

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM: 21.1
(ID # 13417)

MEETING DATE:

FROM: TLMA-PLANNING:

Tuesday, October 27, 2020

SUBJECT: TRANSPORTATION & LAND MANAGEMENT AGENCY/PLANNING: PUBLIC HEARING on SUBSTANTIAL CONFORMANCE No. 3 to SPECIFIC PLAN NO. 303 (Kohl Ranch), CHANGE OF ZONE NO. 190027, ORDINANCE NO. 348.4915, PLOT PLAN NO. 180037, and TENTATIVE TRACT MAP NO. 37269 – Intent to Consider Addendum No. 9 to Certified Environmental Impact Report No. 396 (EIR396) – CEQ180096 – Applicant: Kohl Ranch Company, LLC – Engineer/Representative: Albert A. Webb and Associates – Fourth Supervisorial District – Lower Coachella Valley District – Eastern Coachella Valley Area Plan – Location: Easterly of Tyler Street, northerly of Avenue 62, southerly of Avenue 60, and westerly of Polk Street – Gross Acreage: 2,177 acres – Zoning: Specific Plan No. 303 (SP303) Kohl Ranch – REQUEST: Approval of Change of Zone No. 190027, to reconfigure the boundaries of Kohl Ranch Specific Plan Planning Areas: J-1, J-2, J-3, J-4, J-5, J-6, J-7, J-8, L-1, L-2, and L-3. Approval of Specific Plan No. 303 (Kohl Ranch), Substantial Conformance No. 3 (SP00303S03), the Substantial conformance to adopted Specific Plan No. 303 to facilitate the Thermal Beach Club development within all or portions of Planning Neighborhoods “J” and “L”. Approval of Plot Plan No. 180037 (PPT180037), for the construction of the Thermal Beach Club. The proposal includes the development and use of a 21 acre lagoon with wave making capability and 34,400 sq. ft. of private clubhouse buildings (village area) that includes a spa, pool, deck, restaurant and bar. In addition, the application will request annual events. The events would consist of surfing demonstrations for Thermal Beach Club residents and their guests. And approval of Tentative Tract Map No. 37269 (TTM37269), a Schedule “A” subdivision of approximately 123 acres, within two (2) existing parcels totaling approximately 307 acres, into 210 residential lots for 326 dwelling units. APN's: 751-070-034 and 751-070-033. District 4. [Applicant fees 100%]

STAFF RECOMMENDATIONS: (Continued on Page 2)

ACTION: Policy

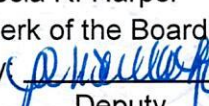

Charles Leach, Assistant TLMA Director

10/20/2020

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Jeffries, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended and Ordinance 348.4915 is adopted as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 27, 2020
xc: Planning

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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THAT THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTIONS:

1. **CONSIDER ADDENDUM NO. 9 TO ENVIRONMENTAL IMPACT REPORT NO. 396**, based on the findings and conclusions provided in the initial study, attached hereto and the conclusion that all impacts were adequately analyzed pursuant to applicable legal standards in previously adopted Environmental Impact Report No. 396 and subsequent addenda, and, while some changes and/or additions are necessary, none of the conditions described in State CEQA Guidelines section 15162 exist;
2. **APPROVE SUBSTANTIAL CONFORMANCE NO. 3 TO SPECIFIC PLAN NO. 303** to facilitate the development of the Thermal Beach Club, subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions provided in the staff report;
3. **APPROVE CHANGE OF ZONE NO. 1900027**, to reconfigure the boundaries for the Planning Areas in Neighborhoods J and L of Kohl Ranch Specific Plan, in accordance with the Change of Zone Exhibit, and based on the findings and conclusions provided in the staff report;
4. **ADOPT ORDINANCE NO. 348.4915** modifying and establishing the legal boundaries of the Planning Areas in Neighborhoods J and L of the Kohl Ranch Specific Plan in the Lower Coachella Valley District as shown on Map No. 41.094 Change of Zone No. 1900027, attached hereto and incorporated herein by reference;
5. **APPROVE PLOT PLAN NO. 180037**, subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions provided in the staff report; and
6. **APPROVE TENTATIVE TRACT MAP NO. 37269** subject to the attached conditions of approval and advisory notification document and based upon the findings and conclusions provided in the staff report.

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
NET COUNTY COST	\$ N/A	\$ N/A	\$ N/A	\$ N/A
SOURCE OF FUNDS: Applicant Fees 100%			Budget Adjustment:	No
			For Fiscal Year:	N/A

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

The requested entitlements below are considered the "Project." The Project is commonly referred to as the Thermal Beach Club (Beach Club or Project).

Specific Plan No. 303, Substantial Conformance No. 3 (SP303S03): Substantial conformance to adopted Specific Plan No. 303 (Kohl Ranch) to facilitate the proposed Thermal

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Beach Club development within all or portions of Planning Neighborhoods "J" and "L." The proposed Thermal Beach Club development includes multiple components consisting of a lagoon for surfing, 326 residential units, and a clubhouse village area.

Change of Zone No. 1900027 (CZ1900027) and associated Ordinance No. 348.4915: To reconfigure the boundaries of Kohl Ranch Specific Plan Planning Areas: J-1, J-2, J-3, J-4, J-5, J-6, J-7, J-8, L-1, L-2, and L-3.

Tentative Tract Map No. 37269 (TTM37269): Tentative Tract Map for a Schedule "A" subdivision of approximately 123 acres, within two existing parcels totaling approximately 307 acres, into 210 residential lots for 326 dwelling units.

Plot Plan No. 180037 (PPT180037): Plot Plan for the construction of the Thermal Beach Club. To allow the construction of duplex and multiple family dwellings associated with TT37269. The proposal includes the development and use of an approximately 22-acre lagoon with wave making capability and up to 34,440 square feet of private clubhouse buildings (village area) that includes a spa, pool, deck, restaurant and bar. In addition, the application will request annual events. The events would consist of surfing demonstrations for Thermal Beach Club residents and their guests.

The 34,440 square-foot clubhouse facility is located on an approximately 4.55-acre area, within Planning Area L-1 of the Kohl Ranch Specific Plan (SP303) and is comprised of the following:

- Building 1 - 16,000 square foot recreational center (Spa, Exercise Room, Lockers and Deck).
- Building 2 - 8,000 square foot pool and bar.
- Building 3 - 5,900 square feet of administrative offices, dining area, and kitchen.
- Building 4 - 4,500 square feet of clubhouse restaurant, bar, retail shop and kitchen.

The project is also proposing a total of 361 automobile parking spaces and 30 golf cart spaces to the clubhouse area.

The Project site is generally located north of Avenue 66, south of Avenue 64, east of Tyler Street and west of Polk Street in the community of Thermal.

Planning Commission Action

On September 25, 2019, the Planning Commission considered the proposed project at a duly noticed public hearing in the Desert. During that hearing's public testimony, two interested members of the public spoke in opposition to the project. The main opposition point was regarding the entire Kohl Ranch Specific Plan and how it addresses the subject of affordable housing. Following dialogue and the close of the public hearing, the Planning Commission, with a 3-0 vote (Commissioners Hake and Shaffer were absent), recommended that the Board of Supervisors approve the project as recommended by Staff.

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Board of Supervisors -- Continuance from April 21, 2020

The proposed project and Planning Commission's recommendation came to public hearing before the Board of Supervisors on April 21, 2020. During that hearing's public testimony, a number of members of the public spoke, raising several community concerns regarding the project, and what sort of community benefits the project should be providing to address the significant needs for affordable housing in the Thermal area.

Since that time, Planning staff and the project applicant's team have continued to perform outreach, preparation of response to public comments, and coordination with the Coachella Valley Water District regarding water supply. Planning staff responded to comments from Leadership Counsel for Justice & Accountability and Coachella Valley Waterkeeper on August 17, 2020, which are attached. County staff and the applicant have discussed what benefits the project can provide to the community.

The applicant has conducted outreach and met with community members to hear and discuss their concerns. As a result of these discussions, and in follow up to discussions held with County staff, the applicant is proposing to provide certain community benefits directly associated with this project, as well as commit to pursuing other community benefits that would be part of a separate review process as part of updating the larger Kohl Ranch Specific Plan. The community benefits proposed that are directly associated with this project are addressed in updated conditions of approval. The applicant's proposed commitments are shown in in Attachment L.

Impact on Residents and Businesses

All potential project impacts have been studied under CEQA and have been noticed to the public pursuant to the requirements of the County.

Additional Fiscal Information

All fees associated with the proposal shall be paid by the applicant. There is no General Fund obligation.

Contract History and Price Reasonableness

N/A

ATTACHMENTS:

- A. Response to Leadership Counsel for Justice & Accountability Comments
- B. Response to Coachella Valley Waterkeeper Comments
- C. Ordinance No. 348.4915
- D. EIR Addendum
- E. Planning Commission Minutes
- F. Planning Commission Report of Actions
- G. Planning Commission Staff Report Package

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- H. Specific Plan No. 303 Substantial Conformance No. 3 Document
- I. Tentative Tract Map No. 37269 Exhibits
- J. Plot Plan No. 180037 Exhibits
- K. Summary of Community Outreach
- L. Applicant Proposed Community Benefits



Jason Farin, Principal Management Analyst 10/21/2020



Gregory L. Priamos, Director County Counsel 10/19/2020



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

August 17, 2020

TO: Michael K. Claiborne
via email mclaiborne@leadershipcounsel.org

Lesly Figueroa
Via email lfigueroa@leadershipcounsel.org

RE: THERMAL BEACH CLUB

Following are the County's responses to the comments included in your letter dated November 19, 2019. Your letter with brackets applied for identification of comments and subsequent responses is included first for reference with responses following.



LETTER B

November 19, 2019

Sent Via Email [COB@RIVCO.ORG]

Riverside County Board of Supervisors
4080 Lemon Street, 1st. Floor
Riverside, Ca 92501

Re: Thermal Beach Club (Item 21.2 - Plot Plan No. 180037; Tentative Tract Map No. 37269; Change Of Zone No. 1900027; And Specific Plan No. 303; Substantial Conformance No. 3; Intent to Consider Addendum No. 9 to Certified Environmental Impact Report No. 396)

Dear Supervisors:

B-1

On behalf of the unincorporated association ECV No Se Vende ("No Se Vende") and its members living in the Eastern Coachella Valley,¹ and for the reasons articulated in this letter and during public comment, we urge the Riverside County Board of Supervisors not to approve or adopt the above referenced Addendum or land use approvals that support development of the proposed Thermal Beach Club ("Beach Club Project") as part of the Kohl Ranch Specific Plan ("Kohl Ranch SP"). These comments are supported by expert review completed by EKI Environment & Water, attached hereto as Exhibit "A" (the "EKI memorandum").

B-2

Riverside County must not approve Environmental Impact Report 396 Addendum No.9 (EIR 396 Addendum No.9 or Addendum No.9) and the associated land use proposals and entitlements because doing so would violate local, state, and federal mandates, including, but not limited to the California Environmental Quality Act, Water Code Section 10910 *et seq.*, California Housing Element Law, and Federal and State requirements to affirmatively further fair housing and prevent segregation.

B-3

The Beach Club Project represents a substantial change to the Kohl Ranch SP in several respects, most notably the proposed change of a still lake to surf lagoon with seven-foot waves, the

¹ We consider the Eastern Coachella Valley to include the unincorporated communities of North Shore, Oasis, Mecca, and Thermal, as well as the incorporated cities of Coachella and Indio.

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proposed inclusion of a private clubhouse facility, and the intent to develop vacation homes as opposed to full-time residences.²

B-4

Despite substantial changes, neither the County nor the applicant has provided adequate information to the surrounding community, and neither has provided information in Spanish, the dominant language in the area. They have failed to make earlier iterations of the project, and previous EIR documents, available for public review though EIR Addendum No.9 relies on those documents.

Additionally, there are significant inconsistencies in the project descriptions found within the September 25, 2019 Planning Commission Agenda Packet for above referenced Addenda and associated approvals (PC Agenda Packet).

B-5

As one example, at times the project descriptions discusses a 21 acre,³ at times a 22 acre,⁴ and at times a 30 acre⁵ wave pool / surf lagoon. The clubhouse facilities are described as 42,000 square feet in the project description on the Planning Commission Agenda⁶ but 34,400 square feet in other project descriptions throughout the Agenda Packet.⁷ Similarly, the Planning Commission Agenda Packet includes statements that the Beach Project will include 210 residential lots,⁸ and other information that the Beach Project will include 208 residential lots.⁹ The Planning Commission Agenda Packet also includes inconsistent information regarding changes to the L-1 neighborhood of the Kohl Ranch SP.

B-6

Riverside County has not substantiated its position that development of a supplemental EIR is unnecessary, has failed to demonstrate that an updated Water Supply Assessment is not required, and cannot show — based on the information provided — that approval of the proposed Beach Club Project would comply with local land use ordinances.

² The Project is a proposed private residential development intended for use as vacation homes. Since vacation homes are typically not occupied as frequently as primary residences, traffic at the Project site will be less intensive than assumed in EIR396, which did not analyze residential land uses as including vacation homes. (See PC Agenda Packet, p. 124; EIR 396 Addendum No.9, p. 43.)

³ See, e.g., PC Agenda Packet, p. 1.

⁴ See, e.g., PC Agenda Packet, p. 12.

⁵ See, e.g., PC Agenda Packet, p. 82; EIR Addendum No.9, p. 1.

⁶ See, e.g., PC Agenda Packet, p. 1.

⁷ See, e.g., PC Agenda Packet, p. 12.

⁸ See, e.g., PC Agenda Packet, p. 3.

⁹ See, e.g., PC Agenda Packet, p. 7.

I. APPROVAL OF ADDENDUM 9 WOULD VIOLATE THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

A. The Project Description Is Inadequate And Inconsistent.

The Beach Club Project proposes modifications to the already approved Kohl Ranch SP. Various project descriptions of the Beach Club Project included in Addendum No.9 and the PC Agenda Packet include inconsistent details. As a result, we lay out below our understanding of the range of possible development options for the Beach Club Project.

B-7

The Beach Club Project proposes development of a 21-30 acre Surf Lagoon with capacity to make seven-foot waves every six seconds; development of a 34,400 - 42,000 square foot private club house that will include a spa, pool, deck, restaurant, kitchen facilities and bar; and subdivision of 123 acres into 208 - 210 residential lots. The proposed Surf Lagoon is a modification to the approximately 20 acre still lake that was included in the original Kohl Ranch SP. The proposed Beach Club Project will also include a request for annual events. The events would consist of surfing demonstrations for Thermal Beach Club (Beach Club) residents and their guests.

