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# Response to Comments

## Rosemount Storage Project

*Lead Agency:*

City of Cathedral City  
68700 Avenida Lalo Guerrero  
Cathedral City, CA 92234

*Prepared by:*

The Altum Group  
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July 2024

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July 26<sup>th</sup> 2024

Sandra Molina  
Deputy Director  
Community and Economic Development  
City of Cathedral City  
68700 Avenida Lalo Guerrero, CA 92234

**SUBJECT:** Response to Comments on the ISMND for the Rosemount Storage Project at Date Palm Drive, between McCallum Way and Rosemount Road.

Dear Sandra Molina,

On behalf of Three Mile Hallow, LLC, The Altum Group is submitting the enclosed responses to comments for the Initial Study Mitigated Negative Declaration for the Rosemount Storage Project.

The listed supporting information is provided as attachments to this letter:

Attachment A – California Department of Fish Wildlife Comment Letter and Response to Comments

Attachment B – Peerless at Mammoth LLC Comment Letter and Response to Comments.

Attachment C – Email from Citizen

Attachment D – Riverside County Flood Control and Water Conservation District

Attachment E – Airport Land Use Commission Email

**Attachment A**

**California Department of Fish and Wildlife Comment Letter  
and Response to Comments**

Comment 1

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). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW requests that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

### Mitigation Measures

CEQA requires that an MND include mitigation measures to avoid or reduce significant impacts. CDFW is concerned that the mitigation measures proposed in the MND are not adequate to avoid or reduce impacts to biological resources to below a level of significance. To support the City in ensuring that Project impacts to biological resources are reduced to less than significant, CDFW recommends adding mitigation measures for burrowing owl, artificial nighttime lighting, salvage of sand-dependent Covered Species, and Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) compliance, as well as revising the mitigation measure for nesting birds.

#### **1) *Nesting Birds***

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 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.).

Permittees of the CVMSHCP must ensure that Covered Activities within their jurisdictions—both inside and outside Conservation Areas—do not take, possess, or

needlessly destroy the nest or eggs of nesting birds. Per Section 3.5.6 of the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 for the CVMSHCP, “take outside of Conservation Areas will be consistent with sections 3503 and 3503.5 of the Fish and Game Code.” Per Section 13.2 of the CVMSHCP Implementing Agreement, County and Cities’ obligations include, but are not limited to, taking “all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of project approvals for public and private projects, including compliance with the MSHCP, the Permits and this Agreement.”

Comment 2

Page 5 of the Project’s Habitat Assessment and CVMSHCP Consistency Analysis (Biological Assessment) indicates that the “project site [and] surrounding area have the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments.” The MND includes Mitigation Measure BIO-1, which states that “if construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction.” CDFW considers Mitigation Measure BIO-1 to be insufficient in scope and timing to reduce impacts to nesting birds to a level less than significant. CDFW is concerned about impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys *regardless* of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socular et al., 2017<sup>2</sup>). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys *regardless of the time of year* to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

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<sup>2</sup> Socolar JB, Epanchin PN, Beissinger SR and Tingley MW (2017). Phenological shifts conserve thermal niches. Proceedings of the National Academy of Sciences 114(49): 12976-12981.

To support the Project in reducing impacts to nesting birds to a level less than significant, CDFW recommends that the City revise Mitigation Measure BIO-1 with the following additions in **bold** and removals in ~~strikethrough~~:

### **Mitigation Measure BIO-1: Nesting Birds**

**Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction 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 pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**

~~Nesting birds are protected pursuant to the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (Sections 3503, 3503.3, 3511, and 3513 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs). In order to protect migratory bird species, a nesting bird clearance survey shall be conducted prior to any ground disturbance or vegetation removal activities that may disrupt the birds during the nesting season. Consequently, if avian nesting behaviors are disrupted, such as nest abandonment and/or loss of reproductive effort, it is considered "take" and is potentially punishable by fines and/or imprisonment. If construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction. The biologist conducting the clearance survey shall document a negative survey with a brief letter report indicating that no impacts to active avian nests will occur. If an active avian nest is discovered during the preconstruction clearance survey, construction activities shall stay outside of a no-disturbance buffer. The size of the no-disturbance buffer will be determined by the wildlife biologist and will depend on the level of noise and/or surrounding anthropogenic disturbances, line of sight between the nest and the construction activity, type and duration of construction activity, ambient noise, species habituation, and topographical barriers. These factors will be evaluated on a case-by-case basis when developing~~

Comment 2 Continued

~~buffer distances. Limits of construction to avoid an active nest will be established in the field with flagging, fencing, or other appropriate barriers; and construction personnel will be instructed on the sensitivity of nest areas. A biological monitor should be present to delineate the boundaries of the buffer area and to monitor the active nest to ensure that nesting behavior is not adversely affected by the construction activity. Once the young have fledged and left the nest, or the nest otherwise becomes inactive under natural conditions, construction activities within the buffer area can occur.~~

**2) *Burrowing Owl***

Burrowing owl is a California Species of Special Concern. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5, and 3513. 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.). Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

Permittees of the CVMSHCP must ensure that Covered Activities within their jurisdictions—both inside and outside Conservation Areas—do not result in the take of the burrowing owl individuals, nests, or eggs. Per Section 3.5.6 of the California Department of Fish and Wildlife (CDFW) Natural Community Conservation Plan (NCCP) Permit #2835-2008-001-06 for the CVMSHCP, “take outside of Conservation Areas will be consistent with sections 3503 and 3503.5 of the Fish and Game Code.” Adding further clarification, Section 3.5.6 of CDFW’s NCCP Permit indicates that “following all laws applicable to migratory birds (discussed below), the pairs or individuals will not be Taken, just the land around and including the burrows”, and “the HCP/NCCP does not authorize Take of nests and eggs as prohibited by Fish and Game Code sections 3503 and 3503.5 and therefore avoidance measures will have to be undertaken for all projects which have breeding burrowing owls present.” An activity that results in the take of burrowing owl individuals, nests, or eggs would be unlawful and would not be a Covered Activity under the CVMSHCP. Per Section 13.2 of the CVMSHCP Implementing Agreement, County and Cities’ obligations include, but are not limited to, taking “all necessary and appropriate actions, following applicable land use permit enforcement procedures and practices, to enforce the terms of project approvals for public and private projects, including compliance with the MSHCP, the Permits and this Agreement.” The City has an obligation under the CVMSHCP to ensure the Project does not result in the take of burrowing owl individuals, nests, and eggs.

Comment 3

Page 9 of the Project’s Biological Assessment states that “despite a systematic search of the project site, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Several small mammal

Comment 3 Continued

burrows that have the potential to provide suitable burrowing owl nesting habitat (>4 inches in diameter) were observed within the boundaries of the site. Based on this information, and as a result of current and historic on-site disturbances, and surrounding development, it was determined that burrowing owls do not have potential to occur, and no focused surveys are recommended.” Table D-1 of the Project’s Biological Assessment indicates that “the Project site provides line-of-sight opportunities favored by burrowing owls; however, no suitable burrows (>4 inches) were observed.” The MND and its supporting documents contain inconsistent information on the presence of suitable burrows for burrowing owls located within the Project site. Also, the MND and Biological Assessment lack a discussion of the methods used to conduct surveys for burrowing owl and if focused surveys, conducted independently of other surveys, were completed. CDFW recommends that a habitat assessment and focused surveys for burrowing owl are conducted independently of other biological survey activities. Given the MND’s lack of findings from a recent habitat assessment and focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*,<sup>3</sup> the number of suitable and occupied burrows within the Project site and surrounding areas is unknown. CDFW recommends the MND is revised to include the findings from focused burrowing owl surveys following the guidelines in the *Staff Report on Burrowing Owl Mitigation* along with appropriate avoidance, minimization, and mitigation measures.

