

SECTION 2.0

INTRODUCTION AND PURPOSE

2.1 PURPOSE OF THIS ENVIRONMENTAL IMPACT REPORT

According to Section 15121 and 15362 of the State California Environmental Quality Act (CEQA) Guidelines, an EIR is an informational document that is written to inform public agency decision-makers and the public of the significant environmental effects of a proposed project. The purpose of this Draft Environmental Impact Report (DEIR) for the proposed Butterfield Specific Plan ("Project"¹) is to review the existing conditions at and in the vicinity of the Project site, identify and analyze the potential environmental impacts, and suggest feasible mitigation measures to reduce significant adverse environmental effects. The potential impacts include both temporary construction-related effects and the long-term effects of build-out of the Project.

The intent of this DEIR is to conservatively address the potential Project impacts to avoid or minimize the need for future environmental documentation of the Project by utilizing the most current and detailed plans, technical studies, and related information available. This DEIR will be used by the City of Banning (City), other responsible agencies, interested parties, and the general public to evaluate the potential environmental impacts of the proposed Project (refer to Section 3.7, Required Permits and Approvals, in Section 3.0, Project Description, of this DEIR for a list of responsible agencies and Project approvals).

2.2 COMPLIANCE WITH CEQA

The City of Banning is the lead agency under CEQA, and is responsible for preparing an Environmental Impact Report (EIR) for the Butterfield Specific Plan (State Clearinghouse No. 2007091149). The City determined that the Project may result in significant adverse environmental effects and therefore requires an EIR. This determination is based on the preliminary review of available Project information and the Expanded Notice of Preparation (NOP)². This EIR has been prepared in conformance with CEQA (California Public Resources Code Section 21000 et seq.), California CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.), and the rules, regulations, and procedures for implementation of CEQA, as adopted by the City of Banning. The principal CEQA Guidelines sections governing content of this document are Sections 15120 through 15132, Content of an EIR. This EIR has been prepared as a Subsequent EIR pursuant to CEQA Guidelines Section 15162.

¹ As discussed further in Section 3, Project Description, the "Project" addressed in this EIR includes all phases, actions and approvals related to the Butterfield Specific Plan, including the associated General Plan Amendment, Zone Change, and Amended Development Agreement.

² Although the proposed Project is substantially the same as the Project approved in 1993 (the Deutsch Specific Plan and EIR), and is also generally consistent with the City of Banning General Plan, the City elected to prepare a Subsequent EIR given the elapsed time, changes in regulatory environment, additional Project information and technical studies that have become available, and to more accurately evaluate the impacts of the Amended Specific Plan.

The EIR evaluates the issues and impacts identified as potentially significant in the Expanded NOP, issued on September 28, 2007, in addition to issues identified in the Public Scoping meetings, which were held on October 16, 2007 at 2:00 pm and at 6:00 pm, and on October 22, 2007 at 6:00 pm (refer to the discussion below in Section 2.4, *Scoping Process*, and see Appendix A, *Expanded NOP and Public Comments* for a full set of NOP comments). The EIR reflects information obtained throughout the EIR process, including extensive discussions with City staff, other key stakeholders, and the results of various technical studies cited in the EIR.

In accordance with Section 15121 of CEQA, a primary purpose of this EIR is to provide decision-makers and the public with specific information regarding the environmental effects associated with the Project, identify ways to minimize the significant effects of the Project, and describe reasonable alternatives to the Project. As a means of reducing significant impacts where feasible, mitigation measures are provided, which may be adopted as Conditions of Approval. In addition, this EIR is the primary reference document in the formulation and implementation of a Mitigation Monitoring and Reporting Program for the Project, which is required by CEQA Guidelines Section 15097.

In the event the Project results in significant impacts even with implementation of recommended mitigation measures, the decision-makers may nonetheless approve the Project based on a "Statement of Overriding Considerations", pursuant to CEQA Guidelines Section 15093. This determination would require the decision-makers to provide a discussion of how the benefits of the Project outweigh identified unavoidable impacts. This and other CEQA-related findings are typically included as attachments to staff reports and resolutions prepared for Planning Commission and/or City Council consideration (which will occur following close of the 45-day DEIR public review period). The CEQA Guidelines provide in part the following:

- a) CEQA requires that the decision-maker balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR, but are not mitigated, the agency must state in writing the reasons to support its action based on the Final EIR and/or other information in the record.
- c) If an agency makes a Statement of Overriding Considerations, the statement should be included in the record of the project approval and should be mentioned in the Notice of Determination (Section 15093 of the CEQA Guidelines).

