations of the proposed project are anticipated to have a potential to occur on a daily basis, with an estimated average of 5 round trips per day. Based on this information, the proposed project would contribute about 405 trips per day, the volume to capacity ratio would increase from 0.61 to 0.62, which would still allow this segment of roadway to operate at an LOS C or better, which is better than the City’s standard of a minimum LOS D or better. Furthermore, the City of Coachella General Plan EIR states that it will implement a DIF program to establish a plan and funding mechanism that provides for the implementation of all of the roadway improvements identified in the Mobility Element, and thus, the proposed project will pay any applicable fees to improve the roadways that experience greater use as a result of the project. Additionally, the City of Coachella Development Services Department typically imposes traffic mitigation measures as part of the conditions of approval put forth to the Planning Commission. These measures generally address site circulation, site access, circulation in the surrounding area, etc., and are deemed sufficient to minimize potential project related traffic impacts.

Implementation of the proposed project will not conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, bicycle and pedestrian facilities. The proposed project is located within an industrial area, with limited connection to alternative forms of transportation. There are no bike lanes adjacent to the project site, and the General Plan does not identify any planned bicycle facilities within this corridor. Bus services are provided by SunLine Transit Agency throughout the City of Coachella, with the nearest bus stop located north west of the project site at Grapevine Boulevard and Avenue 48 approximately one half mile from the project site. The City of Coachella General Plan does not identify heavy industrial and agricultural areas as the type in which alternative modes of transportation are necessary. Therefore, no significant adverse impacts to these alternative modes of transportation will occur and overall bus and bicycle access should be enhanced by the proposed intersection improvements. Therefore, with minimal impacts to the circulation system, the proposed project has a less than significant potential to conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. No mitigation is required.

- b. *Less Than Significant Impact* – The proposed project would develop a Cannabis Cultivation Facility within the City of Coachella. The City has not yet developed a threshold for vehicle miles travelled. The proposed project is not located in close proximity to many alternative modes of transportation, such as bike lanes, sidewalks, and transit because the project is located in an industrial corridor. However, the proposed project will install sidewalk that will contribute to the creation of pedestrian circulation in the project area. The type of project proposed is anticipated to continue to attract a local clientele (within the City of Coachella), many of which would not travel a great distance to visit the Bejarano Facility; furthermore, it is anticipated that the majority of the persons working at the proposed facility will be residents of the City of Coachella or surrounding cities. As such, it is not anticipated that employees or visitors will travel great distances to specifically visit this project. Given that the proposed project is anticipated to serve the local community, the number of vehicle miles traveled per trip generated by the project is anticipated to be minimal. The greatest distance in which vehicles would travel to the site would occur as a result of employees and customers that may visit from out of town as either visitors or locals from the surrounding cities, but these trips would be minimal compared to the number of trips per day made to the site by locals on a regular basis. Therefore, the proposed Bejarano Cannabis Cultivation Project is not anticipated to result in significant impact related to vehicle miles travelled, and thus would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b). Impacts under this issue are considered less than significant.
  
- c&d. *Less Than Significant Impact* – The proposed project will occur entirely within the project site boundaries. However, construction activities will include curb improvements as well as installation of a driveway and gated entryway to provide access to the site. Large trucks delivering equipment or removing small quantities of excavated dirt or debris can enter the site without major conflicts with the flow of traffic on the roadways used to access the site. Primary access to the site will be provided by two new entrances on Harrison Street, which intersects Avenue 48 north of the project site. Access to the site must comply with all City design standards, and would be reviewed by the City to ensure that inadequate design features or incompatible uses do not occur. Both entrances to the site provide access to the public to a small portion of the site, while a gated side entrance allows for restricted access to the remainder of the site. Additionally, the proposed project would be required to comply with all applicable fire code and ordinance requirements for construction and access to the site. Emergency response and evacuation procedures would be coordinated with the City, as well as the police and fire departments, resulting in less than significant impacts; no mitigation measures are required.

It will not be necessary for the contractor to implement a traffic management plan, including flag-persons or other features to control the interaction of the truck traffic and the flow of traffic on these roadways. This is because the roadway has ample room for truck traffic, with minimal traffic conflicts as Harrison Street does not have a heavy flow of traffic. No mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XVIII. TRIBAL CULTURAL RESOURCES:</b> Would the project cause a substantial change in the significance of tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to the California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XVIII. TRIBAL CULTURAL RESOURCES**

SUBSTANTIATION

A Tribal Resource is defined in the Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1;
- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purpose of this paragraph, the lead agency shall consider the significance of the resources to a California American tribe;
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape;
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “non-unique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal resource if it conforms with the criteria of subdivision (a).

a&b. *Less Than Significant With Mitigation Incorporated* – The project site is located within the City of Coachella, which has been contacted pursuant to Public Resources Code section 21080.3.1 by the following California Native American tribes traditionally and cultural affiliated with the City of Coachella: Torres Martinez Desert Cahuilla Indians, Agua Caliente Band of Cahuilla Indians, Soboba Band of Luiseño Indians, Cabazon Band of Mission Indians, and Twenty-Nine Palms Band of Mission Indians. The City contacted these tribes to initiate the AB-52 process on November 26, 2019 to notify the tribes of the proposed project through mailed letters. As stated under the Cultural Resources

section above, the project site consists of a rough graded vacant lot with scattered vegetation covering the site. There is a potential to unearth tribal cultural resources of importance during the earth moving activities, which include excavation of the water retention basins that will be located on site. During the 30-day consultation period that concluded in early January 2020, none of the five tribes responded. As such, AB-52 concluded with no tribal input, and as such, with the implementation of the mitigation measure **CUL-1**, the project has a less than significant potential to cause a substantial change in the significance of tribal cultural resources, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to the California Native American tribe and that is either **a)** Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or **b)** A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. No further mitigation is required.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XIX. UTILITIES AND SERVICE SYSTEMS:</b> Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**XIX. UTILITIES AND SERVICE SYSTEMS**

SUBSTANTIATION

a. Water  
*Less Than Significant Impact* – The project will be supplied water by the CWA, which utilizes groundwater to supply its customers, though it pays water replenishment charges to CVWD. The proposed project will utilize existing connections within the adjacent roadway to support the Bejarano Cannabis Cultivation Activities. The project will operate under the guidelines outlined in the UWMP and within CWAs capacity, as discussed under issue X, Hydrology above, and below under issue XIX(b). The estimated water demand is anticipated to be below average for Industrial land uses. The anticipated demand of water supply within CWA’s retail service area is anticipated to be greater than the demand for water in the future, which indicates that CWA has available capacity to serve the proposed project. Therefore, development of the Bejarano Cannabis Cultivation Facility would not result in a significant environmental effect related to the relocation or construction of new or expanded water facilities. Impacts are less than significant.

Wastewater  
*Less Than Significant Impact* – The proposed project will develop a Cannabis Cultivation Facility within the City of Coachella. All wastewater generated by the project, once developed, will be delivered to the Coachella Sanitation District (CSD). The proposed project will utilize existing sewer connections within the adjacent roadway to support the Bejarano Cannabis Cultivation Activities. This increase in wastewater generated within the City is nominal compared to the 4.9 million gallon per day (MGD) capacity of the CSD wastewater treatment plant (WTP). The WTP treats approximately 2.9 MGD of wastewater at present, which leaves approximately 2 MGD of capacity remaining. At this time and for the foreseeable future, CSD maintains ample capacity to treat the wastewater delivered

from its member agencies. As such, given the nominal amount of additional wastewater generated by the employees and visitors of the future Cannabis Cultivation Facility as a result of the proposed project, it is not anticipated that CSD would need to expand their existing facilities beyond that which is already planned to accommodate the wastewater generated by the proposed project. Therefore, development of the project would not result in a significant environmental effect related to the relocation or construction of new or expanded wastewater facilities. Impacts are less than significant.

Stormwater

*Less Than Significant Impact* – Please refer to the discussion under Section X, Hydrology and Water Quality, of this Initial Study. The project design incorporates onsite drainage, which will capture the incremental increase in runoff from the project site associated with project development. Runoff will be detained on the project site within the proposed 52,131 SF retention pond located at the eastern end of the project site. This system has been designed to intercept the peak 100-year flow rate from the project site. The downstream drainage system will not be altered and given the control of future surface runoff from the project site; therefore, surface water will be adequately managed on site and as such, development of the project would not result in a significant environmental effect related to the relocation or construction of new or expanded stormwater facilities. Impacts are less than significant.

Electric Power

*Less Than Significant Impact* – IID will serve the proposed project. IID intends to install a new transformer to service this part of the City, as connection to the grid is currently not available at this site. The proposed project will be constructed concurrent with the installation of the new transformer, and as such, power will be provided to the project site. The installation of the transformer will result in impacts to the environment in the form of noise, air quality and GHG emissions, etc.; however, none of these impacts is anticipated to be significant. The provision of electricity at the project site, as such, is anticipated to be less than significant even though extension of IID’s facilities is required to serve this area. Impacts are less than significant.

Natural Gas

*Less Than Significant Impact* – Natural gas will be supplied by Southern California Gas. The site will connect to the existing natural gas line in Harrison Street. This effort to connect the site to natural gas is not anticipated to result in significant impacts, as evidenced by the discussions in preceding sections. Therefore, development of the Bejarano Cannabis Cultivation Facility would not result in a significant environmental effect related to the relocation or construction of new or expanded natural gas facilities. Impacts are less than significant.

Telecommunications

*Less Than Significant Impact* – Development of the Bejarano Cannabis Cultivation Facility would require installation of telecommunication services, including wireless internet service and phone service. This can be accomplished through connection to existing services that are available to the developer at the project site. Therefore, development of the Bejarano Cannabis Cultivation Facility would not result in a significant environmental effect related to the relocation or construction of new or expanded telecommunications facilities. Impacts are less than significant.

- b. *Less Than Significant With Mitigation Incorporated* – The Coachella Water Authority (CWA) is responsible for the water supply for the City, though it pays a replenishment charge to Coachella Valley Water District (CVWD). CWA’s existing water system consists of different pressure zones, groundwater wells, storage reservoirs, booster pumping stations, and distribution facilities. CWA has one principal source of water supply, local groundwater pumped from CWA owned and operated wells. CWA is required to meet water quality requirements of the RWQCB. The City of Coachella does not currently have water demand factors, though CVWD has developed demand factors that are applicable to the proposed project, outlined in their Urban Water Management Plan (2015). Industrial land uses such as the proposed project site are estimated to generate an average of 1.43-acre feet per acre per year; therefore, the anticipated demand of the 10.01-acre project site would be 14.31 acre feet per year (AFY); however, as discussed under issue X, Hydrology above, because the

project will be a cannabis cultivation facility, the actual estimated water demand for cannabis is between 2.63 AFY and 6.86 AFY. As a result, the proposed project is anticipated to require less water to operate than the 14.31 AFY estimated for Industrial land uses. Through the payment of water standby charges, hookup and connection fees, the impact of implementing the proposed project on water systems are forecast to be less than significant. The CWA 2015 UWMP documents the water availability for this project as an Industrial land use, and assesses the water availability for the whole of the CWA service area, considering the water shortage contingency plan and demand management measures. Based on these substantiating data, provision of domestic water supply can be accomplished without causing significant impacts on the existing water system or existing entitlements. However, the following mitigation measure shall be implemented to reduce consumption of potable water by the project site:

***UTL-1 If recycled water becomes available at the project site, Bejarano shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.***

With implementation of the above mitigation measures, any impacts under the above issues are considered less than significant.

- c. *Less Than Significant Impact* – The CSD WTP has a capacity of 4.9 MGD. The WTP treats approximately 2.9 MGD of wastewater at present, which leaves approximately 2 MGD of capacity remaining. Based on the City of Coachella 2015 Sewer System Master Plan<sup>12</sup>, Heavy Industrial land uses are estimated to have a wastewater flow rate of 800 gallons per day per acre. Therefore, the 10.01-acre site is anticipated to generate 8,008 gallons of wastewater per day per acre. Based on this information, the proposed project is expected to require 0.16% of the WTP's 4.9 MGD capacity, which is miniscule when compared to the 2 MGD of capacity remaining during daily operations. The Coachella WTP implements all requirements of the RWQCB, State Water Resource Control Board and City of Coachella 2015 Sewer System Master Plan that protect water quality and monitor wastewater discharge. Thus, the proposed project will consume some capacity of the existing Water Reclamation Facility, but the proposed project would not 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.
- d&e. *Less Than Significant Impact* – The proposed project will generate demand for solid waste service system capacity and has a potential to contribute to potentially significant cumulative demand impacts on the solid waste system. Solid waste generation rates outlined in the City of Coachella General Plan EIR state that industrial uses such as that which this project proposes can produce 0.0108 tons per square foot per year (tons/sf/year). According to the site plan, the building area totals 225,705 SF, which would equate to approximately 2,437.6 tons of solid waste per year, or after an assumed 50% diversion to be recycled per the state's solid waste diversion requirements under AB 939, the project solid waste generation will be about 1,218.8 tons per year. With the City's mandatory source reduction and recycling program, the proposed project is not forecast to cause a significant adverse impact to the waste disposal system.

The City of Coachella General Plan identifies landfills that serve the planning area. The Lamb Canyon Sanitary Landfill and Badlands Landfill serve the project area. The Lamb Canyon Sanitary Landfill has a maximum permitted daily capacity of 5,500 tons per day, with a permitted capacity of 38,935,653 cubic yards (CY), with 19,242,950 CY of capacity remaining. The Badlands landfill has a maximum permitted daily capacity of 4,800 tons per day, with a permitted capacity of 34,400,000 CY, with 15,748,799 CY of capacity remaining. According to Jurisdiction Landfill Tonnage Reports from Riverside County Waste Management Department, 2,037,163 total tons of solid waste was hauled to County landfills in 2015. Therefore, the proposed project would consist of 0.053% of solid waste generation within the County of Riverside. The City of Coachella contracts with Burrtec Waste and Recycling Services to provide regular trash, recycling, and green waste pickup. It is not anticipated

<sup>12</sup> <https://www.coachella.org/Home/ShowDocument?id=5678>

that the project will generate a significant amount of construction waste, as the project aims to use any excavated material on site, with a neutral amount of cut and fill. However, should the proposed project need to remove any excess soils, the soil removal will be accomplished using trucks during normal working hours, with a maximum of 50 round trips per day. Furthermore, any hazardous materials collected on the project site during either construction of the project will be transported and disposed of by a permitted and licensed hazardous materials service provider in accordance with existing regulations. Therefore, the project is expected to comply with all regulations related to solid waste under federal, state, and local statutes. The project is expected to comply with all regulations related to solid waste under federal, state, and local statutes and be served by a landfill(s) with sufficient permitted capacity to accommodate the project's solid waste disposal needs. No further mitigation is necessary.



	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XX. WILDFIRE:</b> If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) 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 wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XX. WILDFIRE**

**SUBSTANTIATION**

a-d. *No Impact* – According to the City of Coachella General Plan 2035, the area east of the Coachella Canal is mapped as having moderate fuel rank and as such may be susceptible to wildfires. The proposed project is located on the west side of the Coachella Canal/Whitewater River Channel, and is in an industrial area with very little fuel load in the surrounding area that could be susceptible to wildfires. The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zone, therefore the proposed project can have no impacts to any wildfire issues. According to the CAL FIRE Fire Hazard Severity Zones in State Responsibility Areas (SRA) Map of Riverside County, the proposed project is not located within a very high fire hazard severity zone in an SRA (Figure XX-1). Furthermore, according to the CAL FIRE Fire Hazard Severity Zones in Local Responsibility Areas (LRA) Map of Riverside County, the proposed project is not located within a very high fire hazard severity zone in an LRA (Figure XX-2). Therefore, no impacts under these issues are anticipated.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact or Does Not Apply
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE:</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE**

**SUBSTANTIATION**

The analysis in this Initial Study and the findings reached indicate that the proposed project can be implemented without causing any new project specific or cumulatively considerable unavoidable significant adverse environmental impacts. Mitigation is required to control potential environmental impacts of the proposed project to a less than significant impact level. The following findings are based on the detailed analysis of the Initial Study of all environmental topics and the implementation of the mitigation measures identified in the previous text and summarized following this section.

- a. *Less Than Significant With Mitigation Incorporated* – The project has no potential to cause a significant impact any biological or cultural resources. The project has been identified as having minimal potential to degrade the quality of the natural environment, substantially reduce habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. Based on the historic disturbance of the project area, and its current condition, the potential for impacting biological resources is low; however, mitigation has been identified in order to protect nesting birds. The cultural resources evaluation concluded that the project footprint does not contain any known important cultural resources, but to ensure that any accidentally exposed subsurface cultural resources are properly handled, contingency mitigation measures will be implemented. With incorporation of project mitigation measure all biology and cultural resource impacts will be reduced to a less than significant level.
- b. *Less Than Significant With Mitigation Incorporated* – The project has 9 potential impacts that are individually limited, but may be cumulatively considerable. These are: Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Cultural Resources, and Utilities and Service Systems. The project is not considered growth-inducing, as defined by *State CEQA Guidelines*. These issues require the implementation of mitigation measures to reduce impacts to a less than significant level and ensure

that cumulative effects are not cumulatively considerable. All other environmental issues were found to have no significant impacts without implementation of mitigation. The potential cumulative environmental effects of implementing the proposed project have been determined to be less than considerable and thus, less than significant impacts.

