

8.1 EFFECTS NOT FOUND TO BE SIGNIFICANT

As previously discussed in **Section 1.0: Introduction**, the City of Rancho Mirage (City) acting as the Lead Agency for the planning and environmental review of the proposed Section 31 Specific Plan Project (“Section 31 Specific Plan” or “Project”), has decided to prepare this Draft Environmental Impact Report (Draft EIR) in compliance with the California Environmental Quality Act (CEQA), including the State CEQA Guidelines. Section 15128 of the CEQA Guidelines requires a brief description of any possible significant effects that were determined not to be significant and were not analyzed in detail within the environmental analysis. Therefore, this section has been included in this Draft EIR as required by CEQA.

The discussion below presents the analysis of the effects related to aesthetics, agriculture and forestry resources, air quality, biological resources, geology and soils, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, traffic and transportation, and utilities and service systems not found to be significant. Although the Initial Study prepared for the Project (see **Appendix A**) utilized the 2018 CEQA Guidelines Appendix G Checklist criteria, this Draft EIR incorporates the latest available criteria thresholds outlined in the 2019 CEQA Guidelines Appendix G Checklist. These updated thresholds reflect the City’s efforts to align with current directives and guidance provided by the Governor’s Office of Planning and Research. Any items not addressed in this section are addressed in **Section 5.0 Environmental Impact Analysis** of this Draft EIR.

A. AESTHETICS

Except as provided in Public Resources Code Section 21099, would the Project:

Threshold: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

The Project Site is located approximately two miles northeast of California State Route (SR) 111,¹ which is an eligible State scenic highway without official designation.² The nearest officially designated State scenic highway is US Route 62, approximately 16 miles to the northwest. The Project Site is vacant with minimal vegetation and consists primarily of low-lying sand dunes and sand fields. There are no trees, rock outcroppings, historic buildings, or other scenic resources on the Project Site. Impacts would be less than significant.

1 Google Maps, accessed June 2018, maps.google.com.

2 Department of Transportation, “California Scenic Highway Mapping System,” accessed June 2018, http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/index.htm.

B. AGRICULTURE AND FORESTRY RESOURCES

Threshold: **Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

The Project Site is designated as Other Land by the California Department of Conservation (DOC), Farmland Mapping and Monitoring Program.³ The land surrounding the Project Site is primarily designated as Urban and Built-Up Land to the north, east, south, and west, with minor additional areas designated as Other Land to the north, east, south, and west. No areas within the City are designated or zoned for agricultural use.⁴ Implementation of the Project would not involve changes that would result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses. No impacts would occur.

Threshold: **Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?**

The Project Site General Plan and Zoning designation is Very Low Density (R-L-2; two dwelling units per acre maximum) and Resort Hotel (Rs-H).⁵ The General Plan requires a Specific Plan to be developed for the site.⁶ It is designated as Non-Enrolled by the DOC, Conservation Program Support.⁷ The land around the site is developed, and none of it is zoned for agriculture or subject to a Williamson Act Contract. No impacts would occur.

Threshold: **Would the project 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))?**

As defined by the Public Resources Code Section 12220(g),⁸ forestland is land that can support 10 percent native tree cover of any species under natural conditions and that allows for management of one or more

3 California Department of Conservation (DOC), Division of Land Resource Protection, California Important Farmland Finder (April 2016), interactive map, accessed June 2018, <https://maps.conservation.ca.gov/dlrp/ciff/>.

4 City of Rancho Mirage, General Plan Update, "Land Use Element."

5 City of Rancho Mirage, General Plan Update, "Land Use Element."

6 City of Rancho Mirage, General Plan Update, "Land Use Element," 12.

7 California Department of Conservation, Division of Land Resource Protection, Conservation Program Support, "Riverside County Williamson Act FY 2015/2016," Sheet 2 of 3 (2016).

8 Public Resources Code (PRC), sec. 12220(g).

forest resources. Given that there is minimal vegetative cover on the Project Site and the site is not zoned as forestland, the Project would not affect any forestlands as defined by the Public Resources Code.

A Timberland Production Zone is defined by the Government Code Section 51104(g)⁹ as an area that is zoned for the sole purpose of growing and harvesting timber. Because the Project Site does not contain any timber resources, nor is it zoned as timberland or timberland zoned Timberland Production, the Project would not conflict with timberland or Timberland Production areas. No impacts would occur.

Threshold: Would the project result in the loss of forest land or conversion of forest land to non-forest use?

As previously discussed, the Project Site is not defined as having forestland as defined in Public Resources Code Section 12220(g). Additionally, there is no forestland located in or near the Project Site. The Project would not result in the loss of forestland or result in the conversion of forestland to non-forest uses. No impacts would occur.

Threshold: Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

As previously discussed, no farmland or forest land is located near the Project Site. The Project would not involve other changes in the existing environment that could result in the conversion of Farmland to nonagricultural use or forestland to non-forest use. No impacts would occur.

