

DRAFT

ENVIRONMENTAL IMPACT REPORT

BANNING COMMERCE CENTER PROJECT

DR 21-7017, ENV 21-1524

SCH NO. 2022090102

Lead Agency



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Table of Contents

1.0	EXECUTIVE SUMMARY	1-1
1.1	Introduction	1-1
1.2	Project Overview	1-2
1.3	Project Objectives.....	1-3
1.4	Areas of Controversy	1-4
1.5	Significant Unavoidable Impacts	1-4
1.6	Alternatives to the Project.....	1-5
1.7	Issues to be Resolved.....	1-6
1.8	Summary of Environmental Impacts & Mitigation Measures	1-6
2.0	INTRODUCTION AND PURPOSE	2-1
2.1	Purpose of the EIR	2-1
2.2	Compliance with CEQA	2-2
2.3	Notice of Preparation/Early Consultation	2-4
2.4	Format of the EIR.....	2-6
2.5	Responsible and Trustee Agencies	2-7
2.6	Incorporation by Reference.....	2-7
3.0	PROJECT DESCRIPTION	3-1
3.1	Purpose.....	3-1
3.2	Project Location and Settings	3-1
3.3	Existing Site Conditions.....	3-1
3.4	General Plan Land Use and Zoning Designation	3-5
3.5	Surrounding Land Uses	3-6
3.6	Proposed Project	3-6
3.7	Project Objectives.....	3-10
3.8	Discretionary Actions and Approvals.....	3-10
3.9	Required Agency Approvals.....	3-11
4.0	ENVIRONMENTAL IMPACT ANALYSIS	4-1
4.0.1	Approach to the Environmental Analysis	4-1

4.0.2	Section Content and Definition of Terms	4-1
4.0.3	Cumulative Impacts Methodology	4-3
4.1	AESTHETICS.....	4.1-1
4.1.1	Introduction.....	4.1-1
4.1.2	Environmental Setting	4.1-2
4.1.3	Regulatory Setting	4.1-4
4.1.4	Impact Thresholds and Significance Criteria.....	4.1-5
4.1.5	Impacts and Mitigation Measures	4.1-6
4.1.6	Mitigation Measures.....	4.1-14
4.1.7	Cumulative Impacts	4.1-14
4.1.8	Significant Unavoidable Impacts	4.1-15
4.1.9	References	4.1-15
4.2	AIR QUALITY.....	4.2-1
4.2.1	Introduction.....	4.2-1
4.2.2	Environmental Setting	4.2-1
4.2.3	Regulatory Setting	4.2-4
4.2.4	Impact Thresholds and Significance Criteria.....	4.2-12
4.2.5	Impacts and Mitigation Measures	4.2-16
4.2.6	Cumulative Impacts	4.2-31
4.2.7	Significant Unavoidable Impacts	4.2-31
4.2.8	References	4.2-32
4.3	BIOLOGICAL RESOURCES	4.3-1
4.3.1	Introduction.....	4.3-1
4.3.2	Environmental Setting	4.3-1
4.3.3	Regulatory Setting	4.3-6
4.3.4	Impact Thresholds and Significance Criteria.....	4.3-11
4.3.5	Impacts and Mitigation Measures	4.3-12
4.3.6	Cumulative Impacts	4.3-23
4.3.7	Significant Unavoidable Impacts	4.3-23
4.3.8	References	4.3-23

4.4	CULTURAL RESOURCES	4.4-1
4.4.1	Introduction	4.4-1
4.4.2	Environmental Setting	4.4-1
4.4.3	Regulatory Setting	4.4-5
4.4.4	Impact Thresholds and Significance Criteria.....	4.4-9
4.4.5	Impacts and Mitigation Measures	4.4-10
4.4.6	Cumulative Impacts	4.4-13
4.4.7	Significant Unavoidable Impacts	4.4-14
4.4.8	References	4.4-14
4.5	ENERGY	4.5-1
4.5.1	Introduction	4.5-1
4.5.2	Environmental Setting	4.5-1
4.5.3	Regulatory Setting	4.5-3
4.5.4	Impact Thresholds and Significance Criteria.....	4.5-9
4.5.5	Impacts and Mitigation Measures	4.5-9
4.5.6	Cumulative Impacts	4.5-16
4.5.7	Significant Unavoidable Impacts	4.5-17
4.5.8	References	4.5-17
4.6	GEOLOGY AND SOILS	4.6-1
4.6.1	Introduction	4.6-1
4.6.2	Environmental Setting	4.6-1
4.6.3	Regulatory Setting	4.6-8
4.6.4	Impact Thresholds and Significance Criteria.....	4.6-11
4.6.5	Impacts and Mitigation Measures	4.6-12
4.6.6	Cumulative Impacts	4.6-19
4.6.7	Significant Unavoidable Impacts	4.6-19
4.6.8	References	4.6-19
4.7	GREENHOUSE GAS EMISSIONS	4.7-1
4.7.1	Introduction	4.7-1
4.7.2	Environmental Setting	4.7-1

4.7.3	Regulatory Setting	4.7-3
4.7.4	Impact Thresholds and Significance Criteria.....	4.7-17
4.7.5	Impacts and Mitigation Measures	4.7-19
4.7.6	Cumulative Impacts	4.7-29
4.7.7	Significant Unavoidable Impacts	4.7-29
4.7.8	References	4.7-29
4.8	HAZARDS AND HAZARDOUS MATERIALS.....	4.8-1
4.8.1	Introduction.....	4.8-1
4.8.2	Environmental Setting	4.8-1
4.8.3	Regulatory Setting	4.8-5
4.8.4	Impact Thresholds and Significance Criteria.....	4.8-13
4.8.5	Impacts and Mitigation Measures	4.8-15
4.8.6	Cumulative Impacts	4.8-20
4.8.7	Significant Unavoidable Impacts	4.8-21
4.8.8	References	4.8-21
4.9	HYDROLOGY AND WATER QUALITY.....	4.9-1
4.9.1	Introduction.....	4.9-1
4.9.2	Environmental Setting	4.9-1
4.9.3	Regulatory Setting	4.9-2
4.9.4	Impact Thresholds and Significance Criteria.....	4.9-8
4.9.5	Impacts and Mitigation Measures	4.9-9
4.9.6	Cumulative Impacts	4.9-20
4.9.7	Significant Unavoidable Impacts	4.9-21
4.9.8	References	4.9-21
4.10	NOISE	4.10-1
4.10.1	Introduction.....	4.10-1
4.10.2	Environmental Setting	4.10-1
4.10.3	Regulatory Setting	4.10-3
4.10.4	Impact Thresholds and Significance Criteria.....	4.10-5
4.10.5	Impacts and Mitigation Measures	4.10-6

4.10.6	Cumulative Impacts	4.10-15
4.10.7	Significant Unavoidable Impacts	4.10-17
4.10.8	References	4.10-17
4.11	PUBLIC SERVICES	4.11-1
4.11.1	Introduction	4.11-1
4.11.2	Environmental Setting	4.11-1
4.11.3	Regulatory Setting	4.11-3
4.11.4	Impact Thresholds and Significance Criteria.....	4.11-10
4.11.5	Impacts and Mitigation Measures	4.11-11
4.11.6	Cumulative Impacts	4.11-16
4.11.7	Significant Unavoidable Impacts	4.11-17
4.11.8	References	4.11-17
4.12	TRANSPORTATION	4.12-1
4.12.1	Introduction	4.12-1
4.12.2	Environmental Setting	4.12-1
4.12.3	Regulatory Setting	4.12-4
4.12.4	Impact Thresholds and Significance Criteria.....	4.12-9
4.12.5	Impacts and Mitigation Measures	4.12-10
4.12.6	Cumulative Impacts	4.12-25
4.12.7	Significant Unavoidable Impacts	4.12-25
4.12.8	References	4.12-25
4.13	TRIBAL CULTURAL RESOURCES	4.13-1
4.13.1	Introduction	4.13-1
4.13.2	Environmental Setting	4.13-1
4.13.3	Regulatory Setting	4.13-3
4.13.4	Impact Thresholds and Significance Criteria.....	4.13-9
4.13.5	Impacts and Mitigation Measures	4.13-10
4.13.6	Cumulative Impacts	4.13-14
4.13.7	Significant Unavoidable Impacts	4.13-14
4.13.8	References	4.13-14

4.14	UTILITIES & SERVICE SYSTEMS	4.14-1
4.14.1	Introduction	4.14-1
4.14.2	Environmental Setting	4.14-1
4.14.3	Regulatory Setting	4.14-6
4.14.4	Impact Thresholds and Significance Criteria.....	4.14-12
4.14.5	Impacts and Mitigation Measures	4.14-13
4.14.6	Cumulative Impacts	4.14-20
4.14.7	Significant Unavoidable Impacts	4.14-21
4.14.8	References	4.14-21
4.15	WILDFIRE	4.15-1
4.15.1	Introduction	4.15-1
4.15.2	Environmental Setting	4.15-1
4.15.3	Regulatory Setting	4.15-4
4.15.4	Impact Thresholds and Significance Criteria.....	4.15-10
4.15.5	Impacts and Mitigation Measures	4.15-13
4.15.6	Cumulative Impacts	4.15-21
4.15.7	Significant Unavoidable Impacts	4.15-22
4.15.8	References	4.15-22
5.0	OTHER CEQA CONSIDERATIONS	5-1
5.1	Significant and Irreversible Environmental Changes	5-1
5.2	Growth Inducing Impacts	5-3
5.3	Mandatory Findings of Significance.....	5-5
5.4	References	5-8
6.0	ALTERNATIVES	6-1
6.1	Introduction	6-1
6.2	Project Objectives.....	6-3
6.3	Alternatives to the Project.....	6-3
6.4	Alternatives Removed from Further Consideration	6-4
6.5	Comparison of Alternatives	6-5
6.6	Environmentally Superior Alternative	6-20

7.0	EFFECTS FOUND NOT TO BE SIGNIFICANT.....	7-1
7.1	Introduction.....	7-1
7.2	Agriculture and Forestry Resources.....	7-1
7.3	Land Use and Planning	7-3
7.4	Mineral Resources	7-3
7.5	Population and Housing	7-4
7.6	Recreation	7-5
8.0	EIR CONSULTATION AND PREPARATION	8-1
8.1	EIR Consultation	8-1
8.2	List of Preparers.....	8-2

List of Tables

Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures	1-7
Table 3-1: Surrounding Land Uses, Land Use Designations, and Zoning	3-6
Table 3-2: Agency Approvals for the Project	3-12
Table 4-1: Cumulative Development Land Use Summary	4-5
Table 4.2-1: Sensitive Receptors.....	4.2-3
Table 4.2-2: Federal Ambient Air Quality Standards	4.2-4
Table 4.2-3: State Ambient Air Quality Standards	4.2-5
Table 4.2-4: South Coast Air Basin Attainment Status.....	4.2-10
Table 4.2-5: SCAQMD Emissions Thresholds	4.2-13
Table 4.2-6: Localized Significance Thresholds for Construction/Operations	4.2-14
Table 4.2-7: SCAQMD Toxic Air Contaminants Incremental Risk Thresholds	4.2-15
Table 4.2-8: Construction Emissions.....	4.2-22
Table 4.2-9: Operational Emissions	4.2-22
Table 4.2-10: Equipment-Specific Grading Rates	4.2-25
Table 4.2-11: Localized Significance of Construction Emissions	4.2-25
Table 4.2-12: Localized Significance of Operational Emissions	4.2-26
Table 4.2-13: Air Contaminants and Associated Public Health Concerns.....	4.2-28
Table 4.3-1: USACE/RWQCB Jurisdictional Resources Impacts	4.3-15

Table 4.3-2: CDFW/MSHCP Jurisdictional Resources Impacts.....	4.3-16
Table 4.4-1: Cultural Resources Recorded During the Field Survey	4.4-4
Table 4.5-1: Energy Resources used to Generate Electricity for Banning Electric Utility	4.5-2
Table 4.5-2: Energy Use During Construction.....	4.5-10
Table 4.5-3: Project Annual Energy Use During Operations	4.5-13
Table 4.6-1: LACNHM Findings	4.6-8
Table 4.7-1: Description of Greenhouse Gases	4.7-2
Table 4.7-2: Construction-Related GHG Emissions.....	4.7-19
Table 4.7-3: Project-Related GHG Emissions	4.7-20
Table 4.7-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency.....	4.7-26
Table 4.8-1: Site Reconnaissance Observations	4.8-4
Table 4.10-1: Existing Traffic Noise Levels.....	4.10-1
Table 4.10-2: Existing Noise Measurements	4.10-2
Table 4.10-3: Sensitive Receptors	4.10-2
Table 4.10-4: Base Ambient Noise Levels	4.10-4
Table 4.10-5: Maximum Residential Noise Levels	4.10-4
Table 4.10-6: Typical Construction Noise Levels	4.10-7
Table 4.10-7: Construction Noise Levels at Nearest Receptor	4.10-8
Table 4.10-8: Construction Traffic Noise Levels	4.10-9
Table 4.10-9: Opening Year and Opening Year Plus Project Traffic Noise Levels	4.10-12
Table 4.10-10: Typical Construction Equipment Vibration Levels	4.10-13
Table 4.10-11: Cumulative Off-Site Traffic Noise Levels.....	4.10-16
Table 4.12-1: Existing (2022) Intersection LOS Analysis AM and PM Peak Hour	4.12-3
Table 4.12-2 Existing (2022) Roadway Segment Capacity Analysis	4.12-4
Table 4.12-3: Summary of Improvements by Analysis Scenario.....	4.12-17
Table 4.12-4: Project HBW VMT Per Employee	4.12-20
Table 4.12-5: Project VMT Per Employee Comparison.....	4.12-20
Table 4.14-1: Service Providers	4.14-1
Table 4.14-2: Quantities of Available Water Supplies (AFY).....	4.14-3
Table 4.14-3: Landfill Capacities Serving the City of Banning.....	4.14-4

Table 4.14-4: Project Water Demand vs. Projected Water Demand by Sector	4.14-17
Table 4.14-5: Projected Wastewater Generation.....	4.14-18
Table 4.14-6: Projected Solid Waste Generation	4.14-19
Table 6-1: Comparison of Project Alternatives Environmental Impacts with the Project	6-21

List of Figures

Figure 3-1: Regional Vicinity Map.....	3-13
Figure 3-2: Local Vicinity Map	3-14
Figure 3-3: General Plan Land Use and Zoning Map.....	3-15
Figure 3-4: Plot Plan	3-16
Figure 3-5: Conceptual Landscape Plan.....	3-17
Figure 3-6: Elevations	3-18
Figure 4.1-1a: Visual Simulations.....	4.1-8
Figure 4.1-1b: Visual Simulations	4.1-9
Figure 4.1-1c: Visual Simulations.....	4.1-10
Figure 4.1-1d: Visual Simulations	4.1-11
Figure 4.3-1a: Proposed Mitigation Area	4.3-17
Figure 4.3-1b: Proposed Mitigation Area	4.3-18
Figure 4.12-1: On-site Truck Turning	4.12-24

Appendices (Provided under separate cover)

Appendix A – Notice of Preparation and Scoping Meeting Notice
Appendix B1 – Air Quality Assessment
Appendix B2 – Health Risk Assessment
Appendix C1 – Final Biological Resources Technical Report
Appendix C2 – Jurisdictional Delineation
Appendix C3 – Determination of Biologically Equivalent or Superior Preservation
Appendix D – Historical/Archaeological Resources Survey Report
Appendix E – Energy Calculations
Appendix F1 – Geotechnical Investigation

Appendix F2 – Paleontological Resources Assessment
Appendix G – Greenhouse Gas Assessment
Appendix H – Phase I Environmental Site Assessment
Appendix I1 – Preliminary Offsite Hydrology and Flood Hazard Assessment
Appendix I2 – Preliminary Water Quality Management Plan
Appendix I3 – Preliminary Drainage Report
Appendix J – Acoustical Assessment
Appendix K1 – Traffic Analysis
Appendix K2 – VMT Analysis
Appendix L – Draft Water Supply Assessment
Appendix M1 – Fire Protection Plan
Appendix M2 – Wildfire Evacuation Plan

1.0 EXECUTIVE SUMMARY

1.1 Introduction

The purpose of this Draft Environmental Impact Report (Draft EIR) is to inform decision-makers, representatives of affected and responsible agencies, the public, and other interested parties of the potential environmental effects that may result from implementation of the Banning Commerce Center (Project). This Draft EIR (State Clearinghouse No. 2022090102) for the Project was prepared to: (1) identify the potential environmental impacts of the Project utilizing the revised CEQA Appendix G Environmental Checklist Form (2022); (2) discuss alternatives to the Project; and (3) propose mitigation measures that will avoid, offset, or minimize significant environmental impacts of the Project. This document was prepared in conformance with the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000, et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000, et seq.). More specifically, this summary has been prepared in accordance with California Public Resources Code, Section 21061 and CEQA Guidelines §15123, Summary.

CEQA requires that projects subject to approval by a public agency of the State of California, and that are not otherwise exempt or excluded, undergo an environmental review process to identify and evaluate potential impacts. CEQA Guidelines §15050 states that environmental review shall be conducted by the Lead Agency, defined in CEQA Guidelines §15367 as the public agency with principal responsibility for approving a project. The Project is subject to approval actions by the City, which is, therefore the Lead Agency for CEQA purposes. In accordance with CEQA Guidelines §15123, this section of the Draft EIR provides a brief description of the Project; identifies significant effects and proposed mitigation measures or alternatives that would reduce or avoid those effects; and describes areas of controversy and issues to be resolved.

The Draft EIR also evaluates a range of potential feasible alternatives anticipated to reduce significant impacts of the Project, including a No Project Alternative, Reduced Building Intensity Alternative, and a Two Building Alternative. This Draft EIR has been prepared for the City, pursuant to the requirements of CEQA.

Pursuant to CEQA Guidelines §15082, the City circulated a Notice of Preparation (NOP) advising public agencies, special districts, and members of the public who had requested such notice that an EIR for the Project was being prepared. The NOP was distributed on August 29, 2022 to solicit comments related to the proposed construction of the Project. The NOP was circulated with a 30-day public review period ending on September 28, 2022. This process and the comments submitted in response to the NOP are discussed in **Section 1.4: Areas of Controversy**, below.

After receiving public comments on the NOP, the Project was analyzed for its potential to result in environmental impacts. Impacts were evaluated in accordance with the significance criteria presented in Appendix G, “Environmental Checklist Form,” of the CEQA Guidelines. The criteria in the Environmental Checklist Form (checklist), was used to determine if the Project would result in, “no impact,” “less than significant impact,” “less than significant impact with mitigation measures,” or “potentially significant

impact” to a particular environmental resource. In some instances, a project may use the checklist to provide an initial discussion of a project and to screen out certain topics from a full discussion in the Draft EIR. This Draft EIR discusses all environmental resources in CEQA Guidelines, Appendix G. A table listing the significant Project impacts and any associated mitigation measures is included at the end of this summary in **Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures**.

This Draft EIR describes the existing environmental resources on the Project site and in the vicinity of the site, analyzes potential impacts on those resources that would or could occur upon initiation of the Project, and identifies mitigation measures that could avoid or reduce the magnitude of those impacts determined to be significant. The environmental impacts evaluated in this Draft EIR concern several subject areas, including aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, transportation, tribal cultural resources, utilities and service systems, and wildfire. As noted in the preceding paragraph, public comment was received during the NOP process and included written letters provided to the City. In addition to the summarized list of comments below, a copy of the letters with the NOP is provided in **Appendix A** to this Draft EIR. The comments were used, as intended, to help inform the discussion of this Draft EIR and help determine the scope and framework of certain topical discussions.

The Draft EIR will be subject to further review and comment by the public, as well as responsible agencies and other interested jurisdictions, agencies, and organizations for a period of 45 days.

Following the public review period, written responses to all comments received on the Draft EIR will be prepared. Those written responses, and any other necessary changes to the Draft EIR, will constitute the Final EIR and will be submitted to the City Council for their consideration. If the City finds that the Final EIR is “adequate and complete” in accordance with the CEQA Guidelines, the City may certify the EIR. The City Council would also consider the adoption of Findings of Fact pertaining to the EIR, specific mitigation measures, a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Plan (MMRP). Upon review and consideration of the Final EIR, the hearing body would take action concerning the Project.

Regarding the MMRP, CEQA Guidelines §15097 requires public agencies to set up monitoring and reporting programs to ensure compliance with mitigation measures, which are adopted or made as a condition of project approval and designed to mitigate or avoid the significant environmental effects identified in EIRs. A MMRP incorporating the mitigation measures set forth in this EIR will be considered and acted upon by the City decision-makers concurrent with adoption of the findings of this EIR and prior to approval of the Project.

1.2 Project Overview

Project Location

The approximately total 131.28 net-acre Project site is generally located within the eastern portion of the City of Banning, within the County of Riverside. Regional access to the Project site is available from Interstate 10 (I-10) via Hargrave Street and Ramsey Street. Local access is provided by Hathaway Street,

located east of the site; Wilson Street would be extended eastward as part of the Project and would bisect the northerly portion of the Project site. The Project site comprises eight Assessor's Parcel Numbers (APNs): 532-030-008, 532-030-009, 532-080-008, 532-080-010, 532-090-026, 532-090-028, 532-090-030, and 532-110-015.

Project Description

The Project proposes the development of approximately 1,320,284 square feet of warehouse space (including office space) within one concrete tilt-up building. The Project also proposes associated facilities and improvements of the Project site including loading dock doors, on-site landscaping, and related on-site and off-site improvements. The Project also includes various discretionary approvals including a plot plan, development agreement, major land use action review, and tentative parcel map approval. Other permits required for the Project may include, but are not limited to, the following: issuance of encroachment permits for driveways, sidewalks, and utilities; security and parking area lighting; demolition permits; building permits; grading permits; tenant improvement permits; and permits for new utility connections. It should be noted that the Project would develop the Project site and the building shell. The Project does not include future tenant improvements. However, the Project analysis within this Draft EIR may provide mitigation measures for future improvements that could happen within the Project site or building shell.

1.3 Project Objectives

The Project would implement the goals and policies of the City's General Plan. The following objectives have been established for the Project by the City and Project applicant:

- Objective 1:** Develop an industrial project that conforms to the City's General Plan and Municipal Code.
- Objective 2:** Provide a new development that will generate a positive fiscal balance for the City moving forward.
- Objective 3:** Design and build a Class-A institutional quality industrial project that will attract high end tenants and increase the City's tax base.
- Objective 4:** Generate employment opportunities within the City while improving the local balance of housing to job ratio.
- Objective 5:** Facilitate the movement of goods and services for the benefit of local and regional economic growth.
- Objective 6:** Develop a warehouse project adjacent to transportation corridors, truck routes, local amenities, and the nearby Interstate 10 Freeway for employee convenience and efficiencies of transporting goods.
- Objective 7:** Develop a warehouse project which efficiently uses the property, while conforming with all City regulatory policies.
- Objective 8:** Improve public safety and traffic flow in eastern Banning with roadway and infrastructure improvements.

- Objective 9:** Provide enhanced landscaping along City designated corridors with the construction of wide streets and landscaped setbacks.
- Objective 10:** Provide the required infrastructure for Project operation for future growth and prosperity of the surrounding benefit area that will serve the immediate and long term needs of the community.

1.4 Areas of Controversy

State CEQA Guidelines §15123 (b)(2) and (3) require that this section of the Project EIR identify areas of controversy known to the Lead Agency, issues raised by agencies and the public, and issues to be resolved, including the choice among alternatives and whether, or how to, mitigate the significant effects. The following issues of concern have been identified during the review period of the distribution of the Notice of Preparation (NOP) and public meetings:

- Potential impacts to air quality. (Draft EIR **Section 4.2: Air Quality**)
- Potential impacts to biological resources and on wildlife linkages. (Draft EIR **Section 4.3: Biological Resources**)
- Potential impacts to transportation systems. (Draft EIR **Section 4.12: Transportation**)

1.5 Significant and Unavoidable Impacts

The Project's potentially significant impacts are defined in **Section 4.1: Aesthetics** through **Section 4.15: Wildfire** of this Draft EIR. As noted in these sections, most of the potentially significant impacts identified can be mitigated to a less than significant level through implementation of Project Design Features (PDFs), standard conditions, and feasible mitigation measures. There are unavoidable significant impacts associated with air quality, greenhouse gas emissions, and transportation, as summarized below:

- Air Quality
 - Air Quality Management Plan (AQMP) Consistency. Although the Project would not directly conflict with the 2022 AQMP and Southern California Association of Governments' goals and policies, the project's exceedance of regional criteria pollutant thresholds would potentially result in a long-term impact on the region's ability to meet state and federal air quality standards.
 - Project-Related Construction and Operational Emissions. Despite implementation of mitigation measures, the Project's criteria pollutant emissions would remain above South Coast Air Quality Management District (SCAQMD) thresholds resulting in a significant and unavoidable impact (Impact 4.2-2). However, localized impacts would be less than significant (Impact 4.2-3).
 - Cumulative Emissions. As stated above, construction and operational activities would create a significant and unavoidable impact due to exceedances of SCAQMD regional thresholds. Implementation of **MM AQ-1** through **MM AQ-9** would reduce impacts; however, a significant and unavoidable impact would remain.

- Greenhouse Gas Emissions
 - Despite consistency with the County’s GHG Reduction Plan and compliance with various California Air Resources Board and SCAQMD emissions reduction programs, the Project’s emissions would be considered significant and unavoidable despite the implementation of PDFs, Standard Conditions, and Mitigation Measures.
- Transportation
 - Project Buildout is estimated to exceed the City’s adopted vehicle miles traveled (VMT) threshold. Regardless of potential reductions in VMT through feasible reduction measures, reductions in VMT cannot be accurately estimated or guaranteed. Even with implementation of regulatory requirements, and consideration of mitigation, PDFs, and standard conditions, the Project would result in significant and unavoidable impacts.

1.6 Alternatives to the Project

State CEQA Guidelines §15126.6(a) requires an EIR to provide a selection of suitable alternatives to a project, or a project location, which would realistically reduce the project’s impacts to the environment while retaining the main character of the project. In response to the potentially significant impacts that were identified, the Draft EIR includes the following alternatives for consideration by decision-makers upon actions related to the Project:

Alternative 1: No Project Alternative (No Warehouse Development or Off-Site Improvements)

The purpose of describing and analyzing a No Project Alternative is to allow decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project. The No Project Analysis is required to discuss the existing conditions (at the time the Notice of Preparation was published on August 29, 2022), as well as what would be reasonably expected to occur in the foreseeable future, if the Project were not approved, based on current plans and consistent with available infrastructure and services.

Under the No Project Alternative, the following would occur:

- The Applicant would not improve the site with the proposed development of warehouse uses, and the site would remain as it currently exists.
- The proposed Project internal public roadways and recommended off-site intersection improvements would not be constructed.

Alternative 2: Reduced Building Intensity Alternative

The Reduced Building Intensity Alternative would reduce the building area by approximately 15 percent. Parking areas and truck parking would remain. Under the Reduced Building Intensity Alternative, the following would occur:

- The up to approximately 1,320,284 square feet of warehouse uses would be reduced to approximately 1,122,000 square feet.
- All other improvements would remain.
- Project objectives would not be satisfied to the degree of the Project.

Alternative 3: Two Building Alternative

The Two Building Alternative would develop two warehouse buildings, rather than one. One building would be approximately 1,000,000 square-feet and the other building would be approximately 293,600 square-feet, for a total of 1,293,600 square-feet of combined warehouse building space. This equates to an overall 2 percent reduction in building size compared to the proposed Project. Under the Two Building Alternative, the following would occur:

- The alternative would produce some significant and unavoidable impacts in a manner similar to the Project.
- The total parking area, landscape area, and roadway improvements would not change when compared to the Project.
- Project objectives would be satisfied to the degree of the Project.

Environmentally Superior Alternative

State CEQA Guidelines require that an Environmentally Superior Alternative be identified for each project. The No Project Alternative is the environmentally superior alternative because it would avoid many of the proposed project's impacts. Therefore, in compliance with CEQA requirements, this Draft EIR also identifies an environmentally superior alternative among the other alternatives. Based on analysis conducted in **Section 6.0: Alternatives**, Alternative 3 (Two Building Alternative) was chosen as the Environmentally Superior Alternative. These alternatives are further discussed in **Section 6.0: Alternatives**.

1.7 Issues to be Resolved

The CEQA Guidelines require that an EIR present issues to be resolved by the Lead Agency. These issues include the choice between alternatives and whether or how to mitigate potentially significant impacts. The major issues to be resolved by the City regarding the Project are whether:

- Recommended mitigation measures should be adopted or modified;
- Different mitigation measures need to be applied to the Project; and
- The Project or an alternative should or should not be approved.

1.8 Summary of Environmental Impacts & Mitigation Measures

Table ES-1: Summary of Project Impacts and Proposed Mitigation Measures below provides a summary of significant impacts and proposed mitigation measures associated with the Project as identified in this EIR. Refer to **Sections 4.1: Aesthetics** through **4.15: Wildfire** for a detailed description of the environmental impacts and mitigation measures for the Project. All impacts of the Project can be mitigated to less than significant levels with the exception of air quality, greenhouse gas emissions, and transportation.