- c. *Less Than Significant With Mitigation Incorporated* – The project will achieve long-term community goals through the provision of growth in tax dollars generated within the City. The short-term impacts associated with the project, which are mainly construction-related impacts, are less than significant with mitigation, and the proposed project is compatible with long-term environmental protection. The issues of Air Quality, Geology and Soils, and Hazards and Hazardous Materials, and Noise require the implementation of mitigation measures to reduce human impacts to a less than significant level. All other environmental issues were found to have no significant impacts on humans without implementation of mitigation. The potential for direct human effects from implementing the proposed project have been determined to be less than significant.

Conclusion

This document evaluated all CEQA issues contained in the current Initial Study Checklist form. The evaluation determined that either no impact or less than significant impacts would be associated with the issues of Aesthetics, Agricultural and Forestry Resources, Greenhouse Gas Emissions, Land Use and Planning, Mineral Resources, Population/Housing, Public Services, Recreation, and Transportation and Traffic. The issues of Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Tribal Cultural Resources, and Utilities and Service Systems require the implementation of mitigation measures to reduce project specific and cumulative impacts to a less than significant level. The required mitigation has been proposed in this Initial Study to reduce impacts for these issues to a less than significant impact level.

Based on the findings in this Initial Study, the City of Coachella proposes to adopt a Mitigated Negative Declaration (MND) for the Bejarano Cannabis Cultivation Project. A Notice of Intent to Adopt a Mitigation Negative Declaration (NOI) will be issued for this project by the City. The Initial Study and NOI will be circulated for 20 days of public comment. At the end of the 20-day review period, a final MND package will be prepared and it will be reviewed by the City for possible adoption at both future Planning Commission and City Council meetings, the dates for which has yet to be determined. If you or your agency comments on the MND/NOI for this project, you will be notified about the meeting dates in accordance with the requirements in Section 21092.5 of CEQA (statute).

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Note: Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference: Section 65088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 21151, Public Resources Code; *Sundstrom v. County of Mendocino*, (1988) 202 Cal.App.3d 296; *Leonoff v. Monterey Board of Supervisors*, (1990) 222 Cal.App.3d 1337; *Eureka Citizens for Responsible Govt. v. City of Eureka* (2007) 147 Cal.App.4th 357; *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th at 1109; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656.

Revised 2019  
Authority: Public Resources Code sections 21083 and 21083.09  
Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3/21084.2 and 21084.3

**SUMMARY OF MITIGATION MEASURES**

**REFERENCES**

**CITY OF COACHELLA  
BEJARANO CANNABIS CULTIVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Item 3.

Mitigation Measure	Implementation Schedule	Verification
<p><b>Air Quality</b></p> <p>AIR-1 <u>Fugitive Dust Control</u>. The following measures shall be incorporated into Project plans and specifications for implementation:</p> <ul style="list-style-type: none"> <li>• Apply soil stabilizers or moisten inactive areas.</li> <li>• Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically 2-3 times/day).</li> <li>• Cover all stock piles with tarps at the end of each day or as needed.</li> <li>• Provide water spray during loading and unloading of earthen materials.</li> <li>• Minimize in-out traffic from construction zone.</li> <li>• Cover all trucks hauling dirt, sand, or loose material and require all trucks to maintain at least two feet of freeboard.</li> <li>• Sweep streets daily if visible soil material is carried out from the construction site.</li> </ul>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this air mitigation measures shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the air quality measures have been implemented as required in these measures. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
		<b>Status / Date / Initials</b>

Mitigation Measure	Implementation Schedule	Verification
<p><b>Air Quality</b></p> <p>AIR-2 <u>Exhaust Emissions Control</u>. The following measures shall be incorporated into Project plans and specifications for implementation:</p> <ul style="list-style-type: none"> <li>• Utilize well-tuned off-road construction equipment.</li> <li>• Establish a preference for contractors using Tier 3 or better heavy equipment.</li> <li>• Enforce 5-minute idling limits for both on-road trucks and off-road equipment.</li> </ul>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this air mitigation measures shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the air quality measures have been implemented as required in these measures. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
		<b>Status / Date / Initials</b>

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BEJARANO CANNABIS CULTIVATION PROJECT  
MITIGATION MONITORING AND REPORTING PROGRAM**

Item 3.

Mitigation Measure	Implementation Schedule		Verification
<p><b>Biological Resources</b></p> <p>BIO-1 <del>The State of California prohibits the “take” of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the Project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.</del></p> <p>Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair’s behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).</p>	<p>Construction shall occur outside of the nesting season or a copy of the field survey documenting no nesting birds shall be completed prior to initiating construction within the nesting season.</p>		<p>City personnel shall document the dates of construction. If construction is proposed to occur within the nesting season, a copy of the field survey documenting the absence of nesting birds shall be retained in the project file.</p>
	Source	Responsible Party	Status / Date / Initials
	Initial Study / Response to Comments	City of Coachella Development Services	

**CITY OF COACHELLA**  
**BEJARANO CANNABIS CULTIVATION PROJECT**  
**MITIGATION MONITORING AND REPORTING PROGRAM**

Item 3.

Mitigation Measure	Implementation Schedule	Verification	
<p><b>Biological Resources</b></p> <p><b>BIO-2</b> <u>Prior to construction and issuance of any grading permit, the City of Coachella shall develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.</u></p>	<p>This measure shall be implemented prior to initiation of construction. The Plan shall be included as part of the construction contract, and shall be included as a requirement of occupancy during both the interim and permanent operational phases.</p>	<p>A copy of the plan shall be documented and retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the pesticide management plan is being implemented by the contractor and Applicant as required in this measure.</p>	
	<b>Source</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	Response to Comments	City of Coachella Development Services	

Mitigation Measure	Implementation Schedule	Verification	
<p><b>Biological Resources</b></p> <p><b>BIO-3</b> <u>Light should not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</u></p>	<p>This measure shall be implemented by the contractor and included as part of the construction contract, and shall be implemented by the Applicant as a condition by the City during the operational phases.</p>	<p>A copy of the lighting design shall be retained in the project file, and City field inspectors shall verify that the design is being implementing without adverse impact on adjacent light sensitive uses. Field notes from inspections shall be retained in the project file.</p>	
	<b>Source</b>	<b>Responsible Party</b>	<b>Status / Date / Initials</b>
	Response to Comments	City of Coachella Development Services	



**CITY OF COACHELLA**  
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**MITIGATION MONITORING AND REPORTING PROGRAM**

Item 3.

Mitigation Measure	Implementation Schedule	Verification
<p><b>Biological Resources</b></p> <p>BIO-4    <u>Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</u></p>	<p>The Applicant shall obtain written correspondence from CDFW stating that a Streambed Alteration Agreement from the CDFW is not required, or where required, obtain the permit from CDFW. This shall be obtained prior to ground disturbance within the jurisdictional area and the conditions of the permits shall be implemented as defined by the permit, if required.</p>	<p>A copy of the written correspondence or, if applicable, the permit from CDFW shall be retained in the project file, and verification that all conditions have been implemented shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Response to Comments	City of Coachella Development Services
		<b>Status / Date / Initials</b>

Mitigation Measure	Implementation Schedule	Verification
<p><b>Cultural Resources</b></p> <p>CUL-1    Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.</p>	<p>Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery.</p>	<p>A copy of the Program shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the archaeological monitoring program is being implemented by the contractor as required in this measure. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
		<b>Status / Date / Initials</b>

**CITY OF COACHELLA**  
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**MITIGATION MONITORING AND REPORTING PROGRAM**

Item 3.

Mitigation Measure	Implementation Schedule	Verification
<p><b>Geology and Soils</b></p> <p>GEO-1 Prior to initiating grading, the site developer shall provide a geotechnical evaluation of the potential liquefaction hazards at the site and, if a hazard exists at the proposed project location, the evaluation shall define design measures that will ensure the safety of any new structures in protecting human life in the event of a regional earthquake affecting the site. The developer shall implement any design measures required to protect human safety.</p>	<p>This measure shall be completed prior to construction of any structures on site. Measures required by the geotechnical report shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this geology/soils mitigation measure shall be retained in the project file, as shall a copy of the geotechnical report. Verification of implementation shall be based on field inspections by City inspection personnel that verify the geology/soils measures have been implemented as required in these measures. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
	<b>Status / Date / Initials</b>	

Mitigation Measure	Implementation Schedule	Verification
<p><b>Geology and Soils</b></p> <p>GEO-2 Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. If covering is not feasible, then measures such as the use of straw bales or sand bags shall be used to capture and hold eroded material on the project site for future cleanup.</p>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this erosion control mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the erosion control measures have been implemented as required in this measure. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
	<b>Status / Date / Initials</b>	

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Mitigation Measure	Implementation Schedule	Verification
<p><b>Geology and Soils</b></p> <p>GEO-3 All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the Bejarano Cannabis Cultivation Facility is being constructed.</p>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction.</p>	<p>A copy of the construction contract including this erosion control mitigation measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the erosion control measures have been implemented as required in this measure. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services

Mitigation Measure	Implementation Schedule	Verification
<p><b>Geology and Soils</b></p> <p>GEO-4 Should any paleontological resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection should be performed immediately by a qualified paleontologist. Responsibility for making this determination shall be with the City's onsite inspector. The paleontological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.</p>	<p>Any response to exposed resources shall occur during construction. Any reports documenting management and findings for accidentally exposed resources shall be completed within one year of the discovery.</p>	<p>The City shall be notified within 24-hours of accidental exposure of any paleontological resources. A copy of initial findings shall be provided to the City and retained in the project file. A copy of the final report shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services

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Mitigation Measure	Implementation Schedule	Verification
<p><b>Hazards and Hazardous Materials</b></p> <p>HAZ-1 All spills or leakage of petroleum products during construction activities will be remediated in compliance with applicable state and local regulations regarding cleanup and disposal of the contaminant released. The contaminated waste will be collected and disposed of at an appropriately licensed disposal or treatment facility. This measure will be incorporated into the SWPPP prepared for the Project development.</p>	<p>These measures shall be identified in the project Stormwater Pollution Prevention Plan (SWPPP) and implemented during construction.</p>	<p>A copy of the SWPPP with this measure shall be retained in the project file. Verification of implementation shall be based on field inspections by City inspection personnel that verify the SWPPP BMPs have been implemented as required in this measure. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
		<b>Status / Date / Initials</b>

Mitigation Measure	Implementation Schedule	Verification
<p><b>Hazards and Hazardous Materials</b></p> <p>HAZ-2 All pesticides, hazardous materials, and other toxic substances shall be used and stored in a manner that prevents them from contaminating the underlying groundwater, soils, and watershed. The Applicant shall develop a Hazardous Materials Communication Plan (HMCP) that shall meet State Occupational Safety and Health Administration (OSHA) standards. The HMCP shall include protocols for and shall classify hazardous materials on the project site and communicate information concerning hazards and appropriate protective measures to employees. All employees shall receive training based on the standards contained in the HMCP prior to handling any hazardous materials on site. The HMCP will be available at the facility manager's office. Furthermore, all hazardous materials shall be stored in compliance with State and Federal laws.</p>	<p>This measure shall be implemented during operations of the Project. The HMCP shall be developed prior to commencement of Project operations.</p>	<p>A copy of the HMCP shall be retained in the project file. This Plan shall be retained at the Project site and made available to employees working at the facility. Site inspections shall be performed to ensure adequate equipment has been provided and personnel have been adequately trained in accordance with the HMCP.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study / Response to Comments	City of Coachella Development Services
		<b>Status / Date / Initials</b>

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Mitigation Measure	Implementation Schedule	Verification
<p><b>Hazards and Hazardous Materials</b></p> <p>HAZ-3 All trash generated by the Applicant, including fertilizer containers, spent growth medium, soil amendments, etc. shall be disposed of in accordance with State and Federal law. The Applicant shall periodically (on a monthly basis) inspect the trash disposal area(s) to verify that all trash generated by Project operations is stored within the appropriate trash bin or container, and shall verify that none of the trash bins or containers leak. The Applicant shall repair any leaking trash bins or containers upon discovery of a leak. Furthermore, the Applicant shall be required to remove solid waste periodically (no less than once a month). Solid waste shall be disposed of or recycled at a licensed handling facility.</p>	<p>This measure shall be implemented during Project operations.</p>	<p>Site inspections shall be performed by the City to verify that the requirements in this measure are being met. The Applicant shall keep records documenting compliance with this measure and this documentation shall be provided to the City. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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Mitigation Measure	Implementation Schedule	Verification
<p><b>Hazards and Hazardous Materials</b></p> <p>HAZ-4 The Applicant shall install a water treatment system to treat irrigation water that will allow water to be used again for irrigation. Such water treatment systems typically create concentrated levels of total dissolved solids (TDS) and brine that must be disposed of according to State and Federal law. As such, the Applicant shall collect the brine generated by the water treatment system and it shall be transported and disposed of by a permitted and licensed hazardous materials service provider.</p>	<p>This measure shall be included in the construction contract as a contract specification and implemented by the contractor during construction. Additionally, this measure shall be implemented during operation.</p>	<p>Records shall be kept documenting all hazardous waste disposal and site inspections by the City shall be performed to ensure adherence to this measure. Field notes documenting verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
		<b>Status / Date / Initials</b>

Mitigation Measure	Implementation Schedule	Verification
<p><b>Noise</b></p> <p>NOI-1 All construction vehicles and fixed or mobile equipment shall be equipped with properly operating and maintained mufflers.</p>	<p>This measure shall be implemented during construction and included in the contract with the construction contractor.</p>	<p>City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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Mitigation Measure	Implementation Schedule	Verification
<p><b>Noise</b> NOI-2     All employees that will be exposed to noise levels greater than 75 dB over an 8-hour period shall be provided with adequate hearing protection devices to ensure no hearing damage will result from construction activities.</p>	<p>This measure shall be implemented during construction and included in the contract with the construction contractor.</p>	<p>City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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Mitigation Measure	Implementation Schedule	Verification
<p><b>Noise</b> NOI-3     No exterior construction activities shall occur during the hours of 5:30 PM through 6 AM, Monday through Friday between October 1<sup>st</sup> and April 30<sup>th</sup>, and 7 PM and 5 AM Monday through Friday between May 1<sup>st</sup> and September 30<sup>th</sup>; all year between the hours of 5 PM and 8 AM on Saturdays, Sundays, and holidays, unless a declared emergency exists.</p>	<p>This measure shall be implemented during construction and included in the contract with the construction contractor.</p>	<p>City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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Mitigation Measure	Implementation Schedule	Verification
<p><b>Noise</b> NOI-4     Equipment not in use for five minutes shall be shut off.</p>	<p>This measure shall be implemented during construction and included in the contract with the construction contractor.</p>	<p>City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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\Mitigation Measure	Implementation Schedule	Verification
<b>Noise</b> NOI-5      Equipment shall be maintained and operated such that loads are secured from rattling or banging.	This measure shall be implemented during construction and included in the contract with the construction contractor.	City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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Mitigation Measure	Implementation Schedule	Verification
<b>Noise</b> NOI-6      Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.	This measure shall be implemented during construction and included in the contract with the construction contractor.	City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
		<b>Status / Date / Initials</b>

Mitigation Measure	Implementation Schedule	Verification
<b>Noise</b> NOI-7      The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.	This measure shall be implemented during construction and included in the contract with the construction contractor.	City personnel shall verify that construction activities comply with this requirement. The verification shall be retained in the project file.
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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Mitigation Measure	Implementation Schedule	Verification
<p><b><i>Utilities and Service Systems</i></b></p> <p>UTL-1    If recycled water becomes available at the project site, Bejarano shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.</p>	<p>This measure shall be implemented once the project is in operation, and shall be implemented only if recycled water becomes available at the Project site.</p>	<p>City personnel shall verify that the Applicant connects to recycled water should it become available. Verification shall be based on field inspections during project operation, and field notes documenting implementation shall be retained in the project file.</p>
	<b>Source</b>	<b>Responsible Party</b>
	Initial Study	City of Coachella Development Services
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State of California – Natural Resources Agency  
 DEPARTMENT OF FISH AND WILDLIFE  
 Inland Deserts Region  
 3602 Inland Empire Boulevard, Suite C-220  
 Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
 CHARLTON H. BONHAM, Director



**Comment Letter #1**

October 16, 2020  
 Sent via e-mail

Luis Lopez  
 Development Services Director  
 Development Services Department  
 City of Coachella  
 1515 Sixth Street  
 Coachella, CA 92236

BEJARANO CANNABIS CULTIVATION PROJECT (PROJECT) INITIAL STUDY/DRAFT  
 MITIGATED NEGATIVE DECLARATION (IS/MND)  
 SCH# 2020090375

Dear Mr. Lopez:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Coachella for the Bejarano Cannabis Cultivation Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

1-1

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

**CDFW ROLE**

1-2

CDFW is California’s Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the state (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines, § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The “CEQA Guidelines” are found in Title 14 of the California Code of Regulations, commencing with section 15000.

1-2  
cont'd CDFW is also submitting comments as a Responsible Agency under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

### PROJECT DESCRIPTION SUMMARY

**Proponent:** City of Coachella

1-3 **Objective:** The objective of the Project is to construct two buildings—a two-story facilities/administration building (53,244 sq. ft.) and a one-story building (172,461 sq. ft.) for the indoor cultivation of cannabis—on an approximately 10-acre site in the City of Coachella. The Project would involve construction of associated parking lots, an 8 ft. tall concrete security fence around the perimeter of the site, a 52,141 sq. ft. retention basin surrounded by landscaping, and landscaping around the property boundary. However, the Initial Study/Draft Mitigated Negative Declaration (IS/MND) indicates that the proposed Project would become operational before construction by means of an "interim scenario," which includes placement on-site of six containers (each 8 x 40 ft.) and 24 hoop houses (each 24 x 100 ft.) to be used for the cultivation of cannabis. The interim scenario would commence after site clearing and continue until an undetermined date "at or before" (p. 3) the permanent facility is operational. Water would be provided by the Coachella Water Authority (CWA) and would be entirely from groundwater pumped from CWA wells. A biotreatment retention basin would be constructed on-site to collect and treat runoff.