As part of the review process, and pursuant to Section 15105 of the CEQA Guidelines, this Draft EIR will be circulated for review and comment by the public and other interested parties, agencies, and organizations for a period of 45 days in accordance with Sections 15087 and 15105 of the CEQA Guidelines. Following this period, responses to comments received from these

agencies will be prepared. The Final EIR will consist of the Draft EIR (or a revision of the draft), comments received on the Draft EIR, and responses to those comments.

The City will distribute the proposed Final EIR to individuals that request it, and to those that comment on the Draft EIR. The proposed Final EIR will be available to the general public at least 10 days prior to the City's Final EIR certification.

2.3 SCOPE AND ORGANIZATION OF THE EIR

2.3.1 SCOPE OF THE DRAFT EIR

In accordance with CEQA Guidelines Section 15082, an NOP was completed for the proposed Project to initiate the City's CEQA review process for the Project, identify potential environmental impacts of the Project, seek public input regarding potential environmental impacts, and to announce public scoping meetings for the Project (refer to Appendix A and the discussion below). The City of Banning distributed the NOP, which was filed with the State of California Office of Planning and Research on September 28, 2007. The NOP comment period closed on October 29, 2007, following the State-mandated 30-day public review period.

Three public scoping meetings were held to discuss the proposed Project on the following dates: Tuesday October 16, 2007 at 2:00 pm and at 6:00 pm, and Monday October 22, 2007 at 6:00 pm. The following represents a summary of public comments at the public scoping meetings. These comments, together with the formal NOP comment letters received, were carefully considered during the EIR preparation process, and in some cases resulted in modifications to the proposed Land Use Plan (refer to Appendix A for the NOP, public noticing, and a full set of NOP comments).

- Wildfire hazards in the area should merit a fire substation within the proposed Project site
- Land use compatibility with existing surrounding neighborhoods (particularly to the east of the Project site) [the land use plan was revised in response to this comment]
- Local and regional traffic impacts
- Wildlife and migration impacts
- Noise, light and glare impacts
- Water supply impacts, recycled water and drought-tolerant landscaping
- Community character, cohesion and quality of development
- Erosion and fault hazards
- Views of Project and vicinity from surrounding neighborhoods
- Location of the satellite wastewater treatment plant
- Existing biological resources (particularly the oak tree near Highland Springs Road)
- Public services and utilities – park accessibility, fire station, school districts

- Population and housing impacts
- Cultural and historic impacts (i.e., Bradshaw Trail)

This EIR (State Clearinghouse No. 2007091149) addresses potential significant impacts in the following areas as identified during the EIR preparation process, including public and agency comments received on the NOP, as well as comments received from the public during separate scoping meetings. In addition to CEQA-mandated discussions, environmental issues evaluated within this EIR are as follows:

- Aesthetics, Light, and Glare (Section 4.1)
- Agricultural Resources (Section 4.2)
- Air Quality (Section 4.3)
- Biological Resources (Section 4.4)
- Climate Change (Section 4.5)
- Cultural and Historic Resources (Section 4.6)
- Geology, Soils, and Seismicity (Section 4.7)
- Hazards and Hazardous Materials (Section 4.8)
- Hydrology and Water Quality (Section 4.9)
- Land Use and Planning (Section 4.10)
- Noise (Section 4.11)
- Public Services and Utilities (Section 4.12)
- Transportation and Traffic (Section 4.13)
- Water Supply (Section 4.14)

2.3.2 ORGANIZATION OF THE DRAFT EIR

The Draft EIR is organized into 10 sections:

- **Section 1.0, *Executive Summary***, provides a brief Project description and summary of the environmental impacts, and the mitigation measures for each impact.
- **Section 2.0, *Introduction and Purpose***, provides CEQA compliance information.
- **Section 3.0, *Project Description***, provides the Project location, background and history, environmental setting (including on and offsite use), Project characteristics, Project objectives, Project phasing, and permits and approvals that are required for the Project.
- **Section 4.0, *Environmental Analysis***, discusses the existing conditions for each environmental issue area. This section describes the methodology for significance determination; identifies short-term and long-term environmental impacts of the Project;

recommends feasible mitigation measures to reduce the significance of impacts; and identifies areas of unavoidable significant impacts after mitigation. Cumulative impacts are discussed within each respective topical section, with an introduction to cumulative impact methodology provided in Section 4.0.