Based on review of historical aerial and street imagery using Google Earth Pro, the Project site and surrounding open-space areas to the north contain sparse vegetation cover that is suitable nesting and foraging habitat for burrowing owl. CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs,<sup>4</sup> and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat proximity.<sup>5</sup> In addition, burrowing owls frequently move into disturbed areas prior to and during construction activities since they are adapted to highly modified habitats.<sup>6,7</sup> Because the Project site contains suitable habitat for

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<sup>3</sup> California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at:  
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843&inline>

<sup>4</sup> Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing owl (*Speotyto cunicularia*), in A. Poole and F. Gill, editors, The Birds of North America, The Academy of Natural Sciences, Philadelphia, Pennsylvania, and The American Ornithologists’ Union, Washington, D.C., USA.

<sup>5</sup> Gervais, J. A., D. K. Rosenberg, R. G. Anthony. 2003. Space use and pesticide exposure risk of male burrowing owls in an agricultural landscape. *Journal of Wildlife Management* 67: 155-164.

<sup>6</sup> Chipman, E. D., N. E. McIntyre, R. E. Strauss, M. C. Wallace, J. D. Ray, and C. W. Boal. 2008. Effects of human land use on western burrowing owl foraging and activity budgets. *Journal of Raptor Research* 42(2): 87-98.

<sup>7</sup> Coulombe, H. N. 1971. Behavior and population ecology of the Burrowing Owl, *Speotyto cunicularia*, in the Imperial Valley of California. *Condor* 73:162–176.



Comment 3 Continued

burrowing owl, and the number of suitable and occupied burrows within the Project site is uncertain, CDFW disagrees with the conclusion in the MND and Biological Assessment that focused burrowing owl surveys are not recommended. To support the Project in reducing impacts to burrowing owl to a level less than significant, CDFW recommends the City add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[A]: Burrowing Owl Surveys**

Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the *Staff Report on Burrowing Owl Mitigation* (CDFG, 2012 or most recent version) prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

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* (CDFG, 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. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

### **3) Artificial Nighttime Lighting**

The proposed Project will result in new sources of artificial nighttime lighting, including “freestanding lights with a maximum height of 18 feet located around the parking lot areas, as well as building lights. All lighting would be shielded to prevent light spillover onto adjacent areas” (page 9 of the MND). The Project is located adjacent to open-space areas to the north and across Date Palm Drive to the west of the Project site—areas that provide suitable nesting, roosting, foraging, and refugia habitat for birds, migratory birds that fly at night, bats, and other nocturnal and crepuscular wildlife. The Project’s proposed artificial nighttime lighting has the potential to significantly and adversely affect wildlife in the open-space areas adjacent to the Project site. Artificial lighting alters ecological processes including, but not limited to, the temporal niches of species; the repair and recovery of physiological function; the measurement of time through interference with the detection of circadian and lunar and seasonal cycles; the detection of resources and natural enemies; and navigation.<sup>8</sup> Many species use photoperiod cues for communication (e.g., bird song<sup>9</sup>), determining when to begin foraging,<sup>10</sup> behavioral thermoregulation,<sup>11</sup> and migration.<sup>12</sup> Phototaxis, a phenomenon that results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it.<sup>14</sup>

Comment 4

Page 9 of the MND indicates that “all lighting would be shielded to prevent light spillover onto adjacent areas”. While these plans for shielding artificial nighttime lighting support the Project in limiting lighting impacts to biological resources within areas surrounding the Project site, CDFW considers these measures insufficient in scope and timing to reduce impacts to a level less than significant. To support the City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends the City add the following mitigation measure to a revised MND:

#### **Mitigation Measure BIO-[B]: Artificial Nighttime Lighting**

**Throughout construction and the lifetime operations of the Project, the City of Cathedral City and Project proponent shall eliminate all nonessential lighting**

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<sup>8</sup> Gatson, K. J., Bennie, J., Davies, T., Hopkins, J. 2013. The ecological impacts of nighttime light pollution: a mechanistic appraisal. *Biological Reviews*, 88.4: 912-927.

<sup>9</sup> Miller, M. W. 2006. Apparent effects of light pollution on singing behavior of American robins. *The Condor* 108:130–139.

<sup>10</sup> Stone, E. L., G. Jones, and S. Harris. 2009. Street lighting disturbs commuting bats. *Current Biology* 19:1123–1127.

<sup>11</sup> Beiswenger, R. E. 1977. Diet patterns of aggregative behavior in tadpoles of *Bufo americanus*, in relation to light and temperature. *Ecology* 58:98–108.

<sup>12</sup> Longcore, T., and C. Rich. 2004. Ecological light pollution - Review. *Frontiers in Ecology and the Environment* 2:191–198.

Comment 4 Continued

throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Cathedral City and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City of Cathedral City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

Comment 5

**4) Coachella Valley Multiple Species Habitat Conservation Plan**

Salvage of Sand-Dependent Covered Species

Section 6.6.1 of the CVMSHCP (Obligations of Local Permittees) states that within and outside Conservation Areas “on parcels approved for Development, the Permittees shall encourage the opportunity to salvage Covered sand-dependent species in accordance with the Implementation Manual.” Page 10 of the Project’s Biological Assessment indicates that the “CVMSHCP identifies modeled habitat for Coachella Valley milk-vetch [(*Astragalus lentiginosus*)], Palm Springs pocket mouse (*Perognathus longimembris bangsi*), fat-tailed horned lizard (*Phrynosoma mcallii*), Le Conte’s thrasher (*Toxostoma lecontei*), Coachella Valley fringe-toed lizard (*Uma inornata*), and Coachella Valley round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*) as occurring within the Project site.” Many of these species, including, but not limited to, Coachella Valley milk-vetch, Palm Springs pocket mouse, fat-tailed horned lizard, and Coachella Valley fringe-toed lizard are sand-dependent Covered Species. To be consistent with the CVMSHCP, CDFW recommends that the City include in a revised MND the following mitigation measure:

**Mitigation Measure BIO-[C]: Salvage of Sand-Dependent Covered Species**

**Prior to vegetation removal or ground-disturbing activities, the City of Cathedral City will collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.**

Comment 6

Local Development Mitigation Fee

Section 5.2.1.1 of the CVMSHCP indicates that “local jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for the Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of an existing fee ordinance.” The Project

Comment 6 Continued

site contains CVMSHCP modeled habitat for several Covered Species, as discussed on page 10 of the Biological Assessment, and contains suitable habitat for burrowing owl; therefore, the City is required to impose a local development fee for the Project. To document this obligation, CDFW recommends the City add the following mitigation measure to a revised MND:

**Mitigation Measure BIO-[D]: CVMSHCP Compliance**

**Prior to construction and issuance of any grading permit, the City of Cathedral City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.**

Comment 7

**5) Landscaping**

Page 8 of the MND indicates that the “site would be landscaped with a variety of plants that are native and indigenous to California’s climatic conditions and require low and medium water use. The proposed trees would include various evergreen and deciduous trees, such as: California Fan Palms, Palo Verdes, Live Oaks, African Sumacs, Shoestring Acacias, Desert Willows, Crape Myrtles, and Ironwood trees which would be placed throughout the site, including all parking areas.” CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California’s Save our Water website: <https://saveourwater.com/>. CDFW also recommends that the MND include recommendations regarding landscaping from Section 4.0 of the CVMSHCP “Table 4-112: Coachella Valley Native Plants Recommended for Landscaping” (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>).