1-4 **Location:** The Project is located at 48100 Harrison Street on two parcels designated as commercial (APN 603-290-020) and vacant (APN 603-290-021) in the City of Coachella, Riverside County. Major highways are located north (Interstate 10) and east (CA-86) of the parcels. The Project is located within the Whitewater River watershed, and the Whitewater River is immediately adjacent to the parcels (less than 300 feet) to the east. The Whitewater River has its headwaters in the San Bernardino Mountains and drains to the Salton Sea, southeast of the parcels. The Project is located within the Whitewater River (Indio) Subbasin of the Coachella Valley Groundwater Basin.

1-5 **Timeframe:** The Project is planned in phases: Site to be cleared and start of cultivation under interim scenario (approximately first quarter 2020); start date for construction of permanent buildings (second quarter 2022); completion date of construction (second quarter 2023).

## COMMENTS AND RECOMMENDATIONS

1-6 CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e., biological resources). The IS/MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) to biological resources and whether those impacts are less than significant. CDFW offers the following comments and recommendations to assist the City in adequately identifying and mitigating the Project's potentially significant impacts to biological resources. In addition to the sections below, CDFW has the following concerns:

1-7 1. Interim cultivation scenario—structural specifications/analysis of impacts lacking: The IS/MND indicates that an interim cannabis cultivation operation will be conducted prior to and during construction of the permanent facility. The interim structures, consisting of 6 containers and 24 hoop houses, are described as “temporary and easily removed or moved” (p. 3). Structural specifications are lacking for the containers and hoop houses, and the activities to be conducted in the containers have not been specified. In addition, the scope and timing of the interim cultivation operation have not been fully described. Because hoop houses are not fully enclosed structures with permanent walls/roof and impermeable floors, the cultivation conducted from the time the site is cleared of vegetation until completion of the permanent facility would result in outdoor cultivation of cannabis for a period of as much as several years. (Note that the City of Coachella's ordinance currently allows indoor cultivation only for the zone in which this Project occurs.) CDFW is concerned that outdoor cultivation of cannabis in temporary structures has different impacts on biological resources than does cultivation that occurs in fully enclosed structures. Impacts to biological resources, such as pesticides, toxic runoff, use of artificial light, and others, should be fully analyzed in the IS/MND (see the section “Cannabis-Specific Impacts on Biological Resources” below for further information). Page 44 of the IS/MND states that because “the cannabis cultivation operations will occur indoors, it is not anticipated that any irrigation runoff will be discharged from the site,” and this statement is offered as evidence that impacts would be less than significant. However, CDFW is concerned that cultivation under the interim scenario would result in potentially significant toxic runoff from the temporary greenhouses. Prior to construction of the retention basin, there does not appear to be any provision for how to capture or treat this toxic runoff. In addition, impacts of the toxic runoff to the retention basin after its construction have not been addressed. CDFW recommends the IS/MND include a complete description of the 6 containers and 24 temporary greenhouses, detailed scope and timing of the interim scenario, and a full analysis of the impacts of the interim cultivation operation on biological resources. In addition, see the section “Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing.” Please be aware that separate notification to CDFW may be required for the interim cultivation scenario (outdoor cultivation) and the permanent facility (indoor cultivation) as part of the state licensing process for cannabis cultivation.

1-8 2. Impacts to riparian area associated with Whitewater River: The IS/MND fails to analyze impacts of the Project on riparian habitat and wildlife associated with Whitewater River, located less than 300 ft. east of the Project site. Although a levee separates the river from the Project site, construction on the site may impact nesting birds in the riparian area due

1-8  
cont'd

to proximity. In addition, the interim cultivation operation has the potential to impact wildlife associated with the riparian habitat through use of pesticides and artificial light in 24 temporary hoop houses for a period of up to several years. The IS/MND should analyze impacts to the riparian area associated with Whitewater River, and that analysis should address impacts of both construction of the permanent facility and operation of the interim cultivation scenario.

1-9

3. Conflicting information and missing mitigation measure for burrowing owl (*Athene cunicularia*): The IS/MND (p. 25) provides conflicting information about burrowing owl habitat on the Project site, first stating that the Project site “would not be considered suitable for BUOW” because no “appropriately sized” burrows or sign were observed, and then concluding that “due to the presence of burrows that are of appropriate size for BUOW to colonize, a preconstruction survey” is recommended. Furthermore, no mitigation measure for the preconstruction survey has been included on page 68. See the “Burrowing Owl” section below for further discussion.

1-10

4. Management of the biotreatment retention basin: CDFW is concerned about potential impacts resulting from the biotreatment retention basin. Typically, retention basins have a spillway for high flow. The IS/MND does not indicate where any associated spillway would discharge and if it would have impacts on biological resources in the area. In addition, as biotreatment basins have the potential to create habitat that attracts wildlife, CDFW is concerned that basins be managed properly. The biotreatment retention basin will have to be maintained, which poses concerns about work period/season, nesting birds, vegetation removal, and sensitive species surveys. The IS/MND should analyze these issues.

1-11

5. Installation of transformers: Page 2 of the IS/MND indicates that “several transformers” will be installed on the Project site; however, impacts of transformers on biological resources have not been analyzed. Birds, especially raptors, may utilize transformers for perching or nesting, with the potential for electrocution or disturbance of nesting sites. CDFW recommends that the IS/MND analyze biological impacts of the transformers.

### Assessment of Impacts on Biological Resources

1-12

The IS/MND bases its analysis of impacts on biological resource assessments conducted in October 2017 and January 2020 (Appendices 2a and 2b). The biological resource assessments for 2017 and 2020 provide identical results, including the same wildlife and plants species for both field surveys. Vegetation was described as ornamental and ruderal; however, saltbush (*Atriplex* sp.) appears to be shown in Photos 7 and 8 of the 2020 report but was not included in the list of vegetation given in the 2020 report.

The biological resource assessments indicate that burrowing owl and Coachella Valley fringe-toed lizard (*Uma inornata*) have “moderate potential” to occur on the Project site based on literature review. However, the reports conclude that the site is not “considered suitable” for burrowing owl because no individuals or sign (pellets, feathers, white wash, burrows, or host burrowers) were observed. (Note that the IS/MND contradicts this finding on p. 25; see the “Burrowing Owl” section below.) The biological resource assessments also report that no suitable habitat was found for Coachella Valley fringe-toed lizard at the Project site. The IS/MND concludes that the Project would have no impact on any sensitive species. However, the IS/MND does not analyze impacts to sensitive species utilizing the

1-12 | riparian habitat associated with Whitewater River, nor does it analyze impacts to  
cont'd | groundwater-dependent species.

Special Status Species

1-13 | The California Natural Diversity Database (CNDDDB) is a positive-detection database only, meaning that the absence of species data reported by CNDDDB does not indicate absence of the species from a project site. The CNDDDB indicates the potential for special status species in or adjacent to the Project area. A query of CNDDDB and BIOS (Biogeographic Information and Observation System), including unprocessed data, for the USGS quad (Indio) containing the Project site returned 32 species, including the 19 species listed in the biological resource assessments (Appendices 2a and 2b of the IS/MND) and 13 additional species: lowland leopard frog (*Lithobates yavapaiensis*; CDFW Species of Special Concern [SSC]), summer tanager (*Piranga rubra*; SSC), yellow-headed blackbird (*Xanthocephalus xanthocephalus*; SSC), Yuma Ridgway's rail (*Rallus obsoletus yumanensis*; state threatened and federally endangered species and CDFW fully protected), MacNeill's sootywing (*Hesperopsis gracieae*), Algodones euparagia (*Euparagia unidentate*), California floater (*Anodonta californiensis*), San Diego banded gecko (*Coleonyx variegatus abboti*; SSC), desert tortoise (*Gopherus agassizii*; state and federally threatened species), ribbed cryptantha (*Johnstonella costata*), southwestern spiny rush (*Juncus acutus* ssp. *leopoldii*), pink velvet-mallow (*Horsfordia alata*), and Newberry's velvet-mallow (*Horsfordia newberryi*).

A query of CNDDDB and BIOS for species occurrences reported within a 2-mile buffer of the Project parcel returned 14 species: Le Conte's thrasher (*Toxostoma lecontei*; SSC), Crissal thrasher (*Toxostoma crissale*; SSC), black-tailed gnatcatcher (*Poliophtila melanura*; CDFW Watch List); burrowing owl (*Athene cunicularia*; SSC), glandular ditaxis (*Ditaxis claryana*; California Rare Plant Rank 2B.2), Coachella Valley milk-vetch (*Astragalus lentiginosus* var. *coachellae*; federally endangered species and California Rare Plant Rank 1B.2), chaparral sand-verbena (*Abronia villosa* var. *aurita*; California Rare Plant Rank 1B.1), gravel milk-vetch (*Astragalus sabulorum*; California Rare Plant Rank 2B.2), Algodones euparagia (*Euparagia unidentate*), Palm Springs round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*; SSC), American badger (*Taxidea taxus*; SSC), western yellow bat (*Lasiurus xanthinus*; SSC), western mastiff bat (*Eumops perotis californicus*; SSC), Coachella Valley fringe-toed lizard (*Uma inornata*; state endangered and federally threatened species), and flat-tailed horned lizard (*Phrynosoma mcallii*; SSC).

Nesting Birds

1-14 | It is the project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: section 3503 states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or

1-14  
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eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

1-15

The biological resource assessments indicate that bird species were observed on the Project site, and the IS/MND indicates “the project area may include locations that function as nesting locations for native birds” (p. 26). Note that Fish and Game Code protections are not limited to “native birds.” With respect to nesting birds, CDFW is concerned about (1) impacts to nesting birds from vegetation removal on the Project site itself and (2) impacts to nesting birds in the adjacent riparian area associated with Whitewater River as a result of construction of the permanent facility (e.g., noise/disturbance) and operation of the interim outdoor cultivation facility (e.g., artificial light and pesticides).

CDFW recommends the revised document include specific avoidance and minimization measures to ensure that impacts to nesting birds on the Project site and in the adjacent riparian area associated with Whitewater River do not occur. Project-specific avoidance and minimization measures may include, but are not limited to, project phasing and timing (avoiding the peak breeding season), monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. CDFW recommends that preconstruction surveys be conducted no more than three days prior to vegetation clearing or ground disturbance activities. The revised document should also include specific avoidance and minimization measures that will be implemented should a nest be located within the Project site. CDFW recommends the following mitigation measure:

1-16

**MM BIO-1: Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair’s behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).**

Pursuant to the CEQA Guidelines, section 15097(f), CDFW has prepared a draft mitigation monitoring and reporting program (MMRP) for proposed MM BIO-1–5 (see Attachment 1).

Burrowing Owl (*Athene cunicularia*)

1-17

The IS/MND (p. 25) provides conflicting information about burrowing owl habitat on the Project site, first stating that the Project site “would not be considered suitable for BUOW” because no “appropriately sized” burrows or sign were observed, and then concluding that “due to the presence of burrows that are of appropriate size for BUOW to colonize, a preconstruction survey” is recommended. CDFW is concerned that the IS/MND does not clearly state whether suitable habitat was observed on the Project site. CDFW recommends that the City of Coachella follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (CDFG 2012), ensure that an appropriate habitat assessment has been conducted to evaluate the likelihood that the site supports burrowing owl, and clearly report the results of the habitat assessment. Note that if suitable habitat is identified, the *Staff Report on Burrowing Owl Mitigation* recommends additional burrowing owl surveys and an impact assessment. Because of the potential for burrowing owls to occur in the Project area, CDFW recommends that preconstruction surveys be conducted to ensure burrowing owls are not impacted by the Project:

**MM BIO-2: Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the *Staff Report on Burrowing Owl Mitigation* (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation*. If the preconstruction surveys confirm occupied burrowing owl habitat, project activities shall be immediately halted, and the qualified biologist shall coordinate with CDFW to develop avoidance, minimization, and mitigation measures to be approved by CDFW and required by the City of Coachella as conditions of approval prior to commencing Project activities.**

Groundwater-Dependent Species

1-18

The Project is located within the Coachella Valley Groundwater Basin, and the water source for Project activities will be solely from groundwater pumped from Coachella Water Authority wells. However, the IS/MND does not analyze impacts to groundwater-dependent species and ecosystems, including cumulative impacts. Because groundwater and surface water are connected, groundwater depletion may impact rivers, streams, lakes, and wetlands, as well as the wildlife and vegetation they support, by decreasing surface water flows to these ecosystems (Moran et al. 2014, Nelson and Szeptycki 2014). Located in the Whitewater River watershed, the Project parcels are immediately adjacent to the Whitewater River, which drains to the Salton Sea. Regardless of whether species occur on the parcel itself, groundwater drawdown associated with Project activities may have direct and indirect impacts on sensitive species in the Whitewater River and Salton Sea watersheds, including, **but not limited to**, the following:

- Coachella Valley fringe-toed lizard (*Uma inornata*): Consistent with CEQA Guidelines (§ 15380), the status of the Coachella Valley fringe-toed lizard as a threatened species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 *et seq.*) and endangered under the California Endangered Species Act (CESA; Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA.

1-18  
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The Coachella Valley fringe-toed lizard relies on groundwater-dependent vegetation (Rohde et al. 2019). Groundwater pumping lowers the water table necessary for mesquite plants (*Prosopis* spp.) that create the dune system on which it relies.

- Desert pupfish (*Cyprinodon macularis*): Consistent with CEQA Guidelines (§ 15380), the status of the desert pupfish as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C., § 1531 *et seq.*) and CESA (Fish & G. Code, § 2050 *et seq.*) qualifies it as an endangered, rare, or threatened species under CEQA. Groundwater pumping is one of the main threats to desert pupfish populations (USFWS 2010), resulting in habitat loss and alteration (Rohde et al. 2019). CDFW is concerned about the impacts that groundwater depletion may have on this species.
- Yuma Ridgway's rail (*Rallus obsoletus yumanensis*): Consistent with CEQA Guidelines (§ 15380), the status of the Yuma Ridgway's rail as an endangered species pursuant to the federal Endangered Species Act (16 U.S.C. § 1531 *et seq.*) and threatened under CESA (Fish & G. Code, § 2050 *et seq.*), and a Fully Protected species (Fish & G. Code § 3511), qualifies it as an endangered, rare, or threatened species under CEQA. This species relies on marsh habitat for foraging, cover, and nesting; groundwater pumping that dewateres wetlands results in habitat loss (Rohde et al. 2019).

In addition, groundwater depletion may have cumulative impacts on biological resources if multiple cannabis cultivation operations use groundwater for irrigation. The IS/MND should include an analysis of impacts to groundwater-dependent species not covered by the Coachella Valley Multiple Species Habitat Conservation Plan as applicable to the Project .

### **Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)**

1-19

CDFW issued Natural Community Conservation Plan Approval and Take Authorization for the CVMSHCP per Section 2800, *et seq.*, of the California Fish and Game Code on September 9, 2008. The CVMSHCP establishes a multiple species conservation program to minimize and mitigate habitat loss and provides for the incidental take of covered species in association with activities covered under the permit. Section 15125(d) of the CEQA Guidelines requires that the CEQA document discuss any inconsistencies between a proposed Project and applicable general plans and regional plans, including habitat conservation plans and natural community conservation plans. The proposed Project occurs in the City of Coachella, which is within the CVMSHCP boundary. To obtain additional information regarding the CVMSHCP please visit: <http://www.cvmshcp.org/>.

### **Cannabis-Specific Impacts on Biological Resources**

1-20

There are many impacts to biological resources associated with cannabis cultivation, whether indoor or outdoor cultivation (i.e., pesticides, fertilizers/imported soils, water pollution, groundwater depletion, vegetation clearing, construction and other development in floodplains, fencing, roads, noise, artificial light, dams and stream crossings, water diversions, and pond construction). CDFW recommends that the City consider cannabis-specific impacts to biological resources that may result from the Project activities.



Pesticides, Including Fungicides, Herbicides, Insecticides, and Rodenticides

Cannabis cultivation sites (whether indoor or outdoor) often use substantial quantities of pesticides, including fungicides, herbicides, insecticides, and rodenticides. Wildlife, including beneficial arthropods, birds, mammals, amphibians, reptiles, and fish, can be poisoned by pesticides after exposure to a toxic dose through ingestion, inhalation, or dermal contact (Fleischli et al. 2004, Pimentel 2005, Berny 2007). They can also experience secondary poisoning through feeding on animals that have been directly exposed to the pesticides. (Even if used indoors, rodenticides may result in secondary poisoning through ingestion of sickened animals that leave the premises or ingestion of lethally poisoned animals disposed of outside.) Nonlethal doses of pesticides can negatively affect wildlife; pesticides can compromise immune systems, cause hormone imbalances, affect reproduction, and alter growth rates of many wildlife species (Pimentel 2005, Li and Kawada 2006, Relyea and Diecks 2008, Baldwin et al. 2009).