Table ES-1: Summary of Significant Impacts and Proposed Mitigation Measures

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.2, Air Quality		
Impact 4.2-1 Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Significant and Unavoidable	MM AQ-1 The Project shall utilize “Super-Compliant” low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings. Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Prior to issuance of a building permit, the City Building and Safety Department shall confirm that plans include the following specifications: <ul style="list-style-type: none"> ▪ All architectural coatings will be super-compliant low VOC paints. ▪ Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints. ▪ Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors. ▪ For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org). ▪ Use compliant low-VOC cleaning solvents to clean paint application equipment. ▪ Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions. ▪ Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable. ▪ Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>MM AQ-2 Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:</p> <ul style="list-style-type: none"> ▪ Provide a transportation information center and on-site TDM coordinator to educate employers, employees, and visitors of surrounding transportation options. ▪ Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day. ▪ Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service. ▪ Incorporate incentives for using alternative travel modes, such as preferential carpool/vanpool parking or others. ▪ Each building shall provide preferred parking for electric, low-emitting and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces. <p>This mitigation measure applies only to tenant occupancy and not the building shell approvals.</p> <p>MM AQ-3 Prior to the issuance of a building permit for the Shell Design, the Planning Department shall confirm that the Project is designed to include the following:</p> <ul style="list-style-type: none"> ▪ The buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site. ▪ Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the Project Applicant during construction

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.</p> <p>This mitigation measure applies only to building shell approvals and not the tenant improvements.</p> <p>MM AQ-4 Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that all truck access gates and loading docks within the Project site have a sign posted that states:</p> <ul style="list-style-type: none"> ▪ Truck drivers shall turn off engines when not in use. ▪ Truck drivers shall shut down the engine after five minutes of continuous idling operation (pursuant to Title 13 of the California Code of Regulations, Section 2485). Once the vehicle is stopped, the transmission is set to “neutral” or “park,” and the parking brake is engaged. ▪ Telephone numbers of the building facilities manager and CARB to report violations. ▪ Signs shall also inform truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas. <p>This mitigation measure applies only to tenant improvements and not the building shell approvals.</p> <p>MM AQ-5 Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption. This mitigation measure applies only to tenant improvements and not the building shell approvals.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		MM AQ-6 The Project shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission/powered by electricity. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.
Impact 4.2-2 Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Significant and Unavoidable	See MM AQ-2 through MM AQ-6 above.
Impact 4.2-3 Would the Project expose sensitive receptors to substantial pollutant concentrations?	Less than Significant with Mitigation Incorporated	See MM AQ-6 above.
Section 4.3, Biological Resources		
Impact 4.3-1 Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than Significant with Mitigation Incorporated	MM BIO-1 Burrowing Owl 30-Day Pre-construction Surveys. A 30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the City of Banning and the Wildlife Agencies and will need to coordinate further with City and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>disturbed. If burrowing owl is found, the same coordination described above will be necessary.</p> <p>MM BIO-2 Nesting Bird Preconstruction Surveys. Regulatory requirement for potential direct/indirect impacts to nesting common and sensitive bird species will require compliance with the CDFG Code Section 3503. Construction outside the nesting season (between September 1st and January 31st) does not require pre-removal nesting bird surveys. If construction is proposed between February 1st and August 31st, a qualified biologist will conduct a preconstruction nesting bird and raptor survey(s) no more than three days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent to the Project site.</p> <p>The survey(s) will focus on identifying any bird nests that would be directly or indirectly affected by construction activities. If active nests are documented, species-specific measures will be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest will be postponed until the young birds have fledged. The perimeter of the nest setback zone will be fenced or adequately demarcated with stakes and flagging at 20-foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, will be submitted to the City of Banning for review and approval prior to initiation of grading in the nest-setback zone.</p> <p>The qualified biologist will serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A final monitoring report of the findings, prepared by a qualified biologist, will be submitted to the City of Banning documenting compliance with the CDFG Code. Any nest permanently vacated for the season would not warrant protection pursuant to the CDFG Code.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Impact 4.3-2 Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than Significant with Mitigation Incorporated	See MM BIO-3 below.
Impact 4.3-3 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?	Less than Significant with Mitigation Incorporated	<p>MM BIO-3 USACE/CDFW/RWQCB Riverine Resources. Prior to the issuance of a grading permit, the Project applicant will obtain a USACE Section 404 Nation Wide Permit, RWQCB Section 401 Water Quality Certificate, and CDFW Section 1602 Streambed Alteration Agreement.</p> <p>Currently, the impacted drainages and overall watershed are not within an area served by an approved mitigation bank. Depending on the timing of impacts and issuance of regulatory permits, should a mitigation bank become approved for the Whitewater River watershed, 1.62-acres of habitat creation credits from an approved bank will be purchased. However, since at this time no mitigation bank is approved for the Whitewater Watershed, it is assumed 1.62-acres of on-site creation is required as outlined below. If it is determined that on-site mitigation is not feasible, creation of non-wetland waters at an off-site location would be required. The off-site location would be required to have a conservation easement or deed restriction placed over the mitigation area to ensure the site remains mitigation in perpetuity. Additionally, whether on or off-site, the mitigation site will require long-term maintenance and management by a qualified conservancy and payment of a non-wasting endowment to fund the long-term maintenance.</p> <p>To meet the criteria of a biologically equivalent or superior alternative, the applicant will offset permanent impacts to 0.54-acre of MSHCP Section 6.1.2 riverine resources (CDFW jurisdictional resource) as follows including the preparation of an MSHCP DBESP.</p> <ul style="list-style-type: none"> Permanent impacts to 0.54-acres of jurisdictional features will be mitigated at a minimum of a 3:1 ratio (1.62 acres) through the creation of in-kind habitat on-site along the eastern and northern most Project boundary. If it is determined that on-

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>site mitigation or off-site is not feasible, additional alternatives could include payment into an acceptable and approved mitigation bank should one become available at the time of impacts and permitting.</p> <ul style="list-style-type: none"> ▪ A Habitat Mitigation and Monitoring Plan for the creation of in-kind habitat will be prepared, reviewed, and approved by the City of Banning, USACE, RWQCB and CDFW. The created habitat will be monitored by the Project proponent for a minimum of 5 years; monitoring reports shall be provided to the City of Banning and appropriate regulatory agency on an annual basis. The restoration area must meet standardized success criteria as described in a Habitat Mitigation and Monitoring Plan, which will be required as part of the permit process and approved by the Resource Agencies. ▪ A DBESP will be also prepared, reviewed, and approved by the City of Banning and MSHCP wildlife agencies.
Impact 4.3-6 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?	Less than Significant with Mitigation Incorporated	See MM BIO-1 through MM BIO-3 above.
Section 4.4, Cultural Resources		
Impact 4.4-2 Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	Less than Significant with Mitigation Incorporated	MM CUL-1 Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a qualified archaeologist. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, to identify and further evaluate any cultural resources that may be discovered in the Project area. A qualified archaeologist and/or Native American monitor(s) from Consulting Tribe(s) shall be retained to attend pre-grading meetings and to monitor earth moving activities, including clearing, grubbing, cutting, and trenching at the site. The archaeologist and/or Native American monitor(s) from Consulting Tribe(s) shall carefully inspect these areas to assess the potential for significant prehistoric or historic remains. If potential archaeological and historical resources are uncovered, the construction contractor shall cease grading

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>operations in the vicinity of the find until further evaluation is undertaken to assess the discovery. Further subsurface investigation may be needed if the resource is determined unique or important for its prehistoric or historic information.</p> <p>MM CUL-2 If archaeological remnants are discovered during monitoring, the archaeologist and/or Native American monitor(s) from Consulting Tribe(s) shall have the authority to divert construction in order to assess the significance of the find. Remnants shall be properly evaluated, documented, and deposited as applicable, consistent with State and local protocols.</p>
<p>Impact 4.4-3 Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?</p>	Less than Significant with Mitigation Incorporated	<p>MM CUL-3 If previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.</p>
Section 4.6, Geology and Soils		
<p>Impact 4.6-4 Would the Project result in substantial soil erosion or the loss of topsoil?</p>	Less than Significant with Mitigation Incorporated	<p>MM GEO-1 The Project would comply with the grading guidelines and all recommendations provided in the Geotechnical Investigation prepared for the Project and approved by the City.</p>
<p>Impact 4.6-8 directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>	Less than Significant with Mitigation Incorporated	<p>MM GEO-2 The Applicant will submit a Paleontological Resources Impact Mitigation Program (PRIMP) prepared by a qualified paleontologist to the City's community Development Director, or designee, prior to the issuance of a grading permit. A qualified paleontologist is defined as an individual with an M.S./M.A. or Ph.D. in paleontology</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>or geology who is familiar with paleontological procedures and techniques, and who is knowledgeable in the geology and paleontology of the area.</p> <p>MM GEO-3 A qualified paleontologist will attend preconstruction meetings to consult with the grading and excavation contractors concerning planned depths, excavation schedules, paleontological field techniques, and safety issues. In addition, all on-site construction personnel will receive Worker Education and Awareness Program (WEAP) training prior to the commencement of excavation work. All ground-disturbing activities associated with Project construction occurring within previously undisturbed fossil bearing formations will be monitored by a qualified paleontologist or qualified paleontological monitor. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and works under the direction of a qualified paleontologist. If fossils are discovered, the paleontologist (or paleontological monitor) will recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) will be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.</p> <p>MM GEO-4 Fossil remains collected during the monitoring and salvage portion of the program will be cleaned, repaired, sorted, and catalogued. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, will be deposited (as a donation) in a scientific institution with permanent paleontological collections located within Riverside County (or, if no repository is available, adjacent Counties). A final data recovery report will be completed that outlines the results on the paleontological monitoring program. This report will include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. The report will be submitted to the City's Community Development Director, or designee, upon completion.</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.7, Greenhouse Gas Emissions		
Impact 4.7-1 Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?	Significant and Unavoidable	<p>See MM AQ-2 through MM AQ-6 above.</p> <p>MM GHG-1 Prior to issuance of tenant occupancy permits, the Project shall be required to install a solar photovoltaic (PV) system or otherwise acquire energy from the local utility that has been generated by renewable sources, sufficient to power the anticipated initial improvements for the warehouse (i.e., the Title 24 electricity demand and the plug-load). The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the off-site export, the proposed Project may utilize a battery energy storage system (BESS) to lower off-site export while maintaining on-site renewable generation to off-set consumption. The building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage.</p> <p>In addition, to ensure that the Project's electrical room(s) is sufficiently sized to accommodate the potential need for additional electrical panels, either (1) a secondary electrical room shall be provided in the building, or (2) the primary electrical room shall be sized 25 percent larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25 percent excess demand capacity.</p> <p>MM GHG-2 Prior to the issuance of a building permit, the Project Applicant or successor in interest shall provide documentation to the City of Banning demonstrating that the Project is designed to achieve Leadership in Energy and Environmental Design (LEED) standards or meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application.</p> <p>MM GHG-3 The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with County standards for Recyclable Collection and</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>Loading Areas, and the facility's operator shall be required to provide the City with a copy of the Project's recycling program. This mitigation measure applies only to tenant permits and not the building shell approvals.</p> <p>MM GHG-4 Prior to issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that all landscaping equipment used on-site shall be 100 percent electrically powered. This mitigation measure applies only to tenant permits and not the building shell approvals.</p> <p>MM GHG-5 Conduits for the installation of electrical hookups to allow future electric vehicle (EV) trucks and trucks with auxiliary power units (APU) shall be installed at a ratio of one charging station for every 50 dock high doors.</p>
<p>Impact 4.7-2 Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?</p>	Significant and Unavoidable	See MM AQ-2 through MM AQ-6 and MM GHG-1 through MM GHG-5 above.
Section 4.12, Transportation		
<p>Impact 4.12-2 Would the Project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?</p>	Significant and Unavoidable	<p>MM TRANS-1 Prior to the issuance of Certificate of Occupancy for future tenants, the future tenant shall demonstrate implementation of reasonable and feasible VMT reduction measures to the satisfaction of the City of Banning Planning Director. Measures to be considered include, but are not limited to VMT strategy reduction measures:</p> <p><i>Potential VMT Reduction Strategies</i></p> <p>The following are potential VMT reduction measures that could be implemented:</p> <ul style="list-style-type: none"> ▪ The Project may implement a Voluntary Commute Trip Reduction (CTR) measure. The purpose of the CTR would be to encourage alternative modes of transportation such as carpooling, which would reduce VMT. A proposed CTR program for this Project could include providing on-site and/or online commute information services including information on available transit and ride coordination for employees.

Resource Impact	Level of Significance	Mitigation Measure(s)
		<ul style="list-style-type: none"> ▪ The Project could provide designated carpool/vanpool parking in desirable locations on-site, which could encourage employees to carpool/vanpool to work and reduce VMT. ▪ The Project could install end-of-trip facilities such as bicycle parking and lockers which could encourage employees to use alternative modes of transportation and thus reduce VMT. <p>The Project could increase sidewalks along the Project frontage and provide connections to existing trails (if applicable) in order to improve pedestrian access. This measure could encourage employees to walk to nearby destinations and thus reduce VMT.</p>
Section 4.13, Tribal Cultural Resources		
<p>Impact 4.13-1 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 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 cultural value to a California Native American tribe, and that is:</p> <ul style="list-style-type: none"> i) 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 § 5020.1(k), or ii) 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 	<p>Less than Significant Impact with Mitigation Incorporated</p>	<p>MM TCR-1 Native American Treatment Agreement: Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.</p> <p>MM TCR-2 Retention of Archaeologist: Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind) and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO) and/or designated Tribal Representative. The training session will focus on</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>what the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities, and the procedures to be followed in such an event.</p> <p>MM TCR-3 Cultural Resource Management Plan: Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing and responsibility of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.</p> <p>MM TCR-4 Pre-Grade Meeting: The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.</p> <p>MM TCR-5 On-site Monitoring: During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.</p> <p>MM TCR-6 Inadvertent Discovery of Cultural Resources: In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>be minimally documented in the field and collected so the monitored grading can proceed.</p> <p>If a potentially significant cultural resource(s) is discovered, work shall stop within 60-feet of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the consulting Tribe[s] and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the Tribal Cultural Resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatment and dispositions of significant cultural resources in order of CEQAs preference:</p> <ul style="list-style-type: none"> ▪ Full avoidance. ▪ If avoidance is not feasible, Preservation in place. ▪ If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction. ▪ If all other options have been proven to be infeasible, data recovery through excavation and curated in a Curation Facility that meets the Federal Curation Standards (CFR s79.1) <p>MM TCR-7 Inadvertent Discovery of Human Remains: The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].</p> <p>Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation,</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
		<p>excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within 100-feet of the discovery. The area shall be protected, project personnel/observers restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to come to his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.</p> <p>In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.</p> <p>The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make their recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98.</p> <p>If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to reburial the human remains and/or cremation and sacred items in their place of discovery with no further disturbance and reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribes Most Likely Descendant (MLD), the landowner, and the City Planning Department.</p> <p>MM TCR-8 Final Report: The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval from all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].</p>

Resource Impact	Level of Significance	Mitigation Measure(s)
Section 4.15, Wildfire		
Impact 4.15-3 If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?	Less than Significant with Mitigation Incorporated	MM FIRE-1 Fire Safety Requirements. The Project shall be required to comply with all Fire Safety Requirements as identified in Section 5 of the Fire Protection Plan prepared for the Project (Appendix M1 of this Draft EIR [SCH No. 2022090102]). Conformance with these requirements shall be verified by the City of Banning Community Development Department during design review prior to the issuance of building and grading permits.

2.0 INTRODUCTION AND PURPOSE

2.1 Purpose of the Environmental Impact Report

This document is a Draft Environmental Impact Report (EIR) prepared for the Banning Commerce Center Project (Project) in compliance with the California Environmental Quality Act (CEQA), Public Resources Code (PRC) §21000 et seq, and the California Code of Regulations (CCR) §15000 et seq. This Draft EIR has been prepared for the City of Banning (City) and evaluates the approximately 1,320,284 square-foot (SF) tilt-up industrial building consisting of 39,600 SF of office space and 1,280,400 SF of warehousing on 131.28 net acres generally located at the southeast corner of the intersection of Wilson Street and Hathaway Street. The Project site is located east of Hathaway Street; Wilson Street would be extended eastward as part of the Project and would bisect the northerly portion of the Project site, in the eastern portion of the City. The Project site comprises eight Assessor's Parcel Numbers (APNs): 532-030-008, 532-030-009, 532-080-008, 532-080-010, 532-090-026, 532-090-028, 532-090-030, and 532-110-015.

The Project site's existing City General Plan (General Plan) land use designation and zoning is Business Park (BP), refer to **Figure 3-3: General Plan Land Use and Zoning Map**. The Project would be consistent with the current land use designation and zoning. According to the City's General Plan, Business Park (BP) allows for light industrial manufacturing, office/warehouse buildings, restaurants and retail uses ancillary to a primary use, and professional offices. Commercial development, such as large-scale retail and mixed-use projects are conditionally permitted.

The Project does not propose any changes to the General Plan land use designation or zoning, nor does the Project propose any disallowed uses or require a conditional use permit.

This Draft EIR evaluates the potential impacts or benefits on the environment resulting from implementation of the Project. **Section 3.0: Project Description**, provides detailed descriptions of the construction and operational components of the Project. **Section 4.0: Environmental Analysis**, discusses the regulatory environment, existing conditions, environmental impacts, and mitigation measures for the Project. Following public review of the Draft EIR, a Final EIR will be prepared, in which the City will respond to public comments on the Draft EIR.

According to §15121 of the CEQA Guidelines, an EIR is an informational document which will inform public agency decision-makers and the public of the significant environmental effects of a proposed project. The purpose of this Draft EIR for the Project 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 or alternatives to reduce significant adverse environmental effects, as described in **Section 3.0: Project Description** and **Section 6.0: Alternatives**. The potential impacts include both temporary construction-related effects and the long-term effects of development, operation, and maintenance of the Project, as described in **Section 3.0: Project Description**.

The intent of this EIR is to address the potential Project impacts utilizing the most current and detailed plans, technical studies, and related information available. This EIR will be used by the City as the lead

agency, other responsible and trustee agencies, interested parties, and the general public to evaluate the potential environmental impacts of the Project.

2.2 Compliance with CEQA

According to the CEQA Guidelines (14 CCR §15064[f][1]), preparation of an EIR is required whenever a project may result in a significant effect on the environment. An EIR is an informational document used to inform public agency decision-makers and the general public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project that could feasibly attain most of the basic objectives of the project while substantially lessening or avoiding any of the significant environmental impacts. Public agencies are required to consider the information presented in the EIR when determining whether to approve a project. CEQA requires that state and local government agencies consider the environmental effects of projects over which they have discretionary authority before taking action on those projects.

This document analyzes the environmental effects of the Project to the degree of specificity appropriate to the current proposed actions, as required by §15146 of the CEQA Guidelines. The analysis considers the activities associated with the Project to determine the short-term and long-term effects associated with their implementation. This EIR discusses both direct and indirect impacts of the Project, as well as cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

Based on significance criteria, the effects of the Project have been categorized as either “no impact,” “less than significant,” “less than significant with mitigation incorporated,” or “significant unavoidable” (refer to **Section 4.0: Environmental Analysis**). Mitigation measures are recommended for potentially significant impacts, to avoid or lessen impacts. In the event the Project results in significant and unavoidable impacts, even with implementation of feasible mitigation measures, the decision-makers may approve the Project based on a “Statement of Overriding Considerations.” This determination would require the decision-makers to balance the benefits of the Project to determine if they outweigh identified unavoidable impacts. The CEQA Guidelines §15093 provides in part the following:

- CEQA requires that the decision-makers 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.”
- Where the decision of the public agency allows the occurrence of significant effects that are identified in the Final EIR but are not avoided or substantially lessened, the agency must state in writing the reason to support its action based on the Final EIR and/or other information on the record. This statement may be necessary if the agency also makes the finding under §15091 (a)(3) of the CEQA Guidelines.
- 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.

The Draft EIR is available to the public for review at the locations listed below and on the City website at:

- City of Banning, Community Development Department, 99 E. Ramsey Street, Banning, CA 92220.
- Banning Library, 21 West Nicolet Street, Banning, California 92220.
- City of Banning Website: <https://www.ci.banning.ca.us/>.
<https://www.cityofmenifee.us/325/Environmental-Notices-Documents>

In accordance with CEQA Guidelines §§15087 and 15105, this Draft EIR will be circulated for a 45-day public review period. The public is invited to comment in writing on the information contained in this document. Interested agencies and members of the public are invited to provide written comments on the Draft EIR and are encouraged to provide information that they believe should be included in the EIR.

Comment letters should be sent to:

Emery Papp, Senior Planner
Community Development Department
City of Banning
99 E. Ramsey Street
Banning, CA 92220
epapp@banningca.gov

Final EIR

Upon completion of the 45-day Draft EIR public review period, the City will evaluate all written comments received during the public review period on the Draft EIR. Pursuant to CEQA Guidelines §15088, the City will prepare written responses to comments raising environmental issues. Pursuant to CEQA Guidelines §15132 (Contents of Final Environmental Impact Report), the Final EIR will be prepared and will include:

- a) The draft EIR or a revision of the draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The lead agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the lead agency.

Additionally, pursuant to CEQA Guidelines §15088 (Evaluation of and Response to Comments), after the Final EIR is completed, the City will provide a written proposed response to each public agency on comments made by that public agency at least ten days prior to certifying the EIR.

Certification of the Final EIR

The Draft EIR, as revised by the Final EIR, will be considered by the Planning Commission and City Council (the decision-making body for the Project) for certification, consistent with CEQA Guidelines §15090, which states:

Prior to approving a project, the lead agency shall certify that:

1. The Final EIR has been completed in compliance with CEQA;
2. The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
3. The Final EIR reflects the lead agency's independent judgment and analysis.

Regarding the adequacy of an EIR, according to CEQA Guidelines §15151, "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure."

Project Consideration

After certification of the Final EIR, the City Council may consider approval of the Project. A decision to approve the Project would be accompanied by specific, written findings, in accordance with CEQA Guidelines §15091 and, if necessary, a specific, written Statement of Overriding Considerations, in accordance with CEQA Guidelines §15093.

2.3 Notice of Preparation/Early Consultation

In compliance with the CEQA Guidelines, the City has provided opportunities for various agencies and the public to participate in the environmental review process. During preparation of the Draft EIR, efforts were made to contact various federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of review in this document. This included the distribution of the Notice of Preparation (NOP) to various responsible agencies, trustee agencies, and interested parties. Pursuant to CEQA Guidelines §15082, the City circulated the NOP directly to public agencies, special districts, and members of the public who had requested such notice, and property owners. The NOP was distributed on August 29, 2022, with a 30-day public review period ending on September 28, 2022. The NOP and comment letters received are provided in **Appendix A: Notice of Preparation and Scoping Meeting Notice**.

During the scoping process, certain environmental topics were identified as having the potential for significant environmental impacts. The following issues identified as "potentially significant impact" in the NOP are addressed in detail in this EIR:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The NOP also noted that cumulative and growth-inducing impacts would be analyzed and that alternatives would be considered. Discussions of cumulative impacts can be found at the end of each resource section (**Sections 4.1 through 4.15** of this Draft EIR). A discussion of alternatives can be found in **Section 6.0**.

Public Scoping Meeting

A notice of a public scoping meeting for the Project was included within the NOP. A public scoping meeting was held on September 20, 2022, at 10:30 AM virtually via ZOOM.

A total of eight comment letters were received in response to the NOP. The comment letters received during the NOP comment period (August 29, 2022, through September 28, 2022), along with the NOP are included in **Appendix A**.

Areas of concern that were identified during the comment period include:

- Community impacts
- Air quality and noise impacts on students/community
- Transportation impacts
- Implementation of local hire and skilled and trained workforce requirements
- Vehicle miles traveled
- Wildlife impacts
- Drainage facilities

Native American Consultation

In accordance with Assembly Bill (AB) 52, the City requested formal tribal consultation with tribes on September 14, 2022. The following tribes were contacted for consultation: Cahuilla Band of Indians, Morongo Band of Mission Indians (MBMI), Ramona Band of Cahuilla Mission Indians, Santa Rosa Band of Mission Indians, Serrano Nation of Indians, and the Yuhaaviatam of San Manuel Nation (YSMN), and are detailed in **Section 4.13: Tribal Cultural Resources**.

During the 30-day consultation period, only the YSMN responded. YSMN sent a response by email on October 11, 2022. YSMN indicated that the Project was located outside of their ancestral territory and did not wish to consult. MBMI provided a response after the 30-day consultation period on September 3, 2023. MBMI requested to consult and provided mitigation measures they wished to have included as part of consultation. While consultation with MBMI fell outside the 30-day consultation period, the City wished to maintain good faith relations with the MBMI and as such, the suggested mitigation measures are included in this Draft EIR.

2.4 Format of the EIR

The purpose of this EIR is to enable the City and other responsible and trustee agencies and interested parties to evaluate the environmental impacts of the Project.

This Draft EIR is organized as follows:

- Section 1.0** **Executive Summary** provides a project summary and summary of environmental impacts, and the proposed mitigation measures and alternatives.
- Section 2.0** **Introduction** provides CEQA compliance information.
- Section 3.0** **Project Description** provides Project history, as well as the environmental setting, Project characteristics and objectives, phasing, and anticipated permits and approvals that may be required for the Project.
- Section 4.0** **Environmental Analysis** provides a discussion of the existing conditions for each of the environmental impact areas. This section also describes methodologies for significance determinations, identifies both short-term and long-term environmental impacts of the Project, recommends mitigation measures to reduce the significance of environmental impacts, and identifies any areas of potentially significant and unavoidable impacts. This section includes a discussion of cumulative impacts that could arise as a result of the implementation of the proposed Project.
- Section 5.0** **Other CEQA Considerations**, summarizes unavoidable significant impacts, and discusses significant irreversible environmental changes and growth-inducing impacts.
- Section 6.0** **Alternatives**, describes potential Project alternatives, including alternatives considered but rejected from further consideration, the No Project Alternative, various Project Alternatives, and identifies the Environmentally Superior Alternative.
- Section 7.0** **Effects Found Not to Be Significant**, describes potential impacts that have been determined not to be significant throughout the EIR process.
- Section 8.0** **EIR Consultation and Preparation** identifies the CEQA lead agency and EIR preparation team, as well as summarizes the EIR consultation process.
- Appendices** CEQA Guidelines §15147 states that the “information contained in an EIR shall include summarized...information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and that the “[p]lacement of highly technical and specialized analysis and data in the body of an EIR shall be avoided.” Therefore, the detailed technical studies, reports, and supporting documentation that were used in preparing this Draft EIR are bound separately as Technical Appendices.

2.5 Responsible and Trustee Agencies

Lead Agency

City of Banning

For this Project, the City of Banning is the lead agency under CEQA. This Draft EIR has been prepared in accordance with PRC §21000 et seq. and the State CEQA Guidelines (CCR §15000 et seq.). CEQA requires lead agencies to consider potential environmental effects that may occur with implementation of a project and to avoid or substantially lessen significant effects to the environment when feasible. When a project may have a significant effect on the environment, the agency with primary responsibility for carrying out or approving the project (the lead agency) is required to prepare an EIR.

Trustee, Responsible, and Cooperating Agencies

Other federal, state, and local agencies are involved in the review and approval of the Project, including trustee and responsible agencies under CEQA. Under CEQA, a trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California. A responsible agency is an agency other than the lead agency that has responsibility for carrying out or approving a project. Responsible and trustee agencies are consulted by the CEQA lead agency to ensure the opportunity for input and also review and comment on the Draft EIR. Responsible agencies also use the CEQA document in their decision-making. Several agencies other than the City of Banning may require permits, approvals, and/or consultation in order to implement various elements of the Project.

2.6 Incorporation by Reference

Pertinent documents relating to this EIR have been cited in accordance with CEQA Guidelines §15148 or have been incorporated by reference in accordance with CEQA Guidelines §15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR and are available for review online and at the City. Information contained within these documents has been utilized for various sections of this EIR.

The following documents have been incorporated by reference and cited as appropriate:

- The City of Banning General Plan, various elements, adopted by the City Council on January 31, 2006, and as currently amended.
- City of Banning General Plan with Zoning Overlay Map, January 1, 2016, and as currently amended.
- City of Banning Municipal Code (various chapters), approved through November 15, 2019.
- County of Riverside General Plan, various elements, adopted by the County Board of Supervisors on March 22, 2004.

The above-described documents are on file with the City of Banning Community Development Department, 99 E. Ramsey Street Banning, CA 92220 and are hereby incorporated by reference.

3.0 PROJECT DESCRIPTION

3.1 Purpose

The City of Banning (City), as the Lead Agency under the California Environmental Quality Act (CEQA), has prepared this Environmental Impact Report (EIR) for the Banning Commerce Center Project (Project). The following Project Description is provided in conformance with CEQA Guidelines §15124 and provides the geographic setting, Project location, Project setting, current City land use and zoning designations, Project characteristics, Project objectives, and discretionary actions required to implement the Project. This information is the basis for analyzing the Project's impacts on the existing physical environment in **Section 4.0** of this EIR. The Project Description contains the following:

1. The precise location and boundaries of the Project shown on a detailed map, along with a regional location map;
2. A statement of the objectives sought by the Project including the underlying purpose of the Project and Project benefits;
3. A description of the Project's technical, economic, and environmental characteristics along with engineering and public service facilities details;
4. A statement describing the intended uses of the EIR, including a list of all necessary approvals and permits, a list of agencies that may use the document in their decision-making, and a list of related consultation and environmental review necessary under local, state, and federal laws, regulations, and policies.

3.2 Project Location and Settings

The Project site is located in the eastern portion of the City of Banning, Riverside County; refer to **Figure 3-1: Regional Vicinity Map** and **Figure 3-2: Local Vicinity Map**. The Project is generally bounded by Interstate 10 (I-10) to the south with the Banning Municipal Airport located south of I-10; vacant land and the California Highway Patrol (CHP) Banning West Weigh Station to the east; and vacant lands to the north and west. Immediately north of the Project site is Morongo Tribal Land. The Project site is located east of the intersection of Hathaway Street and Morongo Road. Wilson Street would be extended eastward from this intersection, along the existing alignment of and within the dedicated right-of-way of Wilson Street, and would extend through the northern portion of the Project site. The Project site comprises eight Assessor's Parcel Numbers (APNs) totaling 131.28 acres: 532-030-008, 532-030-009, 532-080-008, 532-080-010, 532-090-026, 532-090-028, 532-090-030, 532-110-015.

3.3 Existing Site Conditions

The Project site consists of vacant, mostly undeveloped land that contains non-ornamental vegetation. The western portion of the Project site contains a 5-acre stockpile that is approximately 15 to 20 feet in height. The material originated during the grading of the western adjacent site.

Additionally, there is an existing Southern California Edison (SCE) 112-kilovolt (kV) transmission line that bisects the Project site in a southwest-northeast manner. An unpaved access/utility road exists to serve this transmission line. Additionally, there is an unpaved road that runs east-west along the northern portion of the Project site.

Topography

The Project site has gentle sloping and does not contain drastic elevation changes over short distances. The Project site has elevations ranging between $\pm 2,325$ feet (ft) above mean sea level (amsl) on the northwest corner of the Project site, at the intersection of Hathaway Street and Morongo Road, and $\pm 2,152$ ft amsl on the southeast corner of the Project site. There is approximately 173 ft of elevation difference across the Project site and the site gradient is approximately 3.8 percent.

Biology

A Draft Biological Resources Technical Report (BTR) (**Appendix C1**) and Jurisdictional Waters Evaluation (**Appendix C2**) was prepared for the Project by Cadre Environmental in September 2022. As part of the BTR prepared for the Project, a Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Habitat Assessment and Consistency Analysis was conducted. The BTR included a literature review, site reconnaissance, focused sensitive species surveys, impact analyses, and proposed mitigation/conservation measures. Based on habitat requirements for specific species, the availability and quality of on-site habitats, it was determined that the Project site has a potential to support five special status plant species and 14 special status wildlife species that are found regionally. However, based on the results of the field investigation, no special-status plant communities were observed on-site. Refer to **Section 4.3: Biological Resources** for more information.

Watershed

The existing drainage pattern for the Project site is characterized by sheet flows across the Project site towards the southeasterly corner of the Project site. Runoff is captured by an existing earthen ditch on the southern boundary of the Project site and is conveyed easterly into the California Department of Transportation (Caltrans) right-of-way. The Project site lies within the San Geronio River Watershed (HUC10: 1810020101)¹ and ultimately discharges into the Salton Sea. Refer to **Section 4.9: Hydrology and Water Quality** for more information.

Jurisdictional Conditions

As part of the BTR, a jurisdictional delineation was completed by Carlson Strategic Land Solutions (**Appendix C2**), with a survey being conducted on November 17, 2022. The delineation determined the boundaries or absence of potential wetland and non-wetland water subject to the regulatory jurisdiction of the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB),

¹ California State Water Resources Control Board. ND. *HUC Watersheds*. Retrieved from <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed October 2022).

and/or the California Department of Fish and Wildlife (CDFW). The jurisdictional delineation identified four drainage features that are subject to the regulatory jurisdictions of the previously named agencies.

A small portion of these drainage features, 0.18 acre, is subject to Section 404 of the Clean Water Act based on the USACE definition of “waters,” and are regulated Porter-Cologne waters under the jurisdiction of the RWQCB. Additionally, the Project site includes 0.54 acre of waters that meet CDFW characteristics in accordance with Fish and Game Code (FGC) §1600.

Seismic Conditions

The Project site is in an area that is subject to ground shaking due to earthquakes as is all of southern California; however, the Project is not located within a known fault zone. The nearest fault zone to the Project site is the San Gorgonio Pass fault located approximately one (1) mile to the east of the Project site. The San Gorgonio Pass fault generally runs in an east-west fashion along the northern portion of the San Gorgonio Pass and at the base of the San Bernardino Mountains. Other nearby major fault zones include the Beaumont Plain fault zone located approximately 5.50 miles to the southwest of the Project site.² The Project site is outside of an Alquist-Priolo Earthquake fault zone; the nearest Alquist-Priolo fault zone is approximately one (1) mile to the east of the Project site and is the San Gorgonio Pass fault.³ Refer to **Section 4.7: Geology and Soils** for more information.

Flood Zone Information

According to the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program’s Flood Insurance Rate Maps (FIRM) (Map No. 06065C0836G, rev August 28, 2008 and Map No. 06065C0837G, rev August 28, 2008), Project site lies within FEMA Flood Zone A and Zone X. The northeastern portion of the Project site is located within Zone A and the southern and western portion of the Project site is located in Zone X. Land designated as Zone X (un-shaded) are minimal flood hazard areas and are the areas above the 0.2-percent-annual-chance (or 500-year) flood level.⁴ Land designated as Zone A are areas with a 1 percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30-year mortgage.⁵ Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones. Refer to **Section 4.9: Hydrology and Water Quality** for more information.

Hazards and Hazardous Materials

There is an existing SCE distribution/transmission line and associated infrastructure on the Project site, and storm drain infrastructure along the O’Donnell Street roadway alignment (along the Project frontage). Otherwise, the Project site is entirely vacant and undisturbed and does not contain any hazards or hazardous materials due to historical uses on-site. A Phase I Environmental Site Assessment (ESA) was prepared by CASC Engineering and Consulting and is provided in **Appendix H**. The Phase I ESA determined

² United State Geologic Survey. ND. *U.S. Quaternary Faults*. Retrieved from <https://usgs.maps.arcgis.com/apps/webappviewer/index.html?id=5a6038b3a1684561a9b0aadf88412fcf> (accessed September 2022).

³ California Geologic Survey. 2022. *Earthquake Zone of Required Investigation*. Retrieved from <https://maps.conservation.ca.gov/cgs/EQZApp/app/> (accessed September 2022).

⁴ Federal Emergency Management Agency. 2022. *Glossary*. Retrieved from <https://www.fema.gov/about/glossary> (accessed September 2022).

⁵ Ibid.

that there was no visible evidence of any recognized environmental conditions (RECs) on-site. Refer to **Section 4.8: Hazards and Hazardous Materials** for more information.

Infrastructure and Utilities

Circulation

The Project site does not currently have direct access to the roadway network of the City of Banning. Wilson Street east of Hathaway Street and O'Donnell Street are platted roadway rights-of-way within the City that will be constructed to serve the Project. Full-width construction of Wilson Street, Nicolet Street, and O'Donnell Street would be constructed as part of coordination between the development of this Project, developers of adjacent properties and projects, and the City. Refer to **Section 4.12: Transportation** for more information and to **Figure 3-4**. Two unpaved utility access roads follow power transmission lines across the Project area, one in a southwest-northeast direction through the middle portion, and the other west-to-east near the northern Project boundary.

Transit/Rail

Metrolink is a commuter rail system serving the southern California region including Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties, as well as to the City of Oceanside in northern San Diego County. There is currently no Metrolink or other commuter rail service connection within the City. A Union Pacific owned and operated railroad, the Yuma Subdivision, runs parallel to I-10 through the City.