The Beach Club Project also changes the Kohl Ranch SP's intent, originally designed as residential community surrounding a lake, now conceived of as a vacation community with a clubhouse, swimming pool, and spa; surfing lagoon; and events space. It proposes to allocate even more of Coachella Valley's limited surface and ground water supplies to Kohl Ranch's vacationers, while doing nothing to address the prevalent lack of safe drinking water or the severe housing shortage in the region.

B. Riverside County Must Prepare A Subsequent Or Supplemental EIR.

A subsequent or supplemental EIR must be prepared if:

B-8

- (a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report.
- (b) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.
- (c) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

(Pub. Resources Code § 21166; *see also* Cal. Code Regs., tit. 14, § 15162.)

B-9

A lead agency may instead prepare an addendum to a previously only if it can provide an explanation, supported by substantial evidence, as to why preparation of a subsequent EIR pursuant to section 15162 is not necessary. (CCR Tit. 14, § 15164; *see also Ventura Foothill Neighbors v. County of Ventura* (2014) 232 Cal.App.4th 429, 435 [increased height of a building was significant enough change to warrant a subsequent EIR].)

B-10

Here, based on substantial changes to the project, the circumstances under which the project is being undertaken, and new information which was not known and could not have been known at the time the EIR was certified, Riverside County must prepare a subsequent or supplemental EIR. Riverside County has not and cannot substantiate its conclusion that development of a subsequent EIR is not necessary. In fact, there is substantial evidence that the Project will have significant impacts not analyzed in the EIR for the initial Kohl Ranch SP. Approval of the Beach Club Project based on an addendum violates the California Environmental Quality Act (“CEQA”), Pub. Res. Code section 21000, et seq.

B-11

Riverside County’s summary explanation for its decision not to conduct a subsequent EIR for the Beach Club Project does not provide substantial evidence as to why a development of a subsequent EIR is unnecessary, nor does it provide adequate information as to what environmental impacts have already been analyzed or the findings of those analyses.

B-12

Additionally, Riverside County includes inaccuracies and significant omissions in its PC Agenda Packet, including in Agenda No.9. Most notably, it does not reference the change from a still lake to a wave pool, and information provided in the PC Agenda packet is inconsistent with respect to the size of the wave pool.¹⁰ Riverside County relies on summary conclusions to support its determination that development of a subsequent EIR is not necessary. It supports its conclusion with findings that the outer boundaries of the Kohl Ranch SP haven’t changed and that there is no intensification of land use in the project area¹¹ (omitting the primary purposes of the amendment, the inclusion of a clubhouse facility and the change from a still lake to a wave pool). Riverside County also references prior EIR addenda for the Kohl Ranch SP to support its decision not to develop a subsequent EIR, but did not make those addenda available for public review.

B-13

With respect to impacts on groundwater supplies, Addenda No.9 contains inaccurate information that conflicts with the SGMA alternative plan prepared by Coachella Valley Water District

¹⁰ See n.3-n.9, *supra*.

¹¹ EIR 396 Addendum 9, page iv-v.

("CVWD"). Most notably, the Addenda notes incorrectly that "development of the Project will not negatively impact sustainable groundwater management of the basin as groundwater is so abundant that additional groundwater replenishment is prohibited."¹² This statement is wholly inaccurate, and misleads the public regarding groundwater conditions in the relevant basin. In contrast, CVWD has concluded that groundwater overdraft is avoided only due to substantial recharge efforts using imported surface water, and that additional supply will need to be developed to meet future demand.¹³

B-14 Addenda NO.9 also fails to provide substantial evidence that the Beach Club Project will not have impacts related to energy, housing, air quality and greenhouse gas emissions.

B-15 While Addendum No.9 does include discussion of air impacts related to the transport of soil, it does not consider the potential air quality impacts of the stockpiling, storage and movement of soil.¹⁴ The assessment of potential energy impacts relies on what appears to be the project applicant's baseless claim that "[t]he lagoon's filtration and monitoring system and patented cleaning process uses two percent of the energy ... needed by conventional swimming pool filtration systems."¹⁵ EIR 396 Addendum No.9 states that GHG impacts were analyzed in EIR 396 Addendum 2¹⁶. Unfortunately, we do not have access to EIR Addendum and it has not been made available to the public for review. EIR 396 Addendum No.9 concludes that the Beach Club Project would not create a demand for affordable housing.¹⁷ This conclusion, however, ignores the housing needs for the workforce (e.g. maintenance, hospitality) that will support the Surfing Lagoon and Clubhouse facilities and activities.

¹² PC Agenda Packet pp. 144, 149.

¹³ SGMA Alternative GSP Bridge Document, p. 3-25; Coachella Valley Water Master Plan 2010 Update p. 4-35 ["Based on this assessment, about 203,000 AFY of additional supply will be required by 2045. Alternative water sources including conservation are discussed in Section 6 and evaluated in Section 7 of this report. The overdraft condition in the East Valley and West Valley groundwater aquifers presents a challenge to both the quantity and the quality of groundwater in the Valley. Future growth and water quality regulations will affect the amount of recycled water available in the Coachella Valley."].)

¹⁴ The Project will require approximately 487,000 cubic yards (CY) of import which will be stockpiled just south of the proposed development west of Polk Street, east of "Spine Road" and north of Avenue 60. Approximately 250,000 CY will be obtained from a Coachella Valley Water District (CVWD) basin located approximately three miles to the north within the Kohl Ranch Specific Plan boundary. The haul route will occur along Polk Street which is partially paved. And additional 50,000 to 60,000 CY will be obtained from tribal land located outside of the Kohl Ranch Specific Plan boundary but directly to the east of the Project site. This soil will be pushed across Polk Street during the grading phase. The Page 3 CEQ 180127 remaining 177,000 to 187,000 CY will be obtained from within the Kohl Ranch Specific Plan boundary directly south of the proposed TBC site. This soil will be pushed across to the TBC site during grading. (EIR 396 Addendum No. 9, pg 3; PC Agenda Packet pg. 84.)

¹⁵ EIR 396 Addendum No. 9, pg. 1; PC Agenda Packet pg. 82.

¹⁶ EIR 396 Addendum No. 9, pg. 50; PC Agenda Packet pg. 131.

¹⁷ EIR 396 Addendum No. 9, pg. 72; PC Agenda Packet pg. 153.

B-16

The case *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412 (“*Vineyard*”) is on point. In *Vineyard*, the court considered whether a water supply analysis in a final EIR for a large mixed use development was supported by substantial evidence. In determining that substantial evidence did not support the water supply analysis, the court reasoned “the project FEIR presents a jumble of seemingly inconsistent figures for future total area demand and surface water supply, with no plainly stated, coherent analysis of how the supply is to meet the demand. The reader attempting to understand the County’s plan for providing water to the entire Sunrise Douglas development is left to rely on inference and speculation.” (*Id.* at 445.) The Court continues, “[f]actually, the FEIR’s use of inconsistent supply and demand figures, and its failure to explain how those figures match up, results in a lack of substantial evidence that new surface water diversions are likely to supply the project’s long-term needs.” (*Id.* at 447.)

Addenda No.9 suffers from the same lack of clarity and consistency as the FEIR in *Vineyard*. As noted, the description of the size of the wave pool is inconsistent throughout the Addendum, and many significant water supply issues are either inadequately considered or not considered at all (e.g., additional evaporation related to the change from a still lake to a wave pool, additional water use related to treating canal water for use in a recreational lagoon, impacts on groundwater supply etc.) As in *Vineyard*, the public is left relying on inference and speculation in evaluating the projects potential impacts on water supply.

B-17

Additionally, several substantial changes in circumstances have occurred, and new information has become available, since the County certified the Kohl Ranch EIR, requiring major revisions. First, the passage of SGMA,¹⁸ which requires groundwater users to limit over pumping and sustainably manage groundwater basins has the potential to decrease the water supply in the Coachella Valley. The same is true of changes in agreements and the to the legal framework regarding, and management of, the Colorado River since the approval of the Kohl Ranch EIR, and the recent drought(s) impacting the Colorado River.¹⁹ Continued degradation of the Salton Sea due to reduced inflow presents another substantial change in circumstances.²⁰ Each of these changes in circumstances, both individually and cumulatively, requires revision of the Kohl Ranch SP EIR as applied to the Beach Club project.

¹⁸ Water Code § 10720 et seq.

¹⁹ See Management of the Colorado River: Water Allocations, Drought, and the Federal Role, Congressional Research Service (May 17, 2019), available at <https://crsreports.congress.gov/product/pdf/R/R45546>.

²⁰ See Salton Sea Management Plan, Phase I 10-Year Plan (August 2018), available at <http://resources.ca.gov/wp-content/uploads/2018/10/SSMP-Phase-1-10-Year-Plan.pdf>.

B-18

Further, neither the initial EIR nor previous addenda were included in the PC Agenda Packet, and were only available to the public upon request. As of Monday, November 18th we have not received Addenda 1-7 or the Coachella Valley Water District Water Budget Analysis referenced in EIR396 Addendum 9 pg. 56, despite requesting those documents on three separate occasions on October 15th, October 16th and most recently, November 1st. On November 14th we were informed that the documents were mailed to our Indio office but as noted above, we have yet to receive such documents.

B-19

As noted above, Riverside County's conclusive statement that there will be no intensification of land use is inaccurate; The Beach Club Project adds a clubhouse facility to the specific plan and modifies a still lake to wave pool. The County's assertion that the lake and wave pool are synonymous does not make it so. As noted in EKI memorandum, no information is provided in Addendum No.9 (or otherwise) that relates to the estimated water demands of the Beach Club Project (or that associated with prior revisions to the Kern Ranch SP that have been made since the 2011 WSA) to specifically assess whether or not the projected future use under the revised Kohl Ranch SP would be equivalent to the demands evaluated in previous EIRs. Riverside County has not even assessed the amount of water that will be needed, much less has it evaluated the impacts of that use.

C. There Is Substantial Evidence That The Beach Club Project Will Create Significant Impacts That Have Not Been Analyzed By A Previous EIR.

Contrary to the County's summary conclusions, the Beach Club will have substantial impacts that have not been analyzed by a previous EIR.

The EKI memorandum makes the following conclusions:²¹

B-20

- The PC Agenda Packet states that the Project does not propose any uses or densities that are more intense than what was previously approved for the site". However, the Revised Project includes the following significant revisions: (1) conversion of a 22-acre still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. The incremental increase in demand associated with just the Surf Lagoon is estimated to be between 116 to 221 Acre Feet / Year, which could represent a significant increase in demand for this portion of the Kohl Ranch SP relative

²¹ Footnotes omitted.

to what was evaluated in the 2011 WSA and could in fact represent a more “intense” use than had been previously assessed.

B-21

- Environmental Impact Report 396 Addendum NO.9 includes the following statement: “The proposed Project includes development of an approximately 117-acre site to include a private residential neighborhood surrounding a surfing lagoon with beach and village area. An approximately 30-acre area will provide for development of a surfing lagoon using Crystal Lagoon surf technology along with a village area to be used recreationally by the members of TBC and their guests. The lagoon will be capable of producing 6 waves per second with heights to seven feet. The crystal lagoon uses **up to...50 percent less water than is required by a park of the same size.**” [emphasis added.] However, in Table A-2 of the 2011 WSA Appendix A, the unit demand for irrigated landscaping is estimated to be 3.39 AFY/ac, while that for a still lake is estimated at 8.02 AFY/acre. As such, per the 2011 WSA, the unit water demand, even for a still lake, is estimated be more than twice that of irrigated landscaping (i.e., a park). Based on the WSA prepared by Coachella Valley Water District (“CVWD”) for a similar surf lagoon located in Palm Desert (Palm Desert WSA, 2019), the unit water demand for a surf lagoon is estimated to be 13.28 AFY/ac, or roughly four times that of unit demand factor for irrigated landscaping included in the 2011 WSA. As such, it appears that the argument for “substantial conformance” in terms of Surf Lagoon water use as compared to irrigated landscaping and/or a still lake water use is flawed.

B-22

- Environmental Impact Report NO. 396 Addendum NO.9 (In arguing that the environmental impacts of the Revised Project did not require additional CEQA review, the EIR Addendum NO.9 states that the Riverside County Planning department found that “The proposed Project would not result in additional dwelling units or intensity than already analyzed in previous CEQA documents. As such, the proposed land uses were accounted for in the aggregate unit count that was used to prepare the Water Supply Assessment for EIR396- A2. Therefore, the proposed Project would not increase water demand beyond what was previously analyzed.” This analysis fails to provide specific information in

support of this findings, especially considering the impact to the water demand associated with the following significant project revisions: (1) conversion of a 22-acre still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. The incremental increase in demand associated with just the Surf Lagoon is estimated to be between 116 to 221 AFY, which could represent a significant increase in demand for this portion of the KRSP relative to what was evaluated in the 2011 WSA and could in fact represent a more “intense” use than had been previously assessed. Without a detailed evaluation of the demands for the 123-acre Revised Project included in the 2011 WSA relative to the projected demands under the proposed revisions, a finding relative to “substantial conformance” cannot be made. Further, the analysis of “use intensity” fails to consider the effect that heating the lagoon for swimming purposes and wave generation will have on increased evaporation rates (i.e., by increasing the effective surface areas from which evaporation can occur).

B-23

- Per the County of Riverside Environmental Assessment Form: Initial Study (CEQ 180127) (Page 139 of the Agenda Packet), “CVWD’s 2015 Urban Water Management Plan indicated it has sufficient supply to meet customer demand based on existing demand and projected demand based on land use projections from jurisdictions within its service area (CVWD, pp. 1-2 - 1-3, 3-11 - 3-12). Development of the Project site was accounted for in CVWD’s planning efforts.” and “development of the Project will not negatively impact sustainable groundwater management of the basin as groundwater is so abundant that additional groundwater replenishment is prohibited. Further, CVWD has prepared a Water Budget Analysis dated [DATE] (CVWD-A) and determined there is sufficient water supply to serve the Project site and will not deplete current groundwater supplies or impact ground water recharge efforts.” However, there is actually no discussion of the KRSP, revised or otherwise at all in either the 2010 or 2015 UWMPs developed by CVWD. Rather the water demand forecasts included in the CVWD UWMPs are based solely on the anticipated growth in “city and unincorporated populations ... based on the [Southern California Area Governments] SCAG forecasts for 2020

and 2035.”[4] Further, the references cited in the text (albeit without dates) of the County of Riverside Environmental Assessment Form are not listed in the references section and so the conclusions presented in the Agenda Packet cannot be independently verified.