CDFW recommends minimizing use of synthetic pesticides, and, if they are used, to always use them as directed by the manufacturer, including proper storage and disposal. Toxic pesticides should not be used where they may pass into waters of the state, including ephemeral streams, in violation of Fish and Game Code section 5650(6). Anticoagulant rodenticides and rodenticides that incorporate “flavorizers” that make the pesticides appetizing to a variety of species should not be used at cultivation sites. Alternatives to toxic rodenticides may be used to control pest populations at and around cultivation sites, including sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers (e.g., sealing holes in roofs/walls). Snap traps should not be used outdoors as they pose a hazard to nontarget wildlife. Sticky or glue traps should be avoided altogether; these pose a hazard to nontarget wildlife and result in prolonged/inhumane death. California Department of Pesticide Regulation stipulates that pesticides must certain criteria to be legal for use on cannabis. For details, visit: <https://www.cdpr.ca.gov/docs/cannabis/questions.htm>; <https://www.cdpr.ca.gov/docs/county/cacltrs/penfltrs/penf2015/2015atch/attach1502.pdf>.

1-21

The IS/MND indicates that the Project cultivation activities will involve pesticides (p. 40). Because of the potential for Project activities to involve the use of pesticides in temporary hoop houses that may not have fully enclosed, permanent walls/roof and impermeable floors, CDFW recommends that the City of Coachella include a mitigation measure conditioning the Project to development of a plan to avoid, minimize, and mitigate the impacts of pesticides used in cannabis cultivation. In addition to the HAZ-2 mitigation measure indicated in the IS/MND, CDFW recommends inclusion of the following mitigation measure focused on avoiding impacts to biological resources:

**MM BIO-3: Prior to construction and issuance of any grading permit, the City of Coachella shall develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers’ directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot**

1-21  
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legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with “flavorizers.” (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.

Artificial Light

Cannabis cultivation operations often use artificial lighting or “mixed-light” techniques in greenhouse structures and indoor operations to increase yields. If not disposed of properly, these lighting materials pose significant environmental risks because they contain mercury and other toxins (O’Hare et al. 2013). In addition to containing toxic substances, artificial lighting often results in light pollution, which has the potential to significantly and adversely affect fish and wildlife. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication (e.g., birdsong; Miller 2006), determining when to begin foraging (Stone et al. 2009), behavioral thermoregulation (Beiswenger 1977), and migration (Longcore and Rich 2004). Phototaxis, a phenomenon that results in attraction and movement toward light, can disorient, entrap, and temporarily blind wildlife species that experience it (Longcore and Rich 2004).

1-22

The IS/MND indicates that Project activities will involve new sources of artificial light, including from “interior and exterior building lighting, safety and security lighting, and vehicular traffic.” The IS/MND does not, however, stipulate whether artificial light will be used for cultivation in the temporary hoop houses during the interim cultivation scenario and has not analyzed these impacts. Because the Project is located immediately adjacent to riparian habitat associated with Whitewater River, and because of the potential for the use of artificial light to impact nocturnal wildlife species and migratory birds that fly at night, CDFW recommends the following mitigation measure:

**MM BIO-4: Light should not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.**

**Role of Lake and Streambed Alteration (LSA) Program in Cannabis Licensing**

1-23

Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may adversely impact any river, stream, or lake. California Department of Food and Agriculture (CDFA) requires cannabis cultivators to demonstrate compliance with Fish and Game Code section 1602 prior to issuing a cultivation license (Business and Professions Code, § 26060.1). To qualify for an Annual License from CDFA, cultivators

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must have an LSA Agreement or written verification from CDFW that one is not needed. Cannabis cultivators may apply online for an LSA Agreement through EPIMS (Environmental Permit Information Management System; <https://epims.wildlife.ca.gov>) and learn more about permitting at <https://wildlife.ca.gov/Conservation/Cannabis/Permitting>. Separate notification may be required for both the interim cultivation scenario and the permanent cultivation facility. CDFW recommends the following mitigation measure:

**MM BIO-5: Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**

### ENVIRONMENTAL DATA

1-24

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB\\_FieldSurveyForm.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/CNDDDB_FieldSurveyForm.pdf). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [http://www.dfg.ca.gov/biogeodata/cnddb/plants\\_and\\_animals.asp](http://www.dfg.ca.gov/biogeodata/cnddb/plants_and_animals.asp).

### FILING FEES

1-25

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required for the underlying project approval to be operative, vested, and final (Cal. Code Regs., title 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

### CONCLUSION

1-26

CDFW appreciates the opportunity to comment on the IS/MND to assist the City of Coachella in identifying and mitigating Project impacts on biological resources. CDFW concludes that the IS/MND does not adequately identify the Project's significant, or potentially significant, impacts on biological resources. Deficiencies in the City of Coachella's CEQA documentation can affect later project approval by CDFW in its role as a Responsible Agency. CDFW recommends that prior to adoption of the MND, the City of Coachella revise the document to include a more complete assessment of the Project's potential impacts on biological resources, including impacts from the interim cultivation operation, as well as appropriate avoidance, minimization, and mitigation measures.

1-27

CDFW has Cannabis Unit staff who are available to provide guidance on impacts to biological resources and CDFW permitting. If you have any questions or would like to set up a meeting with CDFW staff to discuss this letter, please contact Heather Brashear, Environmental Scientist, at (909) 948-9625 or [Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
8091B1A9242F49C...

Scott Wilson  
Environmental Program Manager

**Attachment 1:** MMRP for CDFW-Proposed Mitigation Measures

ec: Heather Brashear, Environmental Scientist  
California Department of Fish and Wildlife  
[heather.brashear@wildlife.ca.gov](mailto:heather.brashear@wildlife.ca.gov)

Office of Planning and Research  
State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

**ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

Mitigation Measures	Schedule	Responsible Party
<p><b>MM BIO-1: Nesting bird surveys.</b> Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).</p>	<p>No more than three (3) days prior to vegetation clearing or ground disturbance activities.</p>	<p>City of Coachella.</p>
<p><b>MM BIO-2: Burrowing owl surveys.</b> Preconstruction burrowing owl surveys shall be conducted no less than 14 days prior to the start of Project-related activities and within 24 hours prior to ground disturbance, in accordance with the <i>Staff Report on Burrowing Owl Mitigation</i> (2012 or most recent version). Preconstruction surveys should be performed by a qualified biologist following the recommendations and guidelines provided in the <i>Staff Report on Burrowing Owl Mitigation</i>. If the preconstruction surveys confirm occupied burrowing owl habitat, project activities shall be immediately halted, and the qualified biologist shall coordinate with CDFW to develop avoidance, minimization, and mitigation measures to be approved by CDFW prior to commencing Project activities.</p>	<p>No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p>	<p>City of Coachella.</p>
<p><b>MM BIO-3: Pesticide management plan.</b> Prior to construction and issuance of any grading permit, the City of Coachella shall develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the State of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>City of Coachella.</p>
<p><b>MM BIO-4: Artificial light.</b> Light should not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). Use LED lighting with a correlated color temperature of</p>	<p>During Project activities.</p>	<p>City of Coachella.</p>

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<p>3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.</p>		
<p><b>MM BIO-5: Compliance with CDFW LSA Program.</b> Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p>	<p>Prior to construction and issuance of any grading permit.</p>	<p>City of Coachella.</p>

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# INLAND EMPIRE BIKING ALLIANCE

## Comment Letter #2

18 October 2020

Luis Lopez  
City of Coachella  
1515 6<sup>th</sup> Street  
Coachella, Ca 92236

### Re: Bejarano Cannabis Cultivation Project (SCH #2020090375) ISMND

Dear Luis,

I am writing on behalf of the Inland Empire Biking Alliance in response to the ISMND that has been prepared for the Bejarano Cannabis Cultivation Project (“Project”) which has been proposed there in the city. After reviewing the documents, we would like to provide the following comments to ensure that the Project will enhance, not degrade the experience of bicyclists and other non-motorized users.

2-1 The main concern is the impact this project would have on the planned CV Link project that is to be built along the Whitewater River channel which runs along the eastern edge of the Project location. Per Map Page 61 of the *Conceptual Master Plan Volume 3: Preliminary Plan Set* for the CV Link<sup>1</sup>, the segment of the CV Link which would pass through the area is envisioned to be on the western bank of the Whitewater River, which presents a potential conflict with this Project. Yet, section XVII a. of the Project’s ISMND makes no mention of this potential conflict and how it would be mitigated.

2-2 We would hope that such an oversight will be corrected. Ideally, the CV Link should be treated as any other infrastructure is and the Project applicant can construct the unfinished portion along the Project frontage to CVAG specifications. However, at the very least, the site design should be reviewed to ensure that it does not preclude (or require substantial and expensive modifications to accomplish) the construction of the CV Link at a later date. Anything less could and should be considered a Significant Impact as it would be in direct conflict with the plans.

2-3 Additionally, the ISMND mentions that the City of Coachella’s General Plan “does not identify heavy industrial and agricultural areas as the type in which alternative modes of transportation are necessary,” but this is a fundamentally flawed premise. In general, the potential destinations for bicyclists are basically everywhere that people would want to go via car, including to agricultural or industrial areas. Given that this site is less than two miles from residential areas of the City, it is entirely possible that both visitors and especially employees would find themselves needing to arrive to the Project location by bicycle at some point in the future. Bicycling is also well suited for helping meet GHG and VMT reduction goals.

<sup>1</sup> Coachella Valley Association of Governments (2017). Certified Environmental Impact Report for the CV-Link Multimodal Transportation Project: Appendix B: Route Map Book. Palm Desert, CA.





## INLAND EMPIRE BIKING ALLIANCE

2-4 Although the ISMND mentions that it is assumed that various intersection upgrades will benefit bicyclists, we have some concerns about the ultimate configuration of Harrison St. According to guidelines from Caltrans<sup>2</sup>, the FHWA<sup>3</sup>, and NACTO<sup>4</sup>, Harrison St. has a volume of traffic which warrants the use of a separated facility be used for both in the present and as forecasted in the future. While we do not expect that the City would rip up and rebuild everything to meet the guidelines all at once, we would hope that at least new construction, such as will be done to complete the Project, would use designs which reflect that reality.

2-5 Finally, no mention at all was made of bicycle parking standards or accommodations, but those are an integral part of bicyclist access to a location. We would like to see that bike parking be provided and that it is of high quality. We recommend that the City use the highly regarded standards developed by the Association of Pedestrian and Bicycle Professionals contained in their *Essentials of Bike Parking: Selecting and Installing Bike Parking that Works* publication which is available for free on their website at <<https://www.apbp.org/Publications>>. And although the APBP guidelines do not specify a number, we would suggest that a minimum of at least 10% of the number of spaces provided for cars be provided for bike parking, potentially split into short-term and long-term orientation.

2-6 In summary, we are concerned that the potential impacts of this Project to the CV Link have not been adequately documented and would like to ensure that other bike improvements in the area can also be achieved in the same manner as other improvements. This takes full advantage of the opportunity of construction to ensure that the infrastructure being built is up to the standards of today and will not require the use of grant funds at some point in the future to rectify problems that could be just not built in from the beginning. If there are any questions regarding these comments or other concerns which they might raise, please do not hesitate to reach out for clarification.

Sincerely,

Marven E. Norman, Executive Director

<sup>2</sup> Flournoy, M. (2020). Contextual Guidance for the Selection of Bicycle Facilities. California Department of Transportation. Retrieved on 18 October 2020 from < <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/office-of-smart-mobility-and-climate-change/planning-contextual-guidance-memo-03-11-20-a11y.pdf>>.

<sup>3</sup> Schultheiss, B., D. Goodman, L. Blackburn, A. Wood, D. Reed, & M. Elbech (2019). Bikeway Selection Guide. Federal Highway Administration: Washington, DC.

<sup>4</sup> National Association of City Transportation Officials (2017). Designing for All Ages & Abilities: Contextual Guidance for High-Comfort Bicycle Facilities. NACTO.



September 29, 2020

### Comment Letter #3

City of Coachella  
Luis Lopez  
1515 Sixth Street  
Coachella, CA 92236  
llopez@coachella.org

**Subject:** Initial Study/Mitigated Negative Declaration (SCH No. 2020090375) –  
Bejarano Cannabis Cultivation Project

Dear Mr. Lopez:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH No. 2020090375) prepared by the City of Coachella for the proposed Bejarano Cannabis Cultivation Project (Proposed Project).

3-1

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, §26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text 0 1162019 Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text%201162019%20Clean.pdf).

3-2

CDFA expects to be a Responsible Agency for this project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination be provided to the applicant, so the applicant can include them with the application package it submits to CDFA. This should apply not only to this Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the City of Coachella.



CDFA offers the following comments and recommendations concerning the IS/MND.

## **General Comments (GCs)**

### ***GC 1: Acknowledgement of CDFA Regulations***

The IS/MND acknowledges that CDFA is an agency whose approval is required for the Proposed Project. CDFA is responsible for the licensing of cannabis cultivation and is responsible for the regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, § 26103(a)). The IS/MND's analysis would benefit from discussion of the protections for environmental resources provided by CDFA's regulations (Cal. Code Regs. tit.3, § 8000 et seq.). In particular, the impact analysis would be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on the following resource topics:

3-3

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics).

### ***GC 2: Phasing***

The Project Description indicates that the Proposed Project would be constructed in two distinct phases. To the extent that these details are reasonably foreseeable, the IS/MND would be strengthened if it clarified how and/or whether corresponding operations would vary across phases of the project (e.g., variations in the number of employees hired, vehicle trips, equipment usage, and/or requirements for physical resources [e.g., water, energy]). CDFA assumes that the IS/MND evaluates Proposed Project operations and maintenance activities as they are anticipated at full buildout (e.g., when all project phases have been completed). The IS/MND would be improved if the City clearly confirmed (or clarified) this assumption.

3-4

**GC 3: Project-specific Plans and Supporting Documentation**

3-5 The IS/MND references several project-specific plans, such as a Stormwater Pollution Prevention Plan (SWPPP); Biological Resources Assessment; Historical/Archeological Resources Survey Report; and Air Quality and GHG Impact Analysis; as well as other supporting license application materials. In order to ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that the City advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for annual cultivation license to CDFA.

**Specific Comments and Recommendations**

3-6 Specific comments and recommendations concerning the IS/MND are provided in the following table.

Comment No.	Page No(s).	Section	Resource Topic	IS/MND Text	CDFA Comments and Recommendations
1	4	Introduction (Question 10)	Other Agencies Whose Approval is Required	N/A	<p>The IS/MND does not list CDFFA as a public agency whose approval would be required to operate the Proposed Project. The IS/MND could be improved if it listed all agencies requiring approval of the Proposed Project, including CDFFA and California Department of Fish and Wildlife, as well as any other applicable agencies. It would also be more informative if the permit required from each agency was listed.</p>
2	28	I(d)	Aesthetics	N/A	<p>The IS/MND would be improved if it referenced CDFFA's requirements that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 §§ 8304(c) and (g)).</p>

3-7

3-8

<b>Comment No.</b>	<b>Page No(s).</b>	<b>Section</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>CDFRA Comments and Recommendations</b>
<b>3-9</b>					
3	31	VI(a)	Energy	N/A	The document would be improved if it described how the Proposed Project will comply with CDFRA regulations related to use of renewable energy. (Cal. Code Regs., tit. 3 § 8305.)
<b>3-10</b>					
4	41	IX(d)	Hazards and Hazardous Materials	N/A	The document would be improved if it referenced CDFRA regulations that require applicants to conduct an Envirostor search (Cal. Code Regs. tit.3, § 8102(q)).
<b>3-11</b>					
5	63	XIX(b)	Utilities and Service Systems	Through the payment of water standby charges, hookup and connection fees, the impact of implementing the proposed project on water systems are forecast to be less than significant.	The document would be improved if it described how the payment of fees would reduce impacts to less than significant impacts to groundwater supply.

<b>Comment No.</b>	<b>Page No(s).</b>	<b>Section</b>	<b>Resource Topic</b>	<b>IS/MND Text</b>	<b>CDEA Comments and Recommendations</b>
<b>3-12</b>					
6	63-64	XIX(b)	Utilities and Service Systems	N/A	The document would be improved if it referenced CDEA regulations governing the disposal of waste from cultivation operations (Cal. Code Regs. tit.3, § 8108).
<b>3-13</b>					
7	66-67	XXI(b)	Mandatory Findings of Significance (Cumulative Impacts)	N/A	The IS/MND should identify whether any other cannabis growing operations exist or have been proposed in the vicinity of the Proposed Project, and provide an analysis of whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.

## Conclusion

3-14

CDFA appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist Supervisor, at (916) 576-4161 or via e-mail at [kevin.ponce@cdfa.ca.gov](mailto:kevin.ponce@cdfa.ca.gov).

Sincerely,

**Lindsay Rains** Digitally signed by Lindsay Rains  
Date: 2020.09.29 18:51:40 -07'00'

Lindsay Rains  
Licensing Program Manager





# South Coast Air Quality Management District

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

SENT VIA E-MAIL:

[llopez@coachella.org](mailto:llopez@coachella.org)

October 15, 2020

Luis Lopez, Development Services Director  
Development Services Department  
City of Coachella  
1515 Sixth Street  
Coachella, CA 92236

## **Mitigated Negative Declaration (MND) for the Proposed Bejarano Cannabis Cultivation Project**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. The following comments include information on South Coast AQMD rules and permits that may be applicable to the Proposed Project and should be incorporated into the Final MND.

### South Coast AQMD Staff's Summary of Project Description

The Lead Agency proposes to demolish an existing wrecking and vehicle storage yard and construct and operate two buildings totaling 225,705 square feet to be used for cannabis cultivation (Proposed Project). The Proposed Project is located on the southeast corner of Avenue 48 and Harrison Street within the City of Coachella. Construction is anticipated to begin in 2022 and will take seven to nine months<sup>1</sup>. Once operational in 2023, the Proposed Project will generate 405 vehicle trips per day from employees and customers<sup>2</sup>. Operations of the Proposed Project will require odor control equipment<sup>3</sup> and an emergency generator<sup>4</sup>.