**ENVIRONMENTAL DATA**

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, §

Sandra Molina, Deputy Director of Community and Economic Development  
City of Cathedral City  
July 22, 2024  
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21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## ENVIRONMENTAL DOCUMENT FILING FEES


The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document 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 environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts to biological resources. CDFW concludes that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW recommends that revised and additional mitigation measures and analysis as described in this letter be added to a revised MND.

CDFW personnel are available for consultation regarding biological resources and strategies to avoid and minimize impacts. Questions regarding this letter or further coordination should be directed to Jacob Skaggs, Senior Environmental Scientist Specialist, at [jacob.skaggs@wildlife.ca.gov](mailto:jacob.skaggs@wildlife.ca.gov).

Sincerely,

DocuSigned by:  
  
4ADE68D237B0401...

for  
Kim Freeburn  
Environmental Program Manager

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

ec:

Heather Brashear, Senior Environmental Scientist (Supervisor), CDFW

Sandra Molina, Deputy Director of Community and Economic Development  
City of Cathedral City  
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[Heather.Brashear@Wildlife.ca.gov](mailto:Heather.Brashear@Wildlife.ca.gov)

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Peter Satin, Coachella Valley Conservation Commission  
[psatin@cvag.org](mailto:psatin@cvag.org)

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

Mitigation Measures	Timing and Methods	Responsible Parties
<p><b>Mitigation Measure BIO-1: Nesting Birds</b></p> <p>Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction 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 pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the</p>	<p><b>Timing:</b> No more than 3 days prior to vegetation removal or ground-disturbing activities.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Cathedral City and Project proponent</p> <p><b>Monitoring and Reporting:</b> City of Cathedral City</p>

<p>authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p><b>Mitigation Measure BIO-[A]: Burrowing Owl Surveys</b></p> <p>Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the <i>Staff Report on Burrowing Owl Mitigation</i> (CDFG, 2012 or most recent version) prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>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> (CDFG, 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</i></p>	<p><b>Timing: Focused surveys:</b> Prior to vegetation removal or ground-disturbing activities. <b>Pre-construction surveys:</b> No less than 14 days prior to start of Project-related activities and within 24 hours prior to ground disturbance.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Cathedral City and Project proponent</p> <p><b>Monitoring and Reporting:</b> City of Cathedral City</p>



<p><b>Mitigation.</b> If the preconstruction surveys confirm occupied burrowing owl habitat, Project activities shall be immediately halted. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.</p>		
<p><b>Mitigation Measure BIO-[B]: Artificial Nighttime Lighting</b></p> <p>Throughout construction and the lifetime operations of the Project, the City of Cathedral City and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Cathedral City and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <a href="http://darksky.org/">http://darksky.org/</a>). The City of Cathedral City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.</p>	<p><b>Timing:</b> Throughout construction and the lifetime operations of the Project.</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Cathedral City and Project proponent</p> <p><b>Monitoring and Reporting:</b> City of Cathedral City</p>
<p><b>Mitigation Measure BIO-[C]: Salvage of Sand-Dependent Covered Species</b></p> <p>Prior to vegetation removal or ground-disturbing activities, the City of Cathedral City will collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site</p>	<p><b>Timing:</b> Prior to vegetation removal of ground-disturbing activities</p> <p><b>Methods:</b> See Mitigation Measure</p>	<p><b>Implementation:</b> City of Cathedral City and Project proponent</p> <p><b>Monitoring and Reporting:</b> City of Cathedral City</p>
<p><b>Mitigation Measure BIO-[D]: CVMSHCP Compliance</b></p> <p>Prior to construction and issuance of any grading permit, the City of Cathedral City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP</p>	<p><b>Timing:</b> Prior to construction and issuance of any grading permit</p>	<p><b>Implementation:</b> City of Cathedral City and Project proponent</p> <p><b>Monitoring and Reporting:</b> City of Cathedral City</p>



Sandra Molina, Deputy Director of Community and Economic Development  
City of Cathedral City  
July 22, 2024  
Page 16

<b>Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.</b>	<b>Methods:</b> See Mitigation Measure	
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**Comment 1:** 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). CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. The MND has not adequately identified and disclosed the Project's impacts (i.e., direct, indirect, and cumulative) on biological resources and whether those impacts are reduced to less than significant.

CDFW's comments and recommendations on the MND are explained in greater detail below and summarized here. CDFW is concerned that the MND does not adequately identify or mitigate the Project's significant, or potentially significant, impacts to biological resources. CDFW requests that additional information and analyses be added to a revised MND, along with avoidance, minimization, and mitigation measures that avoid or reduce impacts to less than significant.

**Response:** This comment is noted. The ISMND has been revised to include the mitigation measures recommended in this letter by California Department of Fish and Wildlife (CDFW) as MM BIO-1 through BIO-5.

**Comment 2:** Page 5 of the Project's Habitat Assessment and CVMSHCP Consistency Analysis (Biological Assessment) indicates that the "project site [and] surrounding area have the potential to provide suitable nesting habitat for year-round and seasonal avian residents, as well as migrating songbirds that could occur in the area that area adapted to urban environments." The MND includes Mitigation Measure BIO-1, which states that "if construction occurs between February 1st and August 31st, a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities to ensure that no nesting birds will be disturbed during construction." CDFW considers Mitigation Measure BIO-1 to be insufficient in scope and timing to reduce impacts to nesting birds to a level less than significant. CDFW is concerned about impacts to nesting birds including loss of nesting/foraging habitat and potential take from ground-disturbing activities and construction. Conducting work outside the peak nesting season is an important avoidance and minimization measure. CDFW also recommends the completion of nesting bird surveys regardless of the time of year to ensure that impacts to nesting birds are avoided. The timing of the nesting season varies greatly depending on several factors, such as bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). In response to warming, birds have been reported to breed earlier, thereby reducing temperatures that nests are exposed to during breeding and tracking shifts in availability of resources (Socolar et al., 20172). CDFW staff have observed that climate change conditions may result in nesting bird season occurring earlier and later in the year than historical nesting season dates. CDFW recommends that disturbance of occupied nests of migratory birds and raptors within the Project site and surrounding area be avoided any time birds are nesting on-site. CDFW therefore recommends the completion of nesting bird surveys regardless of the time of year to ensure compliance with all applicable laws pertaining to nesting and migratory birds.

To support the Project in reducing impacts to nesting birds to a level less than significant, CDFW recommends that the City revise Mitigation Measure BIO-1 with the following additions in **bold** and removals in strikethrough:

**Response:** As suggested by CDFW, the ISMND has been updated to include a revised mitigation measure for nesting birds as BIO-1.

