7.1 EFFECTS FOUND NOT TO BE SIGNIFICANT

In the course of this evaluation, certain impacts of the Project were found not to be significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this nature. The following section provides a brief description of effects found not to be significant based on the analysis conducted through the EIR preparation process. Several issues indicated as "No Impact" are nonetheless addressed in the EIR as a matter of clarification or convenience for the reader.

7.1.1 AGRICULTURAL AND FORESTRY RESOURCES

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

No Impact. The site is not zoned for Timberland Production, nor is it considered designated forest land.

d) Result in the loss of forest land or conversion of forest land to non-forest uses?

No Impact. Refer to response 7.1.1 (c) above. The Project will not affect forest land or conversion of forest land.

7.1.2 AIR QUALITY

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Project construction and operation would generate odors typical of a residential/commercial development. Odors from private and public uses are regulated by the City's Municipal Code as well as SCAQMD. Section 4.3, Air Quality, addresses potential odor concerns related to the optional satellite wastewater treatment plant.

7.1.3 BIOLOGICAL RESOURCES

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. The Project site is primarily characterized by vacant land and is currently used for intermittent livestock grazing. With the existing developed areas to the north, west and south,

onsite surveys have found no evidence of wildlife corridors or habitat linkages. Regionally, wildlife movement occurs in the San Bernardino Mountain foothills to the north and east of the site.

Residential and commercial development west and south of the site prevents wildlife movement from those directions. No impacts are anticipated in this regard.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The City of Banning executed the Implementing Agreement with the County on November 23, 2003 and adopted Ordinance 1304 on November 12, 2003, which amended its Municipal Code to establish procedures and requirements for the implementation of the MSHCP. A MSHCP Consistency Analysis is required for all discretionary projects within jurisdictions of MSHCP co-permittees such as the City of Banning. The City requires the evaluation of potential biological resources impacts on a project-by-project basis through the Initial Study process. Applicable plans and policies related to Biological Resources are discussed in Section 4.4, *Biological Resources*.

7.1.4 GEOLOGY, SOILS AND SEISMICITY

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact. The proposed Project includes implementation of a wastewater conveyance system, which will be connected to an on-site satellite wastewater treatment plant, which would be located within PA 11 in the southeastern corner of the Project area. This plant will then connect to the City's backbone sewer system, which is connected to the City's existing wastewater treatment plant. Therefore, impacts related to soils incapable of supporting septic tanks or alternative wastewater disposal systems are not relevant and therefore not considered to be a significant impact.

7.1.5 HAZARDS AND HAZARDOUS MATERIALS

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The Banning Municipal Airport is located over three miles from the closest portion of the Project area. No other airports or private airstrips are located within two miles of the Project area. Accordingly, impacts would not be significant in regard to airport-related hazards.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. Refer to response 7.1.5 (e), above. The nearest Airport is over three miles from the Project area. Therefore, no significant impacts are anticipated in this regard, and no mitigation measures are required.

7.1.6 MINERAL RESOURCES

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. According to the City's *General Plan,* the Project area is located in Mineral Resource Zone 3, which is an area containing mineral deposits, the significance of which cannot be evaluated from available data. No classified or designated mineral deposits of Statewide or regional significance are known to occur within the Project Area. Therefore, no impacts are anticipated in this regard.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The Project area has not been delineated as an important mineral resource recovery site within the City's *General Plan.* Therefore, no mineral impacts are anticipated in this regard.

7.1.7 NOISE

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The Banning Municipal Airport is located over three miles from the closest portion of the Project area. No other airports or private airstrips are located within two miles of the Project area. Accordingly, impacts would not be significant in regard to airport-related noise.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. Refer to response 7.1.7 (e), above. The nearest Airport is over three miles from the Project area. Therefore, no significant impacts are anticipated in this regard, and no mitigation measures are required.

7.1.8 POPULATION AND HOUSING

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Refer to Section 5.2, *Growth-inducing Impacts*.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed Project would not result in a displacement of existing housing as the Project site is used intermittently for agriculture and livestock grazing and is vacant. As the site is currently vacant, the construction of replacement housing would not be required as a result of implementation of the Project.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. As noted above, the Project site is currently vacant. The displacement of substantial numbers of people would not occur as a result of Project implementation, and the construction of replacement housing elsewhere would not be required.

7.2 POTENTIAL SECONDARY EFFECTS

Section 15126.4(a)(1)(D) of the State CEQA Guidelines require that "if a mitigation measure would be cause by the project as proposed, the effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed." With regard to this section of the State CEQA Guidelines, the potential impacts that could result with the implementation of each mitigation measure proposed for the project was reviewed. The following provides a discussion of the potential secondary impacts that could occur as a result of the implementation of the measures by environmental issue area.

7.2.1 AESTHETICS, LIGHT, AND GLARE (REFER TO SECTION 4.1 OF THIS DRAFT EIR)

Mitigation Measures AES-1 through AES-3 and AES-5 and AES-6 would be implemented during construction of the project and, thus would be temporary in nature. Generally, mitigation measures are prescribed to minimize visual impacts due to site grading, construction staging, and the potential accumulation of debris. Impacts that would result from implementation of these measures have been included in the analyses of the project

construction impacts in each of the environmental issue areas addressed in Chapter 4.0 of this Draft EIR. As such, their implementation would not cause potential secondary effects on the environment.