B-24

Based on these conclusions, Addenda No.9 is inadequate and a subsequent or supplemental EIR must be prepared.

II. Failure to Comply with Water Code Section 10910, et seq.

Cal Water Code Section 10910(h) states in pertinent part:

B-25

[I]f a project has been the subject of a water supply assessment that complies with the requirements of this part, no additional water supply assessment shall be required for subsequent projects that were part of a larger project for which a water supply assessment was completed ...unless one or more of the following changes occurs:

- (1) Changes in the project that result in a substantial increase in water demand for the project.
- (2) Changes in the circumstances or conditions substantially affecting the ability of the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), to provide a sufficient supply of water for the project.
- (3) Significant new information becomes available that was not known and could not have been known at the time when the assessment was prepared.

No specific information is provided in the PC Agenda Packet regarding the estimated water demands of the Beach Club Project to specifically assess whether or not the projected future use under the Beach Club Project (or prior revisions to the Kohl Ranch SP) would be equivalent to the demands evaluated in the 2011 WSA. This is a significant omission in the assessment of substantial conformance that is presented in the PC Agenda Packet.

B-26

Per the PC Agenda Packet the revised Kohl Ranch SP (including the Beach Club Project) includes the same total target number of dwelling units (1,158).²² However, the Beach Club Project includes the following significant revisions: (1) conversion of a 22-acre still lake to a

²² PC Agenda Packet, pg. 14

Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. The incremental increase in demand associated with just the Surf Lagoon is estimated to be 116 to 221 AFY, or up to 4% of the total project demand evaluated in the 2011 WSA (or up to a 7% increase in the total landscape irrigation demand included in the 2011 WSA). This does not include the increased water demand from the clubhouse uses, including a spa and swimming pool, or other revisions that have been made to the Kohl Ranch SP since the 2011 WSA. Accordingly, a new WSA should be prepared pursuant to Cal. Water Code § 10910 (h)(1).

B-27

Additionally, in 2014 the Sustainable Groundwater Management Act (SGMA) was passed which requires enhanced management of groundwater basins to ensure long-term sustainability. Accordingly, WSAs are now required to include substantial information related to groundwater and SGMA. Since groundwater is anticipated to provide the water supply to the KRSP and SGMA will have an impact on the region's water supply, changed circumstances require preparation of a new WSA.

Further, the EKI Memorandum states as follows:

B-28

A new/revised WSA should be prepared given that the additive water demand associated with the Beach Club Project would independently meet the definition of a "Project". Per California Water Code (CWC) § 10912, a "Project" that is subject to requiring a WSA is a project that would "demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project". Based on the demand estimates included in the 2011 Kohl Ranch WSA (2011 WSA²³), the per dwelling unit demand is estimated to be 0.37 AFY per dwelling unit²⁴. As such, the equivalent water demand for 500 units is 184.5 AFY.

- o Per the Agenda Packet (page 14) the Beach Club Project includes the following significant revisions: (1) conversion of a 22-acre²⁵ still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. No information is presented in any of the materials included in the Agenda Packet related to the Revised

²³ Coachella Valley Water District, 2011, *Water Supply Assessment and Water Supply Verification*, dated April 2011, p. 451.

²⁴ Water demand per dwelling unit is calculated based on total number of dwelling units and total residential water demand provided in Table 2.3-1 and Table 3.1-1 of the 2011 WSA.

²⁵ The proposed acreage for the Surf Lagoon is inconsistent throughout the planning documents. The 25 September 2019 Meeting Agenda presents a 21-acre lagoon, the Staff Report presents a 22-acre lagoon, Figure 1-4 Land Use Plan presents a 20.56-acre lagoon, and the Initial Study of the Environmental Assessment Form presents an approximate 30-acre lagoon.

Project water demand, or the revised total demand of the Kohl Ranch SP.

- o Using surf lagoon-specific water demand factors that were recently employed by CVWD elsewhere (i.e., 13.28 acre-feet per year per acre [AFY/ac]; Palm Desert WSA, 2019²⁶), the total water demand for the planned Surf Lagoon alone is estimated to be approximately 292 AFY assuming a 22-acre lagoon and 398 AFY for a 30-acre lagoon. These estimated demands are significantly greater than the 500-unit equivalent demand threshold (i.e., 184.5 AFY).
- o The incremental demand associated with the Surf Lagoon is estimated to be between 116 and 221 AFY relative to the water demand estimate for the equivalently-sized lake included in the 2011 WSA (i.e., 176 AFY²⁷). The addition of the Clubhouse Village is also expected to have a demand approaching 10 AFY²⁸, although no information on the Clubhouse Village demand is presented in the Agenda Packet. As such, even just considering the Surf Lagoon, the incremental volume of demand could exceed the 500-unit equivalent demand threshold (i.e., 184.5 AFY).

Based on this analysis, substantial new information and changed circumstances requires preparation of a new WSA.

III. FAILURE TO DEMONSTRATE SUBSTANTIAL CONFORMANCE AND COMPLY WITH OTHER LOCAL LAWS

A. Failure to Demonstrate Substantial Conformance with Specific Plan 303 (The Kohl Ranch Specific Plan)

Substantial Conformance Riverside County Ordinance No. 348, Article 11, Section 2.11 (Determination of Project Conformance with adopted Specific Plan) requires whenever an application for an implementing Project varies from but is in substantial conformance with the adopted specific plan, a determination of substantial conformance is required prior to the approval of the implementing Project. A substantial conformance is defined as a nonsubstantial modification of a condition of approval, diagram, or text of the specific plan that does not change

²⁶ Coachella Valley Water District, 2019, *Water Supply Assessment and Water Supply Verification for the DSRT SURF Project*, dated May 2019, 133pp.

²⁷ Based on the assumption of a 22-acre lake at a consumptive use rate of 8.02 AFY/ac per Table A-2 of the 2011 WSA.

²⁸ Using the water demand factors for similar commercial amenities that were included in a recent WSA prepared by CVWD (Palm Desert WSA, 2019)

the basic design or improvements required is consistent with the original resolution adopting the specific plan, the conditions of approval, and the specific plan text.

Riverside County's staff report (PC Agenda Packet, pp 11-12) asserts that "The inclusion of surfing and the lagoon language, into the specific plan is considered similar and almost identical uses and intensities." We disagree. The Surfing Lagoon will use substantially more water than the still lake and thus represents a significant change and an intensification of use. Additionally, a introduction of clubhouse facilities represents a substantial modification to the Kohl Ranch SP. Finally, the modified intent of the Beach Club - for use as a vacation resort as opposed to residential neighborhood is a substantial modification to the Kohl Ranch SP. The staff report also notes that "[the] Project does not contain any land uses that have not already been allowed for and considered in SP303A4 and analyzed in the prior CEQA documents." We have not yet received or reviewed SP303A4 or the accompanying CEQA documents.

B. Inconsistencies with General Plan Programs and Land Use Policies

It is unclear whether the Proposed Project complies with the General Plan Open Space element. Per the County of Riverside Planning Department Staff Report (Page 18 of the Agenda Packet), the "Open Space General Plan Foundation Component is intended to accomplish this by identifying opening space areas for the **preservation of habitat, water and other natural resources**, protection from natural hazards, provision of recreational areas, and the protection of scenic resources. The Open Space area on the Project site will support the man-made lagoon/lake that would be utilized for recreation through surfing and other water related recreational activities. The recreational uses intended for the lagoon/lake are consistent with the recreational uses intended by the specific plan and general plan. The lagoon and lake are synonymous. The shape of the lagoon/lake as approved in the specific plan is changing, the overall size and acreage of the proposed lake/lagoon will remain consistent with the previously approved lake size. Therefore, the Project will be consistent with the Open Space Foundation Component." However, conversion of the still lake to a Surf Lagoon will increase water use by as much as 116 to 221 AFY. It is unclear how this intensification of water use meets the objective of "preservation of water resources". Similarly, we question how the introduction of a clubhouse to the neighborhoods J and L conform with the goals of the Open Space Foundation Component.

Additionally, per the County of Riverside Planning Department Staff Report (p.16), the County improperly finds the proposed project is consistent with Land Use Policy 28.9 (LU28.9). Land Use Policy 28.9 states: Require residential Projects to be designed to maximize integration with and connectivity to nearby community centers, rural villages, and neighborhood centers. The Staff Report explains that the proposed project:

will facilitate the construction of four buildings that will create a Clubhouse Village area to support the residential development surrounding the lagoon/surf bay and would

include uses such as: spa, pool, gym, retail, kitchen, bars, and dining and office areas. The Clubhouse Village area is located directly adjacent to the surf lagoon and to the bungalows along the southern edge of the tract boundary. The Clubhouse Village Area is located near the development's main entrance and will also be connected by walkways, sidewalks, and paths from the residential.

The proposed project is inconsistent with LU28.9 and the County has failed to demonstrate how the project would maximize integration and connectivity to surrounding community centers, rural villages and neighborhood centers as the Beach Club is intended for the exclusive use of its residents and their guests.²⁹

C. Failure To Comply With Maximum Applied Water Allowance (“MAWA”) Ordinance.

The EKI memorandum makes the following conclusions regarding compliance with the CVWD MAWA ordinance:

On 12 February 2019 the CVWD adopted Ordinance 1320.4 that defines how the Maximum Applied Water Allowance (MAWA) must be calculated. None of the information included in the Agenda Packet presents a calculation of the MAWA as compared to the total landscape demand estimate for the KRSP, or a MAWA as compared to the total landscape demand estimate for the proposed revision to the KRSP (i.e., for the Beach Club Project).

Based on our independent estimate, the MAWA for the Surf Lagoon area (per Ordinance 1320.4) would be a maximum of 62.7 AFY. As described in later comments, the Surf Lagoon is estimated to use between 292 and 398 AFY of water. As such, the projected water demand of the Surf Lagoon is well in excess of the allowable MAWA. Because the required information is not provided in the Agenda Packet, a comparison of the irrigation demand relative to the MAWA for the Revised Project (the totality of the Thermal Beach Club) cannot be independently estimated.

Based on the EKI analysis, the Surf Lagoon does not comply with the MAWA, and the Beach Club Project must not be approved.

D. Failure to Comply with Housing Element Requirements

²⁹ EIR396 Addendum No.9, pg 1; PC Agenda Packet pg. 82

1. Lack Of Affordable Housing Units

The proposed project is at odds with the needs identified in the County's own housing element, fails to comply with specific Housing Element Programs, and reinforces Riverside County's failure to comply with other Housing Element Programs.

The County, in its housing element identified a shortfall of 25,174 units in the very low- and low-income categories.³⁰ The Beach Club Project provides additional vacation homes, but does nothing to address the urgent and severe need for affordable housing. Furthermore, despite the assertion in Addendum No.9 that the Beach Club Project will not create a demand for housing affordable to households earning 80% or less of the County's median income,³¹ we question where the County believes the Club's hospitality and maintenance workers will live, especially given the severe shortage in housing units for lower income people in Riverside County.

It thus appears that not only will the Beach Club Project fail to address the lack of affordable housing, it will in fact exacerbate the crisis.

2. Failure to Comply Housing Element Programs To Increase Access To Affordable Housing And Mixed Income Developments

A Riverside County approval of the Beach Club Project, as proposed, would fail to comply with at least two Housing Element Programs designed to increase access to affordable housing and increase the prevalence of mixed income developments.

Housing Element Program 1.2e: The County will provide for the inclusion of mixed-income housing in future new growth areas of the county through development agreements and other mechanisms.

We are not aware of any efforts the County has taken to secure the inclusion of mixed income housing in the Beach Club Project.

Housing Element Program 1.7c: Encourage new large-scale development proposals to provide a range of housing types and densities for all income levels through the use of creative planning concepts such as specific plans and mixed-use development.

We are not aware of any efforts the County has taken to secure or even encourage housing within the Beach Club Project that is affordable for lower income people. In fact, the Beach Club

³⁰ Housing Element, p. H-73.

³¹ EIR Addendum 9, p. 72 (Planning Commission Agenda Packet 153

Project is intended for vacation homes instead of primary residences, much less affordable homes for lower income families and residents.

3. Failure to Comply With Other Housing Element Programs

The County's consideration of the Beach Club Project is in the context of the County's broader community development and housing responsibilities. It is our understanding that even as the County considers approval of this vacation-home community it has fallen short on its obligations to address its existing housing needs. We lay out below, the programs and policies we believe the County has failed to implement within the mandated time limit:

Housing Element Program 1.7e: The County will explore the adoption of a local inclusionary housing program. (Explore options by the end of 2017 consider adopting an ordinance by the end of 2018)

Housing Element Program 2.1h: The County will promote the maintenance, preservation, and rehabilitation of the existing housing stock to provide sanitary, healthy and safe housing opportunities. Together with residents and stakeholders, the County will develop a plan with specific timelines for implementation to prioritize and conduct proactive rehabilitation efforts to ensure that housing complies with basic habitability standards, while preventing displacement in addressing unsafe housing conditions and prioritizing efforts (i.e., location; types of units, rentals, versus resident owned). (Develop a plan by Summer 2019)

Housing Element 3.1b: Update the Analysis of Impediments to Fair Housing choice per HUD requirements. (Update Analysis by 2019)

Specific Plans with Densities to Meet Lower-Income Housing Needs There are two specific plans within the unincorporated County that have densities appropriate to meet a portion of the County's lower-income RHNA: Valante and Travertine. The Valante Specific Plan includes densities that allow for up to 30 units per acre. This density is assumed affordable to lower-income households. The Travertine Specific Plan calls for at least 10 percent of the units to be affordable to 35 percent to 120 percent of the area median income. (KOHL Ranch not included.)

E. Failure to Comply with Fair Housing and Civil Rights Mandates

B-33

1. Perpetuation of segregation

Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601–3619) prohibits discriminatory effects in the area of housing. Such discriminatory effects can take the form of both (1) harm to a particular group of persons by a disparate impact; and (2) harm to the community generally by creating, increasing, reinforcing, or perpetuating segregated housing patterns.³² Segregative-effect claims focus on the harm done to the local community and on how a challenged action affects residential segregation in the area. Courts have found that segregative-effect claims can arise from a defendant’s actions to either oppose or support a project. (*Shannon v. United States Dep’t of Housing & Urban Development* (3d Cir. 1970) 436 F.2d 809.) HUD’s discriminatory-effect regulation requires two elements for a segregative-effect claim: (1) there must be “segregated housing patterns because of race [or other protected characteristic]” in the relevant community; and (2) the defendant’s challenged practice must “create[], increase[], reinforce[], or perpetuate[]” (24 C.F.R. § 100.500(a).)