### **BIO-1: Nesting Birds**

Regardless of the time of year, nesting bird surveys shall be performed by a qualified avian biologist no more than 3 days prior to vegetation removal or ground-disturbing activities. Pre-construction 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 pre-construction nesting bird surveys, a qualified biologist shall establish an appropriate nest buffer to be marked on the ground. Nest buffers are species specific and shall be at least 300 feet for passerines and 500 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Construction activities may not occur inside the established buffers, which shall remain on-site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project has been completed. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.

**Comment 3:** Page 9 of the Project's Biological Assessment states that "despite a systematic search of the project site, no burrowing owls or sign (i.e., pellets, feathers, castings, or whitewash) were observed during the field investigation. Several small mammal burrows that have the potential to provide suitable burrowing owl nesting habitat (>4 inches in diameter) were observed within the boundaries of the site. Based on this information, and as a result of current and historic on-site disturbances, and surrounding development, it was determined that burrowing owls do not have potential to occur, and no focused surveys are recommended." Table D-1 of the Project's Biological Assessment indicates that "the Project site provides line-of-sight opportunities favored by burrowing owls; however, no suitable burrows (>4 inches) were observed." The MND and its supporting documents contain inconsistent information on the presence of suitable burrows for burrowing owls located within the Project site. Also, the MND and Biological Assessment lack a discussion of the methods used to conduct surveys for burrowing owl and if focused surveys, conducted independently of other surveys, were completed. CDFW recommends that a habitat assessment and focused surveys for burrowing owl are conducted independently of other biological survey activities. Given the MND's lack of findings from a recent habitat assessment and focused surveys for burrowing owl following the guidelines in the *Staff Report on Burrowing Owl Mitigation*,<sup>3</sup> the number of suitable and occupied burrows within the Project site and surrounding areas is unknown. CDFW recommends the MND is revised to include the findings from focused burrowing owl surveys following the guidelines in the *Staff Report on Burrowing Owl Mitigation* along with appropriate avoidance, minimization, and mitigation measures.

Based on review of historical aerial and street imagery using Google Earth Pro, the Project site and surrounding open-space areas to the north contain sparse vegetation cover that is suitable nesting and foraging habitat for burrowing owl. CDFW notes that in California, preferred habitat for burrowing owl is generally typified by short, sparse vegetation with few shrubs,<sup>4</sup> and that burrowing owls may occur in ruderal grassy fields, vacant lots, and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat proximity.<sup>5</sup> In addition, burrowing owls frequently move into disturbed areas prior to and during construction activities since they are adapted to highly modified habitat. Because

the Project site contains suitable habitat for burrowing owl, and the number of suitable and occupied burrows within the Project site is uncertain, CDFW disagrees with the conclusion in the MND and Biological Assessment that focused burrowing owl surveys are not recommended. To support the Project in reducing impacts to burrowing owl to a level less than significant, CDFW recommends the City add the following mitigation measure to a revised MND:

**Response:** As suggested by CDFW, the ISMND has been updated to include a revised mitigation measure for burrowing owls as BIO-2.

**BIO-2: Burrowing Owl Surveys:** Suitable burrowing owl habitat has been confirmed on the site; therefore, focused burrowing owl surveys shall be conducted by a qualified biologist according to the Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) prior to vegetation removal or ground-disturbing activities. If burrowing owls are detected during the focused surveys, the qualified biologist and Project proponent shall begin coordination with CDFW and USFWS immediately, and shall prepare a Burrowing Owl Plan that shall be submitted to CDFW for review and approval prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, mitigation, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures. If impacts to occupied burrowing owl habitat or burrow cannot be avoided, the Burrowing Owl Plan shall also describe minimization and relocation actions that will be implemented. Proposed implementation of burrow exclusion and closure should only be considered as a last resort, after all other options have been evaluated as exclusion is not in itself an avoidance, minimization, or mitigation method and has the possibility to result in take. If impacts to occupied burrows cannot be avoided, information shall be provided regarding adjacent or nearby suitable habitat available to owls along with proposed relocation actions. The Project proponent shall implement the Burrowing Owl Plan following CDFW and USFWS review and approval.

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 (CDFG, 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. The qualified biologist shall coordinate with CDFW and prepare a Burrowing Owl Plan that shall be submitted to CDFW and USFWS for review and approval prior to commencing Project activities.

#### **Comment 4: Artificial Nighttime Lighting**

Page 9 of the MND indicates that “all lighting would be shielded to prevent light spillover onto adjacent areas”. While these plans for shielding artificial nighttime lighting support the Project in limiting lighting impacts to biological resources within areas surrounding the Project site, CDFW considers these measures insufficient in scope and timing to reduce impacts to a level less than significant. To support the City in avoiding or reducing impacts of artificial nighttime lighting on biological resources to less than significant, CDFW recommends the City add the following mitigation measure to a revised MND:

**Response:** As suggested by CDFW, the ISMND has been updated to include a mitigation measure for artificial nighttime light as BIO-3.

**Measure BIO-3: Artificial Nighttime Lighting**

Throughout construction and the lifetime operations of the Project, the City of Cathedral City and Project proponent shall eliminate all nonessential lighting throughout the Project area and avoid or limit the use of artificial light at night during the hours of dawn and dusk when many wildlife species are most active. The City of Cathedral City and Project proponent shall ensure that all lighting for the Project is fully shielded, cast downward and directed away from surrounding open-space and agricultural areas, reduced in intensity to the greatest extent possible, and does not result in lighting trespass including glare into surrounding areas or upward into the night sky (see the International Dark-Sky Association standards at <http://darksky.org/>). The City of Cathedral City and Project proponent shall ensure use of LED lighting with a correlated color temperature of 3,000 Kelvins or less, proper disposal of hazardous waste, and recycling of lighting that contains toxic compounds with a qualified recycler.

**Comment 5: Coachella Valley Multiple Species Habitat Conservation Plan**

**Salvage of Sand-Dependent Covered Species**

Section 6.6.1 of the CVMSHCP (Obligations of Local Permittees) states that within and outside Conservation Areas “on parcels approved for Development, the Permittees shall encourage the opportunity to salvage Covered sand-dependent species in accordance with the Implementation Manual.” Page 10 of the Project’s Biological Assessment indicates that the “CVMSHCP identifies modeled habitat for Coachella Valley milk-vetch [(*Astragalus lentiginosus*)], Palm Springs pocket mouse (*Perognathus longimembris bangsi*), fat-tailed horned lizard (*Phrynosoma mcallii*), Le Conte’s thrasher (*Toxostoma lecontei*), Coachella Valley fringe-toed lizard (*Uma inornata*), and Coachella Valley round-tailed ground squirrel (*Xerospermophilus tereticaudus chlorus*) as occurring within the Project site.” Many of these species, including, but not limited to, Coachella Valley milk-vetch, Palm Springs pocket mouse, fat-tailed horned lizard, and Coachella Valley fringe-toed lizard are sand-dependent Covered Species. To be consistent with the CVMSHCP, CDFW recommends that the City include in a revised MND the following mitigation measure:

**Response:** As suggested by CDFW, the ISMND has been updated to include mitigation measure for Salvage Sand-Dependent Covered Species as BIO-4.

**BIO-4: Salvage of Sand-Dependent Covered Species**

Prior to vegetation removal or ground-disturbing activities, the City of Cathedral City will collaborate with the Coachella Valley Conservation Commission to plan and implement a salvage of sand-dependent Covered Species within the Project site.