In addition, the mitigation measure identified for project operation (Mitigation Measure AES-4) is prescribed to prevent the deterioration of project design elements (i.e., perimeter walls, fencing, landscape) and maintain a visually pleasing project site through the removal of weeds, trash, and graffiti. While this measure would require varying levels of maintenance activities, which could result in air quality, noise, and traffic impacts, these operational activities were assumed in each of the environmental analyses in Chapter 4.0 of this Draft. As such, their implementation would not cause potential secondary effects on the environment.

7.2.2 AGRICULTURAL RESOURCES (REFER TO SECTION 4.2 OF THIS DRAFT EIR)

No mitigation measures are required relative to agricultural resources. Therefore, no significant secondary impacts would occur in this regard.

7.2.3 AIR QUALITY (REFER TO SECTION 4.3 OF THIS DRAFT EIR)

Mitigation Measures AQ-1 through AQ-7 would be implemented during construction of the project and, thus would be temporary in nature. Generally, construction mitigation measures are prescribed to minimize emissions by controlling fugitive dust, regular maintenance of construction equipment, limiting idling of construction trucks and vehicles, suspension of construction equipment operations during first stage smog alerts, use of electricity rather than diesel or gasoline where practicable, and compliance with applicable SCAQMD rules and regulations. Because these measures represent procedural actions and would not result in physical changes to the environment, none of the measures would result in significant secondary impacts.

7.2.4 BIOLOGICAL RESOURCES (REFER TO SECTION 4.4 OF THIS DRAFT EIR)

Mitigation Measures BIO-1 through BIO-5 would be implemented before and during construction of the project and, thus, would be temporary in nature. Construction mitigation measures are intended to minimize impacts to biological resources through demonstration of compliance with the Migratory Bird Treaty Act requirements and the MSHCP. In addition, construction mitigation requires preconstruction surveys for burrowing owl, jurisdictional waters compensation, and other construction-related avoidance and minimization efforts (e.g., exotic weed removal, regular watering). Some of these measures represent procedural actions, such as Mitigation Measures BIO-1, BIO-2, and BIO 4 and would not result in physical changes to the environment. Mitigation Measures BIO-3 and BIO-5, while resulting in physical changes,

were included in the analyses of the project construction impacts in each of the environmental issue areas addressed in Chapter 4.0 of this Draft EIR. As such, none of the measures would result in significant secondary impacts.

7.2.5 CLIMATE CHANGE (REFER TO SECTION 4.5 OF THIS DRAFT EIR)

Mitigation Measures GHG-1 through GHG-3 generally involves conservation measures to reduce the projects impact of greenhouse gas (GHG) emissions. These measures involve adherence to green building practice, promotion of renewable energy sources, and accommodation of transit along arterial streets.

Mitigation Measures GHG-1 through GHG-3, while resulting in physical changes, were included in the analyses of the project construction and operation impacts in each of the environmental issue areas addressed in Chapter 4.0 of this Draft EIR. Because these measures represent a reduction in GHG emissions and would not result in adverse physical changes to the environment, none of the measures would result in significant secondary impacts.

7.2.6 CULTURAL AND HISTORIC RESOURCES (REFER TO SECTION 4.6 OF THIS DRAFT EIR)

Mitigation Measures CUL-1 through CUL-4 would be implemented during construction of the project and would be temporary in nature. Mitigation Measures NOI-1 through NOI-4 involve the preparation of detailed monitoring plans and procedures for avoidance or recovery of incidental cultural finds. These are considered procedural actions to ensure that cultural impacts are reduced to a minimum. As such, these measures would not result in direct physical changes to the environment. Their implementation would not cause potential secondary effects on the environment.

7.2.7 GEOLOGY, SOILS, AND SEISMICITY (REFER TO SECTION 4.7 OF THIS DRAFT EIR)

Mitigation Measures GEO-1 through GEO-2 would be implemented prior to and during construction of the project and would be temporary in nature. Mitigation Measures GEO-1 through GEO-2 involve the preparation of a detailed analysis of site geotechnical conditions, field investigation and slope stability analyses, and requires compliance to the most-current applicable seismic standards and design Criteria, as determined by the City and Structural Engineers Association of California. These are considered procedural actions to ensure that the potential for impacts due to geologic hazards are reduced to a minimum. As such, these measures would not result in direct physical changes to the environment. Their implementation would not cause potential secondary effects on the environment.

7.2.8 HAZARDS AND HAZARDOUS MATERIALS (REFER TO SECTION 4.8 OF THIS DRAFT EIR)

The hazards and hazardous material mitigation measures generally involve the methods to address, remove and/or handle hazardous waste associated with Project construction. These measures also involve the closure of the onsite abandoned well, avoidance of natural gas pipelines, upgrade of existing high-pressure gas lines, and installation of any temporary above ground fuel storage tank. They represent procedural methods and regulatory compliance to ensure that the potential for impacts due to hazardous materials are reduced to a minimum. Also, they would occur during construction of the project and would be temporary in nature. These measures were included in the analyses of the project construction impacts. Their implementation would not cause potential secondary effects on the environment.