C. AIR QUALITY

Threshold: Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

As discussed above, the proposed Specific Plan would allow for the development of the Section 31 site as a mixed-use community containing residential, hotel, and commercial uses that would not have the potential to create objectionable odors. Commercial kitchens associated with hotel and restaurant uses may generate odors from food preparation. Potential effects would be addressed by the incorporation of odor-scrubbing filters and equipment into the design of these facilities as needed. Impacts would be less than significant.

9 PRC, sec. 51104(g).

D. BIOLOGICAL RESOURCES

Threshold: **Would the project have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The low-lying sand dunes and sand fields present on the Project Site are considered to have a low potential to contain wetland features as defined by Section 404 of the Clean Water Act. Further, no hydrogeomorphic features were observed on or in the vicinity of the Project Site. Impacts would be less than significant.

Threshold: **Would the project 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?**

The Project Site contains native habitat that may be used by native wildlife species for local movement and nursery sites, but it is surrounded by developed areas and is not part of any established wildlife corridor. Impacts would be less than significant.

Threshold: **Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The City of Rancho Mirage is a participant in the CVMSHCP and is a co-permittee for the permits issued in association with this plan. The Project Site is not located in any Conservation Area identified in the CVMSHCP, and the Project would pay the City's development mitigation fee collected to implement the CVMSHCP. The Project is consistent with the CVMSHCP and, for this reason, no impacts will occur.

Threshold: **Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?**

As discussed above, the City of Rancho Mirage is a participant in the CVMSHCP and is a co-permittee for the permits issued in association with this plan. This plan was prepared for the Coachella Valley and surrounding mountains to address current and potential future State and federal Endangered Species Act issues in the plan area. The goal of the CVMSHCP is to continue to protect natural resources within the plan area by managing such resources and land uses that impact them and to provide consistency and streamline permitting requirements with respect to protected species in the plan area. The Project Site is not located in any conservation area identified in the CVMSHCP, and the Project would pay the City's

development mitigation fee collected to implement the CVMSHCP. The Project is consistent with the CVMSHCP and, for this reason, no impacts will occur.

E. GEOLOGY AND SOILS

Threshold: **Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?**

Expansive soils are characterized as fine-grained, such as silts and clays, or soils with variable amounts of expansive clay minerals that can change in volume due to changes in water content. Collapsible soils typically occur in recently deposited soils that tend to be drier and more granular. The Project Site consists of wind-blown dune sand and alluvium soil deposits that do not contain silts and clays. Impacts would be less than significant.

Threshold: **Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

The Project Site will be connected to the existing sewer system serving the area. No impacts would occur.

F. LAND USE AND PLANNING

Threshold: **Would the project physically divide an established community?**

The Project Site is surrounded to the north, east, and south by developed areas in the cities of Rancho Mirage and Palm Desert, with some undeveloped parcels located immediately west, north, and east of the Specific Plan Area. Surrounding uses include residential neighborhoods and resort developments. The Sunnylands Center and Gardens is located directly west of the central portion of the Specific Plan Area.

The Specific Plan Area is bordered by major streets and represents an infill development site in the City in this regard. The City's General Plan designates the site for residential and resort hotel uses which would be consistent with the pattern of surrounding land uses. The Section 31 Specific Plan is proposed to implement the City's General Plan¹⁰ Development of the site with the uses identified in the City's General Plan would not physically divide the established pattern of development around the site. Impacts would be less than significant.

¹⁰ City of Rancho Mirage, *General Plan Update*, "Land Use Element," 12.

G. MINERAL RESOURCES

Threshold: **Would the project 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?**

The Coachella Valley, including the surrounding hills and mountains to the north and south of the Project Site, contain known deposits of mineral resources, such as sands and gravel.¹¹ However, these deposits are found within the entire desert floor and surrounding hills and mountains to the north and south of the Project Site and are not specific or unique to the Project Site. The Project Site itself is located in Mineral Resource Zone 3 (MRZ-3), which indicates that mineral resources at the Site are undetermined. There are currently no mines or extraction sites within the City. Impacts would be less than significant.

Threshold: **Would the project 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?**

As mentioned previously, the City of Rancho Mirage General Plan indicates that mineral resources exist within the City's Sphere of Influence but there are currently no mines or extraction sites in the City. Impacts would be less than significant.

H. NOISE

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

The Project Site is not within two miles of a public airport. Further, the closest private airstrip or airport is more than six miles away. No impacts would occur.

I. POPULATION AND HOUSING

Threshold: **Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?**

Given that the Project Site is currently vacant and Project implementation would include the construction of new housing, the Project would not displace a substantial number of housing units or people on the site. No impacts would occur.

11 City of Rancho Mirage *General Plan Update*, "Conservation + Open Space Element," 69.

J. TRAFFIC AND TRANSPORTATION

Threshold: Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project's proposed Conceptual Multi-Modal Circulation Plan identifies access points on the surrounding streets at appropriate locations that would not create any hazards. The proposed residential, resort, and commercial uses are consistent with surrounding uses. Impacts would be less than significant.

Threshold: Would the project result in inadequate emergency access?