According to the City's General Plan, the Banning Municipal Transit System provides fixed route bus service along three routes, two of which are in Banning and one east to Cabazon.⁶ The nearest bus stop is located approximately 1.29 miles west of the southwestern-most corner of the Project site. This bus stop serves the Banning Justice Center and vicinity.

Utilities

Electricity

The City of Banning Public Works – Electric Utility Division provides electric services and facilities to the City and would provide services to the Project site. The City Electric Utility Division contracts with the Southern California Public Power Authority (SCPPA) for most of the City's power needs. SCPPA is a joint power that acquires energy from out of state sources. In addition, the City contracts with both public and private entities for the Provision of specialized services. There is an existing 115 kV sub-transmission line that bisects the Project site that would be relocated and partially undergrounded as part of the Project, refer to **Section 3.6: Proposed Project** for more information.

Natural Gas

Natural gas services and facilities are supplied to the City by Southern California Gas. Natural gas supplies originate from out of the State of California, transported by two major east-west trending gas pipelines. These high-pressured gas lines, of varying sizes, traverse through the eastern desert areas to the western

⁶ City of Banning. 2006. *City of Banning General Plan, Chapter III – Community Development; Page III-66*. Retrieved from <http://banning.ca.us/DocumentCenter/View/663/GP-Ch-III-Community-Development?bidId=> (accessed September 2022).

end of Riverside County. There is an existing transmission gas pipeline traversing the Project site in an east-west fashion on the northern portion of the Project site, along the Wilson Street roadway alignment. Additionally, there is a high-pressure distribution line located within the public right-of-way of Hathaway Street.⁷

Water

The City of Banning Public Works and Utilities Department provides domestic water services to the City and would provide services to the Project site. The City also provides water services to customers in unincorporated Riverside County located southwest of the City limits. The City owns and operates wells, reservoirs, and a distribution system to deliver domestic water within their service area. The distribution system serving the City consists of water lines ranging from 2-inches to 30-inches in diameter. Mapping of the existing water system for the City is included in the City of Banning Water Master Plan.

Wastewater Facilities

The City of Banning Public Works – Wastewater Division provides sanitary wastewater services to the City of Banning, and wastewater is treated at the Banning Wastewater Treatment Plant.

Wastewater is collected and conveyed via 8-, 10-, 15-, and 18-inch diameter sanitary sewer main lines which are connected to trunk lines. The trunk lines range in diameter from 24 to 30 inches. These trunk lines are located within the City’s major rights-of-way. Sewer services are provided by the City of Banning Public Works to customers within the City limits as well as portions of unincorporated Riverside County southeast of the City limits. Areas not served by the City sewer system utilize septic systems for wastewater treatment and disposal. As the Project site is vacant and no development has occurred historically, there are no existing sanitary collection pipes located on the Project site. Existing pipes are within the Hathaway Street right of way. There are no septic systems located within the Project site.

Storm Drainage

The City Public Works Department is responsible for maintaining the City’s storm drain system. Storm water infrastructure within the City is typically characterized by curb and gutter, storm drains, catch basins, underground storm water conveyance infrastructure and sewer, stormwater basins, and other appurtenant infrastructure. The O’Donnell Street right-of way, on the western boundary of the Project site, has various storm drain infrastructure, such as storm water catch basins and underground storm sewer. This infrastructure is along the proposed Project frontage. The Project site lies within the San Geronio River Watershed (HUC10: 1810020101). The ultimate discharge location for storm water runoff within the City is the Salton Sea.

3.4 General Plan Land Use and Zoning Designation

The Project site’s City of Banning General Plan (General Plan) land use designation and zoning is Business Park (BP), refer to **Figure 3-3: General Plan Land Use and Zoning Map**. According to the City’s General Plan, Business Park (BP) allows for light industrial manufacturing, office/warehouse buildings, restaurants

⁷ Southern California Gas. ND. *Gas Transmission Pipeline Interactive Map – Riverside*. Retrieved from <https://socalgas.maps.arcgis.com/apps/webappviewer/index.html?id=aaebac8286ea4e4b8e425e47771b8138> (accessed October 2022).

and retail uses ancillary to a primary use, and professional offices. The Project’s proposed industrial uses would therefore be consistent with the City’s land use designation and zoning. Commercial development, such as large-scale retail and mixed-use projects are conditionally permitted.

The Project does not propose any changes to the General Plan land use designation or zoning, nor does the Project propose any disallowed uses or require a conditional use permit.

3.5 Surrounding Land Uses

Existing land uses north of the Project site include vacant undeveloped land. The parcels directly north of the Project site lie within the Morongo Tribal Reservation and the County of Riverside. East of the Project site are vacant undeveloped parcels and the California Highway Patrol (CHP) Banning West Weigh Station. South of the Project site is I-10 and the Banning Municipal Airport. West of the Project site are vacant undeveloped parcels and a Caltrans maintenance facility. The center of the Project site is approximately 4,000 ft east of Hathaway Street. Refer to **Table 3-1: Surrounding Land Uses, Land Use Designations, and Zoning**.

Table 3-1: Surrounding Land Uses, Land Use Designations, and Zoning

Location	Existing Land Use	General Plan Land Use Designation	Zoning Classification
North	Vacant Undeveloped Land	Tribal Lands (Riverside County)	W-2 (Riverside County)
East	Vacant Undeveloped Land CHP Banning West Weigh Station	High Density Residential- 20/Affordable Housing Opportunity Business Park	High Density Residential- 20/Affordable Housing Opportunity Business Park
South	I-10 Banning Municipal Airport	Public Facilities – Railroad/Interstate Public Facilities – Airport Airport Industrial	Public Facilities – Railroad/Interstate Public Facilities - Airport Airport Industrial
West	Vacant Undeveloped Land Caltrans Maintenance Facility	Business Park	Business Park
<p>Source: City of Banning. 2021. <i>City of Banning General Plan Land Use and Zoning Map</i>. Retrieved from http://banning.ca.us/DocumentCenter/View/5462/Banning_GeneralPlan-and-Zoning-2021?bidId= (accessed September 2022).</p> <p>County of Riverside. 2021. <i>Map My County</i>. Retrieved from https://gis1.countyofriverside.us/Html5Viewer/index.html?viewer=MMC_Public (accessed September 2022).</p> <p>County of Riverside. 2021. <i>The Pass Area Plan</i>. Retrieved from https://planning.rctlma.org/Portals/14/genplan/GPA%202022/Compiled%20PAP_4-2022%20rev%2020220523.pdf?ver=2022-06-27-145220-010 (accessed September 2022).</p>			

3.6 Proposed Project

The Project applicant proposes the development of an approximately 1,320,284 square-foot (sf) tilt-up speculative industrial building consisting of approximately 39,600 sf of office space and 1,312,284 sf of warehousing on 131.28 acres (ac) generally located at the southeast corner of the intersection of Wilson Street and Hathaway Street. The location of office space within the speculative warehouse building is not currently known, however, it would likely be located on the southwestern or southeastern corners of the building. For the purposes of this Draft EIR and the analyses contained within, it is assumed that the Project would consist of approximately 640,200 sf of warehousing and approximately 640,200 sf of

high-cube fulfillment (sort) uses. The Project would include the construction of one concrete tilt-up building on a slab foundation, driveways, parking areas, landscaping, other appurtenant infrastructure, and roadway improvements along Project frontages, including the extension of Wilson Street to the future Cottonwood Avenue alignment (Cottonwood Avenue to be constructed by others). Refer to **Figure 3-4: Plot Plan**. Please note that the Plot Plan is subject to revision upon City Review and as Final Design and Engineering progresses. The building structure would be built to a maximum height of 50 ft, refer to **Figure 3-6: Elevations**.

The warehouse building would be oriented lengthwise along I-10 in a generally northeast-southwest orientation. Dock doors for trucks would be provided on the northwest and southeast faces of the building with associated truck maneuvering areas. Circulation for truck traffic on-site would be provided along the northern, eastern, and southern sides of the Project site.

Grading and Earthwork

Retaining walls would be constructed to address the approximately 173-foot elevation change across the Project site. These retaining walls would be located on the northwest and southeast portions of the Project site, with a maximum height of 30 ft. It is anticipated that a net import of 250,000 CY of earthwork will be required for the implementation of the Project. As part of the grading required for the Project, the maximum depth of excavation would be approximately 40 ft. below grade.

Hours of Operation and Employment

As the end-user of the Project is currently unknown and ultimate Project use is speculative, it is assumed that the Project would operate 24 hours a day, seven (7) days a week. Likewise, it is assumed that approximately 2,841 employees would be employed on-site across three (3) shifts (947 employees per shift).

Storm Drain

Storm drain infrastructure to be constructed by the Project would be installed as part of the roadway improvements of O'Donnell Street and Wilson Street along the Project frontages. These storm drains would be conveyed into existing City of Banning storm conveyance infrastructure. In addition, on-site storm water infrastructure, including storm catch basins, underground conveyance, concrete reinforced drainage swale on the northern Project boundary, and detention basins located on the southern and northern portions of the Project site, would be constructed to intercept and retain the 100-yr 3-hour stormwater flows pursuant to the City of Banning Code of Ordinances §13.24.110. A total of six detention basins are proposed on the Project site and have the capacity to detain 21.76 acre-feet of storm flows on the Project site.

A drainage swale is proposed along the northern boundary of the Project site which would intercept and convey off-site sheet flows and shallow concentrated flows from the north to the east then south along to eastern boundary of the Project site. These flows would be conveyed into existing Caltrans stormwater infrastructure located at the CHP Banning West Weigh Station.

Electrical Infrastructure

Existing on-site SCE transmission lines would be relocated to accommodate the Project. These transmission lines would be rerouted and installed underground within the rights-of-way of O'Donnell Street and Wilson Street as part of the off-site roadway improvements along the Project frontages. The undergrounding of above-ground electrical infrastructure would start at the intersection of Nicolet Street and O'Donnell Street, then northward along O'Donnell Street to the intersection of O'Donnell Street and Wilson Street, then eastward along Wilson Street to the eastern driveway along the northern portion of the Project site. At this point, the transmission line would daylight and continue along the proposed Wilson Street alignment to connect with the existing SCE transmission line at the northeast corner of the Project site.

Landscaping

Irrigated landscaped areas would be constructed as part of the Project. Landscaping would include drought-tolerant shrubs, ground cover, and ornamental trees. The storm water basin(s) would be planted with grasses and shrubs tolerant of seasonal water inundation. Landscaping would be planted along Project frontages to provide screening from the public rights-of-way. Refer to **Figure 3-5: Conceptual Landscape Plan**.

Project Circulation and Parking

Regional Project access would be provided from I-10. Local access would be provided via, East Ramsey Street, Hathaway Street, Wilson Street, and Nicolet Street. Project site ingress and egress for the Project building would be via two driveways: one 44-foot driveway at the intersection of Nicolet Street and O'Donnell Street and one 52-foot driveway along Wilson Street. The Project access point along Wilson Street would be signalized. The Project access point from Nicolet Street and O'Donnell Street would be unsignalized. While not considered as part of the Project, the City has currently proposed a roadway alignment on the eastern portion of the Project site: Cottonwood Road. This road would connect the Project to a proposed interchange with I-10. At such a point when the proposed interchange and roadway are constructed, there would be additional regional access to/from the Project site. Emergency access to the Project site would be provided by the proposed driveways located at the intersection of Nicolet Street and O'Donnell Street and at the driveway along Wilson Street. Detailed information regarding regional emergency access is provided in **Section 4.11: Public Services**.

According to the City Development Code Title 17.12.110, a total of 802 parking stalls would be required for the Project site. Parking stalls would be provided in a combination of 805 passenger vehicle parking stalls, consisting of a combination of standard auto stalls, ADA stalls, and electric vehicle (EV) charging stations. Specifically, 614 standard stalls, 17 Americans with Disabilities Act (ADA) stalls, 3 ADA van stalls, and 171 electric vehicle (EV) stalls to include a combination of standard EV, EV ADA, EV ADA Van, and ambulatory EV stalls. Parking for 82 bicycles would be provided on site. Additionally, 270 truck trailer parking stalls (including dock doors and surface parking) are proposed at the building and 205 truck trailer parking stalls are proposed on the Project site north of Wilson Street. The Project would exceed the City-requirement of 802 standard stalls by 3 standard stalls.

Project Frontage Improvements

In addition to the improvement located on the Project site, the Project will improve the Project frontage with full- or half-width roadway improvements for the functional classification of the roadways. Improvements would include roadway paving, curb and gutter, sidewalk, lighting, landscaping, underground utility infrastructure (water, sewer, electrical, storm), and striping.

Wilson Street

The Project will construct half-width improvements of Wilson Street along the Project frontage from Hathaway Street to the intersection of Wilson Street and O'Donnell Street. The remaining half of Wilson Street along this segment is to be constructed by others.

The Project will construct full-width improvements of Wilson Street from the intersection of Wilson Street and O'Donnell Street to the eastern extent of the easternmost driveway along the Project's northern portion.

O'Donnell Street

The Project will construct half-width improvements of O'Donnell Street along the Project frontage from Nicolet Street to the intersection of Wilson Street and O'Donnell Street. The remaining half of O'Donnell Street along this segment is to be constructed by others.

Project Phasing and Construction

The Project may be developed in multiple phases, and is dependent upon available infrastructure and the anticipated Development Agreement. Construction is anticipated to occur over the duration of 18 months, beginning in Spring 2024 and ending early Winter 2025.

Off-Site Improvements

Recommendations made in the 2023 Traffic Analysis (**Appendix K1**) prepared for the Project are based on the minimum improvements needed to accommodate site access and maintain acceptable peak hour operations for the Project. Intersection improvements are recommended for seven intersections. For those improvements listed in **Section 4.12 Transportation, Table 4.12-3** and not constructed as part of the Project, the Project Applicant's responsibility for the Project's contributions towards deficient intersections is fulfilled through payment of fair share or fees that would be assigned to construction of the identified recommended improvements. The Project Applicant would be required to pay fair share and fees consistent with the City's requirements.

A sanitary sewer lift station would be required to be constructed in order to serve the Project. However, this sanitary lift station would serve all other projects in the vicinity to the Project. As this area of the City has been identified by the City for development and was analyzed within the General Plan EIR, this new infrastructure would not have been previously unknown. Further, the lift station, and associated force main and gravity main would be constructed within already established ROW or within easements to be dedicated to the City on land previously disturbed. Further, this lift station is currently planned to be a public lift station and would not necessarily be implemented by the Project, however, the Project's

contribution to fair share funding and development impact fees would provide for the implementation of this lift station.

3.7 Project Objectives

The Project would implement the goals and policies of the City's General Plan. The following objectives have been established for the Project by the City and Project applicant:

- Objective 1:** Develop an industrial project that conforms to the City's General Plan and Municipal Code.
- Objective 2:** Provide a new development that will generate a positive fiscal balance for the City moving forward.
- Objective 3:** Design and build a Class-A institutional quality industrial project that will attract high end tenants and increase the City's tax base.
- Objective 4:** Generate employment opportunities within the City while improving the local balance of housing to job ratio.
- Objective 5:** Facilitate the movement of goods and services for the benefit of local and regional economic growth.
- Objective 6:** Develop a warehouse project adjacent to transportation corridors, truck routes, local amenities, and the nearby Interstate 10 Freeway for employee convenience and efficiencies of transporting goods.
- Objective 7:** Develop a warehouse project which efficiently uses the property, while conforming with all City regulatory policies.
- Objective 8:** Improve public safety and traffic flow in eastern Banning with roadway and infrastructure improvements.
- Objective 9:** Provide enhanced landscaping along City designated corridors with the construction of wide streets and landscaped setbacks.
- Objective 10:** Provide the required infrastructure for Project operation for future growth and prosperity of the surrounding benefit area that will serve the immediate and long term needs of the community.

3.8 Discretionary Actions and Approvals

The City is the Lead Agency under CEQA and is responsible for reviewing and certifying the adequacy of the EIR for the Project. It is expected that the City, at a minimum, would consider the data and analyses contained in this EIR when making their entitlement and permit determinations. Prior to development of the Project, discretionary permits and approvals must also be obtained from local, state, and federal agencies, as listed below.

- **Tentative Parcel Map No. 38576** proposes to combine eight existing parcels (APNs 532-030-008, 532-030-009, 532-080-008, 532-080-010, 532-090-026, 532-090-028, 532-090-030, and 532-110-015) on the Project site into three (3) parcels for a total of 131.28 gross acres. The three parcels

would consist of a parcel where the proposed warehouse building would exist and two parcels for the proposed truck trailer parking lots that would be located north of Wilson Street.

- **Design Review (DR) 21-7017** proposes to construct one concrete tilt-up industrial building as described in **Section 3.6**.
- **Development Agreement:** The development agreement may include, among other items, methods for financing acquisition and construction of infrastructure and phasing, including future phasing. The development agreement would be fully approved before the issuance of the Project's first building permit.
- **Major Land Use Action Review:** The Project is located within Zone D of the Banning Municipal Airport Influence Area. Review by the Riverside County Airport Land Use Commission (ALUC) is required because the City of Banning is not yet consistent with the Banning Municipal Airport Land Use Compatibility Plan (ALUCP). To ensure that the Project is compliant, the Riverside County ALUC will perform a Major Land Use Action Review.

Other permits required for the Project may include, but are not limited to, the following: issuance of encroachment permits for driveways, sidewalks, and utilities; security and parking area lighting; demolition permits; building permits; grading permits; tenant improvement permits; and permits for new utility connections.

3.9 Required Agency Approvals

Section 15124 (d) of the State CEQA Guidelines requires that an EIR project description include a list of permits and other approvals required to implement a proposed project, the agencies expected to use the EIR in their decision making, and related environmental review and consultation requirements. The anticipated approvals required to implement the Project are identified below in **Table 3-2: Agency Approvals for the Project**, by agency:

Table 3-2: Agency Approvals for the Project

Agency	Approval/Permit
California Department of Fish and Wildlife	<ul style="list-style-type: none"> • Section 1602 Permit
City of Banning	<ul style="list-style-type: none"> • Final EIR Certification • Tentative Parcel Map • Building Plans/Permits • Grading Plans/Permits • Certificates of Occupancy • Infrastructure Plans/Permits • Landscape Plan • Drainage Plan • Water and Sewer Plan • Site Development Plan • Water Quality Management Plan
FEMA	<ul style="list-style-type: none"> • Conditional Letter of Map Revision (CLOMR) • Letter of Map Revision (LOMR)
Regional Water Quality Control Board	<ul style="list-style-type: none"> • National Pollutant Discharge Elimination System – General Construction Permit • Section 401 Water Quality Certification
Riverside County Flood Control District	<ul style="list-style-type: none"> • Approval of modification to existing storm drain
South Coast Air Quality Management District	<ul style="list-style-type: none"> • Dust Control Plan, and other permits as necessary
U.S. Army Corps of Engineers	<ul style="list-style-type: none"> • Section 404 Permit



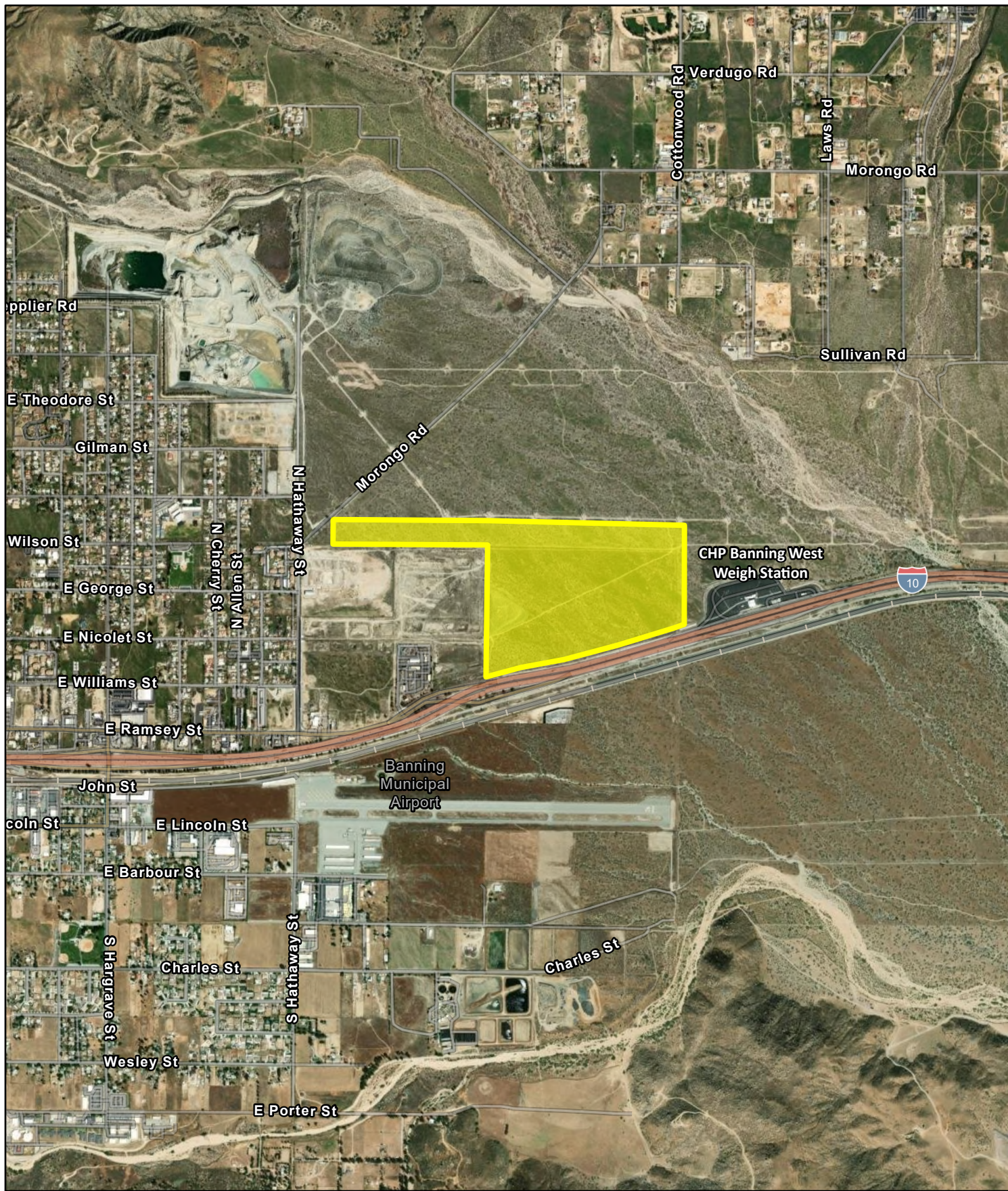
Source: Google Earth, 2022.

FIGURE 3-1: Regional Vicinity Map
Banning Commerce Center Project, City of Banning



Not to scale

Kimley»Horn



Source: ESRI Imagery, 2022.



Project Site

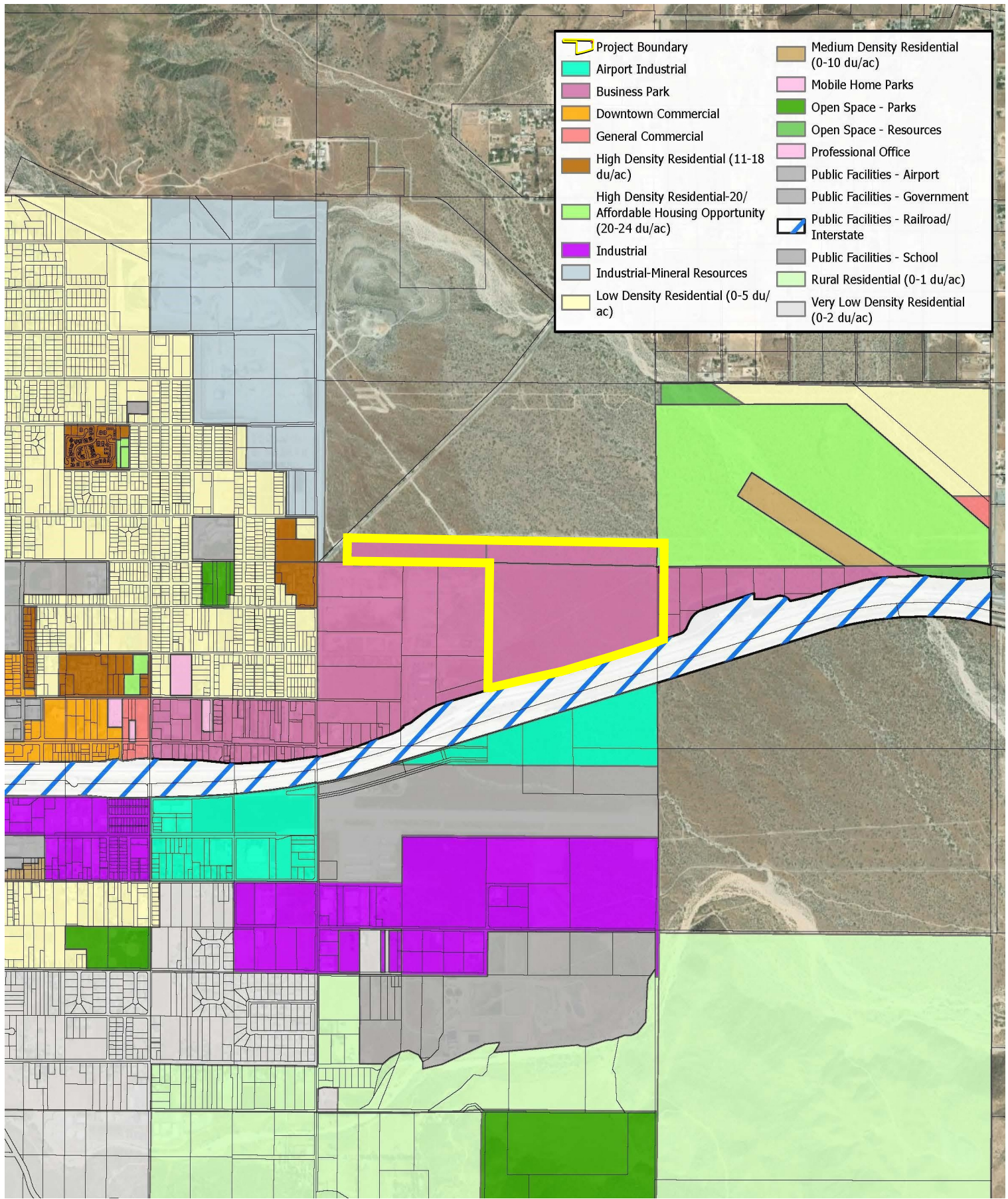
FIGURE 3-2: Local Vicinity Map

Banning Commerce Center Project, City of Banning



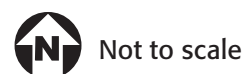
Not to scale

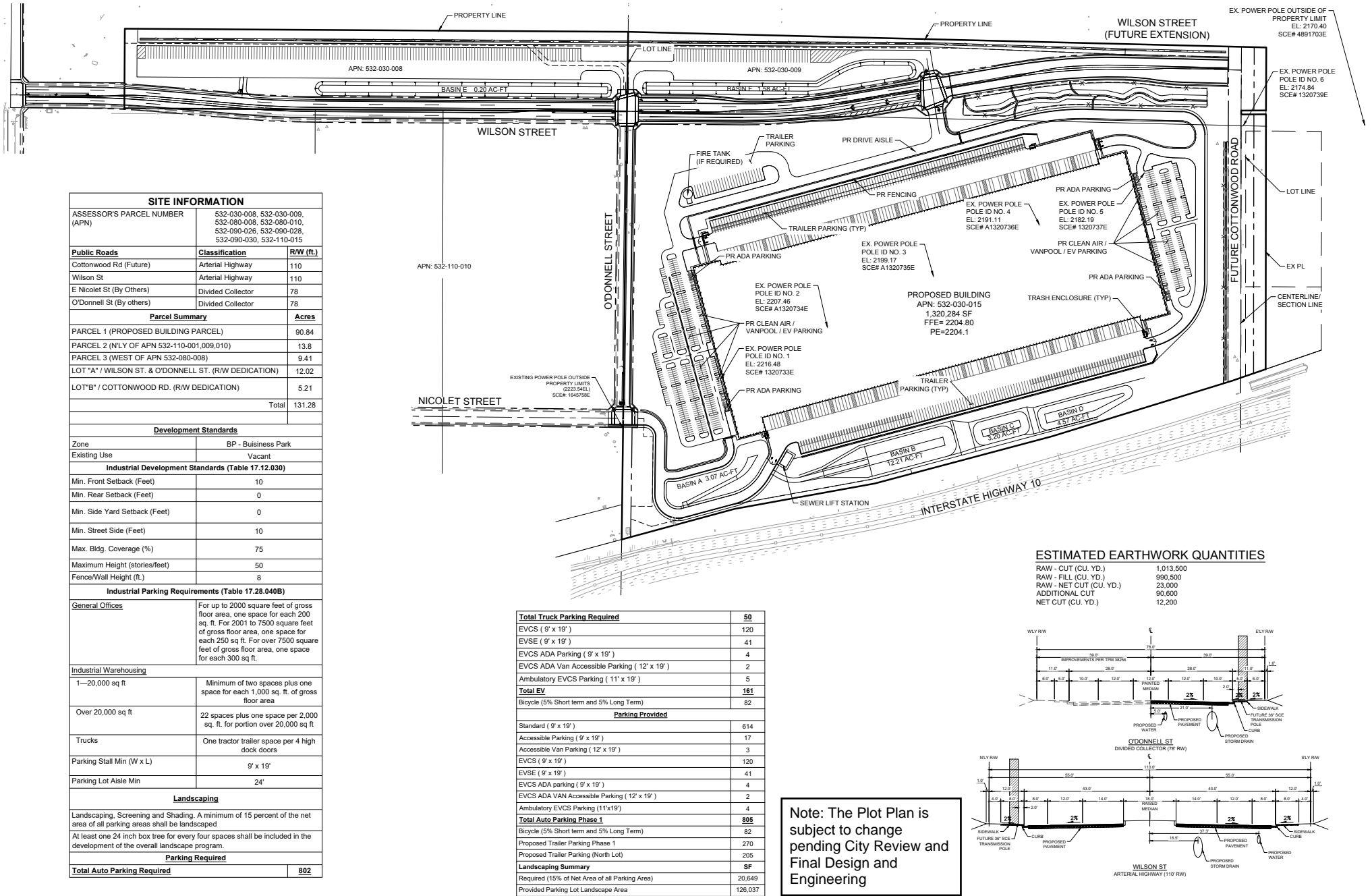
Kimley»Horn



Source: City of Banning, General Plan Land Use and Zoning Map. 2021.

FIGURE 3-3: General Plan Land Use and Zoning Map
Banning Commerce Center Project, City of Banning





Source: Kimley-Horn, 2023

FIGURE 3-4: Plot Plan
Banning Commerce Center Project, City of Banning



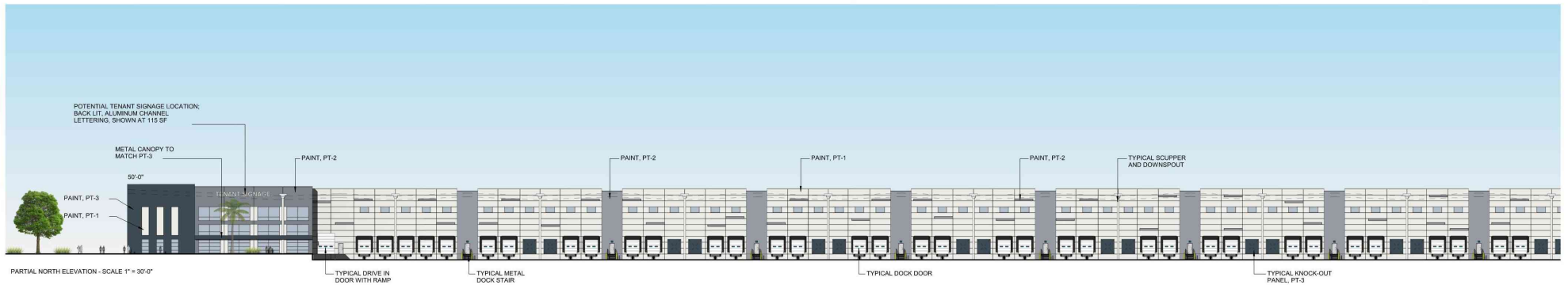
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Source: Sansone Group, December 2022.

FIGURE 3-6: Elevations
Banning Commerce Center Project, City of Banning



Source: Sansone Group, December 2022.

FIGURE 3-6: Elevations
Banning Commerce Center Project, City of Banning

4.0 ENVIRONMENTAL IMPACT ANALYSIS

4.0.1 Approach to Environmental Analysis

Organized by environmental resource category, **Section 4.0: Environmental Analysis**, provides an integrated discussion of the affected environment including regulatory and environmental settings and environmental impacts and mitigation measures to reduce or avoid potentially significant impacts associated with implementation of the Banning Commerce Center (Project). **Section 5.0: Other CEQA Considerations**, discusses mandatory findings of significance and other required California Environmental Quality Act (CEQA) topics.