Here, the expansion of a resort community that draws affluent vacationers to the almost entirely Latino community of Thermal³³ threatens to perpetuate segregation.

2. Failure to Affirmatively Further Fair Housing

The duty to affirmatively further fair housing extends to all of a public agency’s activities and programs relating to housing and community development. (Cal. Gov. Code 8899.50(a)). California’s Affirmatively Furthering Fair Housing Statute goes on to state:

Affirmatively furthering fair housing” means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

³² 78 FR 11460, 11469 [Implementation of the Fair Housing Act’s Discriminatory Effects Standard].

³³ According to U.S. Census Bureau, 2013-2017 American Community Survey 5-Year Estimates, Thermal is over 99% Latino.

In contrast to these requirements, the Beach Club Project is likely to exacerbate patterns of segregation.

* * * * *

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Based on the foregoing, Riverside County cannot legally approve Addendum 9 or the other land use approvals related to the Beach Club Project. We look forward to working with the County to address the issues identified in this letter.

Best Regards,



Michael K. Claiborne
Senior Attorney
Leadership Counsel For Justice & Accountability

EXHIBIT A

18 November 2019

To: Phoebe Seaton, Leadership Counsel for Justice and Accountability (LCJA)

From: Anona Dutton, P.G., C.Hg., EKI Environment & Water, Inc. (EKI)

Subject: Review of Selected Elements of the Proposed Revisions to the Kohl Ranch Specific Plan Related to the Thermal Beach Club
Leadership Counsel for Justice and Accountability

Dear Ms. Seaton,

We have conducted a preliminary review of selected documents related to a new development (the "Thermal Beach Club") planned at Kohl Ranch, near Thermal, California. We have the following general comments:

B-35

1. In 2011 a Water Supply Assessment (WSA) was conducted by Coachella Valley Water District (CVWD) for the Kohl Ranch Specific Plan (KRSP)¹. The 2011 WSA contemplated the development of 7,161 dwelling units, 24 acres of air park/multi-use, 31 acres of commercial uses, and 331 acres of industrial uses (Table 2.3-1 of the 2011 WSA). The total water demand for the KRSP was estimated to be 5,439.8 acre-feet per year (AFY), of which 3,062.6 AFY was for landscape irrigation (Table 3.1-1 of the 2011 WSA).

Since the 2011 WSA was approved, four revisions have been made to the KRSP. The current proposal regarding the Thermal Beach Club (Revised Project) includes revision to a 123-acre portion of the KRSP to include the development of a 22-acre² "Surf Lagoon" and a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. (Page 12 of the 25 September 2019 Riverside County Planning Commission Meeting Agenda Packet [Agenda Packet]). The 2011 WSA has never been updated to assess the cumulative impacts of the series of revisions made or proposed to date related the KRSP. As such, without a side by side comparison of the dwelling unit count and the various revisions to other non-residential aspects of the KRSP, there is no

¹ Coachella Valley Water District, 2011, *Water Supply Assessment and Water Supply Verification*, dated April 2011, 451 pp.

² The proposed acreage for the Surf Lagoon is inconsistent throughout the planning documents. The 25 September 2019 Meeting Agenda presents a 21-acre lagoon, the Staff Report presents a 22-acre lagoon, Figure 1-4 Land Use Plan presents a 20.56-acre lagoon, and the Initial Study of the Environmental Assessment Form presents an approximate 30-acre lagoon. For purpose of the assessment, acreage of the proposed surf lagoon is assumed to be 22 acres.

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means to confirm that the currently envisioned KRSP remains in “substantial conformance” with the water demands assessed in version of the KRSP that was analyzed in the 2011 WSA.

2. On 12 February 2019 the CVWD adopted Ordinance 1320.4 that defines how the Maximum Applied Water Allowance (MAWA) must be calculated. None of the information included in the Agenda Packet presents a calculation of the MAWA as compared to the total landscape demand estimate for the KRSP, or a MAWA as compared to the total landscape demand estimate for the proposed revision to the KRSP (i.e., for the Thermal Beach Club).

B-36

Based on our independent estimate, the MAWA for the Surf Lagoon area (per Ordinance 1320.4) would be a maximum of 62.7 AFY. As described in later comments, the Surf Lagoon is estimated to use between 292 and 398 AFY of water. As such, the projected water demand of the Surf Lagoon is well in excess of the allowable MAWA. Because the required information is not provided in the Agenda Packet, a comparison of the irrigation demand relative to the MAWA for the Revised Project (the totality of the Thermal Beach Club) cannot be independently estimated.

B-37

3. A new/revised WSA should be prepared given that the additive water demand associated with the Thermal Beach Club would independently meet the definition of a “Project”. Per California Water Code (CWC) § 10912, a “Project” that is subject to requiring a WSA is a project that would “demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project”. Based on the demand estimates included in the 2011 Kohl Ranch WSA (2011 WSA³), the per dwelling unit demand is estimated to be 0.37 AFY per dwelling unit⁴. As such, the equivalent water demand for 500 units is 184.5 AFY.

B-38

- Per the Agenda Packet (page 14) the Revised Project includes the following significant revisions: (1) conversion of a 22-acre⁵ still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. No information is presented in any of the materials included in the Agenda Packet related to the Revised Project water demand, or the revised total demand of the KRSP.

³ Coachella Valley Water District, 2011, *Water Supply Assessment and Water Supply Verification*, dated April 2011, 451 pp.

⁴ Water demand per dwelling unit is calculated based on total number of dwelling unit and total residential water demand provided in Table 2.3-1 and Table 3.1-1 of the 2011 WSA.

⁵ The proposed acreage for the Surf Lagoon is inconsistent throughout the planning documents. The 25 September 2019 Meeting Agenda presents a 21-acre lagoon, the Staff Report presents a 22-acre lagoon, Figure 1-4 Land Use Plan presents a 20.56-acre lagoon, and the Initial Study of the Environmental Assessment Form presents an approximate 30-acre lagoon.

B-39

- Using surf lagoon-specific water demand factors that were recently employed by CVWD elsewhere (i.e., 13.28 acre-feet per year per acre [AFY/ac]; Palm Desert WSA, 2019⁶), the total water demand for the planned Surf Lagoon alone is estimated to be approximately 292 AFY assuming a 22-acre lagoon and 398 AFY for a 30-acre lagoon. These estimated demands are significantly greater than the 500-unit equivalent demand threshold (i.e., 184.5 AFY).
 - The incremental demand associated with the Surf Lagoon is estimated to be between 116 and 221 AFY relative to the water demand estimate for the equivalently-sized lake included in the 2011 WSA (i.e., 176 AFY⁷). The addition of the Clubhouse Village is also expected to have a demand approaching 10 AFY⁸, although no information on the Clubhouse Village demand is presented in the Agenda Packet. As such, even just considering the Surf Lagoon, the incremental volume of demand could exceed the 500-unit equivalent demand threshold (i.e., 184.5 AFY).
4. A new/revised WSA needs to be prepared if the project revisions are significant enough to satisfy thresholds identified in CWC § 10910 (h). Per CWC § 10910 (h), ... if a project has been the subject of a water assessment that complies with the requirements of this part, no additional water assessment shall be required for subsequent projects that were part of a larger project for which a water assessment was completed and that has complied with the requirements of this part and for which the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), has concluded that its water supplies are sufficient to meet the projected water demand associated with the proposed project, in addition to the existing and planned future uses, including, but not limited to, agricultural and industrial uses, unless one or more of the following changes occurs: (1) Changes in the project that result in a substantial increase in water demand for the project. (2) Changes in the circumstances or conditions substantially affecting the ability of the public water system, or the city or county if either is required to comply with this part pursuant to subdivision (b), to provide a sufficient supply of water for the project. (3) Significant new information becomes available which was not known and could not have been known at the time when the assessment was prepared.

⁶ Coachella Valley Water District, 2019, *Water Supply Assessment and Water Supply Verification for the DSRT SURF Project*, dated May 2019, 133pp.

⁷ Based on the assumption of a 22-acre lake at a consumptive use rate of 8.02 AFY/ac per Table A-2 of the 2011 WSA.

⁸ Using the water demand factors for similar commercial amenities that were included in a recent WSA prepared by CVWD (Palm Desert WSA, 2019)

B-40

- No specific information is provided in the Agenda Packet regarding the estimated water demands of the Revised Project to specifically assess whether or not the projected future use under the Revised Project (or prior revisions to the KRSP) would be equivalent to the demands evaluated in the 2011 WSA. This is a significant omission in the assessment of “Substantial Conformance” that is presented in the Agenda Packet.
- Per the Agenda Packet (page 14), the Revised Project includes the same total target number of dwelling units (1,158)⁹. However, the Revised Project includes the following significant revisions: (1) conversion of a 22-acre still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. The incremental increase in demand associated with just the Surf Lagoon is estimated to be 116 to 221 AFY, or roughly 2%-4% of the total project demand evaluated in the 2011 WSA (or up to a 7% increase in the total landscape irrigation demand included in the 2011 WSA). As such, it appears that condition CWC § 10910 (h)(1) has been met (especially considering the several other revisions that have been made to the KRSP since the 2011 WSA) and that a new WSA should be prepared.

B-41

- In 2014 the Sustainable Groundwater Management Act (SGMA) was passed which requires enhanced management of groundwater basins to ensure long-term sustainability. Accordingly, WSAs are now required to include substantial information related to groundwater and SGMA. Since groundwater is anticipated to provide the water supply to the KRSP and SGMA could have an impact on the water supplier’s water supply, it appears that condition CWC § 10910 (h)(2) has been met and that a new WSA should be prepared.

B-42

5. There are findings in the information included in the assessment of the “Substantial Conformance” of the Revised Project that are incomplete and/or inaccurate.
- No specific information is provided in the Agenda Packet that relates to the estimated water demands of the Revised Project (or that associated with prior revisions to the KRSP that have been made since the 2011 WSA) to specifically assess whether or not the projected future use under the Revised Project (and revised KRSP) would be equivalent to the demands evaluated in the 2011 WSA. This is a significant omission in the assessment of “substantial conformance”.
 - The Agenda Packet (page 14) states that “the Project does not propose any uses or densities that are more intense than what was previously approved for the site”. However, the Revised Project includes the following significant revisions: (1)

⁹ Page 16 of the Agenda Packet.

conversion of a 22-acre still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. The incremental increase in demand associated with just the Surf Lagoon is estimated to be between 116 to 221 AFY, which could represent a significant increase in demand for this portion of the KRSP relative to what was evaluated in the 2011 WSA and could in fact represent amore “intense” use than had been previously assessed. Without a detailed evaluation of the demands for the 123-acre Revised Project included in the 2011 WSA relative to the projected demands under the proposed revisions, a finding relative to “substantial conformance” cannot be made.

- Environmental Impact Report NO.396 Addendum NO.9¹⁰ (page 82 of Agenda Packet) includes the following statement: “The proposed Project includes development of an approximately 117-acre site to include a private residential neighborhood surrounding a surfing lagoon with beach and village area. An approximately 30-acre area will provide for development of a surfing lagoon using Crystal Lagoon surf technology along with a village area to be used recreationally by the members of TBC and their guests. The lagoon will be capable of producing 6 waves per second with heights to seven feet. **The crystal lagoon uses up to...50 percent less water than is required by a park of the same size.**” However, in Table A-2 of the 2011 WSA Appendix A, the unit demand for irrigated landscaping is estimated to be 3.39 AFY/ac, while that for a still lake is estimated at 8.02 AFY/acre. As such, per the 2011 WSA, the unit water demand, even for a still lake, is estimated be more than twice that of irrigated landscaping (i.e., a park). Based on the WSA prepared by CVWD for a similar surf lagoon located in Palm Desert (Palm Desert WSA, 2019), the unit water demand for a surf lagoon is estimated to be 13.28 AFY/ac, or roughly four times that of unit demand factor for irrigated landscaping included in the 2011 WSA. As such, it appears that the argument for “substantial conformance” in terms of Surf Lagoon water use as compared to irrigated landscaping and/or a still lake water use is flawed.
- Environmental Impact Report NO.396 Addendum NO.9¹¹ (page 81 of the Agenda Packet): In arguing that the environmental impacts of the Revised Project did not require additional CEQA review, the EIR Addendum NO.9 states that the Riverside County Planning department found that “The proposed Project would not result

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¹⁰ County of Riverside Planning Department, 2019, *Environmental Impact Report NO.396 Addendum NO.9 for Tentative Tract Map No.37296, Plot Plan No. 180037, Change of Zone 1900027 and The Kohl Ranch Specific Plan No.303, Substantial Conformance No.3*, dated June 2019, 5pp.

¹¹ County of Riverside Planning Department, 2019, *Environmental Impact Report NO.396 Addendum NO.9 for Tentative Tract Map No.37296, Plot Plan No. 180037, Change of Zone 1900027 and The Kohl Ranch Specific Plan No.303, Substantial Conformance No.3*, dated June 2019, 5pp.

in additional dwelling units or intensity than already analyzed in previous CEQA documents. As such, the proposed land uses were accounted for in the aggregate unit count that was used to prepare the Water Supply Assessment for EIR396- A2. Therefore, the proposed Project would not increase water demand beyond what was previously analyzed.” This analysis fails to provide specific information in support of this findings, especially considering the impact to the water demand associated with the following significant project revisions: (1) conversion of a 22-acre still lake to a Surf Lagoon; and (2) the development of a 4.19-acre Clubhouse Village with high water use features such as pools, spas, restaurants, etc. The incremental increase in demand associated with just the Surf Lagoon is estimated to be between 116 to 221 AFY, which could represent a significant increase in demand for this portion of the KRSP relative to what was evaluated in the 2011 WSA and could in fact represent a more “intense” use than had been previously assessed. Without a detailed evaluation of the demands for the 123-acre Revised Project included in the 2011 WSA relative to the projected demands under the proposed revisions, a finding relative to “substantial conformance” cannot be made. Further, the analysis of “use intensity” fails to consider the effect that heating the lagoon for swimming purposes and wave generation will have on increased evaporation rates (i.e., by increasing the effective surface areas from which evaporation can occur)¹².