### South Coast AQMD Staff's Summary of the Air Quality Analysis

In the Air Quality Analysis Section of the MND, the Lead Agency quantified the Proposed Project's construction and operational emissions and compared those emissions to South Coast AQMD's recommended regional and localized air quality CEQA significance thresholds. Based on the analysis, the Lead Agency found that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant and no mitigation measures were included<sup>5</sup>.

### Responsible Agency and South Coast AQMD Permits

The Proposed Project will include cannabis cultivation operations. Depending on the operational activities, the Proposed Project may require utilization of the following equipment and processes, which may require permits from South Coast AQMD. South Coast AQMD's Engineering and Permitting staff should be consulted in advance to determine if cannabis cultivation operations at the Proposed Project will require permits from South Coast AQMD and if any additional equipment

<sup>1</sup> MND. Page 3.

<sup>2</sup> MND. Section XVII. Transportation. Page 57.

<sup>3</sup> MND. Section III. Air Quality. Page 23.

<sup>4</sup> *Ibid.* Page 21.

<sup>5</sup> *Ibid.* Pages 19 to 23.

and processes that are not listed below require permits from South Coast AQMD prior to start of the construction and/or operation of the Proposed Project. If South Coast AQMD permits are required for the Proposed Project, South Coast AQMD is a Responsible Agency for the Proposed Project (CEQA Guidelines Section 15381) and should be identified as such in the Final MND.

- Mechanic processing
  - Sifting, grinding, squeezing, and screening
- Solvent use
  - Storage, cleaning, and extraction
- Odor and volatile organic chemicals (VOC) control
  - Nuisance odors and VOC emissions
- Stationary and portable engines rated at 50 horsepower and greater
- Turbines
- Boilers and heaters

Implementation of the Proposed Project may require permits South Coast AQMD. At the time of the release of the MND, South Coast AQMD does not have permit applications for the Proposed Project. If South Coast AQMD permits are required for the Proposed Project, it is important that impacts from the permits be fully and adequately evaluated and disclosed as required under CEQA Guidelines Section 15096(b). The assumptions used in the air quality analysis and health risk assessment in the Final MND will be used as the basis for evaluating the permits under CEQA and imposing permit conditions and limits. The 2015 revised Office of Environmental Health Hazard Assessment (OEHHA) methodology<sup>6</sup> is being used by South Coast AQMD for determining operational health impacts for permitting applications and also for all CEQA projects where South Coast AQMD is the Lead Agency. Should there be any questions on permits, please contact South Coast AQMD's Engineering and Permitting staff at (909) 396-3385. For more general information on permits, please visit South Coast AQMD's webpage at: <http://www.aqmd.gov/home/permits>.

#### Federal, State, and South Coast AQMD Rules and Regulations

Federal, state and South Coast AQMD rules and regulations may apply to the implementation of the Proposed Project. Therefore, it is recommended that the Lead Agency evaluate applicability of the following rules and regulations for inclusion in the Final MND.

U.S. Code of Federal Regulations Title 40 Chapter 60 – New Source Performance Standards (NSPS)

- Subpart GG – Standards for Stationary Gas Turbines<sup>7</sup>
- Subpart KKKK – Standards of Performance for Stationary Combustion Turbines<sup>8</sup>
- Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines<sup>9</sup>

<sup>6</sup> Office of Environmental Health Hazard Assessment. "Notice of Adoption of Air Toxics Hot Spots Program Guidance Manual for the Preparation of Health Risk Assessments 2015". Accessed at: <https://oehha.ca.gov/air/crn/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.

<sup>7</sup> U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart GG – Standards for Stationary Gas Turbines. Accessed at: <https://www.epa.gov/stationary-sources-air-pollution/stationary-gas-and-combustion-turbines-new-source-performance>.

<sup>8</sup> U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart KKKK – Standards of Performance for Stationary Combustion Turbines. Accessed at: <https://www.epa.gov/stationary-sources-air-pollution/stationary-gas-and-combustion-turbines-new-source-performance>.

- Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines<sup>10</sup>

U.S. Code of Federal Regulations Title 40 Chapter 63 – National Emission Standards for Hazardous Air Pollutants (NESHAP)

- Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines<sup>11</sup>
- Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines<sup>12</sup>

California Code of Regulations Title 17. Public Health Division; Division 3. Air Resources; Chapter 1. Air Resources Board

- Subchapter 7.5 Airborne Toxic Control Measures (ATCM)<sup>13</sup>
  - Section 93115 – ATCM for Stationary Compression Ignition Engines
  - Section 93116 – ATCM for Diesel Particulate Matter from Portable Engines Rated at 50 Horsepower and Greater

South Coast AQMD Regulation XI – Source Specific Standards

- Rule 1134 – Emission of Oxides of Nitrogen from Stationary Gas Turbines<sup>14</sup>
- Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines<sup>15</sup>

South Coast AQMD Regulation XIII – New Source Review

- Rule 1303 – Requirements<sup>16</sup>
- Rule 1306 – Emission Calculations<sup>17</sup>
- Rule 1307 – Emission Offsets<sup>18</sup>

<sup>9</sup> U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart III – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines. Accessed at: <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-compression-ignition-internal-0>.

<sup>10</sup> U.S. Code of Federal Regulations. Title 40 Chapter 60 Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines. Accessed at: <https://www.epa.gov/stationary-engines/new-source-performance-standards-stationary-spark-ignition-internal-combustion-0>.

<sup>11</sup> U.S. Code of Federal Regulations. Title 40 Chapter 63 Subpart YYYY – National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. Accessed at: <https://www.epa.gov/stationary-sources-air-pollution/stationary-combustion-turbines-national-emission-standards>.

<sup>12</sup> U.S. Code of Federal Regulations. Title 40 Chapter 63 Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Accessed at: <https://www.epa.gov/stationary-engines/national-emission-standards-hazardous-air-pollutants-reciprocating-internal-0>.

<sup>13</sup> California Code of Regulations Title 17. Public Health Division; Division 3. Air Resources; Chapter 1. Air Resources Board. Subarticle 7.5. Airborne Toxic Control Measures. Accessed at: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I29272FD0D60811DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I29272FD0D60811DE88AEDDE29ED1DC0A&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

<sup>14</sup> South Coast AQMD. Rule 1134 – Emission of Oxides of Nitrogen from Stationary Gas Turbines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1134.pdf>.

<sup>15</sup> South Coast AQMD. Rule 1110.2 – Emissions from Gaseous and Liquid Fueled Engines. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/rule-1110-2.pdf>.

<sup>16</sup> South Coast AQMD. Rule 1306 – Requirements. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1303-requirements.pdf>.

<sup>17</sup> South Coast AQMD. Rule 1306 – Emission Calculations. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1306-emission-calculations.pdf>.

- Rule 1309 – Emission Reduction Credits<sup>19</sup>

#### South Coast AQMD Regulation XIV – Toxics and Other Non-Criteria Pollutants

- Rule 1401 – New Source Review of Toxic Air Containments<sup>20</sup>
- Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines<sup>21</sup>

- 

#### Conclusion

Pursuant to CEQA Guidelines Section 15074, prior to approving the Proposed Project, the Lead Agency shall consider the MND for adoption together with any comments received during the public review process. Please provide South Coast AQMD with written responses to all comments contained herein prior to the adoption of the Final MND. When responding to issues raised in the comments, responses should provide sufficient details giving reasons why specific comments and suggestions are not accepted. There should be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information do not facilitate the purpose and goal of CEQA on public disclosure and are not meaningful, informative, or useful to decision makers and the public who are interested in the Proposed Project.

South Coast AQMD staff is available to work with the Lead Agency to address any air quality questions that may arise from this comment letter. Please contact Alina Mullins, Air Quality Specialist, at [amullins@aqmd.gov](mailto:amullins@aqmd.gov), should you have any questions.

Sincerely,

*Lijin Sun*

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS:AM/JT

RVC200922-03

Control Number

<sup>18</sup> South Coast AQMD. Rule 1307 – Emission Offsets. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1307-emission-offset.pdf>.

<sup>19</sup> South Coast AQMD. Rule 1309 – Emission Reduction Credits. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiii/rule-1309.pdf>.

<sup>20</sup> South Coast AQMD. Rule 1401 – New Source Review of Toxic Air Contaminants. Accessed at: <http://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1401.pdf>.

<sup>21</sup> South Coast AQMD. Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines. Accessed at: <https://www.aqmd.gov/docs/default-source/rule-book/reg-xiv/rule-1470.pdf>.

## TOM DODSON & ASSOCIATES

PHYSICAL ADDRESS: 2150 N. ARROWHEAD AVENUE SAN BERNARDINO, CA 92405

MAILING ADDRESS: PO BOX 2307, SAN BERNARDINO, CA 92406

TEL (909) 882-3612 • FAX (909) 882-7015

E-MAIL TDA@TDAENV.COM



## MEMORANDUM

From: Kaitlyn Dodson-Hamilton

To: Mr. Luis Lopez

Date: October 19, 2020

Subj: **Completion of the Mitigated Negative Declaration for the Bejarano Cannabis Cultivation Project (SCH# 2020090375)**

The City of Coachella (City), on behalf of the Applicant, Infrastructure Engineers, prepared and distributed an Initial Study (IS) and Mitigated Negative Declaration (MND) for the Bejarano Cannabis Cultivation Project and made it available for public review in accordance with the California Environmental Quality Act (CEQA). The Initial Study was distributed to local and regional organizations and was also available for public review at the City office.

The City received four written comment letters on the proposed MND for the Bejarano Cannabis Cultivation Project by the close of the comment period on October 19, 2020. CEQA requires a Negative Declaration to consist of the Initial Study, copies of the comments, any responses to comments as compiled on the following pages, and any other Project related material prepared to address issues evaluated in the Initial Study.

For this Project, the original Initial Study will be utilized as one component of the Final IS/MND package. The attached responses to comments, combined with the IS and the Mitigation Monitoring and Reporting Program (MMRP), constitute the Final Negative Declaration package that will be used by the City to consider the environmental effects of implementing the proposed Project. The following agencies submitted comments. The comments are addressed in the attached Responses to Comments:

1. California Department of Fish and Wildlife (CDFW)
2. Inland Empire Biking Alliance
3. California Department of Food and Agriculture (CDFA)
4. South Coast Air Quality Management District (SCAQMD)

Because mitigation measures are required for this Project to reduce potentially significant impacts to a less than significant level, the MMRP attached to this package is required to be adopted as part of this Final IS/MND package. The MMRP has been incorporated by reference to this package for approval and implementation. A representative from Tom Dodson & Associates will be available to attend the public meeting on this Project to address any questions that the City of Coachella Planning Commission or other parties may have regarding the adoption of the Mitigated Negative Declaration for the proposed Project.

Do not hesitate to give me a call if you have any questions regarding the contents of this package.



Kaitlyn Dodson-Hamilton

Attachments

**RESPONSES TO COMMENTS  
LETTER #1  
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

- 1-1 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City acknowledges the role of the California Department of Fish and Wildlife's (CDFW) as a commenter on this Project.
- 1-2 The City acknowledges the CDFW's role as a Trustee Agency, and as Responsible Agency under CEQA for this Project, and understands that authorization as provided by the Fish and Game Code for several Project-related activities may be required.

- 1-3 The Project Description outlined in this comment is accurate.
- 1-4 The location and descriptions of the Whitewater River and Groundwater Basins are accurate.
- 1-5 The timeframe outlined in this comment has been updated to reflect the date of public review for this Project. The Project is planned in phases: Site to be cleared and start of cultivation under interim scenario (approximately first quarter 2021); start date for construction of permanent buildings (second quarter 2023); completion date of construction (second quarter 2024).



- 1-6 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City appreciates the feedback and will revise the mitigation as suggested in this comment. As explained in the Initial Study, any direct, indirect, and cumulative impacts to biological resources would be less than significant..
- 1-7 The City understands CDFW's concerns pertaining to the interim cannabis cultivation use. However, the City would like to clarify that the interim cannabis use is not an "outdoor use" in the sense that CDFW suggests in this comment. The hoop houses utilized will be completely and fully enclosed. As such, many of the concerns raised in this comment can be alleviated through the understanding that the interim use will operate similarly to the permanent use of the site.

The interim use will be phased out completed within 36 months of interim use operation; this is anticipated to occur in conjunction with the availability of adequate power for the permanent use by IID. The interim operations will include five greenhouses to start, which may grow to up to 50 greenhouses within the duration of the interim operations; this will still occur within the same project footprint as originally proposed. Please refer to the attached updated Interim Site Plan, which depicts the interim operations as updated by these responses to comments. The Initial Study incorrectly stated that Bejarano intends to install 24 hoop houses 24' x 100' in size, which was a reference to an outdated interim site plan which now provides for 50 interim greenhouses 2,500 square feet in size. The proposed greenhouses would utilize auto-depth blackouts, a racking drip system with soilless medium. From dusk to dawn, lighting will be utilized for cultivation; however, the lighting will be contained within the greenhouse through the utilization of auto-depth-blackouts, which will minimize the potential for this project to impact biological species.

The interim operational scenario will not utilize the onsite retention pond, as this pond will be developed as part of the permanent operational scenario and will not be necessary to minimize stormwater runoff during the interim scenario. The interim scenario will utilize barriers (i.e. waddles) to address stormwater retention, furthermore, the City will ensure that the Applicant minimizes potential impacts from hazardous materials including pesticides and toxic runoff through compliance with the State Water Board's Cannabis Cultivation Policy, which will, as stated on page 40 of the IS/MND, ensure that the diversion of water and discharge of waste associated with cannabis cultivation does not have a negative impact on water quality, aquatic habitat, riparian habitat, wetlands, and springs. Mitigation measure (MM) **HAZ-2** applies to the entire operation of the proposed Project, including the interim cannabis cultivation operation, which will occur within an enclosed structure. This measure is intended to ensure that all pesticides used in support of the Project will be used and stored in a manner that prevents them from contaminating the underlying groundwater, soils, and watershed. This measure shall henceforth be edited to include the following modification to include any potential toxic substances that would be used in support of Project operations, though none are anticipated to be used in support of this Project at this time:

***HAZ-2 All pesticides, hazardous materials, and other toxic substances shall be used and stored in a manner that prevents them from contaminating the underlying groundwater, soils, and watershed. The Applicant shall develop a Hazardous Materials Communication Plan (HCP) that shall meet State Occupational Safety and Health Administration (OSHA) standards. The HCP shall include protocols for and shall classify hazardous materials on the***

***Project site and communicate information concerning hazards and appropriate protective measures to employees. All employees shall receive training based on the standards contained in the HCP prior to handling any hazardous materials on site. The HCP will be available at the facility manager's office. Furthermore, all hazardous materials shall be stored in compliance with State and Federal laws.***

Furthermore, the proposed Project would also require implementation of MM **HAZ-3**, which will require all trash generated on site to be stored in accordance with State and Federal laws to prevent direct leaching or mixing of fluids, or runoff from irrigation or storm events. This measure also applies to the entire operation of the proposed Project, including the interim cannabis cultivation operation. MM **HAZ-4**, shall also be applied to the interim operational scenario; this measure requires installation of a water treatment system to treat irrigation water infused with fertilizers that will remove fertilizers and allow the water to be used again for irrigation. As such, though the interim operations will occur within hoop houses, preventative measures that would prevent significant impacts on water quality, aquatic habitat, riparian habitat, wetlands, and springs from occurring.

The City recognizes and acknowledges that a separate notification may be required for the interim cultivation scenario (hoop-house cultivation) and the permanent indoor facility as part of the state licensing process for cannabis cultivation.

- 1-8 As stated above under response to comment 1-7, the proposed greenhouses would utilize lighting from dusk to dawn, however, auto-depth blackouts will be employed to minimize the potential for this project to impact biological species or result in light pollution.

The proposed Project is located within a disturbed site, with minimal potential to interrupt any habitat within the Whitewater River 300 feet to the east. The City will implement the revised MM **BIO-1** as suggested in comment 1-16 below to address any perceived impacts to nesting birds within and adjacent to the proposed Project site. Furthermore, as discussed under response to comment 1-7, above, no pesticides, hazardous materials, or other toxic substances will be utilized as part of the Project in a manner that could have a substantial adverse impact on nearby habitat or wildlife. These concerns are mitigated through MMs **HAZ-2** through **HAZ-4** in the IS/MND.

- 1-9 Thank you for bringing this minor error to the City's attention. Based on the data contained in the BRA, the Conclusions and Recommendations on page 25 of the IS/MND are hereby revised to reflect that no burrows are present onsite:

*No suitable habitat was identified for any other sensitive species known to occur in the broader Project vicinity. Therefore, implementation of this Project would have no effect on CVFL or other sensitive species, and no impact on BUOW ~~with the implementation of the recommended mitigation due to the lack of presence of burrows onsite that are of appropriate size for BUOW to colonize, a preconstruction survey no less than 30 days before commencement of the construction phase of the Project is recommended to ensure that no BUOW have colonized the Project area.~~*

This determination was incorrectly stated. The City directs CDFW to the Results section of the BRA (page 3) pertaining to burrowing owl in which the Biologist clearly states that:

- *No appropriately sized mammal burrows or burrow surrogates were observed within the Project area during survey;*
- *No BUOW host burrowers were observed within the Project area during survey; and*
- *No feathers, pellet castings, white-wash, or BUOW individuals were found.*

Furthermore, the City directs CDFW to Appendix C of the BRA in which under burrowing owl, Potential to Occur, the "Species is absent from the site." As such, the error in the text to which CDFW refers has been corrected to reflect that BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species.