7.2.9 HYDROLOGY AND WATER QUALITY (REFER TO SECTION 4.9 OF THIS DRAFT EIR)

Mitigation Measure HWQ-1 would be implemented prior to and during construction of the project and would be temporary in nature. The majority of the measure involves the adequate design of applicable Tentative Tract Maps (TTMs), site plans, grading plans, and/or improvement plans for flood protection and is considered a procedural action to ensure that flooding and drainage do not impact nearby uses. In addition, the final point (#7) of the mitigation measure requires temporary basins and earthen channel/berms to divert and convey flows during construction phases. This measure was included in the analyses of the project construction impacts. Therefore, this measure would not result in potential secondary effects on the environment.

7.2.10 LAND USE AND PLANNING (REFER TO SECTION 4.10 OF THIS DRAFT EIR)

No mitigation measures are required relative to land use and planning. Therefore, no significant secondary impacts would occur in this regard.

7.2.11 NOISE (REFER TO SECTION 4.11 OF THIS DRAFT EIR)

Mitigation Measures NOI-1 through NOI-5 would be implemented during construction of the project and would be temporary in nature. In addition, the impacts that would result from implementation of these measures have been included in the analyses of the project construction impacts in each of the environmental issue areas addressed in Chapter 4.0 of this Draft EIR. Mitigation Measure NOI-4 involve the preparation of detailed acoustical analyses,

which are considered procedural actions to ensure that noise levels at sensitive receptor location are reduced to a minimum. As such, these measures would not result in direct physical changes to the environment, and, as such, their implementation would not cause potential secondary effects on the environment.

7.2.12 PUBLIC SERVICES AND UTILITIES (REFER TO SECTION 4.12 OF THIS DRAFT EIR)

Mitigation Measure PSU-1 involves the potential development of a fire response unit or fire station conceptually located within Planning Area 60. This project element is included within the Project Description of this Draft EIR and, thus, analyzed by each environmental issue area in Chapter 4.0. As such, this measure would not result in potential secondary effects on the environment. Mitigation Measure PSU-2 includes the US Department of Housing and Urban Development Office of Policy Development and Research requirements regarding defensible space.

Mitigation Measure PSU-3 involves procedures for fair market compensation for land acquisition and requires the preparation of general biological assessments for offsite improvements. Lastly, Mitigation Measure PSU-4 requires the Golf Course to prepare and implement an Operational Waste Management Plan to properly manage green waste. Mitigation Measures PSU-2 through PSU-4 are considered procedural actions to ensure that biological, socioeconomic, landfill and police service impacts are reduced to a minimum. As such, these measures would not result in potential secondary effects on the environment.

7.2.13 TRAFFIC AND TRANSPORTATION (REFER TO SECTION 4.13 OF THIS DRAFT EIR)

The traffic mitigation measures require the Project to either pay its fair share contribution to implementation of intersections and other transportation improvements in the project vicinity or construct these improvements in order to provide access to the project. No significant effects would result from payment of fees. However, the physical improvement that would result from the payment of fair share contributions or construction of these improvements directly, such as restriping, installing a traffic signal, or widening, may result in potential secondary effects. In particular Mitigation Measure TRF-1 may necessitate some right-of-way acquisition. These traffic measures would require varying levels of construction activities, which could result in air quality, noise, and traffic impacts. As these improvements are designed and implemented, appropriate construction practices intended to minimize impacts would be required. For example the implementation of best management practices with regard to erosion, the water of construction sites, the use of property operating equipment, and the use of noise reduction devices would minimize environmental impacts. In addition, traffic flow during construction of the improvements would be considered by the appropriate agency.

7.2.14 WATER SUPPLY (REFER TO SECTION 4.14 OF THIS DRAFT EIR)

Mitigation Measure WS-1 requires the Project to ensure pumping impacts in the vicinity of the Cabazon and Beaumont Basin wells do not have any adverse impacts on water levels in adjacent wells not owned and operated by City of Banning. This could potentially be achieved by providing funding to affected parties to deepen existing wells or through the delivery of comparable or improved quality and quantity of water from other sources.

The physical improvement that would result from these options, such as the construction of improved wells or installation of offsite conveyance facilities to deliver alternative sources of water, may result in potential secondary effects. In particular, Mitigation Measure WS-1 may necessitate right-of-way acquisition for delivery infrastructure. These measures would require varying levels of construction activities, which could result in air quality, noise, biological, and traffic impacts. As these improvements are designed and implemented, appropriate construction practices intended to minimize impacts would be required. In addition, if conveyance facilities are necessary, a general biological assessment will be conducted for these facilities. If sensitive resources are determined to be present, those resources will be assessed and/or delineated, at which point mitigation measures will be developed and imposed.