**Comment 6: Local Development Mitigation Fee**

Section 5.2.1.1 of the CVMSHCP indicates that “local jurisdictions will impose a mitigation fee on new Development within the Plan Area that impacts vacant land containing Habitat for the Covered Species or any of the conserved natural communities in the Plan through adoption, or amendment of an existing fee ordinance.” The Project site contains CVMSHCP modeled habitat for several Covered Species, as discussed on page 10 of the Biological Assessment, and contains suitable habitat for burrowing owl; therefore, the

City is required to impose a local development fee for the Project. To document this obligation, CDFW recommends the City add the following mitigation measure to a revised MND:

**Response:** The ISMND has been updated to include this mitigation measure as BIO-5.

### **BIO-5: CVMSHCP Compliance**

Prior to construction and issuance of any grading permit, the City of Cathedral City shall ensure compliance with the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) and its associated Implementing Agreement and shall ensure the collection of payment of the CVMSHCP Local Development Mitigation Fee and transfer of revenues to the Coachella Valley Conservation Commission.

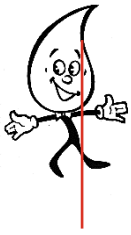
### **Comment 7: Landscaping**

Page 8 of the MND indicates that the “site would be landscaped with a variety of plants that are native and indigenous to California’s climatic conditions and require low and medium water use. The proposed trees would include various evergreen and deciduous trees, such as: California Fan Palms, Palo Verdes, Live Oaks, African Sumacs, Shoestring Acacias, Desert Willows, Crape Myrtles, and Ironwood trees which would be placed throughout the site, including all parking areas.” CDFW recommends incorporation of water-wise concepts in any Project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species and installing water-efficient and targeted irrigation systems (such as drip irrigation). Native plants support butterflies, birds, reptiles, amphibians, small mammals, bees, and other pollinators that evolved with those plants. More information on native plants suitable for the Project location and nearby nurseries is available at Calscape: <https://calscape.org/>. Local water agencies/cities and resource conservation cities in your area may be able to provide information on plant nurseries that carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens. Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California’s Save our Water website: <https://saveourwater.com/>. CDFW also recommends that the MND include recommendations regarding landscaping from Section 4.0 of the CVMSHCP “Table 4-112: Coachella Valley Native Plants Recommended for Landscaping” (pp. 4-180 to 4-182; <https://cvmshcp.org/plan-documents/>).

**Response:** Comment noted. The landscaping has been designed to be drought tolerant and complies with Coachella Valley Water District’s ordinance for water efficient landscape and irrigation system design criteria. Page 8 Section on Landscaping, has been updated to include the recommended language.

**Attachment B**

**Peerless at Mammoth LLC Comment Letter and Response to  
Comments.**



# PEERLESS AT MAMMOTH, LLC

Subsidiary of Peerless Land & Water Co., Inc.  
10707 Northridge Court, Holland, Michigan 49423  
(616) 889-7645      szastrow@plwcinc.com

July 22, 2024

Sandra Molina  
Director of Community and Economic Development  
68700 Avenida Lalo Guerrero  
Cathedral City, California 92234  
Email: smolina@cathedralcity.gov

RE: Rosemount Storage Project, Initial Study/Mitigated Negative Declaration

Ms. Molina:

Comment 1

Peerless at Mammoth, LLC, respectfully disagrees with the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by The Altum Group for the proposed Rosemount Storage project. We believe the preparers of the IS/MND incorporated a substantial number of misleading statements to achieve a *Less than Significant with Mitigation Incorporate* environmental evaluation that this Initial Study Concluded. We do not believe the project applicant, Three Mile Hollow, has the right to complete the Rosemount Storage project as detailed in the IS/MND per the Cathedral City's *Specific Plan 99 58*, and the Cathedral City's *Uptown Village Specific Plan*. We believe, if the City changes the Cathedral City's *Specific Plan 99 58*, and the Cathedral City's *Uptown Village Specific Plan*, *the City is effectively revoking the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*. Due to the Rosemount Storage project's failure to reduce proposed Project environmental impacts to levels below significance thresholds, we believe the project as presented should be denied any approvals.

Comment 2

Peerless at Mammoth, LLC, an adjacent property owner, was never contacted by any of the Report Preparers identified on page 143 of the IS/MND with respect to the preparation of the IS/MND. This lack of transparency begs the question as to who the Report Preparers contacted to prepare the IS/MND.

Comment 3

Per the Cathedral City's *Specific Plan 99-58*, the Cathedral City's *Uptown Village Specific Plan*, and the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*, all of parcels 1-9 fall within the boundaries of Planning Unit 1 within the Cathedral City's *Specific Plan 99-58*, the Cathedral City's *Uptown Village Specific Plan*, and the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*. Planning Unit 1, Planning Unit 2, and Planning Unit 3, of the Cathedral City's *Specific Plan 99-58*, and the Cathedral City's *Uptown Village Specific Plan*, clearly states under page 6, section 7. PROHIBITED USES, subsection D. "*auctions, wholesale business, warehouses and storage buildings*". The Cathedral City's *Specific Plan 99-58*, the Cathedral City's

Comment 4

*Uptown Village Specific Plan*, and the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE* were part of the escrow documents and purchasing agreement when Peerless at Mammoth, LLC, acquired the property located at 30-900 Date palm Drive. If the City changes the

Comment 5



aforementioned conditions, the City will make a Significant environmental and financial Impact on all the surrounding properties of the Rosemount Storage project.

Comment 6

Section 2.1.2 Existing Project Site of the IS/MND, describes the site without mentioning Parcel 1 and Parcel 2 have preexisting driveways, that were required by the Cathedral City's *Specific Plan 99-58*, and the Cathedral City's *Uptown Village Specific Plan*. These driveways are obvious examples of how Parcel 1-9 were to be integrated as one project and not individual properties. Approving section 2.1.2 Existing Project Site of the IS/MND, the City is effectively reneging the condition of the Cathedral City's *Specific Plan 99-58*, Page 7, section 3. ACCESS AND CIRCULATION, which states, *"The site design intentionally restricts access to Date Palm Drive to facilitate the continued movement of community and regional traffic with minimum "friction" from the development along this frontage."*

By approving the construction of the storage facility by the City of Cathedral City in the proposed location, the City will have revoked the easements of *Ingress, Egress, Parking, Access, Common Area, and Free Access*, created by, dedicated by, and granted by the Developer under the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*. Under ARTICLE 4, section 4.3 of the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE, Permanency of Certain Easements*, *"The easements created pursuant to Sections 4.1 (Ingress, Egress, Parking, Access, Common Area, and Free Access) shall be perpetual and shall survive the termination of this Declaration*. This implies the City may not change *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*, which cover Parcels 1-9.

Comment 7

Additionally, the Creation of Planning Unit four (4) as stated under Chapter 2 Project Description, paragraph 1, is an attempt by the preparers to renege on the Cathedral City's *Specific Plan 99-58*, the Cathedral City's *Uptown Village Specific Plan*, and revoke the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*. The preparers state no less than 48 times, *"The project will also include a Specific Plan Amendment (No. 99-58A) which will create Planning Unit four (4) with an area of 7.16 acres for this proposed project and provide corresponding development standards. Planning Unit four (4) will be separated from Planning Unit One (1) which will remain with an area of 2.11 acres."* If the City changes the aforementioned conditions, the City will make a Significant environmental and financial Impact on all the surrounding properties of the Rosemount Storage project.