4.0.2 Section Content and Definition of Terms

The environmental setting, impacts, and mitigation measures related to each environmental impact area are described in **Sections 4.1 through 4.15**. **Section 4.0** is organized into the following environmental topic areas:

- Section 4.1: Aesthetics
- Section 4.2: Air Quality
- Section 4.3: Biological Resources
- Section 4.4: Cultural Resources
- Section 4.5: Energy
- Section 4.6: Geology and Soils
- Section 4.7: Greenhouse Gas Emissions
- Section 4.8: Hazards and Hazardous Materials
- Section 4.9: Hydrology and Water Quality
- Section 4.11: Noise
- Section 4.12: Public Services
- Section 4.13: Transportation
- Section 4.14: Tribal Cultural Resources
- Section 4.15: Utilities and Service System
- Section 4.15: Wildfire

The environmental issues related to agriculture and forestry resources, land use and planning, mineral resources, population and housing, and recreation were found to result in no impacts or less than significant impacts; see **Section 7.0: Effects Found Not to be Significant**.

Each potentially significant environmental issue area is addressed in a separate environmental impact report (EIR) section (**4.1 through 4.15**) and is organized into the following subsections:

- **“Introduction”** briefly introduces the section’s purpose, environmental issues that would be addressed, and key source documentation used to prepare the analysis.
- **“Environmental Setting”** provides an overview of the existing physical environmental conditions in the study area that could be affected by implementation of the Project.
- **“Regulatory Setting”** identifies the plans, policies, laws, and regulations that are relevant to each resource area and describes permits and other approvals necessary to implement the Project. As noted above, the EIR needs to address possible conflicts between the Project and the requirements of federal, State, regional, or local agencies, including consistency with adopted land use plans, policies, or other regulations for the area. Therefore, this subsection summarizes or lists the potentially relevant policies and objectives, such as from the applicable City of Banning General Plan and Municipal Code.

- **“Impact Thresholds and Significance Criteria”** provides the criteria used in this document to define the level at which an impact would be considered significant in accordance with CEQA. Significance criteria used in this EIR are based on the checklist presented in Appendix G of the State CEQA Guidelines, factual or scientific information and data, and regulatory standards of federal, state, regional, and local agencies.
- **“Impacts and Mitigation Measures”** are listed numerically and sequentially throughout each section. A bold font impact statement precedes the discussion of each impact and provides a summary of each impact and its level of significance. The discussion that follows the impact statement includes the analysis on which a conclusion is based regarding the level of impact.
- **“Cumulative Impacts”** identifies potential environmental impacts of past, present and reasonably foreseeable future projects, in combination with the Project.
- **“Significant Unavoidable Impacts”** describes impacts that would be significant and cannot be feasibly mitigated to less than significant, and thus would be unavoidable. To approve a project with unavoidable significant impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If a project’s benefits are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” (State CEQA Guidelines § 15093(a)).
- **“References”** identifies the sources used in and throughout the subsection.

The level of impact of the Project is determined by comparing estimated effects with baseline conditions, in light of the thresholds of significance identified in the EIR. Under CEQA, the existing environmental setting normally represents baseline conditions against which impacts are compared to determine significance. The environmental baseline is typically set as the date of Notice of Preparation distribution, unless more recent data is determined appropriate for utilization in the EIR. Project component-specific analyses are conducted to evaluate each potential impact on the existing environment. This assessment also specifies why impacts are found to be significant, potentially significant, or less than significant, or why there is no environmental impact.

“Mitigation Measures” are recommended where feasible to avoid, minimize, offset, or otherwise compensate for significant and potentially significant impacts of the Project, in accordance with the State CEQA Guidelines (§ 15126.4). Each mitigation measure is identified by resource area, numerically, and sequentially. For example, mitigation measures in **Section 4.3: Biological Resources**, are numbered **BIO-1**, **BIO-2**, and so on. Pursuant to CEQA, the EIR provides a brief discussion of potential significant impacts of a given mitigation measure, if applicable.

A significant effect on the environment is defined for CEQA purposes as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project. A potentially significant impact is one that, if it were to occur, would be considered a significant impact; however, the occurrence of the impact is uncertain. A “potentially significant” impact and “significant” impact are treated the same under CEQA in terms of procedural requirements and the need to identify feasible mitigation. A “less than significant” impact is one that would not result in a substantial adverse

change in the physical environment (applicable significance thresholds would not be exceeded in consideration of Project design features and existing laws, ordinances, standards, or regulations).

Both direct and indirect effects of the Project are evaluated for each environmental resource area. Direct effects are those that are caused by the action and occur at the same time and place. Indirect effects are reasonably foreseeable consequences that may occur at a later time or at a distance that is removed from the Project area, such as growth-inducing effects and other effects related to changes in land use patterns, population density, or growth rate, and related effects on the physical environment.

Cumulative impacts are discussed throughout **Section 4.0** at the end of each individual resource section.

As authorized under CEQA, there are no mitigation measures proposed when there is no impact, or the impact is determined to be “less than significant” prior to mitigation. Where sufficient feasible mitigation is not available to reduce impacts to a less than significant level, the impacts are identified as remaining “significant and unavoidable.”

4.0.3 Cumulative Impact Methodology

CEQA Requirements

Under the CEQA Guidelines, “a cumulative impact consists of an impact which is created as a result of the combination of the Project evaluated in the EIR together with other projects causing related impacts” (14 California Code of Regulations [CCR] §15130(a)(1)). According to CEQA, an EIR must discuss cumulative impacts if the incremental effect of a project, combined with the effects of other projects is “cumulatively considerable” (14 CCR §15130(a)). Together, these projects compose the cumulative scenario which forms the basis of the cumulative impact analysis.

A cumulative impacts analysis should highlight past actions that are closely related either in time or location to the project being considered, catalogue past projects, and discuss how they have harmed the environment and discuss past action even if they are undertaken by another agency or another person. Both the severity of impacts and the likelihood of their occurrence are to be reflected in the discussion, “but the discussion need not provide as great detail as is provided for the effects attributable to the Project alone. The discussion should be guided by standards of practicality and reasonableness and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact” (14 CCR §15130(b)).

For the purposes of this Draft EIR, the Project would cause a cumulatively considerable and therefore significant cumulative impact if:

- The cumulative effects of other past, current, and probable future projects without the Project are not significant and the Project’s incremental impact is substantial enough, when added to the cumulative effects, to result in a significant impact.
- The cumulative effects of other past, current, and probable future projects without the Project are already significant and the Project would result in a cumulatively considerable contribution to the already significant effect. The standards used herein to determine whether the contribution

is cumulatively considerable include the existing baseline environmental conditions, and whether the Project would cause a substantial increase in impacts, or otherwise exceed an established threshold of significance.

The approach and geographic scope of the cumulative impact evaluation vary depending on the environmental topic being analyzed. The individual “Cumulative Impacts” subsections within each environmental topic present impacts and mitigation measures for the Project. Each section of the EIR begins with a summary of the approach and the geographic area relevant to that environmental topic area. For most environmental topic areas, the list approach is used and provided under the discussion of “Cumulative Impacts.”

The cumulative analysis must be in sufficient detail to be useful to the decision-maker in deciding whether, or how, to alter the Project to lessen cumulative impacts. Significant adverse impacts of the cumulative projects would be required to be reduced, avoided, or minimized through the application and implementation of mitigation measures. The net effect of these mitigation measures is assumed to be a general lessening of contribution to cumulative impacts. This discussion, found at the end of each impact section, provides an analysis of overall cumulative effects of the Project taken together with other past, present, and reasonably foreseeable probable future projects.

Geographic Scope

In respect to this Draft EIR analysis, cumulative effects can generally be geographically classified as localized, site-specific resource issues, regional, watershed level resource issues and global resource issues. At the localized, site-specific resource scale, the Project’s cumulative impacts have been analyzed for each resource topic.

Each of the cumulative impact categories are analyzed and regulated by different agencies and associated regulatory or policy documents, in order to best protect the resource in question. The analysis of cumulative effects considers a number of variables, including geographic (spatial) limits, time (temporal) limits, and the characteristics of the resources being evaluated. The geographic scope of each analysis is based on the topography surrounding the Project site and the natural boundaries of the resources affected rather than jurisdictional boundaries. The geographic scope of cumulative effects will often extend beyond the scope of the direct effects, but not beyond the scope of the direct and indirect effects of the Project. The Draft EIR addresses the Project’s potentially significant impacts, recommends Project specific mitigation measures, and then also identifies existing or recommended measures to address potential cumulative impacts.

Project Approach

There are two commonly used approaches, or methodologies, for establishing the cumulative impact setting or scenario. One approach is to use a “list of past, present, and probable future projects producing related or cumulative impacts including, if necessary, those project outside the control of the agency...” (14 CCR §15130(b)(1)(A)). The other is to use a “summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect” (14 CCR §15130(b)(1)(B)).

Planning documents such as the City of Banning General Plan, the County of Riverside General Plan, and the Southern California Association of Governments (SCAG's) Regional Transportation Plan Sustainable Community Strategy (RTP/SCS EIR) were used as additional reference points in establishing the cumulative scenario for the analysis. The previous CEQA documents provide further context as to cumulative impacts considered for prior projects. The intent of the cumulative impact discussions is to provide sufficient information to inform decision-makers and the public, rather than "tiering" off of prior CEQA documents for cumulative impacts.

Types of Projects Considered

The following project summaries represent projects that could result in cumulative impacts when combined with the Project. The list of related projects was prepared based on data received from the City of Banning. A total of 17 cumulative projects were identified in the study area for the traffic study, shown on **Table 4-1: Cumulative Development Land Use Summary**. These related projects are expected to be implemented in the vicinity of the Project site prior to the buildout date of the Project.

Table 4-1: Cumulative Development Land Use Summary

Number	Name	Land Use	Quantity
B1	161 W. Ramsey St.	Medical Clinic	4.720 TSF
B2	195 Lincoln St.	Cannabis Manufacturing	5.023 TSF
B3	700 S. Hathaway Suites A and B	Cannabis Cultivation Facility	35.495 TSF
B4	Banning Self-Storage	Self-Storage Facility	1.5 AC
B5	Zamora Lease and Rental	Truck Terminal Warehouse	4.6 AC
B6	1450 E. Lincoln Truck Terminal	Truck Terminal Warehouse	3.6 AC
B7	DR 21-7015	Warehouse	1387.145 TSF
		Office Space	10.000 TSF
B8	Premium Land Development	Warehousing for Cannabis Cultivation	186.700 TSF
B9	First Lincoln Logistics	Warehouse	118.786 TSF
		Office Space	10.000 TSF
B10	CDRE Holdings 26	Light Industrial Warehouse	82.204 TSF
B11	SE Corner S. 8 th St. & W. Lincoln	Cannabis Cultivation Facility	21.000 TSF
B12	So Cal West Coast Electric	Industrial	51.743 TSF
B13	Estes Truck Terminal	Truck Terminal Warehouse	64.402 TSF
		Office Space	11.670 TSF
B14	Robertson's Ready Mix Mine Operation	Mining	23.0 AC
B15	Vista Serena	Townhouse	32 DU
B16	Cedar Hills Apartments	Apartments	96 DU
B17	Banning 25 Warehouse	High-Cube Fulfillment Sort Facility	418.205 TSF

Notes: DU = Dwelling Units; TSF = Thousand Square Feet
Source: **Appendix K1**, Table 4-4.

4.1 AESTHETICS

4.1.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to aesthetics and other visual resources in the vicinity of the Banning Commerce Center Project (Project). This section identifies potential impacts that could result from the Project including construction and operation of the warehouse, including office space, vehicle parking, loading dock doors, trailer parking, on-site landscaping, and related on-site and off-site improvements. This section discusses the visual changes that would occur upon implementation of the Project, and as necessary, recommends mitigation measures to avoid and/or reduce the significance of impacts. Aesthetic and other visual resources include both natural and built environments. Impacts are discussed in terms of the changes that would result from Project implementation and includes analysis of adverse effects on a scenic vista(s), changes to scenic resources (e.g., trees, rock outcroppings, or historic buildings) within a state scenic highway, and/or degradation of the Project site or the surrounding visual character. Impacts could also result from the creation of a new source of substantial light or glare.

This section and environmental discussion use information from the following City of Banning (City) documents:

- City of Banning General Plan (GP)
- City of Banning GP Environmental Impact Report (EIR)

Visual Resource Terminology and Concepts

When viewing a landscape, people can have different responses to that landscape based on what is seen, their expectations of views, and because of proposed or current changes to the visual landscape. Viewer responses will vary based upon the viewer's values, familiarity, concern, or expectations of that landscape as well as the scenic quality. Because each person's attachment to and value for a landscape is unique, visual changes to that landscape inherently affect viewers differently. Nonetheless, generalizations can be made about viewer sensitivity to scenic quality and visual changes. Recreational users (e.g., hikers, equestrians, tourists, and people driving for pleasure) generally have high concern for scenery and landscape character. People commuting daily through the same landscape generally have a moderate concern for scenery, while people working at an industrial site would generally have a lower concern for scenic quality or changes to existing landscape character. Regarding travelers navigating through a landscape, the visual sensitivity of these types of viewers is affected by the travel speed at which they are moving, the landscape they are viewing, and area in which they are traveling, for example, an interstate or scenic highway. Other considerations may include changes as seen by viewers from hiking trails or stationary viewers from a residence.

The visual sensitivity of a viewer also is affected by variables such as the viewing distances to the landscape. For example, a project feature or natural environment can be perceived differently by people depending on the distance the observer is from the viewed object. At closer ranges greater detail of an object or landscape is visible. In these instances, changes to viewed object have a greater potential to

influence the visual quality of the object because changes to form or scale (the object's relative size in relation to the viewer) are more noticeable. When the same object is viewed at background distances, details may be imperceptible while changes to the overall forms of terrain and vegetation may be evident. In the middle ground, some detail is evident (e.g., the foreground), and landscape elements are seen in context with landforms and vegetative patterns (e.g., the background). Nonetheless, changes in views from all distances can result in negative consideration from viewers.

Specific terms and concepts are used to assess the visual elements, aesthetic setting, and potential for a project to have effects on visual resources. These terms are included in the discussions throughout this section and are listed below.

Scenic Vista. An area that is designated, signed, and accessible to the public for the express purposes of viewing and sightseeing. This includes any such areas designated by a federal, state, or local agency.

Scenic Highway. Any stretch of public roadway that is designated as a scenic corridor by a federal, state, or local agency.

Sensitive Receptors. Viewer responses to visual settings are inferred from a variety of factors, including distance and viewing angle, types of viewers, number of viewers, duration of view, and viewer activities. The viewer type and associated viewer sensitivity are distinguished among project viewers in recreational, residential, commercial, military, and industrial areas. Viewer activities can range from a circumstance that encourages a viewer to observe the surroundings more closely (such as recreational activities) to one that discourages close observation (such as commuting in heavy traffic). Viewers in recreational areas are considered to have high sensitivity to visual resources. Residential viewers generally have moderate sensitivity but extended viewing periods. Viewers in commercial, military, and industrial areas are generally considered to have low sensitivity.

Viewshed. A project's viewshed is defined as the surrounding geographic area from which the project is likely to be seen, based on topography, atmospheric conditions, land use patterns, and roadway orientations. "Project viewshed" is used to describe the area surrounding a project site where a person standing on the ground or driving a vehicle can view the project site.

Visual character typically consists of landforms, vegetation, water features, and cultural modifications that impart an overall visual impression of an area's landscape. Scenic areas typically include open space, landscaped corridors, and viewsheds. Visual character is influenced by many different landscape attributes including color contrasts, landform prominence, repetition of geometric forms, and uniqueness of textures among other characteristics.

4.1.2 Environmental Setting

Visual Setting

The Project site is 131.28 acres and comprises eight parcels. The Project site is largely vacant with the exception of an overhead electrical transmission line transecting the Project site. The Project site is entirely undeveloped with the exception of bare soil pathways created by apparent motor vehicles and/or

apparent wildlife. The surrounding area has continued to develop with industrial uses to the south and west and residential uses further west. Views of the Project site are primarily available to travelers along Interstate (I-) 10. The Project site contains sparse native and non-native vegetation and grasses.

Immediate views from the Project site to the north include vacant land and the Morongo Reservation; to the east is the California Highway Patrol Banning West Weigh Station; to the south is I-10, industrial uses, and the Banning Municipal Airport; and to the west are industrial uses, vacant land, and residential uses.

Scenic Vistas

Topography and a lack of dense vegetation or urban development offer scenic views throughout the City, including to and from hillside and mountain areas. Scenic features include the San Gorgonio Pass created by the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. Other scenic vistas include San Gorgonio Peak and San Jacinto Peak. San Gorgonio Peak, the highest peak in the San Bernardino Mountains, rises to an elevation of 11,499 feet. San Jacinto Peak, the highest peak in the San Jacinto Mountains, rises to an elevation of 10,804 feet. A majority of the San Gorgonio Pass and the City are provided undisturbed views of these scenic resources.¹

Scenic Highways

A highway is designated as “scenic” depending on how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler’s enjoyment of the view. The California Scenic Highway Program was created by the Legislature in 1963 to protect and enhance scenic highway corridors from change which would diminish the aesthetic value of lands adjacent to highways. This program provides guidance for signage, aesthetics, grading, and screening to help maintain the scenic value of the roadway. A portion of State Route (SR-) 243 that meets I-10 within the City is eligible for designation but is not an official state scenic highway. SR-243 is designated as a State Scenic Highway from the Banning City limits to SR-74, within the City Sphere of Influence. However, no highways within the City are officially designated state or county scenic highways. Therefore, the provisions of the California Scenic Highway Program do not apply.² Additionally, the City of Banning General Plan does not designate any roadways as being scenic highways.

Light and Glare

Light and glare sources around the Project site are typical to those found in semi-urban and rural environments. Due to the undeveloped nature of the Project site and surrounding area, sources of light and glare are limited to that generated by I-10 and the Banning Municipal Airport. Sources of light and glare include lighting along I-10 and headlights of vehicles traversing I-10. Additionally, the Banning Municipal Airport to the south of the Project site would have sources of light which may include but are not limited to centerline lights, edge lights, approach light systems, visual glideslope indicators, and beacons.

¹ City of Banning. 2006. *Comprehensive General Plan Draft Environmental Impact Report*; Page III-189

² California Department of Transportation. 2022. *California State Scenic Highway System Map*. Retrieved from: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed October 2022).

4.1.3 Regulatory Setting

State

California Department of Transportation

The California Scenic Highway Program (CSHP) was created in 1963 to preserve and protect highway corridors in areas of outstanding natural beauty from changes that would diminish the aesthetic value of the adjacent lands. The California Department of Transportation (Caltrans) designates highways based on how much of the landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which views are compromised by development.

Caltrans manages the CSHP, which is intended to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. State laws governing State Scenic Highways are found in Streets and Highways Code §§260 to 263. A highway may be designated as scenic based on certain criteria, including how much of the natural landscape can be seen by travelers, the landscape's scenic quality and the extent to which development intrudes on the traveler's enjoyment of the view. The CSHP's Scenic Highway System List identifies scenic highways that are either eligible for designation or have already been designated as such.

Section 261 requires local government agencies to take the following actions to protect the scenic appearance of a scenic corridor:

- Regulate land use and density of development
- Provide detailed land and site planning
- Prohibit off-site outdoor advertising and control on-site outdoor advertising
- Pay careful attention to and control of earthmoving and landscaping
- Scrutinize the design and appearance of structures and equipment

Official designation requires a local jurisdiction to enact a scenic corridor protection program that protects and enhances scenic resources.

Local

City of Banning General Plan

Open Space and Conservation Element

The purpose of the Open Space and Conservation Element is to provide for the comprehensive and long-term preservation and conservation of natural resources and open space lands located within the General Plan study area. The Element addresses protection and conservation of natural resources, including water, mineral and scenic resources. Conservation of natural resources and the provision and preservation of open space are important and necessary to maintaining a balanced and healthy community. As the City and the Pass region continue to grow and develop, thoughtful planning and resource management become increasingly important in helping to conserve natural resources and open space lands. One of the

major objectives of the General Plan is to preserve and enhance the community, and to ensure that long-term growth within the City and its environs does not adversely affect environmental resources.³

Goals and policies from the Open Space and Conservation Element applicable to the Project include:

Goal 1 Open space and conservation lands that are preserved and managed in perpetuity for the protection of environmental resources or hazards, and the provision of enhanced recreational opportunities and scenic quality in the City.

Policy 6 Where practical new development shall integrate pipelines, above- and under-ground utility corridors and other easements (including electric, cable, and telephone distribution lines) into a functional open space network.

Banning Code of Ordinances

Ordinances §8.44.090 and §18.09.200

Any construction within the City located within one-quarter mile from an occupied residence shall not be conducted between the hours of 6:00 p.m. and 7:00 a.m., Monday through Friday; or between the hours of 6:00 p.m. and 7:00 a.m. on Saturdays. Further, no such activity shall be undertaken on Sunday or nationally recognized holidays. The City Engineer may extend the hours permitted for grading or equipment operations if the City Engineer determines that such operations are not detrimental to the health, safety, or welfare of the inhabitants of nearby structures. Permitted hours of operation may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

Ordinances §17.24.100 and §17.12.090

Lighting shall not be permitted which blinks, flashes, or is of unusually high intensity or brightness. Exterior lighting shall be shielded or recessed so that light is contained within the boundaries of the parcel on which the lighting is located. All lighting shall be directed downward and away from adjoining properties and public rights-of-way. All reflective surfaces and large, blank, unarticulated wall surfaces would be limited.

4.1.4 Impact Thresholds and Significance Criteria

State California Environmental Quality Act (CEQA) Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the site would have a significant environmental impact if one or more of the following occurs:

- Except as provided in Public Resources Code Section 21099, would the project:
 - Have a substantial adverse effect on a scenic vista?
 - Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

³ City of Banning. 2006. *City of Banning General Plan, Open Space and Conservation Element; Page IV-18*. Retrieved from: <http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=> (accessed October 2022).

- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?
- Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Methodology and Assumptions

The Project site is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning aesthetics. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts at the Project site.

Approach to Analysis

This analysis of impacts on aesthetic resources examines the temporary (i.e., construction) and permanent (i.e., operational) effects based on significance criteria/threshold's application outlined above. For each criterion, the analyses are generally divided into two main categories: (1) temporary impacts and (2) permanent impacts. Each criterion is discussed in the context of the Project site and the surrounding characteristics and geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are from: field observations conducted by Kimley-Horn personnel October 2021 and February 2022; review of Project site plan, maps, and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on scenic resources or visual character considers the Project site's aesthetic resource value and the severity of the Project component's visual impact (e.g., the nature and duration of the impact). For example, a Project component resulting in a severe impact on a Project site with a low aesthetic resource value would result in a less than significant impact concerning scenic or visual character. In other words, new conspicuous structures, or visual changes in areas with a low aesthetic resource value may not necessarily result in substantial adverse effects on visual resources.

4.1.5 Impacts and Mitigation Measures

Impact 4.1-1 *Would the Project have a substantial adverse effect on a scenic vista?*

Level of Significance: Less than Significant

Construction and Operations

As previously discussed, scenic views from the City and Project site include the San Bernardino Mountains and San Gorgonio Peak to the north, and the San Jacinto Mountains and San Jacinto Peak to the south.

Buildout of the Project has the potential to obstruct views of the San Bernardino Mountains to motorists on I-10; however, due to the Project being within foreground views from I-10, and the dominating visual panoramic views of the San Bernardino Mountains, the disruption would be minimal and in short duration. As described in **Section 3.0: Project Description** and as illustrated in **Figure 3-6: Elevations**, the Project would have a maximum building height of 50 feet. The prominent peaks of the San Bernardino Mountains range in elevation with the tallest peak being 11,499 feet above mean sea level, more than 9,000 feet higher than the existing elevations of the Project site. The scale of development of the Project cannot overcome the immense scale of the San Bernardino Mountains. Furthermore, as the views of the San Bernardino Mountains are panoramic, the Project could not entirely obstruct all views of the San Bernardino Mountains. Additionally, as the Project is immediately adjacent to I-10, motorists would be required to shift their view approximately 90 degrees away from the road to notice that views of the San Bernardino Mountains would be obstructed by the Project. This would require motorists to turn their attention away from the road and from operating a motor vehicle in a safe fashion and is therefore unlikely.

In addition, the relative elevation differences between the existing residential uses to the west and north and the Project are such that the residences would be at a higher elevation than the top of the Project building. As these residences would be at a higher elevation than the Project, it would make it impossible for the Project to obstruct views of nearby scenic resources, such as the San Bernardino and San Jacinto Mountains. Further, the Project site is located a large distance from the residential uses to the west and north such that views of the Project would be middle ground views and would not obstruct views in the same way as a near ground object would. Additionally, the scale of and the visual mass of these mountains are so great and provide panoramic views, it would be impossible for the Project to entirely obstruct all views of these resources. The Project site is located approximately one-half mile east of the nearest residential land uses or other stationary viewers and would therefore not obscure views of the San Bernardino Mountains or San Jacinto Mountains. Photographic/visual simulations of the Project have been prepared. These simulations show views of scenic resources across the Project site from publicly accessible locations such as Hathaway Street and I-10 in two conditions: pre-Project development, and post-Project development. These simulations show that the development of the Project would not obstruct views of these scenic resources, refer to **Figure 4.1-1, Visual Simulations**.

The Banning GP Draft EIR found that upon implementation of GP policies and adherence to the City's Municipal Code, implementation of the GP, which includes the buildout of the Project site, would assure development would undergo a thorough review process; use native, drought-tolerant vegetation; and integrate elements of desert landscape into urban design to ensure development would not adversely impact the City's scenic resources.⁴ Through adherence to the City's Municipal Code, distance between the Project and sensitive viewers on the west side of Hathaway Street, and the dominating panoramic scale of nearby mountain ranges, impacts related to scenic vistas would be less than significant.

⁴ City of Banning. *Comprehensive General Plan Draft Environmental Impact Report; Page VI-3*. Retrieved from: <http://banning.ca.us/DocumentCenter/View/772/GP-DEIR-Sec-6> (accessed May 2023).



Source: Steve K. Hong, AIA , SKH Architect, 2024.

 **Project Site**   **Viewpoints**

FIGURE 4.1-1a: Visual Rendering Photo Location Map
Banning Commerce Center Project, City of Banning

Before



After



Source: Steve K. Hong, AIA , SKH Architect, 2024.

FIGURE 4.1-1b: Visual Rendering View 1
Banning Commerce Center Project, City of Banning

Before



After



Source: Steve K. Hong, AIA , SKH Architect, 2024.

FIGURE 4.1-1c: Visual Rendering View 2
Banning Commerce Center Project, City of Banning

Before



After



Source: Steve K. Hong, AIA , SKH Architect, 2024.

FIGURE 4.1-1d: Visual Rendering View 3
Banning Commerce Center Project, City of Banning

Impact 4.1-2 *Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Level of Significance: Less than Significant

As previously stated, there are no officially designated state scenic highways within the City. The Project would convert existing, vacant land to industrial uses. Accordingly, development of the Project would change the current landscape and natural vistas of the Project site. However, the Project site is not located within a State-designated or eligible scenic highway. The nearest designated state scenic highway is a portion of SR-243, located approximately 1.6 miles southwest of the Project site. Therefore, the Project would not substantially damage scenic resources and a less than significant impact would occur.

Impact 4.1-3 *Would the Project in nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Level of Significance: Less than Significant

According to PRC §21071, an urbanized area is an incorporated city that has a population of at least 100,000 persons or an incorporated city that has a population of less than 100,000 persons and not more than two contiguous incorporated cities combined equals at least 100,000 persons, among other definitions that do not apply to the Project. According to the 2020 Census, the City of Banning's population is approximately 29,505.⁵ The only adjacent incorporated city is the City of Beaumont. The City of Beaumont's population is approximately 53,036.⁶ As such, the Project site is located in a nonurbanized area and this discussion will analyze the impacts on existing visual character and quality of public views.

Construction and Operations

Construction activities would result in a temporary change to the visual characteristics of the Project site as viewed from the surrounding uses from temporary grading, equipment staging, and associated building activities. Construction would be visible to distant residents along Hathaway Street and vehicles on I-10. Construction is anticipated to last approximately 18 months and would consist of the following to include but not be limited to: Project site preparation, utility construction, grading, paving, construction of the building, finish grading, and landscaping. Residents to the west of the Project site would experience changes in the visual character during the Project site preparation, utility construction, and paving portions of construction while Wilson Street and parking lots on the western portion of the Project site are constructed. These disturbances would be temporary in nature and would cease upon completion of construction.

The Project would be designed and constructed compliant with the City General Plan and zoning ordinances which include building height and setback requirements. The allowed maximum building

⁵ United States Census Bureau. 2020. *2020 Decennial Census; Banning City, CA Profile*. Retrieved from: <https://data.census.gov/cedsci/profile?g=1600000US0603820> (accessed October 2022).

⁶ United States Census Bureau. 2020. *2020 Decennial Census, Beaumont City, CA Profile*. Retrieved from: https://data.census.gov/cedsci/profile/Beaumont_city,_California?g=1600000US0604758 (accessed October 2022).

height for Business Park (BP) is 50 feet. All buildings and structures associated with the Project shall not exceed 50 feet in height. Currently, the only other structures in the vicinity of the Project include the CHP Banning West Weigh Station, a Caltrans maintenance station, and a warehouse industrial building to the south, on the opposite side of I-10. While the Project would be taller than the immediately adjacent structures (CHP weigh station and Caltrans maintenance station), the Project would not exceed the maximum allowable height of 50 feet. Other developments not associated with the Project are planned in the vicinity of the Project and would have similar land uses. Refer to **Section 4.1.7: Cumulative Impacts** for more information related to the cumulative impacts of the Project on visual character.

A minimum 10-foot setback shall be required on any street. The Project would comply with the 10-foot minimum setback in all areas and exceed this requirement in most areas due to constraints set by site grading and topography. Setbacks from some of the property lines would exceed the minimum by more than 150 feet. Refer to **Figure 3-4: Conceptual Site Plan**.

The visual character of the Project site comprises relatively flat terrain with vegetation consisting of desert scrub. The Project site is dissected by ephemeral streams. The Project consists of the construction of a 1,320,284 square foot (SF) building on 131.28 acres (ac) on currently undeveloped, vacant land. There is an existing industrial warehouse building and the Banning Municipal Airport to the south, Caltrans Maintenance Station to the southwest, and the CHP Banning West Weigh Station to the southeast of the Project site. The Project would be designed and implemented in compliance with the City's General Plan land use designation and zoning of Business Park and would be characteristic of the adjacent industrial uses, public service uses (Caltrans Station and Weigh Station), and airport uses. While the Project would alter the existing visual character of the Project site, it would be minimized by compliance with the General Plan, General Plan Final EIR, zoning ordinances, and municipal development standards. As such, implementation of the Project would have a less than significant impact.

Impact 4.1-4 *Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Level of Significance: Less than Significant

Construction

As previously discussed, the Project site is largely undeveloped and surrounded by mostly vacant land. There are existing developments to the south of the Project site, including the Caltrans maintenance station, CHP Banning West Weigh Station, an industrial warehouse building, and the Banning Municipal Airport south of I-10. Sources of light and glare exist primarily with activity associated with I-10 to the immediate south of the Project site such as vehicle headlights. Construction of the Project would be limited to daytime hours of construction permitted in the Banning Code of Ordinances §8.44.090 and §18.09.200.⁷⁸ Although nighttime security lighting would be required during Project construction, this wo

⁷ City of Banning. *Code of Ordinances. 8.44.090 – Noises prohibited – Unnecessary noise standard*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.44NO_8.44.090NOPRNNOST. (accessed May 2023).

⁸ City of Banning. *Code of Ordinances. 18.09.200 – Time of operations*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT18GRERSECO_CH18.09GRPERE_18.09.200TIOP (accessed May 2023).

uld be temporary until nighttime lighting is required when the Project site is operational. Therefore, impacts associated with light and glare would be less than significant.

Operations

Once operational, the Project would use interior lighting and exterior security and parking lot lighting. All lighting located on the Project site would be consistent with the general standards of the development standards for lighting, §17.24.100.⁹ Furthermore, large amounts of reflective glass would not match the overall tone the community is attempting to maintain. However, the Project would comply with the general design principles as identified in the City Code of Ordinances §17.12.090,¹⁰ which would limit reflective surfaces and large, blank, unarticulated wall surfaces, among others. Additionally, the warehouse windows proposed for the Project would be constructed from a variety of non-reflective building materials, including tempered vision glass and tempered spandrel glass. Overall, long term impacts associated with light and glare would be less than significant.

4.1.6 Mitigation Measures

No mitigation measures have been identified or are necessary.

4.1.7 Cumulative Impacts

For purposes of aesthetic resource impact analysis, cumulative impacts are considered for cumulative development according to the related projects; see **Table 4-1: Cumulative Development Land Use Summary**.