Access to the Section 31 Specific Plan Area is proposed from the major streets bordering the site. The Project's proposed Conceptual Multi-Modal Circulation Plan would not result in inadequate emergency access to the site and would not impede existing emergency access to the existing surrounding uses. Impacts would be less than significant.

K. TRIBAL CULTURAL RESOURCES

Threshold: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with the cultural value to a California Native American tribe, and that is:

- a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The Project Site has never been developed and currently consists of relatively undisturbed desert lands. There are no known historical resources within the Project Site, nor did the cultural resources survey conducted for the Project Site identify any historical resources. While there is a potential to encounter previously unknown historical or cultural resources during construction of the Project, construction activities would be required to comply with State requirements related to historical or cultural resources. These requirements include compliance with Public Resources Code (PRC) Section 21084.3 which requires avoidance of tribal cultural resources when feasible, and Health and Safety Code Section 7050.5,

subdivision (c), and PRC Section 5097.98 (as amended by AB 2641) related to the proper disposition of human remains. Accordingly, impacts would be less than significant.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?**

Pursuant to the requirements of Government Code (GC) Section 65352.3 (Senate Bill [SB] 18), California Native American tribes have the right to consult on a proposed adoption or amendment of a city or county's general plan. Additionally, pursuant to PRC Section 21080.3.1 (Assembly Bill [AB] 52), California Native American tribes have the right to consult on a proposed public or private project prior to the release of an EIR should the tribe(s) be concerned that the potential exists to impact tribal cultural resources. After the release of the NOP, the City of Rancho Mirage sent letters notifying the tribes provided on the contact list maintained by the Native American Heritage Commission (NAHC) that the City is planning the Project.

Comments regarding SB 18 and AB 52 outreach (see **Appendix J** of this Draft EIR) were received from the following five tribes: the San Manuel Band of Mission Indians (SMBMI), the Agua Caliente Band of Cahuilla Indians (ACBCI), the Augustine Band of Cahuilla Indians (ABCI), the Twenty-Nine Palms Band of Mission Indians (TNPBMI), and the Pala Band of Mission Indians (PBMI). The SMBMI determined that the Project Site is located outside of their ancestral territory and, as such, declined consulting party status or participating in the scoping, development, and/or review of documents. The ACBCI noted that while the Project Site is not located within the boundaries of the ACBCI Reservation, it is within the tribe's Traditional Use Area. A records check of the ACBCI registry identified previous surveys in the area that were positive for the presence of cultural resources. As such, the ACBCI requested formal consultation under SB 18 and AB 52 and requested a copy of the records search with associated survey reports and site records from the information center, a cultural resources inventory of the Project Site be performed by a qualified archaeologist prior to any development activities, and a copy of any cultural resource documentation (report and site records) generated in connection to the Project. Consultation between the City and the ACBCI is ongoing. The ABCI noted that they were unaware of specific cultural resources that may be affected by the Project, but recommended notification of other tribes historically associated with the area, contracting a monitor qualified in Native American cultural resources to be present on-site during pre-construction and construction activities, and immediate notification of ABCI should any cultural resources be discovered during implementation of the Project. TNPBMI requested to review the Cultural Resources Study prepared for the Project prior to issuing further recommendations. PBMI noted that the Project Site

is not within their recognized Reservation or Traditional Use Area and declined AB 52 consultation at this time. In addition, the Cultural Resources Study prepared for the Project (see **Appendix E**) involved a records search of the NAHC Sacred Lands File with negative results and a preliminary cultural resources information request from a list of tribes identified by the NAHC as being historically culturally affiliated with the Project area. Responses were received from the Morongo Band of Mission Indians and the Viejas Band of Kumeyaay Indians (Viejas); neither tribe noted affiliation or interest related to the Project Site, although Viejas requested to be informed of any new developments such as inadvertent discovery of tribal cultural resources.

As mentioned previously, implementation of the Project would comply with regulatory requirements related to historical and cultural resources. Accordingly, impacts would be less than significant.

L. UTILITIES AND SERVICE SYSTEMS

Threshold: **Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?**

The proposed residential, resort, and commercial uses will generate solid waste typical of that generated elsewhere within the City and be collected and disposed of at landfills operated by Riverside County in accordance with applicable regulations. Impacts would be less than significant.

M. WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Threshold: Substantially impair an adopted emergency response plan or emergency evacuation plan?

Threshold: Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

Threshold: Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

Threshold: Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

The Project Site is not located in or near a State responsibility area or on lands classified as very high fire hazard severity zones.^{12,13} No impacts would occur.

12 California Department of Forestry and Fire Protection (Cal Fire), Western Riverside County, Fire Hazard Severity Zones in SRA, map, November 7, 2007, accessed May 2019, available at http://frap.fire.ca.gov/webdata/maps/riverside_west/fhszs_map.60.pdf.

13 Cal Fire, "SRA Lookup," interactive map, accessed May 2019, available at http://www.fire.ca.gov/firepreventionfee/srviewer_launch.