- Per the County of Riverside Environmental Assessment Form: Initial Study (CEQ 180127) (Page 139 of the Agenda Packet), “CVWD’s 2015 Urban Water Management Plan indicated it has sufficient supply to meet customer demand based on existing demand and projected demand based on land use projections from jurisdictions within its service area (CVWD, pp. 1-2 - 1-3, 3-11 - 3-12). Development of the Project site was accounted for in CVWD’s planning efforts.” and “development of the Project will not negatively impact sustainable groundwater management of the basin as groundwater is so abundant that additional groundwater replenishment is prohibited. Further, CVWD has prepared a Water Budget Analysis dated [DATE] (CVWD-A) and determined there is sufficient water supply to serve the Project site and will not deplete current groundwater supplies or impact ground water recharge efforts.” However, there is actually no discussion of the KRSP, revised or otherwise at all in either the 2010 or 2015 UWMPs developed by CVWD. Rather the water demand forecasts included in the CVWD UWMPs are based solely on the anticipated growth in “city

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¹² <https://www.theweatherprediction.com/habyhints2/470/>;
<https://www.thermexcel.com/english/program/pool.htm>; <https://dengarden.com/swimming-pools/Determine-Evaporation-Rate-for-Swimming-Pool>

and unincorporated populations ... based on the [Southern California Area Governments] SCAG forecasts for 2020 and 2035.”¹³ Further, the references cited in the text (albeit without dates) of the County of Riverside Environmental Assessment Form are not listed in the references section and so the conclusions presented in the Agenda Packet cannot be independently verified.

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6. It is unclear whether the Revised Project complies with the General Plan Open Space element. Per the County of Riverside Planning Department Staff Report (Page 18 of the Agenda Packet), the “Open Space General Plan Foundation Component is intended to accomplish this by identifying opening space areas for the **preservation of habitat, water and other natural resources**, protection from natural hazards, provision of recreational areas, and the protection of scenic resources. The Open Space area on the Project site will support the man-made lagoon/lake that would be utilized for recreation through surfing and other water related recreational activities. The recreational uses intended for the lagoon/lake are consistent with the recreational uses intended by the specific plan and general plan. The lagoon and lake are synonymous. The shape of the lagoon/lake as approved in the specific plan is changing, the overall size and acreage of the proposed lake/lagoon will remain consistent with the previously approved lake size. Therefore, the Project will be consistent with the Open Space Foundation Component.” However, conversion of the still lake to a Surf Lagoon will increase water use by as much as 116 to 221 AFY. It is unclear how this intensification of water use meets the objective of “preservation of water resources”.

¹³ Page D-2 of Appendix D of the 2015 UWMP.

B-1. Response to Comment:

Comment duly noted and reflects the opinion of the Commenter and as a conclusion of the commenter based on the following comments; and does not constitute a CEQA issue. No new environmental issues are raised by this comment.

B-2. Response to Comment

Comment duly noted and reflects the opinion of the Commenter and as a conclusion of the commenter based on the following comments; and does not constitute a CEQA issue on its own. No new environmental issues are raised by this comment.

B-3. Response to Comment

The Thermal Beach Club with all associated land use entitlements (the proposed Project – SP00303S03, PPT180037, TTM37269, CZ1900027), is an implementing land development within the approved Kohl Ranch Specific Plan No. 303 (SP303), Amendment No. 4 (SP303A4). The proposed Project includes minor revisions to density and planning area boundaries. These revisions are what are incorporated as Substantial Conformance No. 3 to Specific Plan No. 303. All uses identified by Commenter which are proposed for development, are approved land uses currently allowable within SP303A4 and have been analyzed within Environmental Impact Report No. 396 (EIR396) and its subsequent Addendums (1-8). Per Riverside County Ordinance 348, Article II, Section 2.11.B.1, a substantial conformance may include "... a modification of the approved land uses in a phase which does not increase the land use density or intensity in any phase or planning area beyond that allowed by the specific plan..." The Project's minor revisions to density that would not increase density within the Planning Areas or overall and the realignment of planning area boundaries falls within the category of a Substantial Conformance.

Commenter states that the proposed Project will change a still lake to a surf lagoon and homes from full time residences to vacation homes. While it is fair to assume that the lake proposed in SP303A4 would be still, it however makes no claims to the lake being still or not. In fact, SP303A4 specifically allows for active water uses including water skiing. Further, Planning Area J-2 of SPA4 is already approved for a 22 acre lake. The proposed Project does not propose to change the size of the lake.

SP303A4 also does not make claims to construct homes as full-time or vacation. Prior CEQA document's however, do analyze dwelling units as full-time to provide for the most conservative or worst-case analysis that could result with greater impacts with full-time residents. As Commenter notes in their comment letter, vacation homes are actually a less intense use than primary residences. Hence, impacts from the proposed Project will in fact be less than those impacts previously anticipated and analyzed for this area.

Thus, the proposed Project will not create a new or substantially higher impact than what was previously analyzed. Further, as analyzed in EIR396-A9, the proposed Project's land uses are approved land uses, have been fully analyzed within EIR396 and its subsequent Addendums (1-8). Because the land uses do not increase land use density or intensity, the changes are in line with Riverside County Ordinance 348 as stated above. As such, EIR396-A9 determined the changes proposed by the proposed Project to be within substantial conformance so are not considered to be substantial changes as the suggested by commenter. Thus, an addendum to EIR 396 was deemed to be the appropriate CEQA

documentation because the minor revisions identified above were determined to be within substantial conformance of SP303A4.

No new environmental issues are raised by this comment.

B-4. Response to Comment:

As stated in Response to Comment B-3 above, the proposed Project does not provide substantial changes. Commenter states that adequate information was not provided to the surrounding community nor were previous environmental documents available for public review. A letter was received from the Leadership Council for Justice and Accountability (LCJA) signed by Ms. Leslie Figueroa dated October 25, 2019 to which a response was provided on November 15, 2019. That response identified that the proposed Project has complied with all public noticing requirements of CEQA and County Ordinance Nos. 348 and 460. Requirements for public noticing do not include provisions for notices to be provided in multiple languages. Public hearing notices were mailed to property owners within 2,400 feet of the proposed Project site), which is well beyond the typical minimum 600 feet used, for the September 25, 2019 Planning Commission Hearing (Desert. The project was advertised with on-site postings. The Project was advertised in the Desert Sun Newspaper on September 13, 2019. The Project was also reviewed by the Thermal Oasis Community Council on September 23, 2019. The community council recommended approval of the project with a 7-0 vote. The Thermal Beach Club project was also considered at duly noticed Airport Land Use Commission (ALUC) Hearings on July 11, 2019 and October 10, 2019. The ALUC found the Thermal Beach Club project consistent with the Airport Land Use Compatibility plan in both July and October. Prior to the September 25, 2019 Planning Commission Hearing, no written comments were received indicating support/opposition to the proposed project.

Following the September 25, 2019 Planning Commission hearing and in response to the October 25, 2019 letter from LCJA, Riverside County Planning staff met with Ms. Figueroa and provided a written response to the October 25, 2019 letter to provide more information about the proposed Project's scope, and to direct her to the appropriate County staff with which to work. As was also noted in that response to the October 25, 2019 letter, through email and phone conversations, the County Planning Staff has continued dialogue with LCJA staff.

On numerous occasions from September 30, 2019 to present, request for documents related to SP303 were provided including but not limited to the most recent EIR 396 Addendums No. 8 and 9 and the 2011 Water Supply Assessment (WSA2011). On November 4, 2019, the County received a Public Records Act request seeking "All Original Records" related to SP303 and all subsequent planning actions. This request was satisfied on November 14, 2019 with the County providing all of the requested non-exempt items.

No new environmental issues are raised by this comment.

B-5. Response to Comment:

EIR396-A9 provides a project description in accordance with Section 15124 of the California State CEQA Guidelines. Commenters incorrectly cites the Project to include a 30 acre wave pool/surf lagoon on Page 1 of EIR396-A9. The text in fact states, "An approximately 30 acre area will be provided for development of a surfing lagoonalong with a village area..." EIR396-A9 does not identify the surf lagoon solely as being 30 acres. Commenter also indicates the

description for clubhouse square footage and dwelling units proposed are inconsistent. EIR396-A9 appropriately identifies that the clubhouse facilities are proposed as 34,400 square feet. EIR396-A9 also identifies the proposed Project includes of a total of 326 residential dwelling units consisting of a mix of medium density and high density developments. EIR396-A9 has analyzed square footage and dwelling units in conjunction with this Project description.

No new environmental issues are raised by this comment.

B-6. Response to Comment:

The necessary findings on the appropriateness of an Addendum and why a Supplemental EIR is not necessary pursuant to CEQA Guidelines Section 15164 are included in the Planning Commission staff report and is supported in the facts, analysis, and conclusions included in the Initial Study-Addendum. Additionally, commenter is referred to Response to Comment B-3 to address commenters concern the project compliance with local land use ordinances and the EIR Addendum being the appropriate CEQA documentation. Commenter is referred to Response to Comment B-16 to address concerns that Project did not prepare an updated Water Supply Assessment. No new environmental issues are raised by this comment.

B-7. Response to Comment:

The findings related to the project not presenting a change in the intent and purpose of the Specific Plan are included in full in the Planning Commission staff report. The Project does not propose any uses or densities that are more intense than what was previously approved for the site. The Project does not contain any land uses that have not already been allowed for and considered in the current Specific Plan. Additionally, see Response to Comments B-3, B-5, and B-6, above. No new environmental issues are raised by this comment.

B-8. Response to Comment:

No subsequent or supplemental Environmental Impact Report (EIR) is required based on Response to Comments B-3, B-5, and B-6 above. No new environmental issues are raised by this comment.

B-9. Response to Comment:

Environmental Impact Report No. 396, Addendum No. 9 was prepared for the proposed Project in accordance with California State CEQA Guidelines for the reasons identified in Response to Comments B-3, B-5, and B-6 above. The circumstances of the Ventura Foothill Neighbors case cited where a CEQA document was published for a building of a particular height and a subsequent Addendum did not note an increase in height is not the same circumstances as this project. This project as detailed in the Planning Commission staff report and EIR 396-A9 details how the project would not result in any increase in the scope or impacts of the project. This distinguishes the project from the cited case since the cited case involved a clear increase in the scope and potential impact of that project. No new environmental issues are raised by this comment.

B-10. Response to Comment:

Commenter does not provide information that is new or could not have been known at the time the EIR was certified to substantiate the need for preparation of a subsequent or supplemental

EIR. Environmental Impact Report No. 396, Addendum No. 9 was prepared for the proposed Project in accordance with California State CEQA Guidelines for the reasons identified in Response to Comments B-3, B-5, and B-6 above. No new environmental issues are raised by this comment.

B-11. Response to Comment:

Refer to Response to Comment B-10 above. No new environmental issues are raised by this comment.

B-12. Response to Comment:

Refer to Response to Comment B-3, B-5, and B-6 above. Further, Commenter implies that the surf lagoon proposed as part of the Project will have increased significant water demands because a still lake will be converted to a surf lagoon. Commenter does not provide any evidence to consider with respect to moving water versus still water. Our analysis based on CVWD's Landscape Ordinance 1302.4, has the increased water demand for the surf lagoon as 0.43 percent of the MAWA for the TBC more than a still lake. No new environmental issues are raised by this comment.

B-13. Response to Comment:

Commenter only cites a portion of the rationale pertaining to proposed Project's impacts on groundwater management from EIR396-A9. Page 58 of EIR396-A9 states, "The original intent of the drainage within SP303 (Kohl Ranch) was to infiltrate or reuse stormwater; although reuse is still a design intent, infiltration is no longer a viable option. Groundwater replenishment in this area over the last 10 years has resulted in a rise of groundwater throughout the east Coachella Valley. Much or most of Kohl Ranch now has groundwater within 10-15 feet of the surface which prohibits the use of infiltration basins as these need 10 feet of soil between bottom of basin and groundwater." As such, development of the proposed Project will not negatively impact sustainable groundwater management of the basin because groundwater in this area where the Project is proposed has risen to the point that infiltration and reuse of stormwater methods are no longer feasible. No new environmental issues are raised by this comment.

B-14. Response to Comment:

EIR396-A9 addresses the energy, housing, air quality and greenhouse gas emissions in the respective sections of EIR396-A9. Commenter does not include any specific analysis that has been omitted. No new environmental issues are raised by this comment.

B-15. Response to Comment:

Commenter states EIR396-A9 "does not consider the potential air impacts of stockpiling, storage and movement of soil" but do cite the description from EIR396-A9 that includes the stockpiling, storage and movement of soil as part of the Project. The air impacts of the project as described, including the stockpiling, storage, and movement of soil, is incorporated into the air quality analysis that was performed with EIR 396 that the analysis within EIR396-A9 concludes the current project is consistent with.

Commenter states they do not have access to EIR 396 Addendum No. 2. Commenter is referred to Response to Comment B-4 above.

While the project may include some amount of employment for managing and maintain the proposed facilities, the amount of employment anticipated is not substantial that would be generated from this project and any employment would be anticipated to be met from residents currently living in the local area. Therefore, there would not be a need for the construction of additional housing to accommodate any anticipated amount of employment by the project.

No new environmental issues are raised by this comment.

B-16. Response to Comment:

Per email from Coachella Valley Water District dated January 25, 2018, per Senate Bill 610 (SB610), if all five of the following factors apply, no additional assessment (Water Supply Assessment) is required:

- The preparer of the original Water Supply Assessment/Water Supply Verification (WSA/WSV) determines that it complies with SB610
- The WSA/WSV determined the sufficient water supply was available for the project
- There has been no change to the project that would result in a substantial increase in demand
- There has been no change in circumstances or conditions which substantially affect the ability of the water supplier to provide sufficient supply of water for the project
- No new information which might affect the WSA/WSV has become available

Email further states, that according to the approved CVWD Board Action Item:

- The WSA/WSV will be reviewed every five years until the project begins construction
- Project will notify water supplier when construction has begun
- Review will ensure WSA/WSV remains accurate and no significant changes to the project or water supply have occurred

As part of the Kohl Ranch Specific Plan No. 303, Amendment No. 2 (SP303A2) which was approved in June 2011 for the current land uses, a Water Supply Assessment was prepared in accordance with SB610 (WSA2011). WSA2011 determined sufficient water supply to be available for the Kohl Ranch. Subsequent Amendments to the Kohl Ranch Specific Plan through Amendment No. 3 (SP303A3) and Amendment No. 4 (SP303A4) did not meet the above requirements to provide an updated or new WSA/WSV. Further, these Amendments did not change the land use for the proposed Project site.