When evaluating cumulative aesthetic impacts, several factors must be considered. The context in which the Project is being viewed would also influence the potential significance of a cumulative aesthetic impact. Although the Project would result in a change in visual contrast with the surrounding uses, the Project would be consistent with the proposed land use designation and zoning of the Project site. Further, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. The GP Draft EIR did not identify any potentially significant impacts concerning visual resources. The Project, and all other projects in the general plan area, would comply with the City's GP Draft EIR policies and programs which would reduce any aesthetic cumulative impacts. Additionally, the Project would unify and beautify the Project site that is predominately vacant and undeveloped. The Project, in conjunction with other past, present, and reasonably foreseeable projects would not substantially affect the views of the San Bernardino Mountains or views of the San Jacinto Mountains. The City is becoming more urbanized and the contrast of the potential development, in comparison to the surrounding natural environment, would be minimal.

⁹ City of Banning. *Code of Ordinances 17.24.100 – Lighting*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO_DIVIIIDEST_CH17.24GEST_17.24.100LI (accessed May 2023).

¹⁰ City of Banning. *Code of Ordinances 17,12.090 – General design principles*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO_DIVIIIAUSDI_CH17.12COINDI_ARTIIICOINDEDEGU_17.12.090GEDEPR (accessed May 2023).

In order for a cumulative aesthetic impact to occur, the cumulative nature of the Project site taken with other projects, as seen together or in proximity to each other must be cumulatively considerable. In the case of the Project, the potential aesthetic impacts related to views, aesthetics, and light and glare are less than significant. Mitigation measures beyond the required conformance to applicable policies and guidance in the Banning GP, are not required. As discussed above, Project-related impacts would be less than significant.

4.1.8 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.1.9 References

California Department of Transportation. 2022. *California State Scenic Highway System Map*. Retrieved from:

<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca> (accessed October 2022).

City of Banning. *Code of Ordinances. 8.44.090 – Noises prohibited – Unnecessary noise standard*. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT8HESA_CH8.44NO_8.44.090NOPRNNNOST (accessed May 2023).

City of Banning. *Code of Ordinances. 17.12.090 – General design principles*. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO_DIVIILA_USDI_CH17.12COINDI_ARTIIICOINDEDEGU_17 (accessed May 2023).

City of Banning. *Code of Ordinances. 17.24.100 – Lighting*. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO_DIVIIID_EST_CH17.24GEST_17.24.100LI (accessed May 2023).

City of Banning. *Code of Ordinances. 18.09.200 – Time of operations*. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT18GRERSECO_CH18.09GRPERE_18.09.200TIOP (accessed May 2023).

City of Banning. 2006. *City of Banning General Plan, Open Space and Conservation Element; Page IV-18*.

Retrieved from: <http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=> (accessed October 2022).

City of Banning. 2006. *Comprehensive General Plan Draft Environmental Impact Report; Page III-189*

City of Banning. 2006. *Comprehensive General Plan Draft Environmental Impact Report; Page VI-3*.

Retrieved from: <http://banning.ca.us/DocumentCenter/View/772/GP-DEIR-Sec-6> (accessed May 2023).

United States Census Bureau. 2020. *2020 Decennial Census; Banning City, CA Profile*. Retrieved from: <https://data.census.gov/cedsci/profile?g=1600000US0603820> (accessed October 2022).

United States Census Bureau. 2020. *2020 Decennial Census; Beaumont City, CA Profile*. Retrieved from: https://data.census.gov/cedsci/profile/Beaumont_city,_California?g=1600000US0604758 (accessed October 2022).

United States Geologic Survey. ND. *The National Map*. Retrieved from: <https://edits.nationalmap.gov/apps/gaz-domestic/public/useful-links> (accessed June 2023).

4.2 AIR QUALITY

4.2.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and analyzes the Banning Commerce Center's (Project) potential air quality impacts that would be generated by construction and operation of the Project, within the City of Banning (City). The ambient air quality of the local and regional area is described, along with relevant federal, State, and local air pollutant regulations and pollutant concentrations. This evaluation is based on the methodology recommended by the South Coast Air Quality Management District (SCAQMD). Criteria air pollutant emissions modeling for the Project is included in **Appendix B1: Air Quality Assessment** and **Appendix B2: Heath Risk Assessment**, of this EIR. Cumulative impacts related to air quality are based on the regional boundaries of the South Coast Air Basin (SCAB).

4.2.2 Environmental Setting

Project Location

The Project is located in the eastern portion of the City; refer to Figure 3-1: Regional Vicinity Map and Figure 3-2: Local Vicinity Map located in Section 3.0: Project Description. The Project site is generally located at the southeast corner of the intersection of Wilson Street and Hathaway Street. The Project site is bounded by Interstate 10 (I-10) and the Banning Municipal Airport to the south, Hathaway Street and multi-family residential to the west, the California Highway Patrol (CHP) Banning West Weigh Station and vacant land to the east, and vacant land and Morongo Tribal land to the north. The Project would extend Wilson Street to the east, which would bisect the northerly portion of the Project site.

Project Description

The Project proposes an approximately 1,320,284 square-foot (SF) tilt-up industrial building consisting of 39,600 SF of office space and 1,280,400 SF of warehousing on 131.28 net acres. The Project would consist of 640,200 SF of warehousing and 640,200 SF of high-cube fulfillment uses. The Project would construct one concrete tilt-up building, driveways, parking areas, landscaping, and roadway improvements including the extension of Wilson Street; refer to Figure 3-4: Conceptual Site Plan, located in Section 3.0: Project Description.

Landscaping would include drought-tolerant shrubs, ground cover, and trees planted along Project frontages to provide screening from public rights-of way. The proposed storm water basins would be planted with grasses and shrubs tolerant of seasonal water inundation.

Project site ingress and egress would be provided from two driveways: one 44-foot driveway located at the intersection of Nicolet Street and O'Donnell Street; and one 52-foot driveway located along Wilson Street, which would be signalized.

The Project would be developed in one phase. Construction is anticipated to occur for a duration of 18 months, beginning in early 2024. The Project is expected to require approximately 250,000 cubic yards (CY) of soil import.

Climate and Meteorology

The California Air Resources Board (CARB) divides the State into 15 air basins that share similar meteorological and topographical features. The Project is located within the SCAB, which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino counties, as well as all of Orange County. The SCAB is part of a semi-permanent high-pressure zone in the eastern Pacific. As a result, the climate is mild and tempered by cool sea breezes.

Although the SCAB has a semiarid climate, the air closer to the Earth's surface is typically moist because of the presence of a shallow marine layer. Except for occasional periods when dry, continental air is brought into the SCAB by offshore winds, the "ocean effect" is dominant. Periods of heavy fog are frequent and low clouds known as high fog are characteristic climatic features, especially along the coast. Annual average humidity is 70 percent at the coast and 57 percent in the eastern portions of the SCAB.

Wind patterns across the SCAB are characterized by westerly or southwesterly on-shore winds during the day and easterly or northeasterly breezes at night. Wind speed is typically higher during the dry summer months than during the rainy winter.

Air quality in the SCAB generally ranges from fair to poor and is similar to air quality in most of coastal southern California. The entire region experiences heavy concentrations of air pollutants during prolonged periods of stable atmospheric conditions. The combination of winds and inversions are critical determinants that lead to highly degraded air quality in the SCAB during the summer. There is generally good air quality in the SCAB during the winter months.

Air Pollutants of Concern

Air pollutants emitted into the ambient air by stationary and mobile sources are regulated by State and federal laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants.

Primary air pollutants are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_x), sulfur dioxide (SO₂), coarse particulate matter (PM₁₀), fine particulate matter (PM_{2.5}), and lead are primary air pollutants. Of these, CO, NO_x, SO₂, PM₁₀, and PM_{2.5} are primary criteria pollutants. ROG and NO_x are criteria pollutant precursors and form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O₃) is formed by a chemical reaction between ROG and NO_x in the presence of sunlight. O₃ and nitrogen dioxide (NO₂) are the principal secondary pollutants.

Toxic Air Contaminants

Toxic air contaminants (TACs) are airborne substances that can cause short-term or long-term adverse human health effects. TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

CARB identified diesel particulate matter (DPM) as a TAC. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Due to their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types, engine operating conditions, fuel formulations, and the engine year. Some short-term effects of diesel exhaust include eye, nose, throat, and lung irritation. Diesel exhaust can cause coughs, headaches, light-headedness, and nausea.

Ambient Air Quality

CARB monitors ambient air quality at approximately 250 air monitoring stations across the State. These stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing ambient air quality levels, historical trends, and projections near the Project are documented by measurements made by SCAQMD, the air pollution regulatory agency in the SCAB that maintains air quality monitoring stations which process ambient air quality measurements.

Pollutants of concern in the SCAB include O₃, PM₁₀, and PM_{2.5}. The closest air monitoring station to the Project that monitors ambient concentrations of these pollutants is the Banning Airport Monitoring Station, located approximately 0.5 mile to the south of the Project site.

Sensitive Receptors

Sensitive populations are more susceptible to the effects of air pollution than is the general population. Sensitive receptors that are in proximity to localized TAC sources are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. The Project site is mainly surrounded by vacant/undeveloped land with residential uses located west of Hathaway Street and the Morongo Reservation to the north. The nearest sensitive land uses to the Project site are shown in **Table 4.2-1: Sensitive Receptors** below.

Table 4.2-1: Sensitive Receptors

Receptor Description	Distance and Direction from the Project site
Multi-family Residences	400 feet to the west
Single-family Residences	550 feet to the northwest
Single-family Residences	1,000 feet to the southwest
Single-family Residences	3,000 feet to the northeast
Source: Kimley-Horn. May 2023. <i>Air Quality Assessment</i> , Table 3: Sensitive Receptors. Appendix B1.	

4.2.3 Regulatory Setting

Federal

Federal Clean Air Act

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the United States Environmental Protection Agency (U.S. EPA) developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including O₃, NO₂, CO, SO₂, PM₁₀, PM_{2.5}, and lead. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires each state to prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines. The U.S. EPA can withhold certain transportation funds from states that fail to comply with the planning requirements of the FCAA. If a state fails to correct these planning deficiencies within two years of Federal notification, the U.S. EPA is required to develop a federal implementation plan for the identified nonattainment area or areas. The provisions of 40 Code of Federal Regulations Parts 51 and 93 apply in all nonattainment and maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan. Applicable NAAQS are summarized in **Table 4.2-2: Federal Ambient Air Quality Standards** below.

Table 4.2-2: Federal Ambient Air Quality Standards

Pollutant	Averaging Time	Federal Standards
Ozone (O ₃)	1 Hour	-
	8 Hour	0.070 ppm (137 µg/m ³)
Carbon Monoxide (CO)	1 Hour	35 ppm (40 mg/m ³)
	8 Hour	9 ppm (10 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.100 ppm(188 µg/m ³)
	Annual Arithmetic Mean	0.053 ppm (100 µg/m ³)
Sulfur Dioxide (SO ₂)	1 Hour	0.075 ppm (196 µg/m ³)
	24 Hour	0.14 ppm (365 µg/m ³)
	Annual Arithmetic Mean	0.03 ppm (80 µg/m ³)
Particulate Matter (PM ₁₀)	24 Hour	150 µg/m ³
	Annual Arithmetic Mean	-
Fine Particulate Matter (PM _{2.5})	24 Hour	35 µg/m ³
	Annual Arithmetic Mean	12 µg/m ³
Sulfates (SO _{4.2})	24 Hour	-
Lead (Pb)	30 Day Average	-
	Calendar Quarter	1.5 µg/m ³
	Rolling 3-Month Average	0.15 µg/m ³
Hydrogen Sulfide (H ₂ S)	1 Hour	-
Vinyl Chloride (C ₂ H ₃ Cl)	24 Hour	-
Notes: ppm= parts per million; µg/m ³ = micrograms per cubic meter; mg/m ³ = milligrams per cubic meter; – = no information available. For additional details see Air Quality Assessment Table 4, in Appendix B1 .		
Source: Kimley-Horn. May 2023. Air Quality Assessment. Appendix B1 .		

Federal Emissions Standards for On-Road Trucks

To reduce emissions from on-road, heavy-duty diesel trucks, the U.S. EPA established a series of increasingly strict emission standards for new engines, starting in 1988. The U.S. EPA promulgated the

final and cleanest standards with the 2007 Heavy-Duty Highway Rule.¹ The PM emission standard of 0.01 gram per horsepower-hour (g/hp-hr) is required for new vehicles beginning with model year 2007. Also, the NOX and nonmethane hydrocarbon (NMHC) standards of 0.20 g/hp-hr and 0.14 g/hp-hr, respectively, were phased in together between 2007 and 2010 on a percent of sales basis, 50 percent from 2007 to 2009 and 100 percent in 2010.

Emission Standards for Off-Road Diesel Engines

To reduce emissions from off-road diesel equipment, the U.S. EPA established a series of cleaner emission standards for new off-road diesel engines. Tier 1 standards were phased in from 1996 to 2000 (year of manufacture), depending on the engine horsepower category. Tier 2 standards were phased in from 2001 to 2006. Tier 3 standards were phased in from 2006 to 2008. Tier 4 standards, which generally require add-on emission control equipment to attain them, were phased in from 2008 to 2015.

State

California Air Resources Board

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA) requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with the CAAQS. These AQMPs also serve as the basis for the preparation of the SIP for meeting federal clean air standards for the State of California. Like the U.S. EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a State standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in **Table 4.2-3: State Ambient Air Quality Standards** below.

Table 4.2-3: State Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards ¹
Ozone (O ₃)	1 Hour	0.09 ppm (180 µg/m ³)
	8 Hour	0.070 ppm (137 µg/m ³)
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m ³)
	8 Hour	9.0 ppm (10 mg/m ³)
Nitrogen Dioxide (NO ₂)	1 Hour	0.18 ppm (339 µg/m ³)
	Annual Arithmetic Mean	0.030 ppm (57 µg/m ³)
Sulfur Dioxide (SO ₂)	1 Hour	0.25 ppm (655 µg/m ³)
	24 Hour	0.04 ppm (105 µg/m ³)
	Annual Arithmetic Mean	-

¹ United States Environmental Protection Agency (U.S. EPA). 2001. *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, Final Rule*. 40 Code of Federal Regulations, Parts 69, 80, and 86. Retrieved from: <https://www.govinfo.gov/content/pkg/FR-2001-01-18/pdf/01-2.pdf> (accessed March 2023).

Pollutant	Averaging Time	State Standards ¹
Particulate Matter (PM ₁₀)	24 Hour	50 µg/m ³
	Annual Arithmetic Mean	20 µg/m ³
Fine Particulate Matter (PM _{2.5})	24 Hour	-
	Annual Arithmetic Mean	12 µg/m ³
Sulfates (SO _{4.2})	24 Hour	25 µg/m ³
Lead (Pb)	30 Day Average	1.5 µg/m ³
	Calendar Quarter	-
	Rolling 3-Month Average	-
Hydrogen Sulfide (H ₂ S)	1 Hour	0.03 ppm (42 µg/m ³)
Vinyl Chloride (C ₂ H ₃ Cl)	24 Hour	0.01 ppm (26 µg/m ³)
Notes: ppm= parts per million; µg/m ³ = micrograms per cubic meter; mg/m ³ = milligrams per cubic meter; – = no information available. For additional details see Air Quality Assessment Table 4, in Appendix B1 .		
Source: Kimley-Horn. May 2023. Air Quality Assessment. Appendix B1 .		

Diesel Risk Reduction Plan

The identification of DPM as a TAC in 1998 led CARB to adopt the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (DRRP) in October 2000. The DRRP's goals include an 85 percent reduction in DPM by 2020 from the 2000 baseline.² CARB estimates that emissions of DPM in 2035 will be less than half those in 2010, further reducing statewide cancer risk and non-cancer health effects.³ The DRRP includes regulations for cleaner new diesel engines, cleaner in-use diesel engines (retrofits), and cleaner diesel fuel.

Truck and Bus Regulation Reducing Emissions from Existing Diesel Vehicles

On December 12, 2008, CARB approved the Truck and Bus Regulation to significantly reduce particulate matter (PM) and oxides of nitrogen (NOX) emissions from existing diesel vehicles operating in California. The regulation requires diesel trucks and buses that operate in California to be upgraded to reduce emissions. Heavier trucks must be retrofitted with PM filters beginning January 1, 2012, and older trucks must be replaced starting January 1, 2015. Beginning January 1, 2023, nearly all trucks and buses are required to have 2010 model year engines or equivalent. The regulation applies to most privately and federally owned diesel fueled trucks and buses and to privately and publicly owned school buses with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. Small fleets with three or fewer diesel trucks can delay compliance for heavier trucks and there are several extensions for low-mileage construction trucks, early PM filter retrofits, adding cleaner vehicles, and other situations. Privately and publicly owned school buses have different requirements.

Heavy-Duty Vehicle Idling Emission Reduction Program

The purpose of the CARB Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling is to reduce public exposure to DPM and criteria pollutants by limiting the idling of diesel-fueled commercial vehicles. The driver of any vehicle subject to this ATCM is prohibited from idling

² California Air Resources Board. 2000. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. Retrieved from: <https://ww2.arb.ca.gov/sites/default/files/classic/diesel/documents/rrpfinal.pdf>. (accessed March 2023).

³ California Air Resources Board. ND. Overview: Diesel Exhaust & Health. Retrieved from: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>. (accessed March 2023).

the vehicle's primary diesel engine for greater than five minutes at any location and is prohibited from idling a diesel-fueled auxiliary power system (APS) for more than five minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools). CARB Final Regulation Order, Requirements to Reduce Idling Emissions from New and In-Use Trucks, beginning in 2008, requires that new 2008 and subsequent model-year heavy-duty diesel engines be equipped with an engine shutdown system that automatically shuts down the engine after 300 seconds of continuous idling operation once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged. Section 2485 and Section 2449 of Title 13 of the California Code of Regulations limits diesel-fueled motor vehicle and off-road idling to no more than five minutes. Section 2485 limits idling for diesel-fueled commercial motor vehicles with gross vehicle weight ratings of greater than 10,000 pounds that are or must be licensed to operate on publicly maintained highways and streets within California. Section 2449 limits idling for off-road diesel-fueled fleets.

CalEnviroScreen

The Office of Environmental Health Hazard Assessment (OEHHA) has developed CalEnviroScreen 4.0, which is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. CalEnviroScreen uses environmental, health, and socioeconomic information to produce scores for every census tract in the State. The scores are mapped so that different communities can be compared. An area with a high score is one that experiences a much higher pollution burden than areas with low scores.

According to CalEnviroScreen, the Project site and the residences to the north are located within Census Tract 6065043813, which is within the 84th percentile. The closest residences to the Project are located to the west within Census Tract 6065044200 which is within the 90th percentile.⁴ It should be noted that CalEnviroScreen ranks communities based on data that are available from state and federal government sources and the CalEnviroScreen scores are relative to other census tracts and are not an expression of health risk, and do not provide quantitative information on increases in cumulative impacts for specific sites or projects. The State uses CalEnviroScreen to prioritize California Climate Investments to benefit disadvantaged communities and to prioritize outreach in vulnerable communities. Further, as a comparative screening tool, the results do not provide a basis for determining when differences between scores are significant in relation to public health or the environment.

CARB Advanced Clean Truck Regulation

CARB adopted the Advanced Clean Truck Regulation in June 2020, requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission "last-mile" delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and

⁴ California Office of Environmental Health Hazard Assessment. 2021. *CalEnviroScreen 4.0 Results*. Retrieved from: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>. (accessed April 2023).

heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- **Zero-Emission Truck Sales:** Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.
- **Company and Fleet Reporting:** Large employers including retailers, manufacturers, brokers, and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Executive Order N-79-20

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045, where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium-and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment “requiring increasing volumes” of new zero emission vehicles (ZEVs) “towards the target of 100 percent.” The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

Regional

South Coast Air Quality Management District

The SCAQMD is the air pollution control agency for Orange County and the urban portions of Los Angeles, Riverside, and San Bernardino Counties. The agency’s primary responsibility is ensuring that the CAAQS and NAAQS are attained and maintained in the SCAB. The SCAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle emissions, conducting public education campaigns, and many other activities. All projects are subject to SCAQMD rules and regulations in effect at the time of construction.

The SCAQMD is also the lead agency in charge of developing the AQMP, with input from the Southern California Association of Governments (SCAG) and CARB. The AQMP is a comprehensive plan that includes control strategies for stationary and area sources, as well as for on-road and off-road mobile sources. SCAG has the primary responsibility for providing future growth projections and the development and

implementation of transportation control measures. CARB, in coordination with federal agencies, provides the control element for mobile sources.

The 2016 AQMP was adopted by the SCAQMD Governing Board on March 3, 2017. The purpose of the AQMP is to set forth a comprehensive and integrated program that would lead the SCAB into compliance with the federal 24-hour $PM_{2.5}$ air quality standard, and to provide an update to the SCAQMD's commitments towards meeting the 8-hour O_3 NAAQS. On October 1, 2015, the U.S. EPA strengthened the NAAQS for ground-level O_3 . The 2022 AQMP, adopted by the SCAQMD Governing Board on December 2, 2022, was developed to address the requirements for meeting the 2015 8-hour O_3 standard. The 2022 AQMP builds upon measures already in place from previous AQMPs. It also includes a variety of additional strategies such as regulation, accelerated deployment of available cleaner technologies (e.g., zero emissions technologies, when cost-effective and feasible, and low NO_x technologies in other applications), best management practices, co-benefits from existing programs (e.g., climate and energy efficiency), incentives, and other FCAA measures to achieve the 2015 8-hour O_3 NAAQS. The 2022 AQMP incorporates the latest scientific and technological information and planning assumptions, including the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and updated emission inventory methodologies for various source categories.

The SCAQMD has published the CEQA Air Quality Handbook (approved by the SCAQMD Governing Board in 1993 and augmented with guidance for Localized Significance Thresholds [LST] in 2008). The SCAQMD guidance helps local government agencies and consultants to develop environmental documents required by California Environmental Quality Act (CEQA) and provides identification of suggested thresholds of significance for criteria pollutants for both construction and operation (see discussion of thresholds below). With the help of the CEQA Air Quality Handbook and associated guidance, local land use planners and consultants are able to analyze and document how proposed and existing projects affect air quality in order to meet the requirements of the CEQA review process. The SCAQMD periodically provides supplemental guidance and updates to the handbook on their website.

The SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial counties and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. Under federal law, SCAG is designated as a Metropolitan Planning Organization and under State law as a Regional Transportation Planning Agency and a Council of Governments.

The state and federal attainment status designations for the SCAB are summarized in **Table 4.2-4: South Coast Air Basin Status** below. The SCAB is currently designated as a nonattainment area with respect to the State O_3 , PM_{10} , and $PM_{2.5}$ standards, as well as the national 8-hour O_3 and $PM_{2.5}$ standards. The SCAB is designated as attainment or unclassified for the remaining State and federal standards.

Table 4.2-4: South Coast Air Basin Attainment Status

Pollutant	State	Federal
Ozone (O ₃) (1 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Ozone (O ₃) (8 Hour Standard)	Non-Attainment	Non-Attainment (Extreme)
Particulate Matter (PM _{2.5}) (24 Hour Standard)	-	Non-Attainment (Serious)
Particulate Matter (PM _{2.5}) (Annual Standard)	Non-Attainment	Non-Attainment (Moderate)
Particulate Matter (PM ₁₀) (24 Hour Standard)	Non-Attainment	Attainment (Maintenance)
Particulate Matter (PM ₁₀) (Annual Standard)	Non-Attainment	-
Carbon Monoxide (CO) (1 Hour Standard)	Attainment	Attainment (Maintenance)
Carbon Monoxide (CO) (8 Hour Standard)	Attainment	Attainment (Maintenance)
Nitrogen Dioxide (NO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Nitrogen Dioxide (NO ₂) (Annual Standard)	Attainment	Attainment (Maintenance)
Sulfur Dioxide (SO ₂) (1 Hour Standard)	Attainment	Unclassifiable/Attainment
Sulfur Dioxide (SO ₂) (24 Hour Standard)	Attainment	-
Lead (Pb) (30 Day Standard)	-	Unclassifiable/Attainment
Lead (Pb) 3 Month Standard)	Attainment	-
Sulfates (SO _{4.2}) (24 Hour Standard)	Attainment	-
Hydrogen Sulfide (H ₂ S) (1 Hour Standard)	Unclassified	-
Source: Kimley-Horn. May 2023. Air Quality Assessment. Appendix B1.		

The following is a list of SCAQMD rules that are required of construction activities associated with the Project:

- **Rule 402 (Nuisance)** – This rule prohibits the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, response, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause injury or damage to business or property. This rule does not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.
- **Rule 403 (Fugitive Dust)** – This rule requires fugitive dust sources to implement best available control measures for all sources, and all forms of visible particulate matter are prohibited from crossing any property line. This rule is intended to reduce PM₁₀ emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust. PM₁₀ suppression techniques are summarized below.
 - a) Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.
 - b) All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.
 - c) All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - d) The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.

- e) Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.
- **Rule 1113 (Architectural Coatings)** – This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce ROG emissions from the use of these coatings, primarily by placing limits on the ROG content of various coating categories.
- **Rule 2305 (Warehouse Indirect Source Rule)** - Rule 2305 was adopted by the SCAQMD Governing Board on May 7, 2021 to reduce NO_x and PM emissions associated with warehouses and mobile sources attracted to warehouses. This rule applies to all existing and proposed warehouses over 100,000 square feet located in the SCAQMD. Rule 2305 requires warehouse operators to track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the warehouses WAIRE (Warehouse Actions and Investments to Reduce Emissions) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Reduction strategies listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install on-site energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Air Toxics Control Plan

The Air Toxics Control Plan (March 2000, revised March 26, 2004) is a planning document designed to examine the overall direction of the SCAQMD's air toxics control program. It includes development and implementation of strategic initiatives to monitor and control air toxics emissions. Control strategies that are deemed viable and are within the SCAQMD's jurisdiction will each be brought to the SCAQMD Board for further consideration through the normal public review process. Strategies that are to be implemented by other agencies will be developed in a cooperative effort, and the progress will be reported back to the Board periodically.

Multiple Air Toxics Exposure Study

The SCAQMD conducted an in-depth analysis of the TACs and their resulting health risks for all of southern California. The Multiple Air Toxics Exposure Study in the SCAB (MATES V) (August 2021) shows that carcinogenic risk from air toxics in the SCAB, based on the average concentrations at the 10 monitoring sites, is approximately 40 percent lower than the monitored average in MATES IV and 84 percent lower than the average in MATES II. MATES V is the most comprehensive dataset documenting the ambient air toxic levels and health risks associated with the SCAB emissions. Therefore, MATES V study represents the baseline health risk for a cumulative analysis. MATES V estimates the average excess cancer risk level from exposure to TACs is 424 in one million basin wide. In comparison, the MATES IV basin average risk was

897 per million. These model estimates were based on monitoring data collected at ten fixed sites within the SCAB. None of the fixed monitoring sites are near the Project site. However, MATES V has extrapolated the excess cancer risk levels throughout the SCAB by modeling the specific grids. MATES V modeling predicted an excess cancer risk of 285 in one million for the Project area.⁵ DPM is included in this cancer risk along with all other TAC sources. DPM accounts for 73 percent of the total risk shown in MATES V in this area.

Local

City of Banning General Plan

The City of Banning General Plan, Chapter IV Environmental Resources contains the following goals and policies that address air quality:

- Goal:** To preserve and enhance local and regional air quality for the protection of the health and welfare of the community.
- Policy 1:** The City shall be proactive in regulating local pollutant emitters and shall cooperate with the Southern California Association of Governments and the South Coast Air Quality Management District to assure compliance with air quality standards.
- Policy 2:** The City shall continue to coordinate and cooperate with local, regional, and federal efforts to monitor, manage, and reduce the levels of major pollutants affecting the City and region, with particular emphasis on PM₁₀ and O₃ emissions, as well as other emissions associated with diesel-fueled equipment and motor vehicles.
- Policy 3:** City land use planning efforts shall assure that sensitive receptors are separated from pollution point sources.
- Policy 4:** Development proposals brought before the City shall be reviewed for their potential to adversely impact local and regional air quality and shall be required to mitigate any significant impacts.
- Policy 5:** The City shall promote the use of clean and/or renewable alternative energy sources for transportation, heating, and cooling.

4.2.4 Impact Thresholds and Significance Criteria

According to Appendix G of the CEQA Guidelines, a project would normally have a significant effect on the environment if the project would:

- AQ-1** Conflict with or obstruct implementation of the applicable air quality plan.
- AQ-2** Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

⁵ South Coast Air Quality Management District. 2016. *MATES V Estimated Risk*. Retrieved from: https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/home/?data_id=dataSource_105-a5ba9580e3aa43508a793fac819a5a4d%3A403&views=view_38%2Cview_1. (accessed April 2023).

- AQ-3** Expose sensitive receptors to substantial pollutant concentrations.
- AQ-4** Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

South Coast Air Quality Management District Thresholds

The significance criteria established by the SCAQMD may be relied upon to make the above determinations to the SCAQMD. An air quality impact is considered significant if the Project would violate any ambient air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial pollutant concentrations. The SCAQMD has established thresholds of significance for regional air quality during construction and operational activities of land use development projects, as shown in **Table 4.2-5: SCAQMD Emissions Thresholds**. SCAQMD's significance threshold for cumulative impacts is the same for project-specific impacts.

Table 4.2-5: SCAQMD Emissions Thresholds

Criteria Air Pollutants and Precursors	Maximum Pounds Per Day	
	Construction-Related	Operational-Related
Reactive Organic Gases (ROG)	75	55
Carbon Monoxide (CO)	550	550
Nitrogen Oxides (NO _x)	100	55
Sulfur Oxides (SO _x)	150	150
Coarse Particulates (PM ₁₀)	150	150
Fine Particulates (PM _{2.5})	55	55
Source: Kimley-Horn. May 2023. Air Quality Assessment, Table 6: South Coast Air Quality Management District Emissions Thresholds. Appendix B1.		

Localized Carbon Monoxide

In addition to the daily thresholds listed above, development associated with the Project would also be subject to the CAAQS and NAAQS. These are addressed through an analysis of localized CO impacts. The significance of localized impacts depends on whether ambient CO levels near the Project site are above state and federal CO standards (the more stringent California standards are 20 ppm for 1-hour and 9 ppm for 8-hour). The SCAB has been designated as attainment under the 1-hour and 8-hour standards.

Localized Significance Thresholds

Additionally, the SCAQMD developed Localized Significance Thresholds (LSTs) for NO₂, CO, PM₁₀, and PM_{2.5} emissions generated at new development sites (off-site mobile source emissions are not included). LSTs represent the maximum emissions that can be generated at a project without expecting to cause or substantially contribute to an exceedance of the most stringent CAAQS or NAAQS. LSTs are based on the ambient concentrations of that pollutant within the Project source receptor area (SRA), as demarcated by the SCAQMD, and the distance to the nearest sensitive receptor. This City is located within SRA 29. **Table 4.2-6: Localized Significance Thresholds for Construction/Operations** below demonstrates the LSTs for a 1-acre, 2-acre, and 5-acre project in SRA 29. Because the nearest sensitive receptors are approximately 400 feet to the west of the Project site, the thresholds for distances of 400 feet were interpolated and used to analyze the localized impacts of the Project. LSTs increase as acreages increase.

The construction LST average is determined based on daily acreage disturbed, and the operational LST acreage is determined based on the total area of the Project site.

Table 4.2-6: Localized Significance Thresholds for Construction/Operations

Project Size	Maximum Pounds Per Day ¹			
	Nitrogen Oxide (NO _x)	Carbon Monoxide (CO)	Coarse Particulates (PM ₁₀)	Fine Particulates (PM _{2.5})
1-Acre	213/213	3,400/3,400	71/18	19/5
2-Acre	257/257	4,324/4,324	91/22	22/6
5-Acre	355/355	6,601/6,601	121/29	32/8
Notes: NO _x = Nitrogen Oxides; CO = Carbon Monoxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less 1= Thresholds interpolated based on a distance of 400 feet.				
Source: Kimley-Horn. May 2023. Air Quality Assessment, Table 7: Localized Significance Thresholds for Construction/Operations. Appendix B1.				

Although the Project site is greater than five acres, the 5-acre operational LSTs are conservatively used to evaluate the Project.

Health Risk Analysis Thresholds⁶

Project health risks are determined by examining the types and levels of air toxics generated and the associated impacts on factors that affect air quality. While the final determination of significance thresholds is within the purview of the lead agency pursuant to the State CEQA Guidelines, the SCAQMD recommends that the following air pollution thresholds be used by lead agencies in determining whether the impacts from a project are significant.

- Cancer Risk: Emit contaminants that equal or exceed the maximum individual cancer risk of 10 in one million.
- Non-Cancer Risk: Emit contaminants that equal or exceed the maximum hazard index of 1.0.