Under ARTICLE 2, section 2.6 of the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE, Allowable Gross Building Area/Maximum Building Height*, *"No building or combination of buildings will at any time be constructed or maintained on, under, or above the surface of any Parcel which exceeds the Allowable Gross Square Feet or Maximum Building Height for such Parcel. The respective Allowable Gross Square Feet and Maximum Building Height for each Parcel are set forth below:*

PARCEL	ALLOWABLE GROSS SQUARE FEET	MAXIMUM BUILDING HEIGHT	MAXIMUM BUILDING (special features, e.g. towers etc.)
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<i>Parcel 1</i>	<i>46,270</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 2</i>	<i>45,329</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 3</i>	<i>29,380</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 4</i>	<i>32,431</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 5</i>	<i>34,428</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 6</i>	<i>31,567</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 7</i>	<i>30,754</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 8</i>	<i>76,318</i>	<i>25'</i>	<i>32'</i>
<i>Parcel 9</i>	<i>71,983</i>	<i>25'</i>	<i>32'</i>

Comment 8

Clearly the proposed plans are a Significant change from the Cathedral City's *Specific Plan 99-58*, the Cathedral City's *Uptown Village Specific Plan*, and revoke the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*; therefore, the changes do not qualify under the IS/MND's levels below significance thresholds.

Comment 9

Within the IS/MND, the preparers attempt no less than 27 times to entice the City's decision by connecting the potential of additional buildings in Phase 2, ranging from 2,413-50,000 square feet. Under section 2.2 Proposed Project Characteristics, paragraph 4, the preparers clearly state, "*The Design Review only includes the indoor mini-storage facility, underground retention basin, and a minimum of 12 spaces for on-site parking.*" The preparers clearly have no intention of

Comment 10

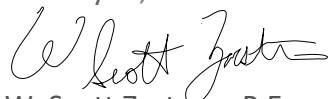
constructing any of the Phase 2 facilities, and only want to construct a mini-storage facility not in compliance with the Cathedral City's *Specific Plan 99-58*, the Cathedral City's *Uptown Village Specific Plan*, and revoke the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*.

Comment 11

Under section 2.2.5 Employment, the preparers state, "*Project operation is estimated to generate 150 full-time and part-time employees.*" A mini-storage facility, as proposed, will employ 5 full-time and part-time employees at best; otherwise, there would be a need for far more than 12 parking spaces for the mini-storage facility as identified by the preparers.

The approval the IS/MND will violate the Cathedral City's *Specific Plan 99-58*, the Cathedral City's *Uptown Village Specific Plan*, and revoke the *COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE*. The approval of the IS/MND will irrevocably damage the value of Peerless at Mammoth, LLC's assets located at 30-900 Date Palm Drive. For the aforementioned reasons, we request that the City of Cathedral City deny the design of the Rosemount Storage Project and the IS/MND as presented.

Thank you,



W. Scott Zastrow, P.E.

**PEERLESS AT MAMMOTH, LLC**

10707 Northridge Court  
Holland, Michigan 49423  
(616) 889-7645  
szastrow@plwcinc.com

**Comment 1:** Peerless at Mammoth, LLC, respectfully disagrees with the findings of the Initial Study/Mitigated Negative Declaration (IS/MND) prepared by The Altum Group for the proposed Rosemount Storage project. We believe the preparers of the IS/MND incorporated a substantial number of misleading statements to achieve a *Less than Significant with Mitigation Incorporated* environmental evaluation that this Initial Study Concluded. We do not believe the project applicant, Three Mile Hollow, has the right to complete the Rosemount Storage project as detailed in the IS/MND per the Cathedral City's *Specific Plan 99 58*, and the Cathedral City's *Uptown Village Specific Plan*. We believe, if the City changes the Cathedral City's *Specific Plan 99 58*, and the Cathedral City's *Uptown Village Specific Plan*, the City is effectively revoking the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE. Due to the Rosemount Storage project's failure to reduce proposed Project environmental impacts to levels below significance thresholds, we believe the project as presented should be denied any approvals.

**Response:**

Technical studies were conducted and determined that no mitigation was required because the Project is already at a level of less than significant or no impact. Those sections where it was found that the project would require the implementation of mitigation measures to reduce the level of impact to less than significant have listed mitigation measures.

The mitigation measures in the Biological Resources section of the ISMND have been updated to more adequately address impacts and mitigation measures to nesting birds, burrowing owls, artificial nighttime light, and City fees.

This comment does not identify a specific concern with the adequacy of the Initial Study or raise an issue or comment specifically related to the Initial Study's environmental analysis under CEQA. Therefore, no further response is warranted. (CEQA Guidelines Section 15088(a) requires that a lead agency only evaluate and respond to comments raised on environmental issues.

**Comment 2:** Peerless at Mammoth, LLC, an adjacent property owner, was never contacted by any of the Report Preparers identified on page 143 of the IS/MND with respect to the preparation of the IS/MND. This lack of transparency begs the question as to who the Report Preparers contacted to prepare the IS/MND.

**Response:** There is no requirement under CEQA that states the adjacent property owners need to be notified before a proposed Project becomes public knowledge. The lead agency prepared a Notice of Completion and circulated the ISMND from July 2<sup>nd</sup>-22<sup>nd</sup>, 2024 per section 15073 of the CEQA guidelines.

**Comment 3:** Planning Unit 1, Planning Unit 2, and Planning Unit 3, of the Cathedral City's Specific Plan 99-58, and the Cathedral City's Uptown Village Specific Plan, clearly states under page 6, section 7. PROHIBITED USES, subsection D. "auctions, wholesale business, warehouses and storage buildings".

**Response:**

The Specific Plan is being amended to allow storage as a use.

Regarding the proposed development of a self-storage facility on Parcels 3, 4, and 9, the CC&R's do not prohibit such a use. The Applicant as Consenting Owner under the CC&R's has the power under CC&R's

Section 3.1 to authorize a commercial usage not explicitly described as a permitted use in the CC&Rs, so long as it is not expressly prohibited and is otherwise in compliance with zoning and City ordinances. Storage is not expressly prohibited in the CC&R's. The CC&R's allow for uses that are common in shopping centers in the same geographic area. Self-storage facilities are common in shopping centers in Cathedral City and throughout the Coachella Valley, including an existing Storquest facility located near the project site at 32-500 Date Palm Drive in Cathedral City.

**Comment 4:** The Cathedral City's Specific Plan 99-58, the Cathedral City's Uptown Village Specific Plan, and the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE were part of the escrow documents and purchasing agreement when Peerless at Mammoth, LLC, acquired the property located at 30-900 Date palm Drive.

**Response:** The Uptown Village Specific Plan acts as the zoning for the property, which can always be amended by appropriate City action.

**Comment 5:** If the City changes the aforementioned conditions, the City will make a Significant environmental and financial Impact on all the surrounding properties of the Rosemount Storage project.

**Response:** The IS/MND addresses all potential environmental impacts of the proposed amendment to the Uptown Village Specific Plan. The uptown village Specific Plan acts as the zoning for the property, which can be amended by appropriate City action. The purpose of the amendment is to foster development of the vacant land within the Uptown Village Specific Plan, which has remained undeveloped for decades. This will drive more traffic to the commercial area, creating economic benefit.