- **Section 5.0, *Long-Term Implications of the Proposed Project***, discusses the significant environmental changes that result from the Project, should it be implemented; and growth-inducing impacts.
- **Section 6.0, *Alternatives to the Proposed Project***, describes alternatives to the Project, some of which may be considered during Project deliberations.
- **Section 7.0, *Effects Found Not to Be Significant***, explains potential impacts that were determined not to be significant in the Expanded NOP.
- **Section 8.0, *Organizations and Persons Consulted***, identifies the co-lead agencies, preparers of the EIR, and all federal, state, and local agencies, and other organizations, and individuals consulted during the preparation of the EIR.
- **Section 9.0, *Bibliography***, identifies reference sources utilized for the EIR.
- **Section 10.0, *Appendices***, contains reports of technical studies conducted for the EIR and Project-related data.

2.4 PUBLIC SCOPING PROCESS

Pursuant to state and local CEQA Guidelines, the City initiated the Project environmental review process and distributed the NOP on September 28, 2007 for a 30-day public review period; refer to the summary above and to Appendix A, *Expanded NOP and Public Comments*. The City will also hold a public meeting during the 45-day DEIR public review period, in order to summarize DEIR conclusions and receive public comments on the DEIR. All formal comments on the DEIR will be responded to in writing, and will be included in the Final EIR, pursuant to CEQA Guidelines Section 15088.

The Draft EIR and all technical documents used in the preparation of the analysis are available at the following:

City of Banning Community Development Department
99 E. Ramsey Street
Banning CA, 92220
Online at: <http://www.ci.banning.ca.us/index.aspx>

Copies of the Draft EIR are also available at the following local library:

Banning Library District
21 W. Nicolet Street

Banning, CA 92220-4607

Upon completion of the 45-day review period, written responses to all comments on the environmental issues discussed in the Draft EIR will be prepared and incorporated into a Final EIR. Furthermore, written responses to comments received from any agencies will be made available to those agencies at least ten days prior to the public hearing at which certification of the Final EIR will be considered.

2.5 USE OF THE DRAFT EIR

This EIR is part of the development review process for the Project proposed by Pardee Homes (“Applicant”). It is the intent of this EIR to enable the City and other responsible agencies and interested parties to evaluate the environmental impacts of the proposed Project. Refer to Section 3.9, *Required Permits and Approvals* for a list of responsible agencies having permit approval responsibilities for the Project.

2.6 DOCUMENTS INCORPORATED BY REFERENCE

Pertinent documents relating to this EIR are cited and incorporated by reference, in accordance with Section 15150 of the CEQA Guidelines, as a means of reducing the redundancy and length of environmental reports.

The following documents are available for public review at the City of Banning Community Development Department, located at 99 E. Ramsey St., Banning CA, 92220, and are hereby incorporated by reference into this Draft EIR. Information contained within these documents has been utilized for sections throughout this Draft EIR.

2.6.1 CITY OF BANNING GENERAL PLAN AND EIR, 2006 (SCH# 2005011039)

The City of Banning General Plan and the EIR for that document serve as the major tools for directing growth within the City and present a comprehensive plan to accommodate the City’s growing needs. The General Plan analyzes existing conditions in the City including physical, social, cultural, and environmental resources and opportunities. The General Plan examines trends, issues, and concerns that affect the region, includes City goals and objectives, and provides policies to guide development and change. Additionally, the General Plan EIR documents the potential environmental impacts of General Plan buildout. The City of Banning General Plan and EIR were used primarily to analyze issues regarding land use, natural resources, traffic, and hydrologic impacts associated with the proposed Project. The City of Banning General Plan and EIR are available for review at the City of Banning Community Development Department.

2.6.2 COUNTY OF RIVERSIDE GENERAL PLAN AND EIR, 2003 (SCH# 2002051143) AND GENERAL PLAN 2008 UPDATE

The County of Riverside General Plan and EIR serve as the major tools for directing growth within Riverside County (County) and present a comprehensive plan to accommodate the County's growing needs. Currently this document regulates the existing land uses within the northwest corner of the Project area. That General Plan analyzes existing conditions in the County, including physical, social, cultural, and environmental resources and opportunities. The Plan looks at trends, issues, and concerns that affect the region, includes County goals and objectives, and provides policies to guide development and change. Additionally, the General Plan EIR documents the potential environmental impacts of General Plan buildout. The County of Riverside General Plan and EIR were used primarily to analyze issues regarding land use, natural resources, traffic, and hydrologic impacts associated with the proposed Project.