- 1-10 The retention pond on this site is designed for a 100-year storm which means that it is not expected to have any discharge out of the retention pond as a result of the rainfall runoff. This type of site is referred to as "Blind Site" since there is not outlet or one required. The retention pond is designed to contain the entire 100-year storm runoff and still have at least 1 foot of free board.
- Based on the calculated worst case scenario Hydrology for a 100-year storm, the site will produce about 46,350 Cubic Feet (CF) of runoff that will end up in the detention basin.
  - The depth of the retention pond will be at least 5 feet, of which at least one foot of it will be unused and it will be the freeboard.
  - Based on the current design, the average area of the detention pond will be about 50,652 SF.
  - Based on the percolation test, the soil in this area have a percolation rate of 0.633 inches per hour (IN/hr).

Therefore, the percolation rate of the retention pond will be:  $0.633 \text{ IN/hr} \times 50,652 \text{ SF} \times 1 \text{ FT} / 12 \text{ IN} = 2,671 \text{ CF/hr}$ . Per the County of Riverside, a retention pond need to drain within 72 hours. Therefore, the time to drain the retention pond is equal to  $46,350 \text{ CF} / (2,671 \text{ CF/hr})$  or 17.35 hour which is substantially less than 72 hours. As such, the retention pond will not any standing water. The maintenance schedule on the retention pond and the French drain will be performed regularly. Given that it is not anticipated that any standing water or vegetation that could support wildlife would occur within the retention pond, the retention pond would not result in the creation of vegetation that would result in use of the pond by wildlife species. Therefore, we don't foresee any concern with the wildlife or any vegetation.

- 1-11 CDFW appears to misunderstand the purpose of discussing the transformers in the IS/MND. The proposed Project does not include the installation of transformers within the Project site. The Project will not be served with electricity until the electricity provider—IID—develops a transformer to serve this area of the City (refer to pages 31 and 62). The purpose of the interim cultivation activities is to provide an interim operational scenario that can be utilized in the interim period in which IID intends to develop and install the transformer(s) to serve this area of the City. As such, the proposed Project will not install any transformers, and no impacts thereof to biological resources can occur.
- 1-12 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. Please refer to response to comment 1-10, above; the error in the text to which CDFW refers has been corrected to reflect that BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species. The City will address CDFW's concerns pertaining to sensitive impacts to sensitive species utilizing the riparian habitat associated with Whitewater River, and to groundwater-dependent species in responses 1-7 above, and 1-18 below. Furthermore, the City has addressed CDFW's concerns pertaining to riparian habitat and sensitive species associated with the Whitewater River that could be impacted by the Project under response to comment 1-7, above.

- 1-13 The City appreciates CDFW's list of potential special status species that may be located within the vicinity of the Project site. The BRA included an assessment of the potential for special status species to occur. This can be located within Appendix C - Potential to Occur Table.
- 1-14 The City understands that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey, and acknowledges the Fish and Game Code sections that protect nesting birds and birds of prey.

- 1-15 The City hereby corrects the record to reflect that Fish and Game Code protections are not limited to native birds. The City acknowledges CDFW's concerns pertaining to impacts to nesting birds, and addresses them in greater detail below under response to comment 1-16.
- 1-16 The City understands the requested clarification to the mitigation provided to minimize impacts to nesting birds and their nests. As such, the following revision to MM **BIO-1** as requested in this comment is hereby incorporated by reference:

**BIO-1** ~~The State of California prohibits the "take" of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the Project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.~~

*Nesting bird surveys shall be conducted by a qualified avian biologist no more than three (3) days prior to vegetation clearing or ground disturbance activities. Preconstruction surveys shall focus on both direct and indirect evidence of nesting, including nest locations and nesting behavior. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts. If active nests are found during the preconstruction nesting bird surveys, a Nesting Bird Plan (NBP) shall be prepared and implemented by the qualified avian biologist. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, ongoing monitoring, establishment of avoidance and minimization measures, and reporting. The size and location of all buffer zones, if required, shall be based on the nesting species, individual/pair's behavior, nesting stage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. To avoid impacts to nesting birds, any grubbing or vegetation removal should occur outside peak breeding season (typically February 1 through September 1).*

The proposed Project will be designed with 8-foot tall concrete block walls that would minimize the potential for activities onsite to conflict with species utilizing the Whitewater River, located 300-feet east of the Project site. Not only will this concrete block wall attenuate the minimal noise generated by the proposed Project operations, but it will also serve as a buffer between this industrial corridor and the riparian habitat that occurs at the Whitewater River. With implementation of this revised mitigation measure to protect nesting birds, and the measures discussed under response to comment 1-7, above, which will ensure that no pesticides, hazardous materials, or other toxic substances will be utilized as part of the Project in a manner that could substantially impact nearby habitat or wildlife.

- 1-17 Please refer to comments 1-10 and 1-12 above. Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The error in the text to which CDFW refers has been corrected to reflect that BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species. The Project site is disturbed due to its previous use as a wrecking yard to store vehicles. The site is characterized by disturbed loose gravelly soil with trash and other debris lining the northern portion of the site along with remnants of broken down vehicles and storage areas, as well as active heavy machinery. No appropriately sized mammal burrows or burrow surrogates were observed within the Project area during survey; no BUOW host burrowers were observed within the Project area during survey; and no feathers, pellet castings, white-wash, or BUOW individuals were found. Therefore, the suggested mitigation measure is not required. The City apologizes for the confusion in the text as it was made in error, and does not reflect the actual site conditions.
- 1-18 CDFW appears to make an assumption that the proposed Project will result in groundwater depletion and will impact groundwater dependent species and ecosystems. First, the City has addressed the potential for the proposed Project to adversely impact groundwater quality under response to comment 1-7, above. The Applicant is prohibited from operations that would result in polluted runoff or contamination of pesticides, toxic substances, and hazardous materials through MMs **HAZ-2** through **HAZ-4**. Therefore, the proposed Project would not contribute to direct or cumulative water quality impacts on the groundwater basin. Additionally, as discussed under Hydrology and Water Quality, on page 46 of the IS/MND, in a conversation with Ms. Berlinda Blackburn of CWA on November 20, 2019, Ms. Blackburn indicated that Coachella Water Authority (CWA) does not impose any conservation measures beyond those identified by the State<sup>1</sup>, which are mandatory. Additionally, Ms. Blackburn indicated that, in her experience, cannabis cultivation operations in Coachella have generally exceeded the State water conservations measures, and she indicated that CWA deems these conservation measures sufficient to meet the future Sustainable Groundwater Management Act (SGMA) objectives. As such, CDFW's suggestion that the proposed Project would contribute to a direct or cumulative impact on the groundwater basin, thereby resulting in cumulative impacts on species that rely on groundwater is inaccurate, particularly given that cannabis Projects, such as the proposed Project, use and reuse irrigation water in their processes as a measure of conservation. Additionally, a review of CWA's 2015 Urban Water Management Plan<sup>2</sup> indicates ample anticipated supply when compared to demand for industrial uses such as the proposed Project. Furthermore, the analysis contained on pages 44-45 of the IS/MND under Hydrology and Water Quality indicate that the proposed Project is expected to have a demand for water that is well within that which is anticipated for industrial land uses. Therefore, the proposed cannabis cultivation Project is not a use that would, even when considered cumulatively with other cannabis operations in the groundwater basin, result in significant drawdown of the groundwater table such that the sensitive species listed in this comment would be adversely impacted.

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<sup>1</sup> [https://www.waterboards.ca.gov/water\\_issues/programs/conservation\\_portal/](https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/)

<sup>2</sup> <https://www.coachella.org/home/showdocument?id=4678>

- 1-19 The City agrees that the Project area is located within the area covered by the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). However, it is not located in an area designated for conservation, and implementation of the Project is therefore not anticipated to interfere with the goals of the CVMSHCP.
- 1-20 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City has demonstrated herein that we have considered cannabis specific impacts to biological resources through mitigation measures provided in other sections of the document. Refer to responses to comments 1-7, 1-8, 1-16, 1-18, 1-21, and 1-22.



- 1-21 Please refer to response to comment 1-7, in which the concerns raised in this comment are discussed. Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City concurs with CDFW, and will include MM **BIO-3** (henceforth referred to as **BIO-2**) in addition to MM **HAZ-2** to focus on specific impacts to biological resources from implementation of the proposed Project. The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

**BIO-2** **Prior to construction and issuance of any grading permit, the City of Coachella shall develop a plan with measures to avoid, minimize, or mitigate the impacts of pesticides used in cannabis cultivation, including fungicides, herbicides, insecticides, and rodenticides. The plan should include, but is not limited to, the following elements: (1) Proper use, storage, and disposal of pesticides, in accordance with manufacturers' directions and warnings. (2) Avoidance of pesticide use where toxic runoff may pass into waters of the State, including ephemeral streams. (3) Avoidance of pesticides that cannot legally be used on cannabis in the state of California, as set forth by the Department of Pesticide Regulation. (4) Avoidance of anticoagulant rodenticides and rodenticides with "flavorizers." (5) Avoidance of sticky/glue traps. (6) Inclusion of alternatives to toxic rodenticides, such as sanitation (removing food sources like pet food, cleaning up refuse, and securing garbage in sealed containers) and physical barriers.**

- 1-22 Please refer to the discussion under responses to comments 1-7 and 1-08, above. Need more info re: artificial light. The City concurs with CDFW, and will include MM **BIO-4** (henceforth referred to as **BIO-3**) to minimize the potential for the use of artificial light to impact nocturnal wildlife species and migratory birds that fly at night. The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

**BIO-3 Light should not be visible outside of any structure used for cannabis cultivation. Employ blackout curtains where artificial light is used to prevent light escapement. Eliminate all nonessential lighting from cannabis sites and avoid or limit the use of artificial light during the hours of dawn and dusk when many wildlife species are most active. Ensure that lighting for cultivation activities and security purposes is shielded, cast downward, and does not spill over onto other properties or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). Use LED lighting with a correlated color temperature of 3,000 Kelvins or less, properly dispose of hazardous waste, and recycle lighting that contains toxic compounds with a qualified recycler.**

- 1-23 The City agrees and understands that the Applicant will be required to obtain an LSA Agreement or written verification from CDFW that one is not needed, and that the proposed Project may require separate notification for the interim cultivation operations and the indoor permanent cultivation operations. The City concurs with CDFW, and will include MM **BIO-5** (henceforth referred to as **BIO-4**) to ensure that the Applicant complies with this requirement. The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

**BIO-4 Prior to construction and issuance of any grading permit, the Project Sponsor shall obtain written correspondence from the California Department of Fish and Wildlife (CDFW) stating that notification under section 1602 of the Fish and Game Code is not required for the Project, or the Applicant should obtain a CDFW-executed Lake and Streambed Alteration Agreement, authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.**

- 1-24 The City will report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The link to CNDDDB field survey form provided will be retained in the Project file, as will the email address that is provided in this comment. Additionally, the link pertaining to the types of information reported to CNDDDB will be retained in the Project file.
- 1-25 The City understands the assessment of CDFW filing fees, and understands that the Applicant will be responsible for the payment of a filing fee upon filing the Notice of Determination for this Project.
- 1-26 The City appreciates CDFW's comments on the proposed Bejarano Cannabis Cultivation Project, and has revised the IS/MND through these responses to comments to reflect the requested changes and clarifications via elaboration requested by CDFW to provide a more complete assessment of the Project's potential impacts on biological resources.

1-27 Thank you for your comments and your time. The contact information provided in this comment will be retained in the Project file.

- 1-28 The City has incorporated each of the mitigation measures requested to be incorporated into the Final IS/MND by CDFW except MM **BIO-2**, pertaining to BUOW. This measure has been omitted because, as stated under responses to comments 1-10, 1-12, and 1-17 above, BUOW are, in fact, absent from the Project site and no mitigation is required to minimize impacts to this species. The City apologizes for the confusion in the text of the IS/MND pertaining to BUOW on page 25, as it was made in error, and does not reflect the actual site conditions. Lastly, the items listed under Schedule and Responsible Party will be inputted to the MMRP, which shall be incorporated as part of the Final IS/MND. The City appreciates CDFW's initiative in developing an MMRP for their proposed mitigation measures.

**RESPONSES TO COMMENTS**  
**LETTER #2**  
**INLAND EMPIRE BIKING ALLIANCE**

- 2-1 The City appreciates the Inland Empire Biking Alliance's interest in the proposed Project. Based on the City's understanding of the proposed CV Link Project, the Bejarano Cannabis Project would not interfere with the development of the CV Link to the east of the Project site. The Project will be developed entirely within the boundaries of Assessor Parcel Numbers 603-290-020 and 603-290-021. Based on a review of Page 61 of the Conceptual Master Plan Volume 3: Preliminary Plan Set for the CV Link (Attached), the proposed Bejarano Cannabis Cultivation Project would not overlap with any portion of the CV Link alignment. Furthermore, the Coachella Valley Association of Governments (CVAG) staff has indicated that the project would not impact the CV Link Project.
- 2-2 As stated above, the Bejarano Cannabis Cultivation Project would not overlap with any portion of the CV Link alignment. The Coachella Valley (CV) storm channel adjacent to the Project site is managed by Coachella Valley Water District (CVWD) and CVWD has the ability to impose any flood control improvements to the channel. The channel has been previously lined on the west bank, all the way to Avenue 54. The suggested improvements for the CV Link would constitute piecemealing because the CV Link construction project is not currently being phased for construction near Coachella. CVAG is the lead agency for the CV Link and CVAG believes the Project has no impact on the CV Link as stated under response to comment 2-1, above. The Project site is approximately 15 feet lower in elevation grade than the CV Link trail that is proposed to be constructed atop the channel embankment and service road along the west side of the storm channel. Additionally, the Project does not propose to drain any storm waters into the CV storm channel because the storm drain system will be fully contained on site with the use of a retention basin. Therefore, no additional mitigation measures are proposed or warranted pertaining to the CV Link.
- 2-3 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

- 2-4 The City has determined that this Project is not required to contribute fees towards bicycle facilities within Harrison Street. This is because this segment of Harrison Street is landlocked between the Union Pacific Railroad and the easterly terminus of Avenue 48 at the CV storm channel. The old "Harrison Street" which carries significant volumes of traffic, and is shown on the CVAG Regional Arterial Roadway Network, is now referred to as "Cesar Chavez Street," but there is no connection between the two streets. Each development project can provide bicycle parking within their own parking lots.
- 2-5 The City appreciates the Inland Empire Biking Alliance suggestions pertaining to bicycle parking for this Project. The City has determined that it will impose a requirement for bicycle spaces at the Bejarano Cannabis Project as part of the Conditions of Approval of this Project. The Applicant will allocate 25 bike parking spots, which is 10% of the overall parking allotment.
- 2-6 Based on the revisions contained herein to include greater bike improvements as a result of Project implementation, the City believes that the proposed Project will not conflict with the CV Link, and will better meet the demands of bicyclists within the City as requested in this comment. The City appreciates the comments received from the Inland Empire Biking Alliance, and these comments will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

**RESPONSES TO COMMENTS**  
**LETTER #3**  
**CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)**

- 3-1 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City recognizes CDFA's role as a Responsible Agency with jurisdiction over issuance of licenses to cultivate, propagate and process commercial cannabis in California.
- 3-2 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City apologizes for omitting CDFA from the list of responsible agencies for this Project. CDFA is hereby included in the list of responsible agencies for this Project by reference in these responses to comments. The City will send a copy of the Final IS/MND, which will include these responses to comments which, by reference, revise the Draft IS/MND circulated for public comment. Additionally, the City will provide the NOD to the Applicant, as requested in this comment.



3-3 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City appreciates CDFR's input on this Cannabis Cultivation Project as it relates to CDFR's regulations pertaining to Cannabis Cultivation. The following is a discussion of each bullet point provided in this comment:

- Aesthetics: The proposed Project has incorporated design to meet CCR§8304(c), as all outdoor lighting will be downward facing and shielded. Additionally, the proposed Project will comply with CCR§8304(g) as lights used for cultivation will be shielded from sunset to sunrise to avoid nighttime glare, as provided in MM **AES-1** provided below to ensure Project compliance with CCR§8304(c) and (g). The following mitigation measure is hereby incorporated by reference to the Final IS/MND:

**AES-1 The Project shall comply with CCR§8304(c) and (g), which stipulate that all outdoor lighting shall be downward facing and shielded. Additionally, lights used for cultivation shall be shielded from sunset to sunrise to avoid nighttime glare.**

- Air Quality and Greenhouse Gas Emissions: The proposed Project will comply with requirements for generators pursuant to CCR§8304(e) and §8306. CCR§8102(s) requires applications for cultivation licenses to identify all power sources for cultivation activities, including but not limited to, illumination, heating, cooling, and ventilation. Based on a recent site visit by the Applicant, the Applicant will not require connection to a generator to operate. This is because there is an existing power source provided by IID that supplies limited power to the existing project site. There is a 480-volt 400 amp 3-phase power source that will power an air conditioning and air filtration system, so the proposed project will not require use of a new power source. The proposed Project will comply with CCR§8305 pertaining to electrical power use. As stated in the Energy Section and Greenhouse Gas Section of the IS/MND, the proposed Project incorporates energy conservation measures targeted to meet the goals as provided in CCR§8305.
- Biological Resources: As stated under response to comment 1-23, the City agrees and understands that the Applicant will be required to obtain an LSA Agreement or written verification from CDFW that one is not needed. MM **BIO-4** provided herein will ensure that the Applicant complies with this requirement. Additionally, as demonstrated in the responses to CDFW's comments provided in Comment Letter #1 to these responses to comments, the City has demonstrated that the watershed and other geographic areas would not be significantly adversely impacted by cannabis cultivation. As demonstrated throughout these responses to comments, the Project would comply with CCR§8304(a-c, and g).
- Cultural Resources: As stated on page 29 of the IS/MND, Human remains discovered during construction of the Project, if any, will need to be treated in accordance with the provisions of HSC §7050.5 and PRC §5097.98, which is mandatory. As such, the proposed Project will comply with CCR§8304(d)
- Hazards and Hazardous Materials: The records search required in CCR§8102(q) is discussed under Hazards and Hazardous Materials, and documentation is provided by Figures IX-1 through IX-3 of the Initial Study. The Applicant will meet the

requirements set forth in CCR§8106(a)(3), CCR§8304(f), and CCR§8307, particularly through implementation of MMs **HAZ-2** through **HAZ-4**, and **BIO-2**.