EIR396-A9 provides a project description in accordance with Section 15124 of the California State CEQA Guidelines. Planning Area J-2 of SPA4 was approved for a 22 acre lake hence water usage was previously analyzed in WSA2011 and approved for a 22 acre lake in this Planning Area as is currently proposed. Commenter has incorrectly cited information regarding size of the lagoon as discussed in Response to Comment B-5 above. Pages 1 and 4 of EIR396-A9 state, "An approximately 30 acre area will be provided for development of a surfing lagoonalong with a village area..." EIR396-A9 does not identify the surf lagoon solely as being 30 acres. Thus, in January 2018, CVWD determined there to be definite physical evidence that construction on the Kohl Ranch had begun prior to the end of the 5 year review deadline and CVWD was notified when the project began construction. There have been no significant changes to the project or water supply, which includes the proposed Thermal Beach Club planning area update. Furthermore, based on additional information provided to Riverside County and CVWD and response from CVWD dated May 5, 2020 attached to this response, CVWD

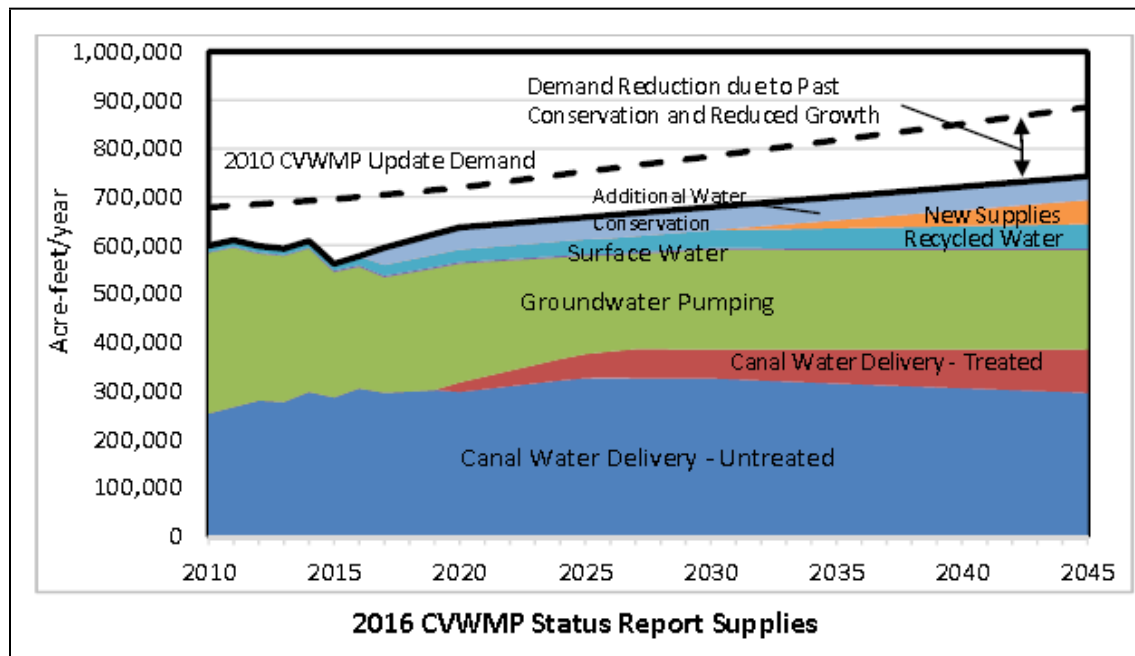
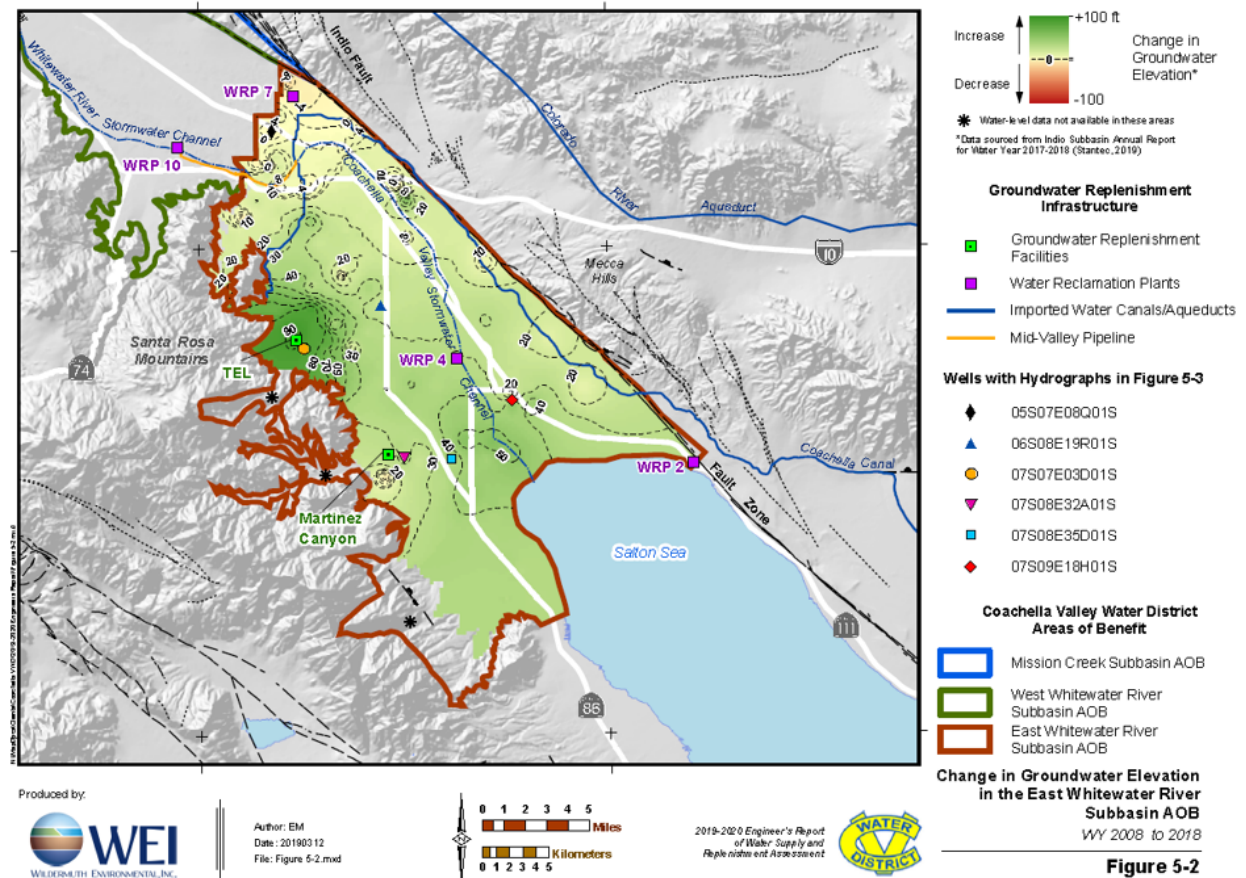
confirmed that no update to the WSA2011 is required.. Therefore, no update to WSA2011 is required.

No new environmental issues are raised by this comment.

B-17. Response to Comment:

The Kohl Ranch uses a dual water system. Wastewater will be recycled and become available to Kohl Ranch for its use as it becomes more readily available from development. As such, the proposed Project will utilize a combination of Colorado River water from the All-American Canal and recycled water for landscaping and Colorado River water from the All American Canal for the lagoon. Domestic water will be provided from CVWD to serve the proposed homes. This potable water is available from allocation of Colorado River water. to serve this project's water needs

Water rights exist in California and at the National level. The Colorado River Compact provides 7.5 million acre feet per year of Colorado River water to three Lower Basin States: Arizona, Nevada and California. Of the 7.5 million acre feet, California's share is 4.4 million acre feet per year. The Seven Party Priority Agreement gives the agricultural agencies of Palo Verde Irrigation District, Yuma Project Reservation Division, Imperial Irrigation District and the Coachella Valley Water District, the first 3.85 million acre feet per year of the 4.4 million acre feet per year that is put to reasonable beneficial use in their service areas. The legislation that authorized the Central Arizona Project required that the Central Arizona Project and some minor projects in Nevada go dry before California's Colorado River water use is reduced below 4.4 million acre feet per year. These restrictions provide a buffer of approximately 1.95 million acre feet per year before the above listed agricultural agencies have their water use reduced. In addition, the Quantification Settlement Agreement provides CVWD with a minimum supply of Colorado River water of 330,000 million acre feet per year plus it can receive an additional 123,000 acre feet per year from Imperial Irrigation District and 35,000 acre feet per year from the Metropolitan Water District of Southern California less some transfers. The total firm water supply available to CVWD under the Quantification Settlement Agreement is 459,000 acre feet per year. In addition, CVWD and the Desert Water Agency have contracts for 194,000 acre feet per year from the California State Water Project. These waters are used for direct delivery to farms and golf courses and for groundwater recharge. CVWD also reclaims wastewater and provides it for irrigation. The local streams recharge the groundwater basin. The groundwater basin has a very large capacity and provides a large reservoir to store water for use during droughts. Groundwater recharge is done at two sites in the Lower Valley. As the result of CVWD activities, the groundwater levels at the Kohl Ranch have increased by 20 feet to 40 feet in the period from Water Year 2008 to Water Year 2018 as reflected in the following chart.



Source: Coachella Valley Water Management Plan 2016, Figure 3-2

Hence, CVWD manages the groundwater basin to ensure that adequate water is available to meet the needs and the TBC will not impact the water supply. Since the project would be adequately served by CVWD as confirmed by CVWD that a new WSA is not necessary for the current project, the Sustainable Groundwater Management Act (SGMA) does not represent new circumstances that require further consideration. Additionally, as recycled water becomes more available to the Kohl Ranch, through development of the Kohl Ranch, use of recycled water will increase reducing dependency on canal water.

No new environmental issues are raised by this comment.

B-18. Response to Comment:

See Response to Comment B-4. No new environmental issues are raised by this comment.

B-19. Response to Comment:

See previous Response to Comments B-16 and B-17 and subsequent B-35 through B-47. This comment is duly noted. No new environmental issues are raised by this comment.

B-20. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-21. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-22. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-23. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-24. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-25. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-26. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-27. Response to Comment:

See response to comment B-17 above. Water will be supplied by Colorado River water and recycled water; not native groundwater. As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-28. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-35 to B-47 below. No new environmental issues are raised by this comment.

B-29. Response to Comment:

Refer to Response to Comment B-3 above. Additionally, the question of whether the specific uses as proposed by the Project are similar uses to the permitted uses of the zoning and Specific Plan are in relation to how similar the uses are themselves, not of how the environmental impacts of the uses are similar. Regardless, the impacts of the uses have otherwise been detailed elsewhere in the Initial Study-Addendum and the overall findings on the appropriateness of the Addendum as previously noted in Response to Comments B-6, B-9, and B-10 in particular. No new environmental issues are raised by this comment.

B-30. Response to Comment:

The Biological Resource section of EIR396-A9 (pages 27-37) determined there to be no habitat, water or other natural resources on the Project site that require preservation. Hence, the Project does not conflict with the County of Riverside General Plan Open Space Element provisions

related to preservations of such features. The water demands of the project have been previously responded in previous comments. The clubhouse use proposed within the Open Space designated Planning Area supports the recreation use of the lake and therefore is consistent with the Open Space land use. Commenter cites that the proposed Project fails to be consistent with Land Use Policy 28.9 but fails to identify where there the project should be providing connection. There is no development within the surrounding area to provide connection to. As this is a private residential development, the project does comply with LU 28.9 by providing amenities for the community within the development of the Project. No new environmental issues are raised by this comment.

The commenter states that the “conversion of the still lake to a Surf Lagoon will increase water use by as much as 116 to 221 AFY.” However, based on the CVWD Landscape Ordinance 1302.4, the moving water body of 22 acres would use 13.86 AFY more than a 22 acre still lake. This is between 6 and 12 percent of the numbers quoted by the commenter.

B-31. Response to Comment:

As the commenter has restated comments from their attachment (Exhibit A – EKI Environmental and Water Memorandum from Anona Dutton dated November 18, 2019), commenter is referred to Response to Comments B-36 below. No new environmental issues are raised by this comment.

B-32. Response to Comment:

The Riverside County Planning Department appreciates the concerns about affordable housing and other environmental justice issues and is seeking to address these in various planning efforts currently in the planning process. Riverside County seeks to be at the forefront of creating initiatives to increase our affordable housing supply to the communities of the Eastern Coachella Valley. The County has engaged the Leadership Counsel for Justice and Accountability in multiple meaningful discussions outlining current opportunities to address their concerns.

The County has participated in and focused Planning efforts in the Eastern Coachella Valley including but not limited to: Eastern Coachella Valley Action Plan for Climate Resilience, The Neighborhood Community Mobility Plan for Communities of Thermal, Oasis, North Shore, and Mecca to aid in enhancing conditions in the communities of the Eastern Coachella Valley. The County is currently processing an amendment to the General Plan (GPA No. 190004) to integrate Environmental Justice policies and mapping into the Land Use Element and Healthy Communities Element, pursuant to Senate Bill (SB) 1000. Planning Staff has conducted multiple Environmental Justice workshops in the Coachella Valley (Mecca, Thermal, and Thousand Palms) over the course of the year. The County's more recently held a workshop on October 23, 2019 specific to the County's efforts related to Senate Bill 1000 which was collaborated with local community groups, including the Leadership Counsel for Justice and Accountability. Local community groups have been engaged in the Environmental Justice effort, which has presented the opportunity for continued collaboration that will shape goals, policies, and objectives that will assist in sustained future development in the Eastern Coachella Valley.

It should be noted that the development of the Kohl Ranch has resulted in the construction of infrastructure that is necessary to support the construction of housing. Furthermore, the County's primary means of accommodating housing for very low and low-income households through the General Plan is incorporated through the County's efforts to designate lands for high density and mixed use development that pursuant to guidance from California Department of Housing and Community Development (HCD) has the ability to provide housing stock for such households. These County land use efforts are supplemented with other efforts by the County and in coordination with groups and affordable housing developers to provide the housing stock to meet the needs of lower income households. The Kohl Ranch Specific Plan is not located within an area that has been designated by the County's Housing Element for high density or mixed-use land use designations to provide for lower income housing. Therefore, although the Project does not directly provide housing stock to meet the needs of lower income housing, it does not undermine the County's ability to implement its plans for provision of lower income housing.