Since the County of Riverside 2003 General Plan and EIR adoption, there have been eighty-three General Plan Amendments adopted by the Riverside County Board of Supervisors through a series of resolutions as of December 2008. The amendments include land use designation, text and map (Land Use Element, Circulation Element, Area Plans, Policy Areas, etc.) modifications. The text and land use amendments have been incorporated into the General Plan document. Links to the updated General Plan (General Plan 2008) and General Plan Amendment Summary can be accessed at http://www.rctlma.org/genplan/general_plan_2008/general_plan_2008.aspx, and are also available for review at the City of Banning Community Development Department.

2.6.3 DEUTSCH SPECIFIC PLAN EIR (SCH# 90020698)

The Project site is currently entitled through the Deutsch Specific Plan and EIR, which were adopted by the City of Banning on October 26, 1993 by Resolution No 1993-134. The 1993 EIR evaluated potential environmental impacts of a 5,400-unit development nearly identical to the proposed Project (see Section 3.0, *Project Description*, for additional discussion and comparison). As such, the 1993 EIR was used for historical information, and was referenced in the environmental impact analysis throughout this current EIR. Each topical impact section in this EIR provides a brief summary of key conclusions in the 1993 EIR as a reference for the reader. The 1993 Specific Plan (which is currently the governing land use document for the Project site) and the 1993 EIR are both available for review at the City of Banning Community Development Department.

2.6.4 GROUNDWATER RECHARGE PROGRAM FINAL EIR, MARCH 2003, BEAUMONT-CHERRY VALLEY WATER DISTRICT (SCH# 20020710080)

This EIR addresses the impacts of State Water Project (SWP) recharge within the Noble Creek area. The Butterfield Specific Plan may utilize the Noble Creek recharge area as one component of its overall water supply portfolio. As the impacts associated with the recharge facility have been addressed in this cited EIR, the Butterfield Specific Plan EIR only addresses any incremental additional impact. The District proposes to construct surface water capture facilities that would include desilting basins and ponds, transfer pipelines, channel improvements, constructed wetlands and recharge ponds. Surface water captured in the two creeks would be piped via gravity downstream to the convergence of the two creeks, to the proposed Recharge Facilities/Community Park (RF/CP) site where recharge ponds would be constructed to facilitate percolation into the Beaumont Basin. The proposed Project would also require construction of underground piping to transport recycled water and/or water from the State Water Project (SWP) into Bogart County Park for release into Noble Creek. Recycled water would be supplied from the City of Beaumont Wastewater Treatment Facility No. 1. SWP water would be delivered through a connection to the East Branch Extension of the state water lines, located where Orchard Street meets Noble Creek.

2.6.5 PROJECT DESIGN DOCUMENTS

This Draft EIR is based upon review of available Project-design documents and various technical studies prepared by the Applicant (and independently reviewed by the City) and City's consultants; see Section 9.0, *Bibliography*.

2.6.6 REFERENCED TECHNICAL DOCUMENTS

Technical documents related to this EIR are cited in accordance with Section 15148 of CEQA Guidelines, to assist in reducing the length of environmental reports. Information contained within the following technical documents has been used throughout this EIR:

- City of Banning Draft 2010 Urban Water Management Plan (UWMP)
- City of Banning 2005 Urban Water Management Plan (UWMP). Note: City of Banning UWMP is incorrectly listed on the SCAG web-site under San Bernardino County.
<http://www.scag.ca.gov/rcp/uwmp.htm>
- Southern California Association of Governments Regional Comprehensive Plan (Final)
<http://www.scag.ca.gov/rcp/index.htm>
- Southern California Association of Governments Compass Blueprint
<http://www.compassblueprint.org/>
- Southern California Association of Governments Regional Housing Needs Assessment
<http://www.scag.ca.gov/housing/rhna/index.htm>

- South Coast Air Quality Management District Air Quality Management Plan
<http://www.aqmd.gov/aqmp/07aqmp/07AQMP.html>

In addition, technical reports prepared for the proposed Project are referenced within the corresponding impact section throughout this EIR. These Project-specific technical studies are contained within Section 10.0 of this EIR, and are also available for review at the City of Banning Community Development Department, located at 99 E. Ramsey St., Banning CA, 92220, as well as the City's website (www.ci.banning.ca.us) and at the City of Banning Public Library, located at 21 W. Nicolet Street, Banning, CA 92220.