- Hydrology and Water Quality: The water supplier for the proposed Project is CWA and the Applicant will provide the relevant information pertaining to water service to CDFA. The proposed Project will comply with CCR§8301(p, v, w, and dd) as demonstrated within this comment, and within the IS/MND. As demonstrated throughout these responses to comments, the Project would comply with CCR§8304(a and b). The proposed Project will comply with CCR§8307, as required, and also through the implementation of MMs **HAZ-2** through **HAZ-4**, and **BIO-2**.
- Noise: Please refer to the discussion under Air Quality and Greenhouse Gas above.
- Utilities and Service Systems: The applicant will comply with CCR§8108 and CCR§8308, as require, and also through the implementation of MM **HAZ-3**.
- Energy: Please refer to the discussion under Air Quality and Greenhouse Gas above.
- Cumulative Impacts (related to the above topics): Please refer to the discussion under 1-18, above.

3-4 Please refer to the discussion under response to comment 1-7. Please refer to the attached updated Interim Site Plan, which depicts the interim operations as updated by these responses to comments. The interim site plan provides for 50 interim greenhouses 2,500 square feet in size. The proposed greenhouses would utilize auto-depth blackouts, a racking drip system with soilless medium. From dusk to dawn, lighting will be utilized for cultivation; however, the lighting will be contained within the greenhouse through the utilization of auto-depth-blackouts. The following outlines the operational scenario as it varies across the phases of the project:

- Interim Operations: 5 Greenhouses
  - Employees – 10
  - Vehicle roundtrips – 10 per day during harvest
  - Equipment – please refer to Interim Site Plan A1-1 (Attached)
  - Physical Resources – water from the local utility; IID for power
- Interim Operations: 25 Greenhouses
  - Employees – 50
  - Vehicle roundtrips – 50 per day during harvest
  - Equipment – please refer to Interim Site Plan A1-1 (Attached)
  - Physical Resources – 2,000 watts of fans; water from the local utility; IID for power
- Interim Operations: 50 Greenhouses
  - Employees – 100
  - Vehicle roundtrips – 100 per day during harvest
  - Equipment – please refer to Interim Site Plan A1-1 (Attached)
  - Physical Resources – water from the local utility; IID for power
- Permanent Operations
  - Employees – 100
  - Vehicle roundtrips – max 405 per day (IS/MND)
  - Equipment – please refer to Figure 3 (IS/MND)

- Physical Resources – water from the local utility; IID for power

CDFR is correct, the IS/MND evaluates Project operations and maintenance activities at full build-out so that the impacts analyzed are based on peak construction and operation activities.

- 3-5 The City will require the Applicant, as part of their conditions of approval, to provide the CDFA with copies of all Project-specific plans as part of the Applicant's application package for annual cultivation license. Note that some of the plans listed (the SWPPP, specifically), have not yet been drafted, but will be required to be developed prior to construction of the Project.
- 3-6 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.

- 3-7 The City appreciates CDFA's suggestion, and as stated under response to comment 3-2, the City apologizes for omitting CDFA and CDFW from the list of responsible agencies for this Project. CDFA and CDFW is hereby included in the list of responsible agencies for this Project by reference in these responses to comments. Below is a list of known permit/approval requirements from various agencies:
- State Water Resource Control Board: Construction Stormwater General Permit, Notice of Intent to Comply with Section 402 of the Clean Water Act (CWA), Construction Stormwater Pollution Prevention Plan (SWPPP)
  - South Coast Air Quality Management District: PM10 Plan for compliance with Rule 403/1, Dust Control in the Coachella Valley
  - Colorado River Basin Regional Water Quality Control Board: Water Quality Management (WQMP)
  - County of Riverside Fire Department: Hazardous Materials Business Plan Approval
  - CDFW: LSA Agreement or written verification from CDFW that one is not needed
  - CDFA: Annual License Fee for Cannabis Cultivation
  - California Department of Public Health: licenses all cannabis manufacturing facilities
  - CA Bureau of Cannabis Control: Licenses Cannabis Cultivation, Manufacturing, and Distribution
- 3-8 Please refer to the response to comment 3-3, above, which addresses Aesthetics and lighting concerns through implementation of MM **AES-1**.

- 3-9 As stated above under response to comment 3-3, in the Energy Section and Greenhouse Gas Section of the IS/MND, the proposed Project incorporates energy conservation measures targeted to meet the goals as provided in CCR§8305. The Project will utilize LED lightings and drip irrigation during all phases of the project, which will contribute greatly to energy conservation. The proposed Project incorporates solar panels, LED lights, and zero emission or hybrid vehicles into their business plan, which will reduce energy consumption for the Project and help to meet CDFA requirements.
- 3-10 As stated above under response to comment 3-3, the proposed Project utilized GeoTracker to search for possible hazardous waste sites, which has assimilated data from Envirostor. For consistency, an Envirostor search of the Project site is provided as an Attachment to these responses to comments. The City appreciates the suggestion and hereby incorporates by reference that the GeoTracker and Envirostor searches also is required to comply with CCR§8102(q).
- 3-11 The City directs the reader to the discussion on pages 44-46 of the IS/MND under Hydrology and Water Quality. The analysis under issue (b) states: the proposed Project is expected to have a demand for water that is well within [and below] that which is anticipated for industrial land uses. The City of Coachella has a Water Conservation Program that new development such as the Bejarano Cannabis Cultivation Facility must comply with, which includes installation of water efficient irrigation systems. Furthermore, the proposed Project will install a 52,131 SF retention pond to store surface water runoff from the site, which will recharge to the groundwater basin. Examples of these water conservation methods include water conserving plumbing fixtures, drought tolerant landscaping, and drip irrigation systems.

Furthermore, the analysis under issue (e) demonstrates that the water authority (CWA) has indicated that water conservation measures are enforced through CWA visits to operations, and cannabis cultivation operations in Coachella have generally exceeded the State water conservations measures. She indicated that CWA deems these conservations measures sufficient to meet the future Sustainable Groundwater Management Act (SGMA) objectives.

The IS/MND and the discussion herein demonstrate that the proposed Project's demand for potable water supply will be well within CWA's available supply based on their Projections. Therefore, payment of connection fees assessed by the City and CWA, as well as compliance with conservation measures required by the state are deemed acceptable to determine that there will be sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

- 3-12 The City appreciates CDFA's suggestion, and as stated under response to comment 3-3, the City apologizes for omitting CDFA regulations from the discussion under issue XIX(b), and CCR§8108 is hereby included in as an agency governing the disposal of waste from cannabis operations. Refer to the discussion under response to comment 3-3 pertaining to Hazards and Hazardous Waste.
- 3-13 The proposed Project is located in an area with several cannabis operations proposed or in operation. Along Harrison Street and Avenue 48 in the vicinity of the Project, there are several approved cannabis cultivation operations, as well as a couple that are currently operating. The City's main concerns pertaining to cannabis operation are how the cumulative operations of cannabis uses would contribute to impacts to the watershed and related biological resources. As this Project is proposed, it would not contribute to cumulatively considerable impacts to either the groundwater basin, or to the watershed with implementation of MM **BIO-2**, and MMs **HAZ-2** through **HAZ-4**. The Project will implement several conservation measures pertaining to energy use, greenhouse gas and air quality emission contribution, and water that would ensure that this specific Project will not result in cumulatively considerable impacts from cannabis cultivation operations.
- 3-14 Thank you for your comments and your time. The contact information provided in this comment will be retained in the Project file.

**RESPONSES TO COMMENTS  
LETTER #4  
SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD)**

- 4-1 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project.
- 4-2 The Project Description outlined in this comment is accurate. However, the timeframe outlined in this comment has been updated to reflect the date of public review for this Project. The Project is planned in phases: Site to be cleared and start of cultivation under interim scenario (approximately first quarter 2021); start date for construction of permanent buildings (second quarter 2023); completion date of construction (second quarter 2024).
- 4-3 SCAQMD's summary of the air quality analysis reflects the City's determination that the Proposed Project's regional and localized construction and operational air quality impacts would be less than significant.
- 4-4 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The IS/MND identified SCAQMD as a potential CEQA responsible agency in the Project Description on page 4. The Applicant will pursue acquiring any required permits from SCAQMD for the proposed Project.



- 4-5 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The contact information pertaining to permits will be retained in the Project file, as will the website for SCAQMD permits.
- 4-6 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City has reviewed the Federal, State, and SCAQMD rules and regulations that are listed in this comment. As discussed under response to comment 4-4, the Applicant will pursue acquiring any required permits from SCAQMD for the proposed Project. Additionally, where applicable, the proposed Project will comply with the rules and regulations. However, as stated under response to comment 3-3 based on a recent site visit by the Applicant, the Applicant will not require connection to a generator to operate, and therefore SCAQMD's rules pertaining to generator use do not apply to this Project. This is because there is an existing power source provided by IID that supplies limited power to the existing project site. There is a 480-volt 400 amp 3-phase power source that will power an air conditioning and air filtration system, so the proposed project will not require use of a new power source.

- 4-7 Your comment is noted and will be made available to the City decision-makers for consideration prior to a decision on the proposed Project. The City believes that the statements identified herein are factual and comply with the CEQA Guidelines.
- 4-8 The contact information provided will be retained in the Project file and the City will continue to work with SCAQMD should any further air quality-related questions arise.



## AUGUSTINE BAND OF CAHUILLA INDIANS

PO Box 846 84-481 Avenue 54 Coachella CA 92236

Telephone: (760) 398-4722

Fax (760) 369-7161

Tribal Chairperson: Amanda Vance

Tribal Vice-Chairperson: William Vance

Tribal Secretary: Victoria Martin

Date: October 21, 2020

1515 Sixth Street  
Coachella, CA 92236

RE: Bejarano Cannabis Cultivation Project located on 10.01 acres of vacant land located at along Harrison Street (APN#603-290-020 and 603-290-021) in City of Coachella.

Dear: Tom Dodson & Associates

Thank you for the opportunity to offer input concerning the development of the above-identified project. We appreciate your sensitivity to the cultural resources that may be impacted by your project, and the importance of these cultural resources to the Native American peoples that have occupied the land surrounding the area of your project for thousands of years. Unfortunately, increased development and lack of sensitivity to cultural resources has resulted in many significant cultural resources being destroyed or substantially altered and impacted. Your invitation to consult on this project is greatly appreciated.

At this time, we are unaware of specific cultural resources that may be affected by the proposed project, however in the event you should discover any cultural resources during the development of this project please contact our office immediately for further evaluation.

Very truly yours,

Victoria Martin, Tribal Secretary  
Augustine Band of Cahuilla Indians

**RESOLUTION NO. PC2020-12**

**A RESOLUTION OF THE CITY OF COACHELLA PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT (CUP 327) AND ARCHITECTURAL REVIEW (AR 20-06) TO ALLOW CONSTRUCTION OF A NEW 225,705 SQUARE FOOT CANNABIS CULTIVATION FACILITY IN THE M-W (WRECKING YARD) ZONE ON 10.01 ACRES OF PARTIALLY-DEVELOPED LAND LOCATED AT 48-100 HARRISON STREET (APN 603-290-020 & -021). DAVID E. ARGUDO, APPLICANT.**

**WHEREAS**, David E. Argudo filed an application for Environmental Assessment (EA 20-02), Conditional Use Permit (CUP 327), and Architectural Review (AR 20-06) to allow the construction of a new 225,705 square foot cannabis cultivation facility on 10.99 acres of vacant land located at 48-451 Harrison Street; Assessor Parcel No603-290-005 (“Project”); and,

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on CUP 327, and AR 20-06 on November 18, 2020 in the Coachella Permit Center, 53-990 Enterprise Way, Coachella, California; and,

**WHEREAS**, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

**WHEREAS**, the Project is permitted pursuant to Chapter 17.38 of the Coachella Municipal Code and Ordinance 1083, as amended by Ordinance 1108 and successor ordinances, and the attendant applications for a Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) to allow the Project; and,

**WHEREAS**, the proposed use is necessary or desirable for the development of the community, is consistent with the objectives of the City’s General Plan, and is not detrimental to the existing uses or the uses specifically permitted in the zone in which the proposed use is to be located; and,

**WHEREAS**, the proposed site is adequate in size and shape to accommodate the proposed development; and,

**WHEREAS**, the site for proposed use relates properly to streets which are designed to carry the type and quantity of traffic to be generated by the proposed use; and,

**WHEREAS**, the Applicant and members of the public were present and were afforded an opportunity to testify regarding the Project; and,

**WHEREAS**, the Project is conditionally permitted pursuant to Chapter 17.84 of the Coachella Municipal Code and Ordinance 1120 which allows cannabis cultivation facility uses subject to obtaining a conditional use permit; and,

**WHEREAS**, the proposed use will have no significant deleterious effect on the environment; and,

**WHEREAS**, a Mitigated Negative Declaration was prepared and considered for the proposal pursuant to the California Environmental Quality Act, as amended; and,

**WHEREAS**, the conditions as stipulated by the City are necessary to protect the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Coachella, California does hereby approves Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) subject to the findings listed below and the attached Conditions of Approval for the Bejarano Cannabis Cultivation Project (contained in “Exhibit A” and made a part herein).

**Findings for Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06):**

1. The Project is consistent with the goals, objectives, policies, and implementation measures of the Coachella General Plan 2035. The site has an Industrial District land use designation that allows for industrial development. The proposed structures on the site are in keeping with the policies of the Industrial District land use classification and the Project is internally consistent with other General Plan policies for this type of development.
2. As conditioned, the Project is in compliance with the applicable land use regulations and development standards of the City’s Zoning Code. The site plan proposes a commercial cannabis cultivation facility consisting of a 53,244 square foot headhouse / manufacturing / office Building and a 172,461 square foot cultivation greenhouse building with off-street parking and security fencing. As conditioned, the Project complies with applicable M-W (Wrecking Yard) and Ordinance 1083, as amended by Ordinance 1108, zoning regulations.
3. Every proposed use, and the development of land and application of architectural guidelines and development standards has been considered on the basis of the suitability of the site for a particular use or development intended, and the total development, including the prescribed development standards, have been so arranged as to avoid traffic congestion, ensure the protection of public health, safety and general welfare, prevent adverse effects on neighboring property and are in accord with all elements of the general plan. The Project site is within the Industrial District land use designation of the City’s general plan. This category provides for a broad spectrum of industrial and manufacturing uses. The proposed uses are compatible with existing adjacent uses that include similar industrial and manufacturing land uses.
4. As conditioned, the Project will be compatible with neighboring properties with respect to land development patterns and application of architectural treatments. The plans submitted for this Project propose a commercial cannabis cultivation facility that is permitted in the M-W (Wrecking Yard) zone pursuant to an approved Conditional Use Permit. Surrounding properties to the north, south and west in the City of Coachella have been approved for similar cannabis cultivation uses with contemporary industrial buildings similar to the proposed project. The greenhouse structure will be in the rear portion of the site and will be required to incorporate additional architectural treatments to mitigate the long expanse of wall plane. At buildout of the larger vicinity, the greenhouse will be substantially screened from view to the street. Properties to the north include outdoor storage, vacant land and existing automobile related uses. As such, the Project will be in

keeping with the scale, massing, and aesthetic appeal of the existing area and future development. The proposed two-story head-house building will be set back from street property lines and will not impact adjoining properties with loss of light or air.

5. An Initial Environmental Study recommending the adoption of a Mitigated Negative Declaration was prepared for this Project, pursuant to the California Environmental Quality Act Guidelines (CEQA Guidelines) and mitigation measures have been recommended in order to reduce the environmental effects of the project to a level of less than significant. The Project will not have any significant adverse effects on the environment.