No new environmental issues are raised by this comment.

B-33. Response to Comment:

Refer to Response to Comment B-32, above primarily regarding the responsibility of the provision of affordable housing.

Regarding the comment's claim that the project would result in a violation of the Civil Rights Act, the project would not create or perpetuate any segregated housing patterns based on race, color, religion, sex, familial status, national origin, or disability as it is listed in 42 U.S.C Sections 3601-3619. The difference between the cost of housing that the project may present to the cost of housing in the surrounding area does not in itself present a segregated community as it pertains to the Civil Rights Act cited. It presents a difference in the cost of certain housing units to other housing units, a factor of the inherent market for housing, which is not segregation.

The responsibility to affirmatively further fair housing is the County's to meet. As noted in response B-32, this is met through the County's General Plan Housing Element and other local programs to enhance the stock of housing for lower income households. The current proposed project would not affect those efforts for the County to meet its responsibility.

No new environmental issues are raised by this comment.

B-34. Response to Comment:

Comment duly noted and reflects the opinion of the Commenter and provides a conclusion to the prior comments and does not constitute a CEQA issue on its own. No new environmental issues are raised by this comment.

B-35. Response to Comment:

Commenter correctly identifies information stated in the 2011 Water Supply Assessment/Water Supply Verification (WSA2011) conducted by Coachella Valley Water Supply District (CVWD) for the approved Kohl Ranch Specific Plan No. 303, Amendment No. 2 (SPA2). Commenter incorrectly identifies the number of revisions made to SPA2 since WSA2011 was approved. Only two amendments have occurred since 2011: 1) Kohl Ranch Specific Plan No. 303, Amendment

No. 3 (SPA3) approved in 2015 and 2) Kohl Ranch Specific Plan No. 303, Amendment No. 4 (SPA4) approved in 2018.

A copy of Environmental Impact Report No. 396, Addendum No. 9 (EIR396-A9), was provided in the September 25, 2019 Planning Commission Agenda package (Agenda Packet). EIR396-A9 provides a project description in accordance with Section 15124 of the California State CEQA Guidelines. Commenters footnote number 2 indicates the acreage is inconsistent as "...Figure 1-4 Land Use Plan presents a 20.56 acre-lagoon, and the Initial Study of the Environmental Assessment Form presents an approximate 30-acre lagoon." Commenter has incorrectly cited information regarding size of the lagoon. EIR396-A9, pages 1 and 4 states, "An approximately 30 acre area will be provided for development of a surfing lagoonalong with a village area..." EIR396-A9 does not identify the surf lagoon solely as being 30 acres.

Further, Planning Area J-2 of SPA4 was approved for a 22 acre lake hence water usage was previously analyzed and approved for a 22 acre lake in this Planning Area. As the commenter pointed out, Figure 1-4 Land Use Plan presents a slightly smaller lake of 20.56 acres. Commenter indicates that no side by side comparison of dwelling unit count is provided to confirm that the proposed Project remains in substantial conformance with water demand. There is no proposed to increase the overall dwelling unit count of 7,161 that is approved for the Kohl Ranch Specific Plan. The Land Use Section of EIR396-A9 (page 64) provides the required analysis for the proposed Project which includes proposed revisions to SPA4 through the Kohl Ranch Specific Plan No. 303 Substantial Conformance No. 3 (SPSC3) and determined these changes are in substantial conformance.

Per Senate Bill 610 (SB610), if all five of the following factors apply, no additional assessment is required:

- The preparer of the original Water Supply Assessment/Water Supply Verification (WSA/WSV) determines that it complies with SB610
- The WSA/WSV determined the sufficient water supply was available for the project
- There has been no change to the project that would result in a substantial increase in demand
- There has been no change in circumstances or conditions which substantially affect the ability of the water supplier to provide sufficient supply of water for the project
- No new information which might affect the WSA/WSV has become available

According to the approved CVWD Board Action Item:

- The WSA/WSV will be reviewed every five years until the project begins construction
- Project will notify water supplier when construction has begun
- Review will ensure WSA/WSV remains accurate and no significant changes to the project or water supply have occurred

WSA2011 was prepared in accordance with SB610 and sufficient water supply was determined to be available for the Kohl Ranch. Neither SPA3 or SPA4, met the above requirements for an updated WSA/WSV. In terms of the proposed Project, the dwelling unit count has not increased beyond what has already been approved, nor has the acreage of any approved water body. Thus, in January 2018, CVWD determined there to be definite physical evidence that construction on the Kohl Ranch had begun prior to the end of the 5 year review deadline and CVWD was notified when the project began construction. There have been no significant changes to the project or water supply, which includes the proposed Thermal Beach Club planning area update (Increase of 42 AFY, or 4 percent). Subsequently, as noted in response to comment B-16, CVWD

determined there is no need for an additional assessment for this Project. Therefore, no update to WSA2011 is required.

No new environmental issues are raised by this comment.

B-36. Response to Comment:

Comment indicates the agenda packet did not include calculations of the Maximum Applied Water Allowance (MAWA) to compare the total landscape demand estimate or as compared to the total landscape demand estimate for the proposed revisions to the SPSC2. California Code of Regulations, Title 23, Division 2, Chapter 2.7, the Model Water Efficient Landscape Ordinance has been adopted by CVWD through Ordinance 1302.4. As such, CVWD has codified the state's requirement into the CVWD Code of General Ordinances as *Title 3 – Water, Chapter 3.15 – Landscape and Irrigation System Design Criteria* (Title 3). Thus, prior to construction, a project applicant is required to submit a landscape documentation package to CVWD for review and approval that is in conformance with this chapter; which requires, among other things, that the project applicant demonstrate the estimated water demand be equal to or less than the Maximum Applied Water Allowance (MAWA). While not yet required, the Project has prepared a landscape documentation package ahead of CVWD requirements which has been analyzed for compliance with Ordinance 1302.4.

Pursuant to Senate Bill 610, the County notified CVWD of the Addendum and requested a determination from CVWD as to whether an updated Water Supply Assessment (WSA) would be needed for the Addendum. Albert A. Webb Associates (Webb) prepared the WSA for the original KRSP project which was approved by CVWD on April 12, 2011. By request of the County and CVWD, Webb prepared documentation of the water demands in the original KRSP compared to the proposed Addendum. Said documentation is attached, which states the MAWA for outdoor water use in the 2011 WSA for the original KRSP was 752 acre-feet/year (AFY) based on a factor of 8.02 AFY/acre. Based on Ordinance No. 1302.4, the preliminary MAWA for the Project is a total of approximately 473 AFY with a preliminary ETWU of approximately 466 AFY, taking into account the surf lagoon and wave action. This is a 37 percent reduction in overall outdoor water use as compared to the original KRSP, and CVWD determined that an updated WSA was not warranted. The commenter is correct in that the preliminary water use (ETWU) for just the surf lagoon will exceed the preliminary MAWA for just the surf lagoon; however, the Project's total water use (ETWU) will not exceed the overall total MAWA for the Project.

It should also be pointed out that Landscaping Ordinance No. 1302.4 reduces the Evapotranspiration (ET) Adjustment Factor from 0.60 to 0.45, resulting in a 25 percent reduction to the Estimated Annual Total Applied Water Use. Both the Kohl Ranch and proposed Project are required to meet this new requirement when landscape and building plans are submitted for approval.

No new environmental issues are raised by this comment.

B-37. Response to Comment:

See Response to Comment B-35 above. No new environmental issues are raised by this comment.

B-38. Response to Comment:

See Response to Comments B-3, B-12, and B-35 above.

The Comment refers to the water use for a “Palm Desert WSA, 2019 which is actually the Desert Surf project. The Desert Surf project uses wave generation technology that requires the lagoon be drained annually due to placement of critical mechanical equipment within in the water of the lagoon. This placement requires annual drainage of the lagoon in order to service or repair the equipment which results in an additional annual water use to Desert Surf of 6,900,000 gallons. The wave generation technology being used at TBC does not require the annual draining of the lagoon because equipment is located outside of the lagoon where it can be serviced and maintained; eliminating the need to drain the lagoon. Thus, the water calculation method used for the Desert Surf WSA/WSV does not apply to TBC.

The Comment further states, “the total water demand for the planned Surf Lagoon alone is estimated to be approximately 292 AFY assuming a 22-acre lagoon and 398 AFY for a 30-acre lagoon.” The estimated water use for the approximately 20.56 acre surf lagoon calculated in accordance with CVWD Ordinance 1302.4 is 155.46 AFY or 53 percent lower than the 22-acre surf lagoon in the quoted statement which is just 7 percent larger.

No new environmental issues are raised by this comment.

B-39. Response to Comment:

See Response to Comment B-3 and B-35 above. No new environmental issues are raised by this comment.

B-40. Response to Comment:

See Response to Comment B-3, B-30, and B-35 above. No new environmental issues are raised by this comment.

B-41. Response to Comment:

CVWD is a Sustainable Groundwater Management Agency and the Kohl Ranch is within the boundaries of that Agency. CVWD has an active groundwater replenishment program in the Lower Coachella Valley recharging the groundwater basin in two locations in the Lower Valley. Page 58 of EIR396-A9 states the original intent of the Kohl Ranch drainage plan was to infiltrate or reuse stormwater. However, while reuse is still a design intent of the Kohl Ranch, infiltration is no longer a viable option because groundwater replenishment in this area over the last 10 years has resulted in a rise of groundwater throughout the east Coachella Valley. Much or most of Kohl Ranch now has groundwater within 10-15 feet of the surface which prohibits the use of infiltration basins as these need 10 feet of soil between bottom of basin and groundwater. On January 25, 2018, CVWD confirmed that the existing Water Supply Assessment from the prior CEQA documents is applicable to this Project, and no additional assessment is needed. The existing Water Supply Assessment determined there is sufficient water supply to serve the Project site and thus will not deplete current groundwater supplies or impact ground water recharge efforts. Thus, groundwater was addressed in EIR396-A9 and as per the reasons identified in Response to Comment B-35, a new or revised WSA is not required.

No new environmental issues are raised by this comment.

B-42. Response to Comment:

See Response to Comment B-3, B-30, and B-35 above. No new environmental issues are raised by this comment.

B-43. Response to Comment:

See Response to Comment B-3, B-35 and B-36 above. No new environmental issues are raised by this comment.

B-44. Response to Comment:

See Response to Comment B-3, B-30, and B-35 above. The Commenter states "Further, the analysis of "use intensity" fails to consider the effect that heating the lagoon for swimming purposes and wave generation will have on increased evaporation rates...". The Commenter assumes that the lagoon will be heated which is an incorrect assumption. CVWD Ordinance 1302.4 addresses the differences between still and moving water. In addition, the wave generation system will not be operation 24 hours per day.

No new environmental issues are raised by this comment.

B-45. Response to Comment:

See Response to Comment B-3, B-30, and B-35 above. No new environmental issues are raised by this comment.

B-46. Response to Comment:

See Response to Comment B-30 above. No new environmental issues are raised by this comment.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Charissa Leach, P.E., Assistant TLMA Director



Russell Brady, Project Planner



RIVERSIDE COUNTY PLANNING DEPARTMENT

Charissa Leach, P.E.
Assistant TLMA Director

August 17, 2020

TO: Nina Waszak
via email cvwaterkeeper@gmail.com

RE: THERMAL BEACH CLUB

Following are the County's responses to the comments included in your letter dated November 18, 2019. Provided first is your letter with brackets applied for identification of comments and subsequent responses is included first for reference with responses following.

LETTER A



November 18th 2019

Sent Via Electronic Mail: COB@rivco.org, district4@rivco.org

Riverside County Board of Supervisors

4080 Lemon St, Riverside, CA 92501

Attn: Kecia Harper and The Riverside County Board of Supervisors

Re: Comment on Specific Plan No. 303 (Kohl Ranch) and Intent to add Addendum 9. to Certified EIR No. 396

Dear Riverside County Board of Supervisors,

A-1

My name is Nina Waszak, and I am the Associate Director for Coachella Valley Waterkeeper. We are a clean water nonprofit working to address water-based issues that affect our communities and our desert in the Coachella Valley.

A-2

Addendum 9 mentions that this lagoon will use 50% less water than a golf course. However, this project will not replace a golf course, it will replace a desert. The average 18-hole golf course in California uses 90 million gallons of **water** each year. Is that the standard we want to use when discussing water usage? The addendum leaves me with more questions: What is water film technology? and how successful is it at combating evaporation? Moving water, in this case as waves, causes higher rates of evaporation. How well does this film stay intact with moving waves; waves that can reach the predicted height of 7 feet? How deep is this proposed lagoon? According to the red cross, when diving headfirst from a deck, the body of water must be at least 9 feet deep. What about when falling headfirst from a wave as high 7ft, as the project proposes? This will be a deep lagoon, which significantly increases the water required to fill and maintain the it. When will these questions be addressed?

A-3

The addendum says as I quote "CVWD is the water supplier for the site and relies primarily on groundwater for potable water supplies. For non-potable water supplies, CVWD uses recycled water and imported Colorado River water". This statement lacks connection—CVWD uses Colorado river water to recharge our aquifer. Colorado River water is therefore our drinking water and without it we would not be able to recharge our aquifer as we have done. It goes on to say that "existing Water Supply Assessment determined there is sufficient water supply to serve the Project site and thus will not deplete current groundwater supplies or impact ground water recharge efforts (CVWD-A)" To this I ask what about in times of drought that are sure to come? Maybe our district has water in their budget, but what about the other water districts in the rest of California or the states that also depend on the Colorado River for drinking water and irrigation?

A-4

Lake Mead, the reservoir of our canal water, is currently at 1,083 feet above Sea Level. When this level drops below 1,075 ft the federal government will declare a shortage on the lower Colorado River under guidelines agreed to in 2007. Mandatory water restrictions will go into effect. Lake Mead is just 8ft above this threshold today. Yet we are here talking about a proposed private 22-acre lagoon in the desert for nothing more but pleasure. I for one, cannot reconcile these two separate realities.

A-5

This project and its Environmental Impact Report was initially certified in 1999. Since then we have experienced 3 droughts, with signs that their frequency and length will increase. The fact that the addendum to the EIR asks only for the projects impact to water quality and not the projects impact to water quantity, shows that the issue at hand is not even being considered.