Cancer risk is expressed in terms of expected incremental incidence per million population. The SCAQMD has established an incidence rate of 10 persons per million as the maximum acceptable incremental cancer risk due to DPM exposure. This threshold serves to determine whether or not a given project has a potentially significant development-specific and cumulative impact. The 10 in one million standard is a health-protective significance threshold. A risk level of 10 in one million implies a likelihood that up to 10 persons, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of TACs over a specified duration of time. This risk would be an excess cancer that is in addition to any cancer risk borne by a person not exposed to these air toxics.

The SCAQMD has also established non-carcinogenic risk parameters for use in Health Risk Assessments (HRA). Noncarcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index of less than 1.0 means that adverse health effects are not expected. Within this analysis, non-carcinogenic exposures of less than 1.0 are considered less than significant.

⁶ Kimley-Horn. May 2023. Health Risk Assessment. **Appendix B2.**

The construction and operational air dispersion modeling for the HRA was performed using the U.S. EPA AERMOD dispersion model. AERMOD was run to obtain the annual average (period) concentration in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) of PM_{10} at the nearby sensitive receptors. A health risk computation was performed to determine the risk of developing an excess cancer risk calculated on these worst-case exposure duration scenarios. The chronic and carcinogenic health risk calculations are based on the standardized equations contained in the OEHHA Guidance Manual. Only the risk associated with the worst-case location of the Project was assessed.

Whenever a project would use chemical compounds identified in SCAQMD Rule 1401, on CARB's air toxics list pursuant to Assembly Bill (AB) 1807, or on the U.S. EPA's National Emissions Standards for Hazardous Air Pollutants, a HRA is required by the SCAQMD. **Table 4.2-7: SCAQMD Toxic Air Contaminants Incremental Risk Thresholds**, lists the SCAQMD's TAC incremental risk thresholds for operation of a project. Projects that do not generate emissions that exceed the values in **Table 4.2-7** would not substantially contribute to cumulative air quality hazards or exacerbate an existing environmental hazard.

Table 4.2-7: SCAQMD Toxic Air Contaminants Incremental Risk Thresholds

Contaminants	Risk Threshold
Maximum Incremental Cancer Risk	≥ 10 in 1 million
Cancer Burden (in areas ≥ 1 in 1 million)	> 0.5 excess cancer cases
Hazard Index (project increment)	≥ 1.0
Source: South Coast Air Quality Management District, <i>South Coast AQMD Public Notification Procedures for Facilities Under the Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) and Rule 1402</i> , Updated October 2020.	

Under the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369 (Case No. S213478), where a project will exacerbate an existing environmental hazard, CEQA requires an analysis of the worsened condition on future project residents and the public at large. Residential, commercial, office, and institutional uses (such as the hospital land uses) do not use substantial quantities of TACs and typically do not exacerbate existing hazards. Thus, these thresholds are typically applied to new industrial and warehouse projects.

Methodology

Project construction and operational impacts were modeled using the California Emissions Estimator Model (CalEEMod) where criteria air pollutant quantification was required. CalEEMod is a Statewide land use emissions computer model designed to quantify potential criteria pollutant emissions associated with construction and operations from a variety of land use development projects. Air quality impacts were assessed according to methodologies recommended by CARB and the SCAQMD. The Project's construction and operational emissions were compared to the SCAQMD's daily criteria pollutant emissions significance thresholds to determine the Project's impact on regional air quality.

The localized effects from the Project's on-site emissions were evaluated in accordance with the SCAQMD's LST methodology, which uses on-site mass emissions rate look-up tables and Project-specific modeling.

4.2.5 Impacts and Mitigation Measures

Impact 4.2-1 Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Level of Significance: Significant and Unavoidable

As part of its enforcement responsibilities, the U.S. EPA requires each state with nonattainment areas to prepare and submit a SIP that demonstrates the means to attain the federal standards. The SIP must integrate federal, state, and local plan components and regulations to identify specific measures to reduce pollution in nonattainment areas, using a combination of performance standards and market-based programs. Similarly, under State law, the CCAA requires an air quality attainment plan to be prepared for areas designated as nonattainment regarding the state and federal ambient air quality standards. Air quality attainment plans outline emissions limits and control measures to achieve and maintain these standards by the earliest practical date.

The Project is located within the SCAB, which is under jurisdiction of the SCAQMD. The SCAQMD is required to reduce emissions of criteria pollutants that are designated as non-attainment within the SCAB. The SCAQMD drafted the 2022 Air Quality Management Plan (AQMP) to reduce emissions. The AQMP established rules and regulations to reduce air pollutant emissions and achieve CAAQS and NAAQS. The AQMP includes pollutant control strategies based on SCAG's Connect SoCal RTP/SCS, updated emission inventory methodologies for various source categories, and the latest growth forecasts. The criteria that determine the Project's consistency with the AQMP are as follows:

- **Consistency Criterion No. 1:** The Project will not result in an increase in the frequency or severity of existing air quality violations, or cause or contribute to new violations, or delay the timely attainment of air quality standards or the interim emissions reductions specified in the AQMP.
- **Consistency Criterion No. 2:** The Project will not exceed the assumptions in the AQMP, or increments based on the years of the Project build-out phase.

The Project is not consistent with the first criterion. The Project would not exceed construction emission standards with implementation of Mitigation Measure **(MM) AQ-1**, which ensures the Project utilizes "Super Compliant" low VOC paints; however, the Project's operational emissions would exceed the operational standard for NO_x and would remain above the SCAQMD threshold. **MM AQ-2** through **MM AQ-6** would reduce operational emissions to the greatest amount feasible; however, implementation would not reduce operational emissions enough to be below threshold; refer to **Table 4.2-9: Operational Emissions** located under Impact 4.2-2 below.

As previously mentioned, the AQMP includes pollutant control strategies based on SCAG's most recent growth forecasts. SCAG's growth forecasts are determined in consultation with local governments. The Project site's existing land use designation and zoning is Business Park (BP). The Banning GP allows for light industrial manufacturing, office/warehouse buildings, restaurants, and retail use, and professional offices within BP land uses. The Project would be consistent with the approved land use designation and zoning, and therefore is consistent with the second criterion.

Project development would result in air pollutant emissions that exceed SCAQMD's operational emissions thresholds, even with mitigation implemented. Therefore, the Project would be inconsistent with the AQMP and would result in a significant and unavoidable impact.

Existing requirements based on local, state, or federal regulations or laws are frequently required independently of CEQA review. Typical requirements include compliance with the provisions of the Building Code, CalGreen Code, local municipal code, SCAQMD Rules, etc. Plans, programs, and policies (PPP) are based on local, state, or federal requirements that are frequently independent of CEQA review and typically include compliance with the provisions of the Building Code, SCAQMD Rules, etc. The City may impose additional requirements during the approval process, as appropriate. Because PPPs are neither Project specific nor a result of development of the Project, they are not considered to be either project design features or mitigation measures. The Project would comply with the following PPPs:

PPP-1 Prior to the issuance of grading permits, the City Engineer shall confirm that the Grading Plan, Building Plans and Specifications require all construction contractors to comply with SCAQMD's Rules 402 and 403 to minimize construction emissions of dust and particulates. The measures include, but are not limited to the following:

PPP-1a Portions of a construction site to remain inactive longer than a period of three months will be seeded and watered until grass cover is grown or otherwise stabilized.

PPP-1b All on-site roads will be paved as soon as feasible or watered periodically or chemically stabilized.

PPP-1c All material transported off-site will be either sufficiently watered or securely covered to prevent excessive amounts of dust.

PPP-1d The area disturbed by clearing, grading, earthmoving, or excavation operations will be minimized at all times.

PPP-1e Where vehicles leave a construction site and enter adjacent public streets, the streets will be swept daily or washed down at the end of the work day to remove soil tracked onto the paved surface.

In addition, for projects greater than 50 acres, additional requirements include, but are not limited to, the following:

PPP-1f Maintain a daily record of specific dust control actions taken and maintain records for a minimum of three years.

PPP-1g Install signage with contact information.

PPP-1h Identify a dust control supervisor.

PPP-2 Pursuant to SCAQMD Rule 1113, the Project applicant shall require by contract specifications that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would have a volatile organic compound rating of 50 grams per liter or less.

- PPP-3 Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.
- PPP-4 The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (CRR, Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (Section 110.10) requires buildings to be designed to have 15 percent of the roof area “solar ready” that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.
- PPP-5 The Project shall be designed in accordance with the applicable CALGreen Code (CCR, Title 24, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to, the following:
- PPP-5a Design buildings to be water-efficient. Install water-efficient fixtures in accordance with Section 4.303 (residential) and Section 5.303 (nonresidential) of the California Green Building Standards Code Part 11.
- PPP-5b Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 4.408.1 (residential) and Section 5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.
- PPP-5c Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with Section 4.410 (residential) and Section 5.410 (nonresidential) of the California Green Building Standards Code Part 11.
- PPP-5d To facilitate future installation of electric vehicle supply equipment (EVSE), nonresidential construction shall comply with Section 5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.
- PPP-6 The Project tenants shall comply with the SCAQMD Indirect Source Rule (Rule 2305). This rule is expected to reduce NO_x and PM₁₀ emission during construction and operation. Emission reductions resulting from this rule were not included in the Project analysis. Compliance with Rule 2305 is enforced by the SCAQMD through their reporting process and is required for all warehouse projects greater than 100,000 sf.

Mitigation Measures:

- MM AQ-1** The Project shall utilize “Super-Compliant” low VOC paints which have been reformulated to exceed the regulatory VOC limits (i.e., have a lower VOC content than what is required) put forth by SCAQMD’s Rule 1113 for all architectural coatings.

Super-Compliant low VOC paints shall be no more than 10g/L of VOC. Prior to issuance of a building permit, the City Building and Safety Department shall confirm that plans include the following specifications:

- All architectural coatings will be super-compliant low VOC paints.
- Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain. Set aside the can of cleanup water and take it to the hazardous waste center (www.cleanup.org).
- Use compliant low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.
- Contractors shall construct/build with materials that do not require painting and use pre-painted construction materials to the extent practicable.
- Use high-pressure/low-volume paint applicators with a minimum transfer efficiency of at least 50 percent or other application techniques with equivalent or higher transfer efficiency.

MM AQ-2

Prior to issuance of tenant occupancy permits, the tenant/facility operator shall prepare and submit a Transportation Demand Management (TDM) program detailing strategies that would reduce the use of single occupant vehicles by employees by increasing the number of trips by walking, bicycle, carpool, vanpool, and transit. The TDM shall include, but is not limited to the following:

- Provide a transportation information center and on-site TDM coordinator to educate employers, employees, and visitors of surrounding transportation options.
- Provide on-site car share amenities for employees who make only occasional use of a vehicle, as well as others who would like occasional access to a vehicle of a different type than they use day-to-day.
- Promote and support carpool/vanpool/rideshare use through parking incentives and administrative support, such as ride-matching service.
- Incorporate incentives for using alternative travel modes, such as preferential carpool/vanpool parking or others.
- Each building shall provide preferred parking for electric, low-emitting and fuel-efficient vehicles equivalent to at least eight percent of the required number of parking spaces.

This mitigation measure applies only to tenant occupancy and not the building shell approvals.

MM AQ-3

Prior to the issuance of a building permit for the Shell Design, the Planning Department shall confirm that the Project is designed to include the following:

- The Project buildings' electrical room shall be sufficiently sized to hold additional panels that may be needed to supply power for the future installation of electric vehicle (EV) truck charging stations on the site.
- Conduit should be installed from the electrical room to tractor trailer parking spaces in a logical location(s) on the site determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available and the buildings are being served by trucks with electric-powered engines.

This mitigation measure applies only to building shell approvals and not the tenant improvements.

MM AQ-4

Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that all truck access gates and loading docks within the Project site shall have a sign posted that states:

- Truck drivers shall turn off engines when not in use.
- Truck drivers shall shut down the engine after five minutes of continuous idling operation (pursuant to Title 13 of the California Code of Regulations, Section 2485). Once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged.
- Telephone numbers of the building facilities manager and CARB to report violations.
- Signs shall also inform truck drivers about the health effects of diesel particulates, the California Air Resources Board diesel idling regulations, and the importance of being a good neighbor by not parking in residential areas.

This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-5

Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications shall include requirements (by contract specifications) that vendor trucks for the industrial buildings include energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling resistance tires—to reduce fuel consumption. This mitigation measure applies only to tenant improvements and not the building shell approvals.

MM AQ-6 The Project shall include the necessary charging stations for cargo handling equipment. Prior to the issuance of a tenant occupancy permit, the Planning Department shall confirm that the Project plans and specifications show that all outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) are zero emission/powered by electricity. Note that SCAQMD Rule 2305 (Warehouse Indirect Source Rule) Warehouse Actions and Investments to Reduce Emissions (WAIRE) points may be earned for electric/zero emission yard truck/hostler usage. This mitigation measure applies only to tenant improvements and not the building shell approvals.

Impact 4.2-2 *Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

Level of Significance: Significant and Unavoidable

Project construction would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the Project area include O₃-precursor pollutants (i.e., ROG and NO_x), PM₁₀, and PM_{2.5}. Construction-generated emissions are short term and of temporary duration, lasting only as long as construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the SCAQMD's thresholds of significance.

Construction results in the temporary generation of emissions resulting from site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities as well as weather conditions and the appropriate application of water.

Fugitive dust emissions may have a substantial, temporary impact on local air quality, and may be a nuisance to persons living and working nearby. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. SCAQMD Rules 402 and 403 (prohibition of nuisances, watering of inactive and perimeter areas, track out requirements, etc.), are applicable to the Project and were applied in CalEEMod to minimize fugitive dust emissions.

Table 4.2-8: Construction Emissions below demonstrates that unmitigated construction emissions would exceed the SCAQMD threshold for the O₃ precursors ROG (VOC). Most ROG emissions are generated during the architectural coatings phase of construction. As previously discussed in Impact 4.2-1 above, **MM AQ-1** requires the Project to use "Super-Compliant" low VOC paints to reduce ROG emissions to less than significant levels. Therefore, impacts would be less than significant with mitigation incorporated.

Table 4.2-8: Construction Emissions

Construction Year	Emissions (Maximum Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated Emissions¹						
Year 2024	7.73	53.3	117.6	0.16	21.5	11.
Year 2025	102	38.8	129.4	0.14	23.3	6.11
SCAQMD Threshold	75	100	550	150	150	55
Exceed SCAQMD Threshold?	Yes	No	No	No	No	No
Mitigated Emissions²						
Year 2024	7.34	53.3	117.6	0.16	20.3	5.47
Year 2025	26.36	38.8	129.4	0.14	23.3	6.11
SCAQMD Threshold	75	100	550	150	150	55
Exceed SCAQMD Threshold?	No	No	No	No	No	No
Notes: ROG = Reactive Organic Gases; NO _x = Nitrogen Oxides; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less 1= SCAQMD Rule 403 Fugitive Dust applied. The Rule 403 reduction/credits include the following: properly maintain mobile and other construction equipment; water exposed surfaces three times daily; and limit speeds on unpaved roads to 15 miles per hour. Reductions percentages from the SCAQMD CEQA Handbook (Tables XI-A through XI-E) were applied. No mitigation was applied to construction equipment. Refer to Appendix A for Model Data Outputs. 2= Mitigation includes the incorporation of MM AQ-1. MM AQ-1 requires the use of “Super-Compliant” low VOC paints.						
Source: Kimley-Horn. May 2023. Air Quality Assessment, <i>Table 9: Construction Emissions</i> . Appendix B1 .						

Project operational emissions would primarily be associated with area sources, such as the use of landscape maintenance equipment, architectural coatings, and cargo handling equipment. The Project would comply with PPP-2 specifying that the interior and exterior architectural coatings products used would have a volatile organic compound rating of 50 grams per liter or less. **Table 4.2-9: Operational Emissions** below describes that Project operational emissions would exceed SCAQMD thresholds for ROG and NO_x. Additionally, **MM AQ-2** through **MM AQ-6** would be implemented to reduce operational emissions to the greatest amount feasible. However, implementation would not reduce operational emissions enough to be below the threshold; emissions from motor vehicles are controlled by State and federal standards and the Project would have no control over these standards. The Project would comply with PPP-3 requiring diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, Section 2449.

Table 4.2-9: Operational Emissions

Source	Emissions (Maximum Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Unmitigated Operations						
Area Sources	50.6	1.04	123.7	0.01	0.2	0.2
Energy	0.4	6.9	5.8	0.04	0.5	0.5
Mobile Sources – Passenger Vehicles	24.7	22.5	307.9	0.7	26.1	4.9
Mobile Sources – Trucks	1.0	54.1	12.2	0.5	8.7	2.7
Off-Road – Forklifts ¹	3.3	30.9	43.6	0.06	1.6	1.5
Off-Road – Yard trucks ¹	1.9	16.4	18.4	0.04	0.8	0.7
Emergency Backup Generators	1.7	4.7	4.3	0.01	0.3	0.3
Total Emissions	83.6	140.9	515.8	1.4	38.2	10.7
SCAWMD Threshold	55	55	550	150	150	55

Source	Emissions (Maximum Pounds Per Day)					
	ROG	NO _x	CO	SO ₂	PM ₁₀	PM _{2.5}
Exceed SCAQMD Threshold?	Yes	Yes	No	No	No	No
Mitigated Operations						
Area Sources ²	26.8	0	0	0	0	0
Energy	0.4	6.9	5.8	0.04	0.5	0.5
Mobile Sources – Passenger Vehicles	24.7	22.5	307.9	0.7	26.1	4.9
Mobile Sources – Trucks	1.0	54.1	12.2	0.5	8.7	2.7
Off-Road – Forklifts ²	0	0	0	0	0	0
Off-Road 0 Yard Trucks ²	0	0	0	0	0	0
Emergency Backup Generators	1.7	4.7	4.3	0.01	0.3	0.3
Total Emissions	54.6	92.6	330.2	1.25	35.6	8.3
SCAQMD Threshold	55	55	550	150	150	55
Exceed SCAQMD Threshold?	No	Yes	No	No	No	No
Notes: ROG = Reactive Organic Gases; NO _x = Nitrogen Oxides; CO = Carbon Monoxide; SO ₂ = Sulfur Dioxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less 1= Unmitigated emissions assume diesel off-road equipment (i.e., forklifts and yard trucks). 2= MM AQ-6 requires all outdoor cargo loading equipment be zero emissions/powered by electricity. Source: Kimley-Horn. May 2023. Air Quality Assessment, <i>Table 10: Operational Emissions</i> . Appendix B1 .						

MM AQ-2 through **MM AQ-6**, previously described in Impact 4.2-1, would be implemented to reduce operational emissions. **MM AQ-2** requires the implementation of a TDM program to reduce single occupant vehicle trips and encourage transit. **MM AQ-3** requires the buildings to be designed to accommodate electric vehicle (EV) infrastructure, and **MM AQ-4** requires signs be posted that prohibit idling when engines are not in use. **MM AQ-5** requires tenants to include fuel efficiency improvements to reduce fuel consumption through the Carl Moyer Program. **MM AQ-6** requires all outdoor cargo handling equipment to be zero emission/powered by electricity.

Additionally, the Project operator would directly reduce NO_x and particulate matter emissions to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities in accordance with Rule 2305. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

Furthermore, warehouse owners and operators are required to earn Warehouse Actions and Investments to Reduce Emissions (WAIRE) Points each year. WAIRE points are a menu-based system earned by emission reduction measures. Warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. WAIRE points can be earned by completing actions from a menu that can include acquiring and using natural gas, Near-Zero Emissions and/or Zero-Emissions on-road trucks, zero-emission cargo handling equipment, solar panels or zero-emission charging and fueling infrastructure, or other options.

A preliminary WAIRE calculation has been conducted for the proposed Project. The Project would include five zero-emission yard trucks that would operate for approximately eight hours per day, 365 days per year. Based on the SCAQMD WAIRE User Calculator the Project would have a Warehouse Points

Compliance Obligation (WPCO) of 927.1 and would earn 5,133.6 points. As a result, the Project more than fulfill its WPCO and would bank 4,206.5 points.⁷ However, the Project operational emissions would still exceed the SCAQMD threshold despite the implementation of mitigation. As previously mentioned, emissions of motor vehicles are controlled by State and federal standards and the Project has no control over these standards. While the Project has some control over mobile source efficiencies, the majority of the mobile source emissions are beyond the Project's control. Therefore, no additional feasible mitigation measures beyond **MM AQ-2** through **MM AQ-6** are available to further reduce emissions. Operational NO_x impacts associated with mobile sources would remain significant, no additional feasible mitigation measures are available that can reduce mobile NO_x emission impacts to less than significant. Project impacts would be significant and unavoidable.

Mitigation Measures

MM AQ-2 through **MM AQ-6** above.

Impact 4.2-3 *Would the Project expose sensitive receptors to substantial pollutant concentrations?*

Level of Significance: Less Than Significant with Mitigation Incorporated

Construction

Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. Populations residing in sensitive receptors are more susceptible to the air quality impacts than populations not residing in sensitive receptors. The Project site is mainly surrounded by vacant and undeveloped land. Some residential uses are located west of Hathaway Street, and the Morongo Reservation is located to the north of the Project site. **Table 4.2-1: Sensitive Receptors** located in **Section 4.2.2: Environmental Setting** depicts sensitive land uses that are located closest to the Project site.

The nearest sensitive receptor is a multi-family residential apartment complex located approximately 400 feet to the west of the Project site. LSTs were developed in response to SCAQMD Governing Boards Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (dated June 2003 [revised 2008]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with Project-specific emissions.

Since CAIEEMod calculates construction emissions based on the number of equipment hours and the maximum daily soil disturbance activity possible for each piece of equipment, equipment-specific grading rates are used to determine the maximum daily disturbed acreage for comparison to LSTs.

The appropriate SRA for the localized significance thresholds is Banning Airport (SRA 29) since this area includes the Project. LSTs apply to NO_x, CO, PM₁₀, and PM_{2.5}. The SCAQMD produced look-up tables for projects that disturb areas less than or equal to five acres in size. Project construction is anticipated to

⁷ Kimley-Horn. Air Quality Assessment. Page 25-26. **Appendix B1**.

disturb a maximum of four acres in a single day. As the LST guidance provides thresholds for projects disturbing 1-, 2-, and 5-acres in size and the thresholds increase with size of the site, the LSTs for a 4-acre threshold were interpolated. **Table 4.2-10: Equipment-Specific Grading Rates** below, is used to determine the maximum daily disturbed acreage for comparison to LSTs.

Table 4.2-10: Equipment-Specific Grading Rates

Construction Phase	Equipment Type	Equipment Quantity	Acres Graded per 8-Hour Day	Operating Hour per Day	Acres Graded per Day
Grading	Tractors	2	0.5	8	1
	Graders	1	0.5	8	0.5
	Dozers	1	0.5	8	0.5
	Scrapers	2	1	8	2
Total Acres Graded per Day					4
Source: Kimley-Horn. May 2023. Air Quality Assessment, <i>Table 11: Equipment-Specific Grading Rates</i> . Appendix B1.					

The SCAQMD’s methodology states that “off-site mobile emissions from the Project should not be included in the emissions compared to LSTs.” Therefore, only emissions included in the CalEEMod “on-site” emissions outputs were considered. **Table 4.2-11: Localized Significance of Construction Emissions** below presents the results of localized emissions during construction activities. In addition, building construction, paving, and architectural coating emissions were also combined since these phases of construction are anticipated to overlap.

Table 4.2-11: Localized Significance of Construction Emissions

Construction Activity	Emissions (Maximum Pound Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
Site Preparation	36.0	32.9	21.3	11.6
Grading	34.3	30.2	10.9	5.02
Building Construction	11.2	13.1	0.5	0.46
Paving	7.45	9.98	0.35	0.32
Architectural Coating	0.88	1.14	0.03	0.03
Combined Building Construction, Paving, and Architectural Coating	89.83	87.32	33.08	17.43
SCAQMD Localized Screening Threshold (adjusted for 4 acres at 400 feet)	323	5,842	111	28
Exceed SCAQMD Threshold	No	No	No	No
Notes: NO _x = Nitrogen Oxides; CO = Carbon Monoxide; PM ₁₀ = Particulate Matter 10 microns in diameter or less; PM _{2.5} = Particulate Matter 2.5 microns in diameter or less				
Source: Kimley-Horn. May 2023. Air Quality Assessment, <i>Table 12: Localized Significance of Construction Emissions</i> . Appendix B1.				

Project construction emissions would be below the SCAQMD LST at each nearby sensitive receptor, and no significant impacts would occur during construction concerning LSTs.

According to the SCAQMD LST methodology, LSTs would apply to the operational phase of a project only if it includes stationary sources or attracts mobile sources that may spend long periods queuing and idling at the site (e.g., warehouse or transfer facilities). Since the Project is a warehouse, the operational phase LST protocol is conservatively applied to both the area source and a portion of the mobile source emissions from operations.

Operations

Table 4.2-12: Localized Significance of Operational Emissions below demonstrates a worst-case scenario including all on-site Project-related stationary sources and three percent of mobile sources (a portion of mobile sources could include trucks idling on-site). Emissions are not separated by on-site/off-site trips; therefore, emissions are conservatively assumed to be equal to three percent (approximately half a mile per one-way trip of on-site travel) of the total daily mobile emissions based on VMT.

Table 4.2-12: Localized Significance of Operational Emissions

Construction Activity	Emissions (Maximum Pound Per Day)			
	NO _x	CO	PM ₁₀	PM _{2.5}
On-Site and Mobile Source Emissions ¹	10	139	2	1
SCAQMD Localized Screening Threshold (adjusted for 5 acres at 400 feet)	355	6,601	29	8
Exceed SCAQMD Threshold?	No	No	No	No
Notes:				
1= Includes all on-site and three percent of warehouse mobile source emissions (assumes 3,352 VMT on-site per day).				
Source: Kimley-Horn. May 2023. Air Quality Assessment, Table 13: Localized Significance of Operational Emissions. Appendix B1.				

Project operations would not result in significant concentrations of pollutants at nearby sensitive receptors.

Criteria Pollutant Health Impacts

On December 24, 2018, the California Supreme Court issued an opinion identifying the need to provide sufficient information connecting a project's air emissions to health impacts or explain why such information could not be ascertained (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502). As discussed above the Project site is within the SCAQMD region. The SCAQMD has set its CEQA significance thresholds based on the FCAA, which defines a major stationary source (in extreme O₃ nonattainment areas such as the SCAB) as emitting 10 tons per year. The thresholds correlate with the trigger levels for the federal New Source Review (NSR) Program and SCAQMD Rule 1303 for new or modified sources. The NSR Program⁸ was created by the FCAA to ensure that stationary sources of air pollution are constructed or modified in a manner that is consistent with attainment of health-based NAAQS. The NAAQS establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, projects that do not exceed the SCAQMD's LSTs and mass emissions thresholds would not violate any air quality standards or contribute substantially to an existing or projected air quality violation.

NO_x and ROG are precursor emissions that form O₃ in the atmosphere in the presence of sunlight where the pollutants undergo complex chemical reactions. It takes time and the influence of meteorological conditions for these reactions to occur, so O₃ may be formed at a distance downwind from the sources. Breathing ground-level O₃ can result in health effects that include reduced lung function, inflammation of airways, throat irritation, pain, burning, or discomfort in the chest when taking a deep breath, chest tightness, wheezing, or shortness of breath. In addition to these effects, evidence from observational studies strongly indicates that higher daily O₃ concentrations are associated with increased asthma attacks, increased hospital admissions, increased daily mortality, and other markers of morbidity. The

⁸ Code of Federal Regulation (CFR) [i.e. PSD (40 CFR 52.21, 40 CFR 51.166, 40 CFR 51.165 (b)), Non-attainment NSR (40 CFR 52.24, 40 CFR 51.165, 40 CFR part 51, Appendix S).

consistency and coherence of the evidence for effects upon asthmatics suggests that O₃ can make asthma symptoms worse and can increase sensitivity to asthma triggers.

As discussed above the Project site is within the SCAQMD region. The SCAQMD's 2022 AQMP focuses on the 2015 8-hour O₃ standard with achieving attainment in 2037. The largest source of NO_x emissions (an O₃ precursor) in 2018 were related to on-road sources. The 2022 AQMP also emphasizes a shift in focus beyond on-road emissions to off-road sources. The 2022 AQMP identifies a 67 percent NO_x reduction beyond what we would achieve through current programs by 2037 and about 83 percent below current levels. In order to achieve this, the SCAQMD identifies the need for widespread adoption of ZE technologies across all mobile sectors and stationary sources.

As previously discussed, localized effects of on-site Project emissions on nearby receptors for the Project would be less than significant with mitigation (refer to **Table 4.2-11** through **Table 4.2-12**). The LSTs represent the maximum emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable state or federal ambient air quality standard. The LSTs were developed by the SCAQMD based on the ambient concentrations of that pollutant for each SRA and distance to the nearest sensitive receptor. The ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect public health, including protecting the health of sensitive populations. However, as discussed below, neither the SCAQMD nor any other air district currently have methodologies that would provide Lead Agencies and CEQA practitioners with a consistent, reliable, and meaningful analysis to correlate specific health impacts that may result from a proposed project's mass emissions. Information on health impacts related to exposure to O₃ and PM emissions published by the U.S. EPA and CARB have been summarized above and discussed in the Regulatory Setting section. Health studies are used by these agencies to set the NAAQS and CAAQS.

Although the Project is expected to exceed the SCAQMD's numeric regional mass daily thresholds for ROG and NO_x, this does not in itself constitute a significant health impact to the population adjacent to the Project and within the SCAB because the mass daily thresholds are regional figures calculated in pounds per day emitted into the air whereas health effects are determined based on the concentration of emissions in the air at particular receptor (e.g., parts per million by volume of air, or micrograms per cubic meter of air).

O₃ concentrations are dependent upon a variety of complex factors, including the presence of sunlight and precursor pollutants, natural topography, nearby structures that cause building downwash, atmospheric stability, and wind patterns. Because of the complexities of predicting ground-level O₃ concentrations in relation to the NAAQS and CAAQS, none of the ozone health-related information can be directly correlated to the pounds/day or tons/year of emissions estimated from a single proposed project. It should also be noted that this analysis identifies health concerns related to particulate matter, CO, O₃, and NO₂. **Table 14.2-13: Air Contaminants and Associated Public Health Concerns** below includes a list of criteria pollutants and summarizes common sources and effects. Thus, this analysis is reasonable and intended to foster informed decision making. Due to the uncertainty in the relationship between project-level mass emissions and regional ozone formation as well as limitations with currently available technical tools, the resulting health effects associated with the Project's emissions cannot be identified.

Given this is speculative, no meaningful conclusion can be drawn with respect to potential health effects from the criteria pollutant emissions of the proposed Project.

Table 4.2-13: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM ₁₀ and PM _{2.5})	Power plants, steel mills, chemical plants, unpaved roads and parking lots wood-burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O ₃)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC) ¹ and nitrogen oxides (NO _x) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Sulfur Dioxide (SO ₂)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO ₂)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to O ₃ . Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major source of lead emissions has historically been motor vehicles and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lower IQ.

Source: Kimley-Horn. May 2023. Air Quality Assessment, Table 13: Localized Significance of Operational Emissions. **Appendix B1.**

Carbon Monoxide Hotspots

CO exceedances are caused by vehicular emissions, primarily when vehicles are idling at intersections. Vehicle emissions standards have become increasingly stringent in the last 20 years. Currently, the CO standard in California is a maximum of 3.4 grams per mile for passenger cars (requirements for certain vehicles are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities, CO concentrations have steadily declined.

Accordingly, with the steadily decreasing CO emissions from vehicles, even very busy intersections do not result in exceedances of the CO standard.

The SCAB was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP. The 2003 AQMP is the most recent version that addresses CO concentrations. As part of the SCAQMD CO Hotspot Analysis, the Wilshire Boulevard and Veteran Avenue intersection, one of the most congested intersections in southern California with an average daily traffic (ADT) volume of approximately 100,000 vehicles per day, was modeled for CO concentrations. This modeling effort identified a CO concentration high of 4.6 ppm, which is well below the 35-ppm Federal standard. The Project considered herein would not produce the volume of traffic required to generate a CO hot spot in the context of SCAQMD's CO Hotspot Analysis. The Banning General Plan Circulation Element shows existing and future traffic volumes for major roadways. Access to I-10 would be off of Ramsey Street, which would have a maximum of 22,418 ADT near the Project site. Assuming all 5,384 additional vehicle trips generated by the Project traveled along this segment of Ramsey Street, traffic at this location would increase to 27,802 vehicles per day. As the CO hotspots were not experienced at the Wilshire Boulevard and Veteran Avenue intersection even as it accommodates 100,000 vehicles daily, it can be reasonably inferred that CO hotspots would not be experienced at any Project vicinity intersections. Therefore, impacts would be less than significant.

Construction and Operational Diesel Particulate Matter

Construction of the Project would result in the generation of DPM emissions from the use of required off-road diesel equipment required. The amount to which the receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Health-related risks associated with diesel-exhaust emissions are primarily linked to long-term exposure and the associated risk of contracting cancer.