**PASSED APPROVED and ADOPTED** this 18<sup>th</sup> day of November 2020.

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Javier Soliz, Chairperson  
Coachella Planning Commission

**ATTEST:**

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Yesenia Becerril  
Planning Commission Secretary

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

I HEREBY CERTIFY that the foregoing Resolution No. PC2020-12, was duly adopted at a regular meeting of the Planning Commission of the City of Coachella, California, held on the 18<sup>th</sup> day of November 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Yesenia Becerril  
Planning Commission Secretary

**“EXHIBIT A”**

**CONDITIONS OF APPROVAL FOR THE BEJARANO CANNABIS  
CULTIVATION PROJECT INCLUDING CONDITIONAL USE PERMIT (CUP 327)  
AND ARCHITECTURAL REVIEW (AR 20-06)**

**General Conditions:**

1. Conditional Use Permit (CUP 327) and Architectural Review (AR 20-06) hereby approve the development of a commercial cannabis cultivation facility with no retail sales of cannabis products, totaling 225,705 square feet including an Interim Use Facility. The owner and/or any lessees shall procure approvals of a City Cannabis Regulatory Permit prior to the commencement of any cannabis cultivation, cannabis manufacturing, or cannabis distribution business operations. The interim use facility shall be allowed for a maximum of 36 months, or prior to construction of the first phase, whichever occurs first.
2. Architectural Review (AR 20-06) and Conditional Use Permit (CUP 297) shall be valid for 12 months from the effective date unless an extension of time is requested by the applicant and granted by the Planning Commission. Issuance of building permits and pursuit of construction will vest the Architectural Review and Conditional Use Permit.
3. All masonry perimeter walls shall be decorative masonry with decorative cap subject to review by the Development Services Director, and subject to the City’s Building Codes. The use of wrought iron gates with decorative posts and finials may be allowed.
4. All plans, as shown, are considered “conceptual,” subject to revisions as called out by the conditions of this resolution. The plans shall not be stamp-approved until all conditions requesting revisions have been satisfied during the building plan check process. Any substantial changes to the plans, including changes shown on future building permit plans deemed by Staff to not be within substantial conformance with this approval, will require an amendment to the approval of Architectural Review No. 20-06, including architectural features, materials, and site layout.
5. The owner and any lessee shall pay the City’s cannabis floor area tax, the cannabis cultivation production tax, and the cannabis manufacturing production taxes, on a quarterly basis.
6. The owner shall voluntarily enter into a Business Agreement with the City of Coachella to require that a minimum of 80% of all persons employed at the cannabis cultivation facility are Coachella residents. The Business Agreement shall further stipulate that the owner voluntarily agrees to pay the City a 1% royalty fee on any cannabis products that are manufactured outside of the City of Coachella boundaries, but which use the name “Coachella” in its branding.
7. The project shall comply with all applicable codes, laws and regulations, regardless of whether they are listed in these conditions. This includes conformance with the requirements of the adopted C.B.C., C.P.C., C.M.C., N.E.C., including all requirements of the South Coast



Air Quality Management District, the Riverside County Fire Marshal's Office and any requirements by any other agency having jurisdiction over the project.

8. The applicant will agree to defend and indemnify the City of Coachella against all claims, actions, damages, and losses, including attorney fees and costs, in the event that anyone files legal challenges to the approval of this project on the basis of the California Environmental Quality Act (CEQA). Prior to the issuance of building permits, the applicant shall execute a standard indemnification agreement subject to review by the City Attorney.
9. All plan check submittals are the responsibility of the developer; this includes plan submittals to the City of Coachella Building Division, City of Coachella Utilities Division, City of Coachella Engineering Department, Riverside County Fire Marshal's Office, and outside agencies whose review and approval is required.

Mitigation Measures – Biological Resources:

10. The State of California prohibits the "take" of active bird nests. To avoid an illegal take of active bird nests, any grubbing, brushing or tree removal should be conducted outside of the the State identified nesting season (Raptor nesting season is February 15 through July 31; and migratory bird nesting season is March 15 through September 1). Alternatively, the site shall be evaluated by a qualified biologist prior to the initiation of ground disturbance to determine the presence or absence of nesting birds. Active bird nests MUST be avoided during the nesting season. If an active nest is located in the project construction area it will be flagged and a 300-foot avoidance buffer placed around it. No activity shall occur within the 300-foot buffer until the young have fledged the nest.

Mitigation Measures – Cultural Resources:

11. Should any cultural resources be encountered during construction of these facilities, earthmoving or grading activities in the immediate area of the finds shall be halted and an onsite inspection shall be performed immediately by a qualified archaeologist. Responsibility for making this determination shall be with the City's onsite inspector. The archaeological professional shall assess the find, determine its significance, and make recommendations for appropriate mitigation measures within the guidelines of the California Environmental Quality Act.

Mitigation Measures – Geology and Soils:

12. Prior to initiating grading, the site developer shall provide a geotechnical evaluation of the potential liquefaction hazards at the site and, if a hazard exists at the proposed project location, the evaluation shall define design measures that will ensure the safety of any new structures in protecting human life in the event of a regional earthquake affecting the site. The developer shall implement any design measures required to protect human safety.
13. Stored backfill material shall be covered with water resistant material during periods of heavy precipitation to reduce the potential for rainfall erosion of stored backfill material. If covering is not feasible, then measures such as the use of straw bales or sand bags shall be

used to capture and hold eroded material on the project site for future cleanup.

14. All exposed, disturbed soil (trenches, stored backfill, etc.) shall be sprayed with water or soil binders twice a day, or more frequently if fugitive dust is observed migrating from the site within which the Bejarano Cannabis Cultivation Facility is being constructed.

Mitigation Measures – Noise:

15. All construction vehicles and fixed or mobile equipment shall be equipped with properly operating and maintained mufflers.
16. All employees that will be exposed to noise levels greater than 75 dB over an 8 hour period shall be provided with adequate hearing protection devices to ensure no hearing damage will result from construction activities.
17. No exterior construction activities shall occur during the hours of 5:30 PM through 6 AM, Monday through Friday between October 1st and April 30th, and 7 PM and 5 AM Monday through Friday between May 1st and September 30th; all year between the hours of 5 PM and 8 AM on Saturdays, Sundays, and holidays, unless a declared emergency exists.
18. Equipment not in use for five minutes shall be shut off.
19. Equipment shall be maintained and operated such that loads are secured from rattling or banging.
20. Construction employees shall be trained in the proper operation and use of equipment consistent with these mitigation measures, including no unnecessary revving of equipment.
21. The City will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant personnel during construction activities.
22. A preliminary drainage report, prepared by California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. The report shall contain pre- and post-development hydrology maps showing on-site and off-site tributary drainage areas and shall be prepared in accordance with the requirements of the Riverside County Flood Control District. Adequate provisions shall be made to accept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties. If the design of the project includes a retention basin, it shall be sized to contain the runoff resulting from a 10-year storm event and the runoff from a 100-year storm event shall be contained within basin with shallow ponding (3.5' max.). The basin shall be designed to evacuate a 10-year storm event within 72 hours. The size of the retention basin(s) shall be determined by the hydrology report and be approved by the City Engineer. Retention basin shall be provided with a minimum of 2.00 feet sandy soil if determined to contain silt or clay materials. Maximum allowable percolation rate for design shall be 10 gal./s.f./day unless otherwise approved by the City Engineer. A percolation test for this site is required to be submitted. A combination drywell vertical drain field shall be constructed at all points where runoff enters the retention basin. Drywell & vertical drain field design shall be based on soils borings made at the proposed drywell locations after the retention basins have been

rough graded. Minimum depth shall be 45-feet. A log that includes sieve analysis for each strata of the borings shall be submitted to the City Engineer for confirmation of depth of the vertical drain fields. Underground retention under the proposed parking area will be considered as an alternative to surface retention subject to the approval of the City Engineer. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.

23. Applicant shall submit for review and approval by the City Engineer all documents related to any existing and proposed on-site and off-site easements that may affect the development of the site. All easements shall be identified on the engineering plans.
24. All existing & proposed public improvements shall be clearly identified on the site plan including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, sewer and water, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for commercial driveways with a minimum width of 24.00 feet and curbed radius entrances.
25. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
26. Applicant shall obtain approval of site access and circulation from Fire Marshall.
27. Public improvements along the project's frontage shall include repair and construction of pavement, curb, gutter, and sidewalk necessary for compliance with current standards and ADA requirements.

#### ENGINEERING DEPARTMENT:

28. A preliminary soils report shall be prepared for the project by an appropriately licensed professional engineer. At a minimum, the soils report shall provide specific analyses and recommendations for grading, pavement structural sections, and infiltration.
29. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, shall be submitted for review and approval by the City Engineer prior to issuance of any permits. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
30. A submittal for review and approval by the City Engineer all documents related to any existing and proposed on-site and off-site easements that may affect the development of the site. All easements shall be identified on the engineering plans.
31. Site access improvements shall be in conformance with the requirements of Title 24 of the California Administrative Code. This shall include access ramps for off-site and on-site streets as required.
32. Applicant shall obtain approval of site access and circulation from Fire Marshall.
33. The applicant shall pay all necessary plan check, permit and inspections fees. Fees will be determined when plans are submitted to the City Engineering Department for plan check.
34. Applicant shall comply with the valley wide NPDES permit requirements including but not limited to submittal of a WQMP for plan review accompanied by a \$3,000 plan check deposit for approval including executed maintenance agreement. All unused plan check fees will be refunded to the

applicant upon approval of the Final WQMP.

35. The developer shall submit a Fugitive Dust Control and Erosion Control plan in accordance with Guidelines set forth by CMC and SCAQMD to maintain wind and drainage erosion and dust control for all areas disturbed by grading. Exact method(s) of such control shall be subject to review and approval by the City Engineer. No sediment is to leave the site. Additional securities, in bond form, in amount of \$2,000.00 per acre of gross area, and a one-time cash deposit of \$2,000.00 are required to insure compliance with this requirement. No work may be started on or off site unless the PM-10 plan has been approved, the original plans, and executed dust control agreement, are filed in the engineering department at the City of Coachella.
36. If screen walls are required, separate permits shall be necessary for wall construction. The maximum height of any wall shall be limited to six (6) feet as measured from an average of the ground elevations on either side.

Rough Grading:

37. Prepare and submit rough grading and erosion control plans for the project.
38. The project's soils engineer shall certify to the adequacy of the grading plan.
39. All projects developing one (1) acre or more of total land area, or which are part of a larger phased development that will disturb one acre of land, are required to obtain coverage under the State Water Resources Control Board's (SWRCB) General Permit for storm water discharges associated with construction activity. Proof of filing a Notice of Intent (NOI) with the SWRCB for coverage under this permit is required. The Waste Discharger's Identification Number (WDID), issued by the SWRCB, must be shown on the grading plans. The project's Storm Water Pollution Prevention Plan shall be submitted for the City's review and approval.

Precise Grading:

40. A precise grading/improvement plan, prepared by a California Registered Civil Engineer, showing building footprints, pad elevations, finished grades, drainage routes, retaining walls, erosion control, slope easements, and all other pertinent information shall be submitted for review and approval by the City Engineer.
41. Rough grading shall be certified by the project soils engineer prior to issuance of a permit for precise grading or building construction.

Street Improvements:

42. Street improvement plans prepared by a California Registered Civil Engineer shall be submitted for review and approval by the City Engineer. All street improvements including street lights shall be designed and constructed in conformance with City Municipal Code, General Plan, and Standards and Specifications. Street flow line grade shall have a minimum slope of 0.35 %.
43. Applicant shall construct all off-site and on-site improvements including street pavement, curb, gutter, sidewalk, street trees, perimeter walls, perimeter landscaping and irrigation, storm drain, street lights, and any other incidental works necessary to complete the improvements. Driveways shall conform to City of Coachella standards for commercial driveways with a minimum width of 24.00 feet and curbed radius entrances.

Sewer and Water Improvements:

44. Sewer & Water Improvement Plans prepared by a California Registered Civil Engineer shall be submitted for engineering plan check and City Engineer approval.
45. Applicant shall construct all off-site and on-site water improvements and any other incidental works necessary to complete the improvements. Size and location of sewer and water improvements shall be approved by the City Engineer.

Prior to Issuance of Building Permits:

46. A final soils report, compaction report and rough grading certificate shall be submitted and approved prior to issuance of any building permits.
47. Provide a set of proposed Covenants, Conditions and Restrictions (CC&R) for review and approval. The proposed CC&Rs shall contain the Association's/Owner's maintenance obligations with respect to various facilities including, but not limited to, right-of-way and private landscaping, private streets, sidewalks, utilities, street lights, and Water Quality Management Plan (WQMP) features. This document must be submitted to and approved by the City before it is submitted to any other governmental entity.
48. Prior to issuance of building permits, all required public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed or secured with appropriate sureties to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.
49. The applicant's Civil Engineer shall field verify and certify that all BMPs are designed, constructed, and functional in accordance with the approved WQMP.

Prior to Release of Occupancy Permits /Acceptance of Public Improvements:

50. Prior to issuance of certificate of occupancy, all public improvements, including landscaping and lighting of the retention basins, and landscaped areas along the exterior streets, shall be completed to the satisfaction of the City Engineer. An engineering final inspection is required. "As-built" plans shall be submitted to and approved by the City Engineer. Prior to acceptance of the improvements by the City, such plans, once approved, shall be given to the city on compact disk in AutoCad format. All off-site and on-site improvements shall be completed to the satisfaction of the City Engineer prior to acceptance of improvements for maintenance by the City.
51. Final landscaping and irrigation plans shall be submitted to the Development Services Department for review and approval. Said plans shall conform to the landscaping plan submitted as part of the subject Architectural Review, and as conditioned herein.
52. Prior to the issuance of building permits, the applicant shall submit detailed landscaping and irrigation plans for review and approval by the City's Engineering Department and Development Services Department.
53. Landscaping and irrigation shall be provided in accordance with Section 17.54.010(J) of the

Municipal Code and in accordance with the State Model Water Efficient Landscape Ordinance (AB 1881). Water budget calculations, including the Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use (ETWU) shall be provided as part of the landscaping and irrigation plan.

Development Services – Landscaping:

54. The landscape plan shall provide for a minimum 5-gallon groundcover plants, 5-gallon shrubs, and 24-inch box trees. The plants and trees shall be irrigated with an automatic and durable drip irrigation system.
55. Landscaped areas shall be dressed with a minimum 2-inch layer of compacted and/or glue-bonded decomposed granite that cannot be wind driven. A weed barrier underlayment shall be placed under the decomposed granite.
56. Plant materials selection should be represented by symbols that show the plants at 75% of their mature size.
57. All non-landscaped and undeveloped areas of the site shall be kept free of weeds and debris and shall be treated with a dust-preventative ground coating.
58. Prior to the issuance of building permits, all exterior architectural features and treatments shall be consistent with the submitted Architectural Review No. 20-06 construction plans and elevations, subject to review and approval.
59. All exposed metal flashing, downspouts, or utility cabinets shall be painted to match the building prior to final inspection.
60. Trash enclosures installed for the project shall be compatible architecturally with the building and include storage areas for recycling containers. The enclosure shall be constructed to Burrtec Waste Management Standards. Both Burrtec Waste Management and the City Engineer shall approve the location of the trash enclosure.
61. All roof mounted mechanical equipment, except solar panels, shall be view obscured from all public streets by a parapet wall greater in height than the equipment installed through a line of sight analysis. Ground mounted mechanical equipment shall be view obscured by landscaping or enclosure.
62. Outdoor storage areas, if any, shall be obscured from public view and specifically shall not be visible from Harrison Street.

Riverside County Fire Department:

63. Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the arrival of combustible materials on site. Reference 2016 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

64. Prior to building permit issuance, provide a fire access site plan. Access roads shall be provided to within 150 feet to all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 60,000 lbs over two axles for areas of commercial development. Approved vehicle access, either permanent or temporary, shall be provided during construction Ref. CFC 503.1.1, 3310.1 and 503.2.1.
65. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1
66. Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
67. Deferred submittals shall be required for Carbon Dioxide Gas Enrichments Systems and Plant Processing/Extraction Systems. Refer to the Riverside County Office of the Fire Marshal Technical Policy #TP16-004 and #TP16-005.
68. If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1
69. All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Coachella.
70. A water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72.
71. Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1.
72. All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01.
73. The applicant shall submit water and sewer plans for approval from Utilities Manager and shall connect to City public sewer and water system.
74. The project will require a Water Quality Management Plan (WQMP) for being greater than 100,000 square feet.

75. The proposed facility will be required to submit a source control survey to Utilities Department.
76. The applicant shall submit detailed plumbing and mechanical plans to Utilities Department for review prior to issuance of permits.
77. The applicant shall install Above Ground “Double Check Detector Assembly” DCDA for fire system and to protect water supply from contamination or pollution.
78. Backflow devices will require Reduced Pressure Principle Device (RP) within 12 inches of water service installed to protect water supply from contamination or pollution.
79. The applicant shall install separate AMI metering system for each building.
80. The applicant shall install separate AMI metering system for irrigation system.
81. The project shall implement the State’s drought mandate which prohibits irrigation with potable water outside newly constructed homes and buildings that is not delivered by drip or micro-spray systems.
82. If recycled water becomes available at the project site, the owner shall connect to this system and utilize recycled water for landscape irrigation, and any other feasible uses of recycled water on the project site.

#### Fees

83. Prior to the issuance of a building permit, the applicant shall pay all Permit and Development Impact Fees to the City. This this includes all outside agency fees such as MSHCP and TUMF mitigation fees paid to CVAG, and payment of water and sewer impact fees. Copies of receipts shall be provided to the Development Services Department prior to permit issuance.
84. The applicant shall be responsible for paying all applicable development and processing (plan check, inspection, etc.) fees associated with this project.
85. The applicant shall pay all applicable school impact fees to the Coachella Valley Unified School District prior to the issuance of a building permit.
86. The applicant shall comply with the City's Art in Public Places Ordinance. If the applicant elects to pay in-lieu art fees, then the fees shall be deposited into the Public Arts Fund at an amount of (1) One-half (1/2) of one percent (1%) for new commercial and industrial construction.
87. Installation of off-site improvements and sidewalks along Harrison Street may be satisfied



by a future improvement agreement subject to review and approval by the City Engineer.