A-6

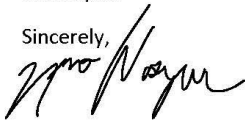
We have all heard the same narrative over and over—conserve water by turning off the faucet while brushing your teeth, don't wash your car often, take shorter showers etcetera. While I agree we individually should do our parts to conserve water, what about those with the power who make big decisions that come with big impacts to our environment? As representatives of the county, and simply as residents of this state you all know all too well how often we talk of water and drought. Does allowing a private surf lagoon the size of roughly 20 football fields, in the middle of the desert, align with your water use ideals? Will you be able to sit down at your next water coalition meeting, drought planning committees etc. if you voted to allow our water, our 'liquid gold', to be used in such a frivolous manner as this lagoon?

A-7

As our county representatives I am asking that when you take this project into consideration, that you also think about the current state of water in California. I am asking that you delay the vote to approve this project, until the water use of the Thermal Beach Club aligns with the reality of Southern California.

Thank you.

Sincerely,



Nina Waszak
Associate Director
Coachella Valley Waterkeeper

A-1. Response to Comment:

This comment is duly noted. No new environmental issues are raised by this comment.

A-2. Response to Comment:

The baseline for the analysis within the Addendum is not the desert as the commenter suggests, but rather the Kohl Ranch Specific Plan approved land uses. The only other recreational land use designation allowable within the Kohl Ranch Specific Plan is for golf course; hence the comparison. The proposed Project is consistent with the land uses previously approved in the Kohl Ranch Specific Plan; not vacant land as this was already analyzed for impacts under the original EIR.

The standard for water use within the Coachella Valley Water District's (CVWD) service area is contained in CVWD's Ordinance No. 1302.4; the Maximum Applied Water Allowance (MAWA). The MAWA for the area in which the Kohl Ranch lies, is 2.85 acre-feet per acre per year. The MAWA is based on a project or phase of a project; not a component of a project or phase such as a lagoon or golf course. All projects are required to meet MAWA standards and demonstrate this prior to construction. Hence, prior to construction, projects are required to submit a landscape documentation package in accordance with this ordinance to CVWD for review and approval.

The proposed Project complies with all CVWD requirements and is not required to submit a landscape documentation package to CVWD at this time. Nonetheless, the Project has prepared a landscape documentation package ahead of CVWD requirements which has been analyzed for compliance with Ordinance 1302.4 and has been deemed consistent by CVWD. Because waves are known to increase evaporation, the water use calculations within said package incorporate CVWD's factor for "moving water" of 1.2 to reflect where appropriate the wave action of the lagoon area and increased evaporation/water use.

Further, CVWD has deemed said landscape documentation package is consistent with Ordinance 1302.4 without the inclusion of water savings elements, such as water film technology (a water evaporation reduction additive) in the lagoon and reclaiming stormwater runoff through the Project's proposed wastewater treatment plant for reuse as landscaping water on the Project site. Because the Project would be required to provide extensive research to justify this savings in the water use calculations, no water savings have been recognized and the Project still meets all CVWD requirements, providing for the most conservative analysis. Regardless of whether the Project takes credit for it, the Project will utilize evaporation reduction additives as an additional measure to reduce water loss above and beyond that which is required, but the benefit of such is not quantified at this time.

The average depth of lagoon is approximately 4 to 5 feet. The depth of lagoon will dictate the amount of water required to fill the lagoon however the lagoon is not expected to be drained and filled often. Regardless of the depth proposed, the project will still be required to adhere to maximum water allocation that can be used to fill the lagoon. Further, depth of lagoon does not increase evaporation from the lagoon. Wave breaks occur in conditions where the depth is the same height of the wave. Henceforth, a 7 foot wave would result in a 7 foot depth in order for the wave to break.

No new environmental issues are raised by this comment.

A-3. Response to Comment:

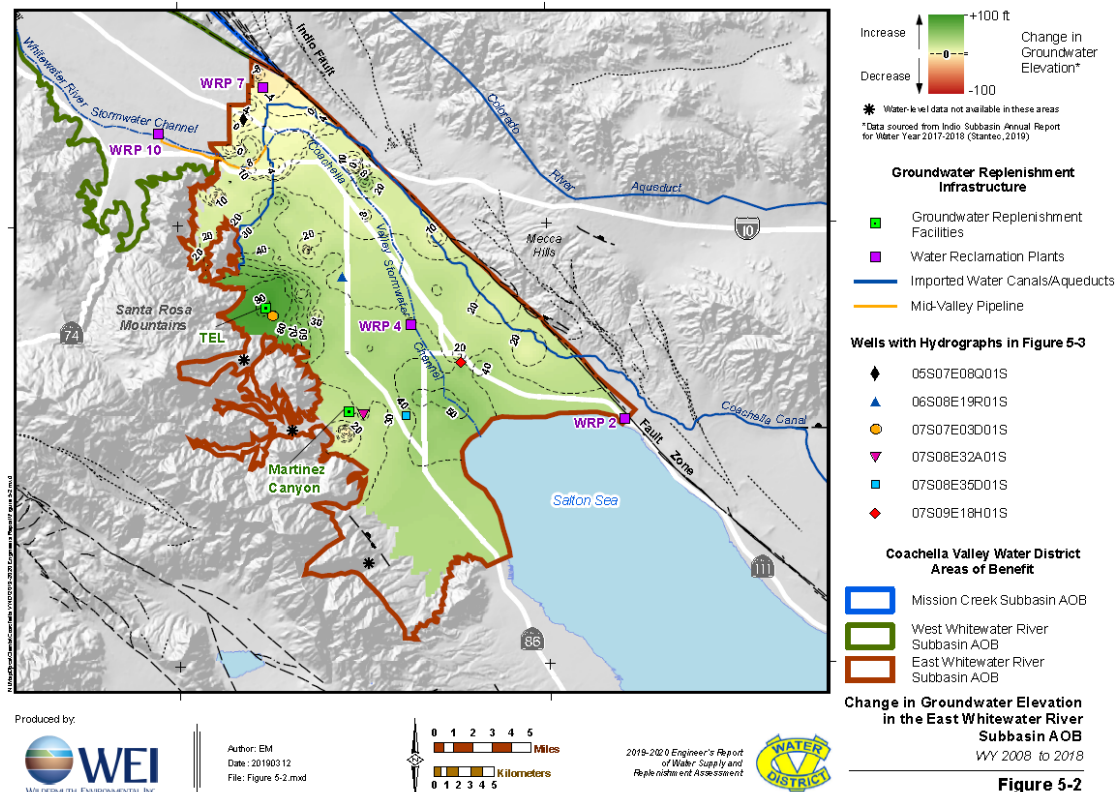
To clarify the Project's water supply, the Kohl Ranch uses a dual water system; a potable water system designed for indoor use only, as well as a separate non-potable water system for outdoor use. Wastewater generated onsite will be treated and reused as recycled water for non-potable uses on the Kohl Ranch site. With increasing wastewater generation, the availability of recycled water will also increase. In addition, the proposed Project will Colorado River water from the All-American Canal for non-potable purposes. Domestic water will be provided from CVWD to serve the proposed homes, which relies upon groundwater. As stated in the Water Supply Assessment, "the majority of the demand on the aquifer from the Project will be from indoor use" (p. 27). In the event recycled wastewater from WRP-4 becomes available, Project demand on the aquifer will be further reduced by using recycled water to replace Colorado River water or groundwater for agriculture use in the area or on Project landscaping.

The commenter is correct in that Colorado River water is obtained by CVWD and used for recharge of groundwater basins. CVWD also imports State Water Project water, diverts local surface runoff, and uses recycled water from its treatment plants for recharge purposes to replenish the groundwater basins. Therefore, Colorado River water is just one of many water supply sources used to recharge groundwater supplies. Should any one of those supply sources become unavailable, it is true that the amount available for recharge would decrease. This is one kind of water shortage scenario for which CVWD and the surrounding public retail and wholesale water suppliers must plan for pursuant to State law.

The commenter then asks about the sufficiency of groundwater supplies and groundwater recharge efforts during drought periods. This is a topic that is addressed in the CVWD Urban Water Management Plan as well as the Project's Water Supply Assessment approved by CVWD on April 12, 2011 and reaffirmed by CVWD as part of this Addendum. In each document, CVWD must analyze whether they have sufficient water supplies for the next 20 years for existing and planned uses, including agriculture and industrial uses, while considering conditions of normal rainfall, single-dry years, and multiple-dry year periods. Both documents have determined that sufficient water supply is available now, and will continue to be available in the future, including the effects of multiple dry year periods, to meet the demands of the existing and planned (including the Project) land uses. Further, both documents state that the vast storage capacity of the Whitewater River groundwater basin from which CVWD obtains its drinking water supply is more than adequate to the needs of CVWD (UWMP p. 8-14, and WSA p. 127).

The commenter is correct in that other water suppliers depend on Colorado River water and when deliveries of said water supply decrease each supplier is affected in different ways. CVWD shares the Whitewater River groundwater basin with other water suppliers, including Desert Water Agency and private pumpers. Likewise, CVWD shares State Water Project water and Colorado River water with water suppliers located all over the state. It is the responsibility of water suppliers to coordinate with each other when one supply source is shared amongst several parties. Locally, CVWD participates in the Coachella Valley Regional Water Management Group and completed the Coachella Valley Integrated Regional Water Management Plan to "derive benefits of regional planning that include water supply reliability, improved water quality, increased regional self-reliance, and reduced conflict over resources" (2015 UWMP p. 2-2).

As the result of CVWD activities, the groundwater levels at the Kohl Ranch have increased by 20 feet to 40 feet in the period from Water Year 2008 to Water Year 2018 as reflected in the following chart.



Source: Coachella Valley Water District 2019-2000 Engineer's Report on Water Supply and Replenishment Assessment, April 2019, Figure 5-2

Hence, CVWD manages the groundwater basin to ensure that adequate water is available to meet the needs and the TBC will not impact the water supply. Further, the sufficiency of water supply for the Project has been settled as part of the original EIR and the approved Water Supply Assessment. The purpose of the analysis of the Addendum are the changes from the original land use plan that CVWD determined an updated Water Supply Assessment was not needed for mainly because their water supplies and water demand projections have not changed significantly and that water use for the Project will go down with the changes proposed in Addendum 9. Since the project is ultimately consistent with the water demand and supply projections of CVWD, the project would not affect the water rights and supply of other water districts.

No new environmental issues are raised by this comment.

A-4. Response to Comment:

Commenter is referring to the Interim Shortage Guidelines (Guidelines). These Guidelines provide for reductions in water deliveries as the water level of Lake Mead drops below the elevation of 1,075 feet to stop or slow the decline in Lake Mead. Commenter states that the elevation of Lake Mead is at 1,083 feet, 8 feet above the trigger elevation of 1,075. However, Arizona, Nevada and Mexico are subject to reductions in their water use from the Colorado River during the period that Lake Mead drops from elevation 1,075 to elevation 1,045. California's Colorado River water users are not subject to reductions during this period. California water uses are subject to reductions when Lake Mead drops below elevation 1,045. It should be noted that California's Colorado River water use in 2019 was 3.85 million acre feet or 550,000 less than its entitlement of 4.4 million acre feet and the three Lower Basin States water use was 6.5 million acre feet, one million acre feet under their entitlement of 7.5 million acre feet. The Colorado River Basin States are developing and implementing programs to protect the water supply from the Colorado River. Attached is an article from The Wall Street Journal dated March 12, 2020 about the elevation of Lake Mead.

No new environmental issues are raised by this comment.

A-5. Response to Comment:

This comment is duly noted and is referred to response to comments A-2 through A-4, above. No new environmental issues are raised by this comment. A Water Supply Assessment was previously prepared for the Kohl Ranch Specific Plan

A-6. Response to Comment:

While the state of drought within the region and throughout California has triggered certain conservation measures, water districts, including CVWD, have continued to plan for and secure adequate water supply to serve the growing region's needs for additional water during drought periods.

In 1934, CVWD contracted with the United States Bureau of Reclamation for Colorado River water for use in mainly the lower Coachella Valley. In 1963, CVWD contracted for water from the California State Water Project (CSWP). In 2003, the major Colorado River water users in California executed the Qualification Settlement Agreement which gave CVWD the firm right to 330,000 acre feet per year of Colorado River water. This 330,000 acre feet per year has a priority ahead of The Metropolitan Water District of Southern California's 550,000 acre feet per year of Colorado River water. Coastal Southern California would lose all its Colorado River water supply that it receives under the Seven Party Priority Agreement before CVWD's 330,000 acre feet per year would be reduced.

CVWD also has agreements that transfers 26,000 acre feet of Colorado River to the San Diego County Authority in exchange for it paying the cost to line a portion of the Coachella Canal to eliminate the same amount of seepage from the Canal and that provides 88,000 acre feet of Colorado River water from MWDSC and the Imperial Irrigation District. This results in a net increase of 52,000 acre feet of Colorado River water.

CVWD has been purchasing CSWP long term entitlement as it has become available. CVWD's CSWP entitlement is currently 138,350 acre feet per year. The total of CVWD's contractual water rights and entitlement is currently 468,350 acre feet per year, not including local runoff and surplus water rights. The Coachella Valley is fortunate to have a very large groundwater basin. This basin provides an underground reservoir that is used to store water from CVWD's Colorado River and CSWP supplies. CVWD has been doing this since the 1970's. It provides water for CVWD and its water users during periods that supplies from the Colorado River and CSWP are reduced due to droughts.

In addition to the above, CVWD reclaims wastewater at some of its water reclamation plants and delivers it to golf courses and other users to reduce the demand on its supplies. In Water Year 2019-2020, inflow into the Indio Subbasin, which consists of the CVWD and Desert Water Agency service areas, had inflows of 461,370 acre feet and outflows of 324,183 acre feet for a net increase in storage of 137,187 acre feet.

Under the "Law of the (Colorado) River", California has a higher priority than the Central Arizona Project and some projects in Nevada for water from the Colorado River. This amounts to about 1.3 million acre feet per year. The three lower Colorado River Basin states (Arizona, California and Nevada) are entitled to 7.5 million acre feet per year of Colorado River water with California entitled to 4.4 million acre feet per year. The California Colorado River Basin States have implemented conservation programs that have reduce Colorado River water users have implemented conservation programs that have reduced Colorado River water use by just under one million acre feet in 2019. No new environmental issues are raised by this comment.

A-7. Response to Comment:

This comment is duly noted. No new environmental issues are raised by this comment.

Sincerely,

RIVERSIDE COUNTY PLANNING DEPARTMENT
Charissa Leach, P.E., Assistant TLMA Director

A handwritten signature in black ink, appearing to read "Russell Brady", written over a horizontal line.

Russell Brady, Project Planner