The use of diesel-powered construction equipment would be temporary and episodic. The duration of exposure would be short and exhaust from construction equipment dissipates rapidly. Current models and methodologies for conducting health risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary and highly variable nature of construction activities. The California OEHHA has not identified short-term health effects from DPM. Construction is temporary and would be transient throughout the site (i.e., move from location to location) and would not generate emissions in a fixed location for extended periods of time which would limit the exposure of any proximate individual sensitive receptor to TACs.

Additionally, construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Sections 2485 and 2449), which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. Given the temporary and intermittent nature of construction activities likely to occur within specific locations in the Project site (i.e., construction is not likely to occur in any one location for an extended time), the dose of DPM of any one receptor is exposed to would be limited. Therefore, considering the relatively short duration of DPM-emitting construction activity at any

one location, and the highly dispersive properties of DPM, sensitive receptors would not be exposed to substantial concentrations of construction-related TAC emissions.

An HRA for the Banning Commerce Center was prepared by Kimley-Horn on May 2023. The HRA was conducted based on the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis and the SCAQMD Risk Assessment Procedures and the guidance from OEHHA. Construction-related activities would result in Project-generated emissions of DPM from off-road, heavy-duty diesel equipment exhaust; paving; architectural coating application; on-road truck travel; and other miscellaneous activities. According to the Project-specific modeling completed, the Project would result in a maximum cancer risk of 6.53 in one million for residents and 6.12 in one million for workers which is below SCAQMD's threshold of 10 in one million. With the implementation of **MM AQ-6**, the maximum cancer risk from the Project would decrease to 4.30 per million for residents and 3.00 per million for workers. Therefore, impacts associated with carcinogenic risk would be less than significant.

The chronic hazard was calculated based on the highest annual average concentration at the maximally exposed individual receptor. The highest maximum chronic hazard index associated with unmitigated DPM emissions from the Project would be 0.022. Therefore, even without mitigation, non-carcinogenic hazards are calculated to be within acceptable limits and a less than significant impact would occur. With mitigation the chronic hazard would be reduced to 0.011. Impacts would be less than significant.

Mitigation Measures

MM AQ-6 above.

Impact 4.2-4 *Would the Project Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

Level of Significance: No Impact

During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. These odors are not anticipated to affect a substantial number of people and would disperse rapidly. Furthermore, odors generated from construction activities would be required to follow SCAQMD Rule 402 to prevent odor nuisances on sensitive land uses. Therefore, Project construction-related odors would not have a substantial impact.

The SCAQMD CEQA Air Quality Handbook identifies certain land uses as sources of odors. These land uses include agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting facilities, refineries, landfills, dairies, and fiberglass molding. The Project would not include any of these land uses and therefore the Project would not create objectionable odors.

Mitigation Measures

No mitigation is required.

4.2.6 Cumulative Impacts

Regional

In accordance with SCAQMD's methodology, any project that produces a significant project-level regional air quality impact in an area that is in nonattainment contributes to the cumulative impact. The greatest source of emissions in the SCAB is mobile sources. Due to the extent of the area potentially impacted from cumulative project emissions, the SCAQMD considers a project cumulatively significant when project-related emissions exceed the SCAQMD regional emissions thresholds.

Construction

The SCAB is designated nonattainment for O_3 and $PM_{2.5}$ under both the California and federal standards and nonattainment for PM_{10} under the State standards. O_3 is created by chemical reactions between NO_x and VOCs; thus, NO_x and VOCs are precursor to O_3 . Construction of cumulative projects will further degrade the regional and local air quality. The Project would not make a cumulative considerable contribution to $PM_{2.5}$ or PM_{10} , but air quality from VOCs would potentially be impacted during construction activities. However, as discussed under Impact 4.3-2, implementation of **MM AQ-1** would reduce Project-related construction emissions to below the SCAQMD regional significance thresholds on a Project and cumulative basis. Therefore, the Project's contribution to cumulative air quality impacts would not be cumulatively considerable with incorporation of mitigation.

Operations

For operational air quality emissions, any project that does not exceed or can be mitigated to less than the daily regional threshold values is not considered by SCAQMD to be a substantial source of air pollution and does not add significantly to a cumulative impact. Project operation would still result in emissions that exceed SCAQMD regional emissions thresholds for NO_x even with mitigation implemented. Therefore, the air pollutant emissions associated with the Project would be cumulatively considerable and therefore significant and unavoidable.

Localized

Under SCAQMD guidance, projects that exceed the project-specific significance threshold of 10 in a million are considered to be cumulatively considerable. Project-related construction activities would result in a maximum cancer risk of 6.53 in one million for residents and 6.12 in one million for workers which is below SCAQMD's threshold of 10 in one million. With the implementation of **MM AQ-6**, the maximum cancer risk from the Project would decrease to 4.30 per million for residents and 3.00 per million for workers. As a result, the Project would not cumulatively contribute to the overall elevated levels of DPM in the SCAB. Therefore, the Project's contribution to health risk impacts in the SCAB is less than significant with mitigation incorporated.

4.2.7 Significant Unavoidable Impacts

Impact 4.2-1 and Impact 4.2-2 would result in a significant unavoidable impact. The Project would result in significant unavoidable cumulative impacts as well.

4.2.8 References

- California Air Resources Board. 2000. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*. Retrieved from: <https://ww2.arb.ca.gov/sites/default/files/classic/diesel/documents/rrpfinal.pdf>. (accessed March 2023).
- California Air Resources Board. ND. *Overview: Diesel Exhaust & Health*. Retrieved from: <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health>. (accessed March 2023).
- California Office of Environmental Health Hazard Assessment. 2021. *CalEnviroScreen 4.0 Results*. Retrieved from: <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>. (accessed April 2023).
- Code of Federal Regulation (CFR). [i.e., PSD (40 CFR 52.21, 40 CFR 51.166, 40 CFR 51.165 (b)), Non-attainment NSR (40 CFR 52.24, 40 CFR 51.165, 40 CFR part 51, Appendix S)]
- Kimley-Horn. May 2023. *Air Quality Assessment*. **Appendix B1**.
- Kimley-Horn. May 2023. *Health Risk Assessment*. **Appendix B2**.
- South Coast Air Quality Management District. October 2020. *South Coast AQMD Public Notification Procedures for Facilities Under the Air Toxics “Hot Spots” Information and Assessment Act (AB 2588) and Rule 1402*.
- South Coast Air Quality Management District. *MATES V Estimated Risk*. Retrieved from: https://experience.arcgis.com/experience/79d3b6304912414bb21ebdde80100b23/page/home/?data_id=dataSource_105-a5ba9580e3aa43508a793fac819a5a4d%3A403&views=view_38%2Cview_1. (accessed April 2023).
- United States Environmental Protection Agency (U.S. EPA). January 18, 2001. *Control of Air Pollution from New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements, Final Rule. 40 Code of Federal Regulations, Parts 69, 80, and 86*. Retrieved from: <https://www.govinfo.gov/content/pkg/FR-2001-01-18/pdf/01-2.pdf> (accessed March 2023).

4.3 BIOLOGICAL RESOURCES

4.3.1 Introduction

This section of the Draft Environmental Impact Report (EIR) identifies and evaluates potential impacts related to biological resources with the development of the Banning Commerce Center Project (Project). The baseline data collection provides information on baseline conditions in the Project site and immediate vicinity from a literature search, review of existing data, and site surveys. The following biological resources technical report, jurisdictional delineation, and determination of biologically equivalent or superior preservation (DBESP) are provided in **Appendix C1**, **Appendix C2**, and **Appendix C3**.

- Cadre Environmental. January 2024. *Biological Resources Technical Report: Banning Commerce Center Project, City of Banning, California* (BTR).
- Carlson Strategic Land Solutions, Inc. January 2024. *Jurisdictional Delineation for the Banning Commerce Project located in the City of Banning*. (JD)
- Cadre Environmental. May 2024. *Western Riverside County – MSHCP DBESP: Banning Commerce Center Project, City of Banning, California* (DBESP)

Additional sources used include:

- City of Banning General Plan. Chapter IV. Environmental Resources.

The purpose of this analysis is to provide a description of existing biological resources on the Project site and to identify potentially significant impacts that could occur to sensitive biological resources due to the implementation of the Project. As discussed in **Section 3.0: Project Description**, the Project proposes the development of a speculative warehouse building that would consist of cold storage warehouse space, traditional warehousing, and office space. The Project site is generally undisturbed, and a 300-foot survey buffer was included as part of the biological surveys conducted as part of the Project.

4.3.2 Environmental Setting

The objective of the BTR was to determine whether the Project site supports special status or otherwise sensitive species and/or their habitat, and to address the potential effects associated with the Project on those resources. The species and habitats addressed in the BTR are based on database information and field investigation. The BTR included an extensive literature review which provided a baseline from which to inventory the biological resources potentially occurring on the subject property. Geologic and soil maps were examined to identify local soil types that may support sensitive taxa. Aerial photography, topographic maps, and vegetation and rare plant maps prepared by previous studies in the region were used to determine community types and other physical features that may support sensitive plants/wildlife, uncommon taxa, or rare communities that occur within the Project site. Information for the environmental setting is derived largely from the BTR.

A field investigation was conducted on September 19, 2022, of the 131.28-acre Project site. A jurisdictional resources survey was completed by Carlson Strategic Land Solutions on November 17, 2022. In addition, Cadre Environmental conducted an initial Burrowing Owl habitat assessment during the winter of 2022. Eight focused Burrowing Owl surveys were conducted on March 8, 9, 20, April 12 and 19,

May 3, 30th, and 31 of 2023; refer to **Appendix C1**, for more details. Further, Cadre Environmental conducted focused spring surveys for sensitive plants during the spring of 2023 to determine presence/absence; refer **Appendix C1**, for more details.

The Project site is located within the Western Riverside County (WRC) Multiple Species Habitat Conservation Plan (MSHCP), The Pass Plan Area and The Pass-Special Linkage Area (SLA). The San Gorgonio River/San Bernardino-San Jacinto Mountains Linkage includes locations within and outside the MSHCP Plan Area. The Project site is located north of I-10 where a minimum of a 0.64-mile corridor width would remain within the Special Linkage Area (SLA) extending northeast of the Project site.

Existing Conditions

Site Conditions

The Project site is generally undeveloped with the exception of a Southern California Edison (SCE) sub-transmission line bisecting the Project site in a southwest to northeasterly manner. An unpaved service road follows the transmission line. Other unpaved roads exist on the western boundary of the Project site where miscellaneous stormwater infrastructure has been constructed previously. Additionally, a fence existing in an east-west manner in the northern portion of the Project site. Vegetation on the Project site generally consists of native desert scrub brush.

Topography and Soils

The Project site generally slopes from northwest to southeast with dominant vegetation communities including desert scrub, non-native grassland and Riversidean sage scrub. The Soil Survey of Western Riverside Area has the following soils mapped within the boundary of the Project site.

- GmD – Gorgonio gravelly loamy fine sand, 2 to 15 percent slopes
- CnD – Gorgonio cobbly loamy fine sand, 2 to 15 percent slopes
- HdD2 – Hanford cobbly coarse sandy loam, 2 to 15 percent slopes, eroded
- SrE – Soboba cobbly loamy sand, 2 to 25 percent slopes

Vegetation and Land Cover

As previously stated, the Project site is largely undeveloped with native and non-native vegetation communities, habitat, and soils. Vegetation communities and land covers occurring on the Project site generally consist of desert scrub, non-native grassland, riversidean sage scrub, disturbed areas, and developed areas.

Desert Scrub

The Project site is dominated by desert scrub vegetation characterized by the presence of the following species including catclaw acacia (*Senegalia greggii*), caterpillar phacelia (*Phacelia cicutaria*), California buckwheat (*Eriogonum fasciculatum*), slender buckwheat (*Eriogonum gracile*), common fiddleneck (*Amsinckia intermedia*), desert croton (*Croton californicus*), desert dandelion (*Malacothrix glabrata*),

chaparral yucca (*Hesperoyucca whipplei*), and California cholla (*Cylindropuntia californica*). A few scattered scalebroom (*Lepidospartum squamatum*) were documented within this vegetation community.

Non-native Grassland

Several patches of non-native grassland are scattered throughout the Project site within the desert scrub vegetation. Species documented within this vegetation community include foxtail chess (*Bromus madritensis* ssp. *rubens*), Mediterranean schismus (*Schismus barbatus*), slim oat (*Avena barbata*), ripgut grass (*Bromus diandrus*), and deerweed (*Acmispon glaber*).

Riversidean Sage Scrub

A large patch of Riversidean sage scrub has reestablished in a previously disturbed area adjacent to the western Project site boundary and a small patch located at the southeast corner of the property. Dominant species documented within this vegetation community include brittlebush (*Encelia farinosa*), tarragon (*Artemisia dracunculus*), California suncup (*Camissoniopsis bistorta*), common cryptantha (*Cryptantha intermedia*), beavertail cactus (*Opuntia basilaris*), and common yellow chaenactis (*Chaenactis glabriuscula*).

Disturbed

Disturbed regions of the Project site are either devoid of vegetation or dominated by scattered patches of invasive species including stinknet (*Oncosiphon piluliferum*), totalote (*Centaurea melitensis*), red-stemmed filaree (*Erodium cicutarium*), white-stemmed filaree (*Erodium moschatum*), prickly lettuce (*Lactuca serriola*), Russian thistle (*Salsola tragus*), black mustard (*Brassica nigra*), and prickly sow thistle (*Sonchus asper*).

Developed

Developed regions include the off-site paved portion of Hathaway Street and onsite outfall structure and rip/rap located along the western boundary.

Wildlife

General wildlife species documented on site include but are not limited to red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), American kestrel (*Falco sparverius*), northern mockingbird (*Mimus polyglottos*), Anna's hummingbird (*Calypte anna*), mourning dove (*Zenaida macroura*), black phoebe (*Sayornis nigricans*), Say's phoebe (*Sayornis saya*), American crow (*Corvus brachyrhynchos*), European starling (*Sturnus vulgaris*), house finch (*Haemorhous mexicanus*), desert cottontail rabbit (*Sylvilagus audubonii*), and California ground squirrel.

Sensitive Biological Resources

The following describes plant and wildlife species present, or potentially present with the Project site, that have been afforded special recognition by federal, state, or local resource conservation agencies and organizations, principally due to the species' declining or limited population sizes, usually resulting from habitat loss. Protected sensitive species are classified by state and/or federal resource management agencies, or both, as threatened or endangered, under provisions of the state and federal endangered

species act. Vulnerable “at-risk” species that are proposed for listing as threatened or endangered (and thereby for protected status) are categorized administratively as “candidates” by the United States Fish and Wildlife Service (USFWS). The California Department of Fish and Wildlife (CDFW) uses various terminology and classifications to describe vulnerable species. There are additional sensitive species classifications applicable in California.

Sensitive biological resources are habitats or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The CDFW, USFWS, and special groups like the California Native Plant Society (CNPS) maintain watch lists of such resources.

Sensitive Habitats

No vegetation communities listed by CDFW as sensitive were documented within or adjacent to the Project site.

Sensitive Plants

Western Riverside County Multiple Species Habitat Conservation Plan Narrow Endemic Plant Species

The WRC-MSHCP maintains a list of narrow endemic plant species that are subject to focused surveys. Although the Yucaipa (Marvin’s) onion (*Allium marvinii*) and many-stemmed dudleya (*Dudleya multicaulis*) are not expected onsite based on a lack of clay substrates, focused spring surveys for both MSHCP Narrow Endemic Plant Species (NEPS) were conducted during the spring of 2023 to determine presence/absence. Neither of the two MSHCP narrow endemic sensitive plant species were detected during the Project surveys and are therefore not expected to occur due to lack of observation. Refer to Table 4 of the BTR (Appendix C1) for more details regarding sensitive plant species.

State and Federally Designated Sensitive Plant Species

No state or federally listed threatened or endangered plant species are expected onsite as outlined in the BTR (Appendix C1).

Special-Status Species Potentially Occurring Onsite

Low potential for slender-horned spineflower (*Dodecahema leptoceras*), Parry’s spineflower (*Chorizanthe parryi* var. *parryi*), Robinson’s pepper-grass (*Lepidium virginicum* var. *robinsonii*), Payson’s jewelflower (*Caulanthus simulans*), and chaparral sand-verbena (*Abronia villosa* var. *aurita*) was documented onsite. Focused spring surveys for sensitive plants were conducted during the spring of 2023 to determine presence/absence. No sensitive plants including other CNPS special-status plants, or species of local concern were observed or expected onsite. Refer to Table 4 of the BTR (Appendix C1) for more details regarding sensitive plant species.

Sensitive Wildlife

Fairy Shrimp

No evidence of vernal pools, seasonal depressions, seasonally inundated road ruts or other wetland features were recorded on the Project site. Vernal pools are depressions in areas where a hard-

underground layer prevents rainwater from draining downward into the subsoils. When rain fills the pools in the winter and spring, the water collects and remains in the depressions. In the springtime, the water gradually evaporates away, until the pools become completely dry in the summer and fall. Vernal pools tend to have an impermeable layer that results in ponded water. The soil texture (the amount of sand, silt, and clay particles) typically contains higher amounts of fine silts and clays with lower percolation rates. Pools that retain water for a sufficient length of time will develop hydric cells. Hydric cells form when the soil is saturated from flooding for extended periods of time and anaerobic conditions (lacking oxygen or air) develop.

Consistent with conditions documented onsite and as previously stated, the Project site is characterized as Gorgonio gravelly loamy fine sand, Gorgonio cobbly loamy fine sand, Hanford cobbly coarse sandy loam, and Soboba cobbly loamy sand – all possessing well drained substrates (drainage class). No indication of clay substrates or hydric soils were documented within the Project site. A review of historic aerials was conducted to determine if inundated features were present during years of high rainfall when features would certainly be documented. Historic aerials taken in 2011 represent an ideal baseline during which no (previously documented) inundated vernal pools, seasonal depressions and road ruts can easily be seen. No sign or indication of inundation was documented within the Project site during a review of historic aerials. In summary, none of the conditions (i.e., no inundated depressions including road ruts, hydric soils, historic inundation, etc.) were observed or documented within the Project site. No features are present that would support fairy shrimp. No standing water or other sign of areas that pond water was recorded throughout the Project site. In addition, the Project site is not located within an MSHCP Amphibian Species Survey Area. As such, no surveys are required.

Multiple Species Habitat Conservation Plan Planning Species

A total of six MSHCP Planning Species have the potential to occur within the Project site including Bell's sage sparrow (*Artemisiospiza belli belli*), Southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), white-tailed kite (*Elanus leucurus*), loggerhead shrike (*Lanius ludovicianus*), and Stephens' kangaroo rat (*Dipodomys stephensi*). Suitable habitat for the Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), an MSHCP Planning Species was also documented onsite. However, the Project site is not located within an MSHCP mammal species Survey Area; therefore, no surveys are required.

Special-Status Species Potentially Occurring Onsite

A total of 14 sensitive species have the potential to occur within the Project site including orange-throated whiptail (*Aspidoscelis hyperythra*), coastal western whiptail (*Aspidoscelis tigris stejnegeri*), northern harrier (*Circus cyaneus*), San Diego banded gecko (*Coleonyx variegatus abbotti*), coast horned lizard (*Phrynosoma blainvillii*), grasshopper sparrow (*Ammodramus savannarum*), golden eagle (*Aquila chrysaetos*), ferruginous hawk (*Buteo regalis*), California horned lark (*Eremophila alpestris actia*), prairie falcon (*Falco mexicanus*), coastal California gnatcatcher (*Polioptila californica californica*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), Dulzura kangaroo rat (*Dipodomys simulans*), and San Diego black-tailed jackrabbit (*Lepus californicus bennettii*). As previously stated, the MSHCP has determined that these sensitive species potentially occurring within Project site have been adequately covered. Sensitive species that can be excluded from occurring onsite or known to occur within the region with potential to occur onsite are presented in Table 5 of the BTR (**Appendix C1**).

While the Crotch's bumble bee (*Bombus crotchii*) is a special-status species, it is not covered by the MSHCP. During site surveys performed by the Project biologist, suitable habitat for Crotch's bumble bee was not specifically surveyed and presence of the Crotch's bumble bee was not specifically documented. However, the prevalence and ubiquitous nature of Crotch's bumble bee habitat throughout the state and region would provide for a reasonable, and conservative, assumption that suitable scattered foraging habitat for the Crotch's bumble bee is present. The bee's range extends from southern to northern California within a variety of habitats including grassland, scrub, chaparral, and desert habitats.

State and Federal Jurisdictional Areas

As part of the Biological Technical Report, as Jurisdiction Delineation was completed by Carlson Strategic Land Solutions on December 7, 2022. This jurisdiction delineation included site investigations and field surveys. It was determined that the Project site contains approximately 0.18 acres of Waters of the United States and 0.54 acres of Waters of the State. These waters are contained within four separate drainage features that generally flow southeasterly across the Project site. These drainage areas are described in further detail below. Refer to the Jurisdictional Delineation report in **Appendix C2** for detailed information.

4.3.3 Regulatory Setting

Federal

Federal Endangered Species Act

The MSHCP serves as an HCP pursuant to Section 10(a)(1)(B) of the Federal Endangered Species Act (FESA) of 1973, allowing participating jurisdictions to authorize "take" of plant and wildlife species. The MSHCP has been issued under this Section and provides incidental take for all covered species.

Clean Water Act

The Clean Water Act (CWA), Section 401 provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 401 requires a project operator to obtain a federal license or permit that allows activities resulting in a discharge to waters of the United States to obtain state certification, thereby ensuring that the discharge will comply with provisions of the CWA. The Regional Water Quality Control Board (RWQCB) administers the certification program in California. Section 404 establishes a permit program administered by the U.S. Army Corps of Engineers (USACE) that regulates the discharge of dredged or fill material into waters of the United States, including wetlands. The USACE implementing regulations are found at 33 Code of Federal Regulations (CFR) 320 and 330. Guidelines for implementation are referred to as the Section 404(b)(1) Guidelines, which were developed by the United States Environmental Protection Agency (EPA) in conjunction with the USACE (40 CFR 230). The guidelines allow the discharge of dredged or fill material into the aquatic system only if there is no practicable alternative that would have less adverse impacts.

Wetland Definition Pursuant to Section 404 of the Clean Water Act

Aquatic resources, including riparian areas, wetlands, and certain aquatic vegetation communities, are considered sensitive biological resources and fall under the jurisdiction of several regulatory agencies. The

USACE exerts jurisdiction over waters of the United States, including all waters that are subject to the ebb and flow of the tide; wetlands and other waters such as lakes, rivers, streams (including intermittent or ephemeral streams), mudflats, sandflats, sloughs, prairie potholes, vernal pools, wet meadows, playa lakes, or natural ponds; and tributaries of the above features. The extent of waters of the United States is generally defined as the portion that falls within the limits of the ordinary high-water mark (OHWM). The OHWM is defined as the “line on the shore established by the fluctuation of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.”

The definition of Waters of the United States has undergone several iterations, including a much more streamlined definition which was public in April 2020. On April 21, 2020, the EPA and the USACE published the Navigable Waters Protection Rule to define “Waters of the United States” in the Federal Register. The April 2020 definition includes four simple categories of jurisdictional waters, including: (1) the territorial seas and traditional navigable waters; (2) perennial and intermittent tributaries to those waters; (3) certain lakes, ponds and impoundments; and (4) wetlands adjacent to jurisdictional waters.

The April 2020 definition provides clear exclusions for many water features that traditionally have been regulated, such as ephemeral drainages. The April 2020 definition has been formally adopted by EPA and the USACE and was used for this Jurisdictional Delineation.

In March 2023, following a United States Supreme Court decision, the rule was once again changed and finalized to codify the pre-2015 definition with some revision to the definition of Waters of the United States. The March 2023 ruling codified the term waters of the United States to mean: (1) traditional navigable waters, the territorial seas, and interstate waters (“paragraph (a)(1) waters”); (2) impoundments of “waters of the United States” (“paragraph (a)(2) impoundments”); (3) tributaries to traditional navigable waters, the territorial seas, interstate waters, or paragraph (a)(2) impoundments when the tributaries meet either the relatively permanent standard or the significant nexus standard (“jurisdictional tributaries”); (4) wetlands adjacent to paragraph (a)(1) waters; wetlands adjacent to and with a continuous surface connection to relatively permanent paragraph (a)(2) impoundments or jurisdictional tributaries when the jurisdictional tributaries meet the relatively permanent standard; and wetlands adjacent to paragraph (a)(2) impoundments or jurisdictional tributaries when the wetlands meet the significant nexus standard (“jurisdictional adjacent wetlands”); and (5) intrastate lakes and ponds, streams, or wetlands not identified in paragraphs (a)(1) through (4) that meet either the relatively permanent standard or the significant nexus standard (“paragraph (a)(5) waters”). This rule also contains, at paragraph (b), the longstanding exclusions in the 1986 regulations, as well as additional exclusions based on well-established practice, from the definition of “waters of the United States” and, at paragraph (c), definitions for terms used in this rule.

Wetlands, including swamps, bogs, seasonal wetlands, seeps, marshes, and similar areas, are defined by USACE as “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions” (33 CFR 328.3[b]; 40 CFR 230.3[t]). Indicators of three wetland parameters (i.e., hydric soils, hydrophytic vegetation, and wetlands

hydrology)), as determined by field investigation, must be present for a site to be classified as a wetland by USACE.

It is important to note that the RWQCB definition of wetland was redefined, and the new definition went into effect May 28, 2020. The definition of a wetland is as follows: An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation. This RWQCB modified three-parameter definition is similar to the federal definition in that it identifies three wetland characteristics that determine the presence of a wetland: wetland hydrology, hydric soils, and hydrophytic vegetation. Unlike the federal definition, however, the RWQCB wetland definition allows for the presence of hydric substrates as a criterion for wetland identification (not just wetland soils) and wetland hydrology for an area devoid of vegetation (less than 5% cover) to be considered a wetland.

However, if any vegetation is present, then the USACE delineation procedures would apply to the vegetated component (i.e., hydrophytes must dominate). Examples of waters that would be considered wetlands by the RWQCB definition, but not by the federal wetland definition, are non-vegetated wetlands, or wetlands characterized by exposed bare substrates like mudflats and playas, as long as they meet the three-parameters as described in the RWQCB definition. It is important to note that while the USACE may not designate a feature as a wetland, that feature could be considered a special aquatic site or other water of the U.S. by the USACE and potentially subject to USACE jurisdiction.

Migratory Bird Treaty and Bald and Golden Eagle Protection Acts

Migratory birds including resident raptors and passerines are protected under the federal Migratory Bird Treaty Act (MBTA). The MBTA of 1918 implemented the 1916 convention between the United States and Great Britain for the protection of birds migrating between the U.S. and Canada. Similar conventions between the United States and Mexico (1936), Japan (1972) and the Union of Soviet Socialist Republics (1976) further expanded the scope of international protection of migratory birds. Each new treaty has been incorporated into the MBTA as an amendment and the provisions of the new treaty are implemented domestically. These four treaties and their enabling legislation, the MBTA, established Federal responsibilities for the protection of nearly all species of birds, their eggs and nests. The MBTA made it illegal for people to "take" migratory birds, their eggs, feathers, or nests. Take is defined in the MBTA to include by any means or in any manner, any attempt at hunting, pursuing, wounding, killing, possessing or transporting any migratory bird, nest, egg, or part thereof. The Bald and Golden Eagle Protection Act affords additional protection to all bald and golden eagles.

State

California Endangered Species Act (CESA)

The CESA is similar to FESA in that it contains a process for listing of species regulating potential impacts to listed species. Section 2081 of the CESA authorizes the CDFW to enter into a memorandum of agreement for take of listed species for scientific, educational, or management purposes. The MSHCP

serves as an HCP pursuant the Natural Communities Conservation Plan (NCCP) under the NCCP Act of 2001, allowing participating jurisdictions to authorize "Take" of plant and wildlife species.

Native Plant Protection Act

The Native Plant Protection Act (NPPA) enacted a process by which plants are listed as rare or endangered. The NPPA regulates collection, transport, and commerce in plants that are listed. The CESA follows the NPPA and covers both plants and wildlife determined to be threatened with extinction or endangered. Plants listed as rare under the NPPA are designated as threatened under the CESA. No plants listed under the CESA occur on the Project site on-site or off-site impact areas.

Regional Water Quality Control Board

The RWQCB also has jurisdiction over waters deemed "isolated" or not subject to Section 404 jurisdiction under the Solid Waste Agency of Northern Cook County v. Corps decision. Dredging, filling, or excavation of isolated waters constitutes a discharge of waste to waters of the state and prospective dischargers are required to obtain authorization through an Order of Waste Discharge or waiver thereof from the RWQCB and comply with other requirements of Porter-Cologne Act.

Under Section 401 of the CWA, the local RWQCB must certify that actions receiving authorization under Section 404 of the CWA also meet state water quality standards. The RWQCB requires projects to avoid impacts to wetlands if feasible and requires that projects do not result in a net loss of wetland acreage or a net loss of wetland function and values. Compensatory mitigation for impacts to wetlands and/or waters of the state is required.

CDFW Streambed Alteration Agreement

Waters of the State are regulated by CDFW through Section 1600 et seq. of the California Fish and Game Code. Section 1600 et seq. requires notifying the CDFW prior to any project activity that might (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel, or bank of any river, stream, or lake; or (3) deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake. If, after this notification, the CDFW determines that the activity may substantially adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will need to be obtained. CDFW may then place conditions in the Section 1602 Streambed Alteration Agreement to avoid, minimize, and mitigate any potentially significant adverse impacts within CDFW jurisdictional limits.

The limits of Waters of the State are defined as the "body of water that flows at least periodically or intermittently through a bed or channel having banks and supports fish or other aquatic life. This includes watercourses having surface or subsurface flow that supports or has supported riparian vegetation." Therefore, the limits extend from the channel bed to the top of the bank, with the addition of the canopy of any riparian habitat associated with the watercourse.

Local

Western Riverside County Multiple Species Habitat Conservation Plan

The Western Riverside County MSHCP is a comprehensive multi-jurisdictional effort that includes western Riverside County and 18 cities including the City of Banning. Rather than addressing sensitive species on an individual basis, the MSHCP focuses on conservation of 146 species, including those listed at the federal and state levels and those that could become listed in the future. The MSHCP proposed a reserve system of approximately 500,000 acres, of which 347,000 acres are currently within public ownership and 153,000 acres will need to be assembled from lands currently in private ownership. The MSHCP allows the County and other permittees to issue take permits for listed species so that applicants do not need to receive endangered species incidental take authorization from the USFWS and CDFW.

On June 7, 2003, the County Board of Supervisors adopted the MSHCP, certified the Environmental Impact Report/Environmental Impact Statement, and authorized the Chairman to sign the Implementing Agreement with the respective wildlife agencies. The Incidental Take Permit was issued by the wildlife agencies on June 22, 2004. The City of Banning is a Permittee under the MSHCP.

City of Banning General Plan

The following goals and policies of the City of Banning General Plan Biological Resources Element¹ are applicable to the Project:

Goal	A pattern of community development that supports a functional, productive, harmonious and balanced relationship between the built and natural environment.
Policy 1	The City shall continue to participate in the preservation of habitat for endangered, threatened and sensitive species.
Policy 2	As part of the development review process, the City shall evaluate projects based on their impact on existing habitat and wildlife, and for the land's value as viable open space.
Policy 3	The City shall encourage and cooperate with other agencies in establishing multiple use corridors that take advantage of drainage channels and utility easements as wildlife corridors, public access and links between open space areas and the built environment.
Policy 4	Drainage channels, utility corridors and pipeline easements shall be preserved in natural open space to the greatest extent possible.
Policy 5	The City shall promote the protection of biodiversity and encourage an appreciation of the natural environment and biological resources.

City of Banning Municipal Code

17.32.060	Removal or destruction of trees. Removal of healthy, shade providing, and aesthetically valuable trees shall be strongly discouraged, and shall be in conformance
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¹ City of Banning. 2006. *City of Banning General Plan, Chapter IV, Environmental Resources, Biological Resources Element*. Retrieved from: <http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=> (accessed June 2023).

with the policies and programs of the General Plan. A tree removal and replacement plan shall be required for the removal and replacement of all trees in excess of 50 years of age, unless their removal is required to protect the public health and safety. Each tree that is removed in a new subdivision is considered a part of the common wealth of the citizens of Banning, is an important component of the habitat of surrounding wildlife, and is of value to the City of Banning. Each identified tree removed shall be replaced with at least one 36-inch box specimen tree, in addition to any other required landscaping. Individual single family residential lots of less than one-half acre and commercial tree farms shall be exempt from this provision.

4.3.4 Impact Thresholds and Significance Criteria

The following significance criteria for biological resources were derived from the Environmental Checklist in CEQA Guidelines, Appendix G. An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service;
- 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;
- 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;
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Methodology and Assumptions

The Project site and its associated design are evaluated against the aforementioned significance criteria as the basis for determining the level of impacts related to biological resources. This analysis considers existing regulations, laws, and standards that serve to avoid or reduce potential environmental impacts. Feasible mitigation measures are recommended, when warranted, to avoid or lessen the Project's significant adverse impacts.