**Comment 6:** Section 2.1.2 Existing Project Site of the IS/MND, describes the site without mentioning Parcel 1 and Parcel 2 have preexisting driveways, that were required by the Cathedral City's Specific Plan 99-58, and the Cathedral City's Uptown Village Specific Plan. These driveways are obvious examples of how Parcel 1-9 were to be integrated as one project and not individual properties. Approving section 2.1.2 Existing Project Site of the IS/MND, the City is effectively reneging the condition of the Cathedral City's Specific Plan 99-58, Page 7, section 3. ACCESS AND CIRCULATION, which states, "The site design intentionally restricts access to Date Palm Drive to facilitate the continued movement of community and regional traffic with minimum "friction" from the development along this frontage." By approving the construction of the storage facility by the City of Cathedral City in the proposed location, the City will have revoked the easements of Ingress, Egress, Parking, Access, Common Area, and Free Access, created by, dedicated by, and granted by the Developer under the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE. Under ARTICLE 4, section 4.3 of the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE, Permanency of Certain Easements, "The easements created pursuant to Sections 4.1 (Ingress, Egress, Parking, Access, Common Area, and Free Access) shall be perpetual and shall survive the termination of this Declaration. This implies the City may not change COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE, which cover Parcels 1-9.

**Response:** Regarding CC&R's protocols for modifications to common areas and infrastructure, including the role and authority of any committees involved, the Applicant as the Consenting Owner has the authority to do that without the consent of any owner pursuant to the last paragraph of Section 2.2 and the easements in Section 4.1, so long as the work is not done on another owner's Parcel. Section 2.2 of the CC&R's allows the Project Applicant (as the "Consenting Owner") to relocate the common areas and improvements so long as the main drive isles as depicted on the Site Plan (within the CC&R's) are not

adversely affected. The CC&R's Site Plan only depicts the location and boundaries of the east/west Main Drive Isle located between Parcels 4 and 5 and between Parcels 8 and 9, all of which are owned by the Project applicant. It does not depict the location or boundaries of the north/south Main Drive Isle through Parcels 3 through 7, except with the words "Main Drive Isle" in that general area. That would allow the Applicant to relocate the Main Drive Isles on Parcels 3 – 9 so long as that does not "adversely affect" the Main Drive Isles and there is no negative impact on the access for Parcels 1 and 2.

**Comment 7:** Additionally, the Creation of Planning Unit four (4) as stated under Chapter 2 Project Description, paragraph 1, is an attempt by the preparers to renege on the Cathedral City's Specific Plan 99-58, the Cathedral City's Uptown Village Specific Plan, and revoke the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE. The preparers state no less than 48 times, "The project will also include a Specific Plan Amendment (No. 99-58A) which will create Planning Unit four (4) with an area of 7.16 acres for this proposed project and provide corresponding development standards. Planning Unit four (4) will be separated from Planning Unit One (1) which will remain with an area of 2.11 acres." If the City changes the aforementioned conditions, the City will make a Significant environmental and financial Impact on all the surrounding properties of the Rosemount Storage project. Under ARTICLE 2, section 2.6 of the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE, Allowable Gross Building Area/Maximum Building Height, "No building or combination of buildings will at any time be constructed or maintained on, under, or above the surface of any Parcel which exceeds the Allowable Gross Square Feet or Maximum Building Height for such Parcel. The respective Allowable Gross Square Feet and Maximum Building Height for each Parcel are set forth below:

**Response:** The CC&R's do not prohibit and in fact allow for the combining of parcels to accommodate combined gross building areas. Section 1.19 of the CC&R's, the definition of "Parcel", and Section 1.27 defining "Site Plan", contemplates the right to reconfigure Parcels such as "by lot line adjustment, or otherwise." Here, the resulting combined parcels do not exceed the total allowable square footages of the combined Parcels.

**Comment 8:** Clearly the proposed plans are a Significant change from the Cathedral City's Specific Plan 99-58, the Cathedral City's Uptown Village Specific Plan, and revoke the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE; therefore, the changes do not qualify under the IS/MND's levels below significance thresholds.

**Response:** The Specific Plan is subject to modification. The CC&R's do not prohibit and in fact allow for the combining of parcels to accommodate combined gross building areas. Section 1.19 of the CC&R's, the definition of "Parcel", and Section 1.27 defining "Site Plan", contemplates the right to reconfigure Parcels such as "by lot line adjustment, or otherwise." Here, the resulting combined parcels do not exceed the total allowable square footages of the combined Parcels.

**Comment 9:** Within the IS/MND, the preparers attempt no less than 27 times to entice the City's decision by connecting the potential of additional buildings in Phase 2, ranging from 2,413-50,000 square feet. Under section 2.2 Proposed Project Characteristics, paragraph 4, the preparers clearly state, "The Design Review only includes the indoor mini-storage facility, underground retention basin, and a minimum of 12 spaces for on-site parking."

**Response:** The Specific Plan is being amended to help foster development of the vacant land within the Uptown Village Specific Plan, which has remained vacant for decades. The self-storage facility is proceeding with design review as a first phase for the build-out of the remainder of the Specific Plan area.

**Comment 10:** The preparers clearly have no intention of constructing any of the Phase 2 facilities, and only want to construct a mini-storage facility not in compliance with the Cathedral City's Specific Plan 99-58, the Cathedral City's Uptown Village Specific Plan, and revoke the COVENANTS, CONDITIONS AND RESTRICTIONS FOR UPTOWN VILLAGE.

**Response:** The comment is an unsubstantiated opinion and is contrary to the efforts of the Applicant, which has already brought potential uses of the remaining land to the City for possible development. The Project is consistent with the propose Specific Plan Amendment and plans for the future build out of the site.

**Comment 11:** Under section 2.2.5 Employment, the preparers state, "Project operation is estimated to generate 150 full-time and part-time employees." A mini-storage facility, as proposed, will employee 5 full-time and part-time employees at best; otherwise, there would be a need for far more than 12 parking spaces for the mini-storage facility as identified by the preparers.

**Response:** The IS/MND contemplates the maximum number of employees that could be associated with all possible uses of the vacant land in order to study the maximum impacts by such uses.

**Attachment C**

**Email Comment Letter from Citizen and Response to Comment**

## Uptown Village

carl pedersen <carlp2530a@yahoo.com>

Sun 7/7/2024 12:00 PM

To:Sandra Molina <SMolina@cathedralcity.gov>

As a homeowner on Sierra Place, I am concerned about the opening of Rosemount Road as a thru street to Date Palm Drive. The increase in traffic on Rosemount Road will definitely impact the property owners not only on Sierra Place but on Rosemount Road as well. This will become the "short cut" to both of the schools located in our neighborhood. Environmental consideration must be taken into account.

With the abundance of vacant commercial property along Date Palm Drive, it is questionable if either scenario 1 or scenario 2 will ever be built other than the storage facility.

The mitigated negative declaration also refers to a Wren Residential development on the Northeast corner of Date Palm Drive and Rosemount Road. It certainly would be nice if the property owners of the impacted area were informed of the proposed development.

If the plan is approved, there is no discussion as to the extension of Rosemount Road terminus to the property footage to be undertaken by the developer of the Date Palm Storage facility. *Is the city responsible or who will bear the cost?*

*Sincerely*

*Carl*

*30640 Sierra Place*

*Pedersen*

**Response:** Comment noted. The Traffic Assessment and Vehicle Miles Traveled analysis are included as Appendix F Traffic Analysis in the ISMND. The Traffic Analysis and Vehicle Miles analysis found that there will be no substantial environmental impacts due to the build out of Rosemount Road. Traffic-related impacts have been mitigated to a less than significant levels. Cost associated with the extension of Rosemount Road will be a shared cost between the developer of the balance of vacant land within Planning Unit 4 of the Uptown Village Specific Plan and the developer of the parcel immediately North of Rosemount Road.



**Attachment D**

**Riverside County Flood Control and Water Conservation  
District**



RIVERSIDE COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

256982

July 10, 2024

City of Cathedral City  
Planning Division  
68-700 Avenida Lalo Guerrero  
Cathedral City, CA 92234-7031

Attention: Sandra Molina

Re: SP Amendment 98-55-A (Uptown Village  
Specific Plan) DR 23-003, APNs 670-110-048,  
670-110-049, 670-110-050, 670-110-051,  
670-110-052, 670-110-053 and 670-110-056

The Riverside County Flood Control and Water Conservation District (District) does not normally recommend conditions for land divisions or other land use cases in incorporated cities. The District also does not plan check City land use cases or provide State Division of Real Estate letters or other flood hazard reports for such cases. District comments/recommendations for such cases are normally limited to items of specific interest to the District including District Master Drainage Plan facilities, other regional flood control and drainage facilities which could be considered a logical component or extension of a master plan system, and District Area Drainage Plan fees (development mitigation fees). In addition, information of a general nature is provided.

The District's review is based on the above-referenced project transmittal, received July 1, 2024. The District **has not** reviewed the proposed project in detail, and the following comments do not in any way constitute or imply District approval or endorsement of the proposed project with respect to flood hazard, public health and safety, or any other such issue:

Comment 1

- ☒ This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed. The project is located within Coachella Valley Water District's (CVWD) jurisdiction. CVWD is the responsible agency to review and comment on regional flood control drainage systems within their jurisdictional limits.
- ☐ This project involves District proposed Master Drainage Plan facilities, namely, \_\_\_\_\_. The District will accept ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. All regulatory permits (and all documents pertaining thereto, e.g., Habitat Mitigation and Monitoring Plans, Conservation Plans/Easements) that are to be secured by the Applicant for both facility construction and maintenance shall be submitted to the District for review. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.
- ☐ This project proposes channels, storm drains larger than 36 inches in diameter, or other facilities that could be considered regional in nature and/or a logical extension a District's facility, the District would

Re: SP Amendment 98-55-A (Uptown Village Specific Plan) DR 23-003, APNs 670-110-048, 670-110-049, 670-110-050, 670-110-051, 670-110-052, 670-110-053 and 670-110-056

256982

consider accepting ownership of such facilities on written request by the City. The Project Applicant shall enter into a cooperative agreement establishing the terms and conditions of inspection, operation, and maintenance with the District and any other maintenance partners. Facilities must be constructed to District standards, and District plan check and inspection will be required for District acceptance. Plan check, inspection, and administrative fees will be required. The regulatory permits' terms and conditions shall be approved by the District prior to improvement plan approval, map recordation, or finalization of the regulatory permits. There shall be no unreasonable constraint upon the District's ability to operate and maintain the flood control facility(ies) to protect public health and safety.

- ☐ An encroachment permit shall be obtained for any construction related activities occurring within District right of way or facilities, namely, \_\_\_\_\_. If a proposed storm drain connection exceeds the hydraulic performance of the existing drainage facilities, mitigation will be required. For further information, contact the District's Encroachment Permit Section at 951.955.1266.
- ☐ The District's previous comments are still valid.

#### **GENERAL INFORMATION**

This project may require a National Pollutant Discharge Elimination System (NPDES) permit from the State Water Resources Control Board. Clearance for grading, recordation, or other final approval should not be given until the City has determined that the project has been granted a permit or is shown to be exempt.

Comment 2

If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

The project proponent shall bear the responsibility for complying with all applicable mitigation measures defined in the California Environmental Quality Act (CEQA) document (i.e., Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report) and/or Mitigation Monitoring and Reporting Program, if a CEQA document was prepared for the project. The project proponent shall also bear the responsibility for complying with all other federal, state, and local environmental rules and regulations that may apply.

Comment 3

If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

Very truly yours,



AMY MCNEILL  
Engineering Project Manager

**Comment 1:** This project would not be impacted by District Master Drainage Plan facilities, nor are other facilities of regional interest proposed. The project is located within Coachella Valley Water District's (CVWD) jurisdiction. CVWD is the responsible agency to review and comment on regional flood control drainage systems within their jurisdictional limits.

**Response:** This comment has been noted.

**Comment 2:** If this project involves a Federal Emergency Management Agency (FEMA) mapped floodplain, then the City should require the applicant to provide all studies, calculations, plans, and other information required to meet FEMA requirements, and should further require that the applicant obtain a Conditional Letter of Map Revision (CLOMR) prior to grading, recordation, or other final approval of the project and a Letter of Map Revision (LOMR) prior to occupancy.

**Response:** The proposed project is not within a FEMA mapped floodplain and is not subject to FEMA review.

**Comment 3:** If a natural watercourse or mapped floodplain is impacted by this project, the City should require the applicant to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife and a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence from these agencies indicating the project is exempt from these requirements. A Clean Water Act Section 401 Water Quality Certification may be required from the local California Regional Water Quality Control Board prior to issuance of the Corps 404 permit.

**Response:** The project site does not contain any natural watercourses or mapped floodplains. Therefore, the requirement to obtain a Section 1602 Agreement from the California Department of Fish and Wildlife, a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, or written correspondence indicating exemption from these requirements does not apply to this project.

**Attachment E**


**Airport Land Use Commission Email**

**SPA98-55-A**

Vega, Jaqueline &lt;JaVega@RIVCO.ORG&gt;

Tue 7/16/2024 10:51 AM

To:Sandra Molina &lt;SMolina@cathedralcity.gov&gt;

 1 attachments (451 KB)

ALUC application 5-13-24.pdf;

You don't often get email from javega@rivco.org. [Learn why this is important](#)

Hello Sandra,

Thank you for transmitting the above referenced project to ALUC for review. Please note that the proposed project is located within zone E of Palm Springs AIA, and review by ALUC is required because although the City is consistent with the compatibility plan for Palm Springs, the project proposes a legislative actions.

Here is an application.

Should you have any questions, please contact me.

Jackie Vega  
Urban Regional Planner II

**Riverside County Airport Land Use Commission**

4080 Lemon Street, 14<sup>th</sup> Floor  
Riverside, Ca 92501  
(951) 955-0982  
[Javega@RIVCO.ORG](mailto:Javega@RIVCO.ORG)  
[www.rcaluc.org](http://www.rcaluc.org)

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[County of Riverside California](#)

**Response:** The proposed project is located within Zone E of the Palm Springs Airport Influence Area (AIA) and ALUC review is required due to the legislative actions proposed. An ALUC application has been submitted for this project. The case number for this application is ZAP1105PS24. The proposed uses, buildings height, and density is consistent with the allowable standards for Zone E. An application is currently in review, and a hearing is scheduled for August 8th, 2024.