Approach to Analysis

This analysis of impacts on biological resources examines the Project's temporary (i.e., construction as it is limited in duration) and permanent (i.e., operational) effects based on application of the significance

criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site, and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on the aforementioned biological resources studies; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a project would or would not result in “substantial” adverse effects on biological resources considers how the potential for development and operation of the site would affect the resources.

4.3.5 Impacts and Mitigation Measures

Impact 4.3-1 *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Level of Significance: Less than Significant with Mitigation Incorporated

Sensitive Plants

The Project site occurs partially within a predetermined Survey Area for two MSHCP NEPS, including Yucaipa (Marvin’s) onion and many-stemmed dudleya. According to the MSHCP guidelines, focused surveys are required during the appropriate flowering season to document the presence/absence of these species if suitable habitat is present and if the property is located within a predetermined Survey Area. Focused spring surveys for both MSHCP NEPS were conducted during the spring of 2023 to determine presence/absence. Neither of the two MSHCP narrow endemic sensitive plant species were detected during the Project surveys and are therefore not expected to occur due to lack of observation. Refer to Table 4 of the BTR (**Appendix C1**) for more details regarding sensitive plant species.

Although the Project site possesses suitable habitat for three MSHCP covered plant species, including Payson’s jewelflower, Parry’s spineflower, and slender-horned spineflower, the Project site is not located within a survey area for these species and the MSHCP has determined that all of these sensitive species potentially occurring on-site have been adequately covered and no surveys are required.

Additionally, the Project site is not located within an MSHCP criteria area Species Survey Area. As such, no surveys are required. Further, the Project site possesses suitable habitat for two MSHCP non-covered plant species including chaparral sand-verbena and Robinson’s pepper-grass. Focused spring surveys for sensitive plants were conducted during the spring of 2023 to determine presence/absence. No sensitive plants including other CNPS special-status plants, or species of local concern were observed or expected onsite. Therefore, a less than significant impact would occur concerning sensitive plant species.

Sensitive Wildlife

As discussed above the Project site would not support fairy shrimp. The Project site occurs partially within a predetermined Survey Area for the burrowing owl. Suitable burrowing owl burrows potentially utilized

for refugia and/or nesting were documented adjacent to the property including foraging habitat documented throughout the Project site. Mitigation Measures (MMs) are implemented to address adverse impacts determined to be potentially significant and reduce impacts to less than significant levels. Therefore, **MM BIO-1** would be implemented to ensure a 30-day pre-construction survey for burrowing owls is conducted prior to initial ground-disturbing activities. During visual surveys, all potentially suitable burrow or structure entrances were investigated for signs of owl occupation, such as feathers, tracks, or pellets, and carefully observed to determine if burrowing owls utilize these features, when present. No burrowing owl or characteristic sign such as white-wash, feathers, tracks, or pellets were detected within or immediately adjacent to the Project site during the 2023 survey effort.

No riparian scrub, forest, or woodland habitat is located within or adjacent to the Project site. No suitable habitat for the least Bell's vireo, southwestern willow flycatcher or western yellow-billed cuckoo was detected within or adjacent to the Project site. As such, no surveys are required.

A total of six MSHCP Planning Species have the potential to occur within the Project site, including Bell's sage sparrow, Southern California rufous-crowned sparrow, white-tailed kite, loggerhead shrike, and Stephen's kangaroo rat. The MSHCP has determined that these sensitive species potentially occurring within Project site have been adequately covered. Suitable habitat for the Los Angeles pocket mouse, an MSHCP Planning Species, was also documented onsite. However, the Project site is not located within an MSHCP mammal species Survey Area. As such, no surveys are required. However, the Project would be required to comply with **Standard Condition (SC) BIO-1** which would require the payment of the MSHCP Local Development Mitigation Fee. While the payment of these fees is not mitigation of Project impacts in it of themselves, these fees would allow the MSHCP to implement the plan.

While the Crotch's bumble bee is a special-status species, it is not covered by the MSHCP. During site surveys performed by the Project biologist, suitable habitat for Crotch's bumble bee was not specifically surveyed and presence of the Crotch's bumble bee was not specifically documented. However, the prevalence and ubiquitous nature of Crotch's bumble bee habitat throughout the state and region would provide for a reasonable, and conservative, assumption that suitable scattered foraging habitat for the Crotch's bumble bee is present. The bee's range extends from southern to northern California within a variety of habitats including grassland, scrub, chaparral, and desert habitats. Although the species was not covered during the initial adoption of the MSHCP, the purpose and intent of the MSHCP Local Development Mitigation Fee (**SC BIO-1**) includes acquiring and preserving vegetation communities and natural areas within the City/County and the region which are known to support threatened, endangered, or key sensitive populations of plant and wildlife species. Payment of the fee would contribute to the acquisition of higher quality habitat than those currently present on-site for the species.

A total of 14 sensitive species have the potential to occur within the Project site, including orange-throated whiptail, coastal western whiptail, northern harrier (foraging), San Diego banded gecko, coast horned lizard, grasshopper sparrow, golden eagle (foraging), ferruginous hawk (foraging), California horned lark, prairie falcon (foraging), coastal California gnatcatcher, northwestern San Diego pocket mouse, Dulzura kangaroo rat, and San Diego black-tailed jackrabbit. Potential impacts to MSHCP planning species would be mitigated following implementation of **MM BIO-1** MSHCP Burrowing Owl 30-Day Preconstruction Survey, and compliance with standard condition (**SC**) **BIO-1** MSHCP Local Development

Mitigation Fee. Furthermore, **MM BIO-2** would implement a nesting bird pre-construction survey. Therefore, impacts would be less than significant with mitigation incorporated.

Standard Conditions:

SC BIO-1 **MSHCP Local Development Mitigation Fee.** The Project applicant shall pay MSHCP Local Development Mitigation fees, as a standard condition, as established and implemented by the City of Banning. Five categories of the fee are defined and include: Residential, density less than 8.0 dwelling units per acre \$4,236 per dwelling unit; Residential, density between 8.0 and 14.0 dwelling units per acre \$1,766 per dwelling unit; Residential, density greater than 14.1 dwelling units per acre \$781 per dwelling unit; Commercial \$19,066 per acre; and Industrial \$19,066 per acre. The Project proposes industrial uses and would utilize the \$19,066 per acre fee, totaling \$2,502,984.48.

Mitigation Measures:

MM BIO-1 **Burrowing Owl 30-Day Pre-construction Surveys.** A 30-day pre-construction survey for burrowing owls is required prior to initial ground-disturbing activities (e.g., vegetation clearing, clearing and grubbing, grading, tree removal, site watering, equipment staging) to ensure that no owls have colonized the site in the days or weeks preceding the ground-disturbing activities. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately inform the City of Banning and the Wildlife Agencies and will need to coordinate further with City and the Wildlife Agencies, including the possibility of preparing a Burrowing Owl Protection and Relocation Plan, prior to initiating ground disturbance. If ground-disturbing activities occur, but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure that burrowing owl have not colonized the site since it was last disturbed. If burrowing owl is found, the same coordination described above will be necessary.

MM BIO-2 **Nesting Bird Preconstruction Surveys.** Regulatory requirement for potential direct/indirect impacts to nesting common and sensitive bird species will require compliance with the CDFG Code Section 3503. Construction outside the nesting season (between September 1st and January 31st) does not require pre-removal nesting bird surveys. If construction is proposed between February 1st and August 31st, a qualified biologist will conduct a preconstruction nesting bird and raptor survey(s) no more than three days prior to initiation of grading to document the presence or absence of nesting birds within or directly adjacent to the Project site.

The survey(s) will focus on identifying any bird nests that would be directly or indirectly affected by construction activities. If active nests are documented, species-specific measures will be prepared by a qualified biologist and implemented to prevent abandonment of the active nest. At a minimum, grading in the vicinity of a nest will be postponed until the young birds have fledged. The perimeter of the nest setback zone will be fenced or adequately demarcated with stakes and flagging at 20-

foot intervals, and construction personnel and activities restricted from the area. A survey report by a qualified biologist verifying that no active nests are present, or that the young have fledged, will be submitted to the City of Banning for review and approval prior to initiation of grading in the nest-setback zone.

The qualified biologist will serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure that no inadvertent impacts on these nests occur. A final monitoring report of the findings, prepared by a qualified biologist, will be submitted to the City of Banning documenting compliance with the CDFG Code. Any nest permanently vacated for the season would not warrant protection pursuant to the CDFG Code.

Impact 4.3-2 *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*

Level of Significance: Less than Significant with Mitigation Incorporated

No riparian scrub, forest or woodlands habitats are located within the Project site. Also, as previously stated, no vegetation communities listed by CDFW as sensitive were documented within or adjacent to the Project site. A total of 131.28 acres of desert scrub, non-native grassland, Riversidean sage scrub and disturbed/developed vegetation communities will be directly and permanently impacted as a result of Project implementation as summarized in Table 4 of the BRT (**Appendix C1**). Implementation of **MM BIO-3** would ensure impacts would be less than significant.

Mitigation Measures:

MM BIO-3 detailed below.

Impact 4.3-3 *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?*

Level of Significance: Less than Significant with Mitigation Incorporated

The Project would result in a total of 0.18-acre of permanent impacts to USACE/RWQCB jurisdiction resources as outlined in **Table 4.3-1: USACE/RWQCB Jurisdictional Resources Impacts** below. However, no wetlands are located within or adjacent to the Project site. As such, no wetlands would be impacted as a result of Project initiation.

Table 4.3-1: USACE/RWQCB Jurisdictional Resources Impacts

Drainage	Type	Linear Feet	Total Impacts (acres)
Drainage A	Non-wetland	638	0.02
Drainage B	Non-wetland	499	0.02
Drainage C	Non-wetland	2,242	0.07
Drainage D	Non-wetland	2,703	0.07
Total			0.18
Source: Cadre Environmental. December 2022. Biological Resources Technical Report: Banning Commerce Center Project, City of Banning, California (BTR). Table 7 Page 69. Appendix C1			

Further, prior to issuance of a grading permit, the Project applicant would obtain a CWA Section 404 permit, Section 1602 Streambed Alteration Agreement from the CDFW, and a Waste Discharge Requirements (WDR) permit issued by the RWQCB pursuant to the California Water Code Section 13260 as outlined in **MM BIO-3**. **MM BIO-3** assumes 2.67-acres of on-site habitat creation credits from an approved mitigation bank would be required, and a habitat Mitigation and Monitoring Plan is prepared.

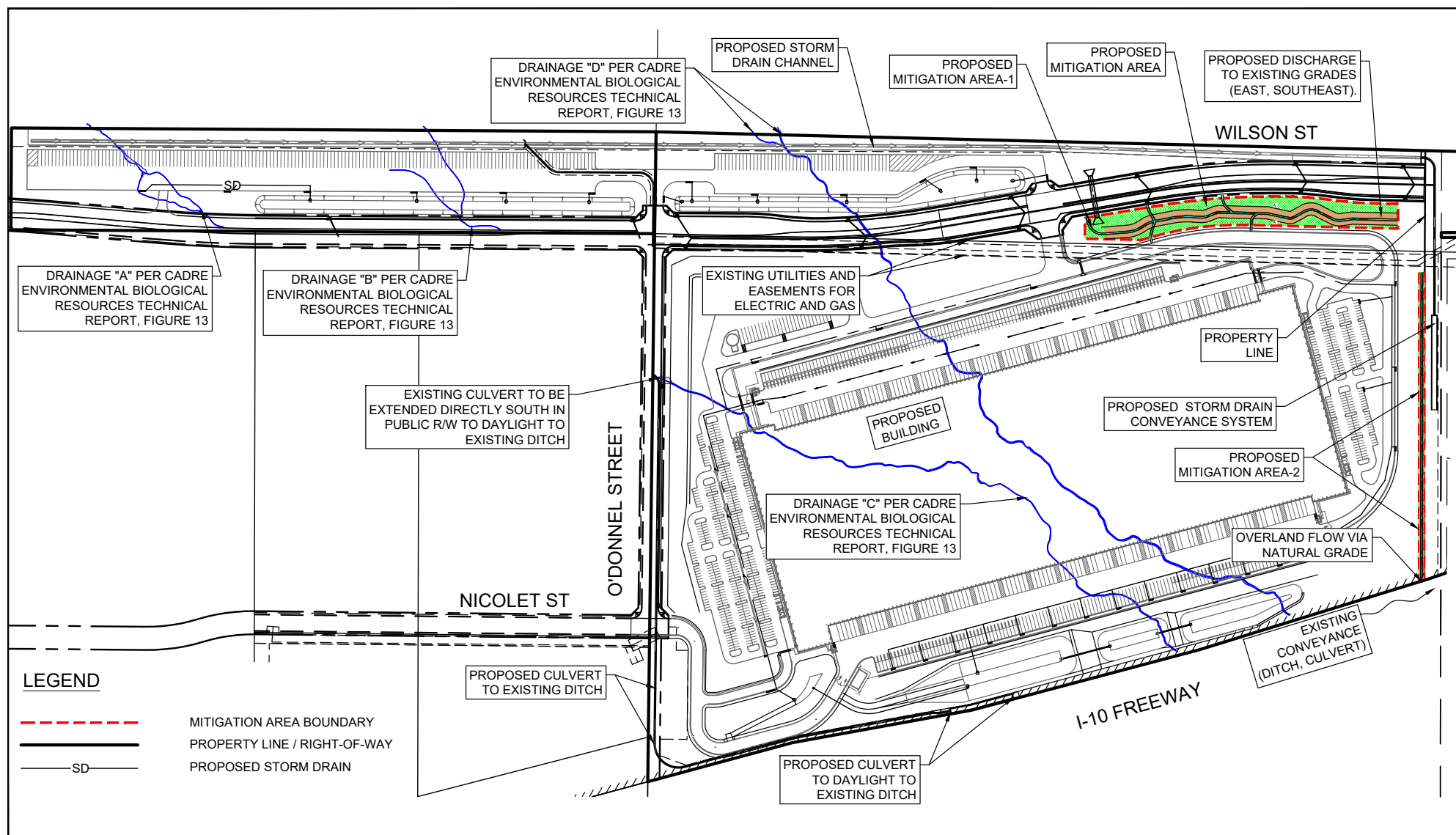
The Project would result in a total of 0.54-acre of permanent impacts to CDFW/MSHCP Section 6.1.2 Riverine Jurisdictional Resources as outlined in **Table 4.3-2: CDFW/MSHCP Jurisdictional Resources Impacts** below. However, no riparian habitat would be directly impacted as a result of Project initiation.

Table 4.3-2: CDFW/MSHCP Jurisdictional Resources Impacts

Drainage	Type	Total Impacts (acres)
Drainage A	Ephemeral Riverine/Non-riparian	0.05
Drainage B	Ephemeral Riverine/Non-riparian	0.02
Drainage C	Ephemeral Riverine/Non-riparian	0.18
Drainage D	Ephemeral Riverine/Non-riparian	0.29
Total		0.54
Source: Cadre Environmental. December 2022. Biological Resources Technical Report: Banning Commerce Center Project, City of Banning, California (BTR). Table 8 Page 72. Appendix C1		

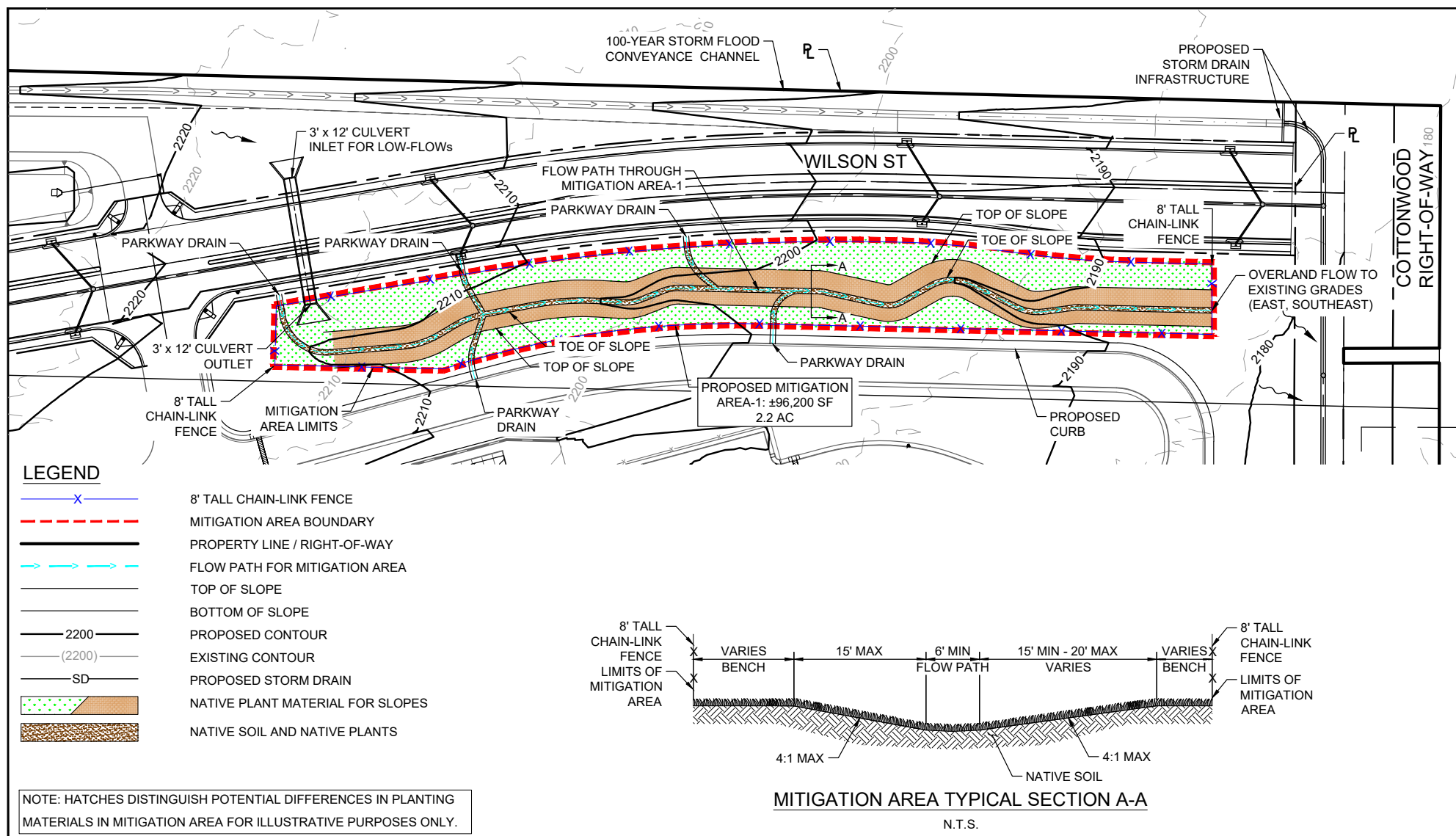
Currently, the impacted drainages and overall watershed are not within a service area of an approved mitigation bank. Depending on the timing of impacts and issuance of regulatory permits, should a mitigation bank become approved for the Whitewater River watershed, purchase of 2.67-acres of habitat creation credits from an approved bank will be purchased. However, since at this time no mitigation bank is approved for the Whitewater River watershed, it is assumed 2.67-acres of onsite creation is required as outlined in **MM BIO-3**. As a result of the impacts to jurisdictional features, two mitigation areas have been identified for the Project site. These mitigation areas will consist of two non-contiguous parcels totaling 2.67-acres (2.20 acres and 0.547 acres) on the northeast and eastern portions of the Project site, this would mitigate the impacted area through reestablishment of habitat at a ratio of 5:1. This proposed creation area would be designed to meander within the mitigation area creating a natural looking braided drainage and vegetated with alluvial fan sage scrub habitat. Further a deed restriction would be placed on all or a portion of the 2.67-acre mitigation area(s) and a habitat mitigation and monitoring plan (HMMP) would be prepared to direct the habitat restoration process for the mitigation area. This HMMP would be reviewed and approved by the relevant permitting agency or agencies. Refer to **Figure 4.3-1, Proposed Mitigation Area** and to **Appendix C3**.

The Project would comply with all applicable water quality regulations, including compliance with NPDES regulations and MS4 permit requirements. The MS4 permit places pollution prevention requirements on planned developments, construction sites, commercial and industrial businesses, municipal facilities and activities, and residential communities. Both of these permits include the treatment of all surface runoff from paved and developed areas and include the implementation of best management practices (BMPs) during construction activities, along with installation and maintenance of structural BMPs that ensure adequate long-term treatment of water before entering any stream course or municipal system. Therefore, impacts would be less than significant with mitigation incorporated.



Source: Kimley-Horn, 2024

FIGURE 4.3-1a: Proposed Mitigation Area
Banning Commerce Center Project, City of Banning



Source: Kimley-Horn, 2023

FIGURE 4.3-1b: Proposed Mitigation Area
Banning Commerce Center Project, City of Banning

Mitigation Measures:

MM BIO-3

USACE/CDFW/RWQCB Riverine Resources. Prior to the issuance of a grading permit, the Project applicant will obtain a USACE Section 404 Nation Wide Permit, RWQCB Section 401 Water Quality Certificate, and CDFW Section 1602 Streambed Alteration Agreement. No impacts shall occur to onsite drainages until the appropriate permits have been obtained.

Currently, the impacted drainages and overall watershed are not within a service area of an approved mitigation bank. Depending on the timing of impacts and issuance of regulatory permits, should a mitigation bank become approved for the Whitewater River watershed, purchase of 2.67-acres of habitat creation credits from an approved bank will be purchased. However, since at this time no mitigation bank is approved for the whitewater watershed, it is assumed 2.67-acres of onsite creation is required as outlined below. If it is determined that onsite mitigation is not feasible, creation of non-wetland waters at an off-site location would be required. The off-site location would be required to have a conservation easement or deed restriction placed over the mitigation area to ensure the site remains mitigation in perpetuity. Additionally, whether on or off-site, the mitigation site will require long-term maintenance and management by a qualified conservancy, including payment of a non-wasting endowment to fund the long-term maintenance.

To meet the criteria of a biologically equivalent or superior alternative, the applicant will offset permanent impacts to 0.54-acre of MSHCP Section 6.1.2 riverine resources (CDFW jurisdictional resource) as follows including the preparation of an MSHCP DBESP.

- Permanent impacts to 0.54-acres of jurisdictional features will be mitigated at a minimum of a 5:1 ratio (2.67 acres) through the creation of in-kind habitat onsite along the eastern and northern most Project boundary. If it is determined that onsite mitigation or off-site is not feasible, additional alternatives could include, payment into an acceptable an approved mitigation bank should one become available at the time of impacts and permitting.
- A Habitat Mitigation and Monitoring Plan for the creation of in-kind habitat will be prepared, reviewed and approved by the City of Banning, USACE, RWQCB and CDFW. The created habitat will be monitored by the Project proponent for a minimum of 5 years; monitoring reports shall be provided to the City of Banning and appropriate regulatory agency on an annual basis. The restoration area must meet standardized success criteria as described in a Habitat Mitigation and Monitoring Plan, which will be required as part of the permit process and approved by the Resource Agencies.
- A DBESP will be also prepared, reviewed and approved by the City of Banning and MSHCP wildlife agencies.

Impact 4.3-4 ***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?***

Level of Significance: Less than Significant

The Project site and on-site ephemeral washes currently drain in a southeast direction leading to an earthen drainage swale located immediately north of I-10. The on-site ephemeral drainages do not extend or drain directly south to any culverts, underpasses, drainage pipes, or tunnels extending under I-10 along the southern boundary of the Project site. Flows have been artificially directed east of the Project site extending to and through the Banning West Weigh Station/Desert Hills Inspections Facility via earthen bottom channels, concrete lined channels with dissipaters, and 1,400-footlong culvert extending underneath the facility. Flows are then directed to another concrete lined channel with dissipaters extending under and south of I-10 via an unnamed earthen bottomed drainage extending in a southeast direction to the confluence of Smith Creek and the San Gorgonio River.

The Project site is expected to provide for local wildlife foraging and breeding habitat. However, the Project site does not serve as a regional travel route, wildlife corridor, or wildlife crossing for large or medium sized mammals between open space habitats located north and south of I-10. Small mammals, reptiles and amphibians may occasionally utilize the off-site culverts. However, based on the low openness ratios of these features, proximity to I-10, lack of vegetive cover, and lack of perennial/intermittent flows, the culverts are considered significantly constrained and provide low quality for wildlife movement and connectivity.

While the Project site does not serve as a regional travel route, wildlife corridor, or wildlife crossing, the mitigation area, as required by **MM BIO-3** (detailed above), proposed for the Project may have the effect of creating a movement corridor for small mammals, reptiles, and amphibians. As such, this mitigation area would include a non-hydrologic culvert that would allow small mammals, reptiles, and amphibians to cross the proposed Wilson Street extension. This connection would provide a low-quality connection as existing connections across roadways in the vicinity of the Project are non-existent, significantly constrained, or are similarly low-quality. Such as the culverts underneath I-10 to the southeast of the Project site.

Regional wildlife movement in proximity to the Project site is concentrated within and immediately adjacent to the San Gorgonio River which extends south and under I-10 to the confluence with Smith Creek. A 2-km minimum corridor width along the San Gorgonio River is proposed south of I-10. The Project site is located north of I-10 where a minimum of a 0.64-mile corridor width would remain within the SLA extending northeast of the property, as shown in Figure 14, Wildlife Movement Corridor Map of the BTR (**Appendix C1**).

Following implementation of the MSHCP Urban/Wildlands Interface guidelines and BMPs (refer to **Appendix C1**), the proposed action would be consistent with MSHCP goals and objectives for The Pass - Special Linkage Area and ensure the proposed action would not result in indirect impacts to the wildlife movement corridor within and adjacent to the San Gorgonio River. Any proposed development within the

Project site will be required to comply with all MSHCP urban/wildlands interface guidelines. Therefore, a less than significant impact would occur.

Mitigation Measures:

No mitigation is necessary.

Impact 4.3-5 Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Level of Significance: No Impact

The City of Banning Municipal Code §17.32.060 discourages the removal of healthy, shade providing, and aesthetically valuable trees. A tree removal and replacement plan would be required for the removal and replacement of all trees over 50 years in age unless their removal is required to protect public health and safety. Each tree that is removed in a new subdivision is considered a part of the commonwealth of the citizens of Banning, is an important component of the habitat of surrounding wildlife and is of value to the City of Banning. Each identified tree removed shall be replaced with at least one 36-inch box specimen tree, in addition to any other required landscaping. Individual single family residential lots of less than one-half acre and commercial tree farms would be exempt.

No trees are located within or adjacent to the Project site that meet the above criteria for the City of Banning tree removal ordinance outlined in Municipal Code 17.32.060. Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources and no impact would occur.

Mitigation Measures:

No mitigation is necessary.

Impact 4.3-6 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?

Level of Significance: Less than Significant with Mitigation Incorporated

The Project site is located within the Western Riverside County MSHCP The Pass Plan Area and is not located within an MSHCP Criteria Area Cell or Cell Group. Following implementation of the MSHCP Urban/Wildlands Interface guidelines and BMP's the proposed action would be consistent with MSHCP goals and objectives for The Pass-SLA. At a minimum, an MSHCP 30-day preconstruction survey will be required immediately prior to the initiation of construction to ensure protection for this species and compliance with the conservation goals as outlined in the MSHCP. As documented above, Project implementation would be consistent with all provisions, guidelines and objectives of The Pass-SLA following implementation of **MM BIO-1**, **MM BIO-2**, and **MM BIO-3**.

Additionally, the Project site is not located within the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). As previously discussed, the Project site and on-site ephemeral washes currently drain in a southeast direction leading to an earthen drainage swale located immediately north of I-10. The onsite ephemeral drainages do not extend or drain directly south to any culverts, underpasses,

drainage pipes, or tunnels extending under I-10 along the southern boundary of the Project site. Flows have been artificially directed east of the Project site and through the Banning West Weigh Station/Desert Hills Inspections Facility via earthen bottom, concrete channels with dissipaters and 1,400-foot culvert extending under the facility. Flows are then directed under I-10 via an unnamed earthen bottomed drainage extending in a southeast direction to the confluence of Smith Creek and the San Gorgonio River. The collection, and transfer of flows from the Project site through earthen bottom, concrete channels with dissipaters and culverts are expected to have significantly reduced natural sediment deposits to the San Gorgonio River and therefore, no new or additional downstream impacts to fluvial conditions respective of altering sediment load within the CVMSHCP is expected. Therefore, Project development would not conflict with the CVMSHCP, and a less than significant impact would occur.

MSHCP Urban/Wildlands Interface Guidelines

Further, the MSHCP Urban/Wildlands Interface are intended to address indirect effects associated with locating commercial, mixed uses and residential developments in proximity to an MSHCP Conservation Area. The Project site is not currently located within or adjacent to an existing or proposed MSHCP Conservation Area. However, the Project site is located approximately 1,700 feet (0.32 mile) southwest of a regional wildlife movement corridor (San Gorgonio River). Therefore, all proposed Urban/Wildlands Interface Guidelines and BMPs will be required and implemented.

The Project site occurs partially within a predetermined Survey Area for two (2) MSHCP narrow endemic plant species including Yucaipa (Marvin's) onion, and many-stemmed dudleya. No suitable habitat or clay substrates were documented onsite, and the species are not expected to occur onsite. However, to ensure MSHCP NEPS are adequately addressed, focused surveys were conducted during the spring of 2023 and neither species was documented on-site during these surveys. The Project is consistent with MSHCP Section 6.1.3

The Project site is not located adjacent to an existing or proposed MSHCP Conservation Area. However, the Project site is located approximately 1,700 feet (0.32 mile) southwest of a regional wildlife movement corridor (San Gorgonio River). Therefore, all proposed Urban/Wildlands Interface Guidelines and BMPs would be implemented. The Project is consistent with MSCHP Section 6.1.4.

No MSHCP Section 6.3.2 riparian scrub, forest or woodland habitat is located within or adjacent to the Project site. No suitable habitat for the least Bell's vireo, southwestern willow flycatcher or western yellow-billed cuckoo was detected within or adjacent to the Project site; therefore, no surveys are required. The Project is consistent with MSHCP Section 6.3.2.

The fuels management guidelines presented in Section 6.4 of the MSHCP are intended to address brush management activities around new development within or adjacent to MSHCP Conservation Areas. The Project site is not located within or adjacent to an existing or proposed MSHCP Conservation Area. However, the Project site is located approximately 1,700 feet (0.32 mile) southwest of a regional wildlife movement corridor (San Gorgonio River). Therefore, all fuels management guidelines would be implemented. No fuel modification zones or weed abatement measures are required and therefore would

not result in direct impacts to a proposed MSHCP Conservation Area or wildlife movement corridor (San Gorgonio River). The Project is consistent with MSHCP Section 6.4.

Mitigation Measures

MM BIO-1 through **MM BIO-3**.

4.3.6 Cumulative Impacts

Cumulative impacts refer to the incremental effects of an individual project when assessed with the effects of past, current, and proposed projects. The temporary direct and/or indirect impacts of the Project would not result in cumulative impacts (CEQA §15310) to environmental resources within the region of the Project site. The Project site is located completely within the City of Banning, an MSHCP permittee.

Although the Project would result in the permanent loss of approximately 132 acres of primarily desert scrub and non-native grassland habitat, as referenced above, the MSHCP was developed to address the comprehensive regional planning effort and anticipated growth in the City of Banning.

The MSHCP will not cause adverse cumulative impacts by conflicting with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan or other approved local, regional, or State habitat conservation plan either within or outside of the Plan area. Rather, the MSHCP has been written specifically to complement existing HCPs, such as the Stephens' kangaroo rat long-term HCP.

Further, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. The Project has been designed and mitigation measures would be implemented to remain in compliance with all MSHCP conservation goals and guidelines and therefore will not result in an adverse cumulative impact.

4.3.7 Significant Unavoidable Impacts

No significant and unavoidable impacts have been identified.

4.3.8 References

Cadre Environmental. 2023. *Biological Resources Technical Report: Banning Commerce Center Project, City of Banning, California (BTR)*, **Appendix C1**.

Carlson Strategic Land Solutions, Inc. 2022. *Jurisdictional Delineation for the Banning Commerce Project located in the City of Banning*, **Appendix C2**.

City of Banning. 2006. *City of Banning General Plan, Chapter IV, Environmental Resources, Biological Resources Element*. Retrieved from: <http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=>, (accessed June 2023).

4.4 CULTURAL RESOURCES

4.4.1 Introduction

This section of the EIR evaluates the potential for implementation of the Banning Commerce Center Project (Project) to impact cultural resources. Cultural resources include places, objects, and settlements that reflect group or individual religious, archaeological, architectural, or paleontological activities. Such resources provide information on scientific progress, environmental adaptations, group ideology, or other human advancements. The analysis in this section is based, in part, upon the following information:

- CRM TECH. 2023. Historical/Archaeological Resources Survey Report (**Appendix D**).

4.4.2 Environmental Setting

Prehistoric Setting¹

The earliest evidence of human occupation in Riverside County was discovered below the surface of an alluvial fan in the northern portion of the Lakeview Mountains, overlooking the San Jacinto Valley, with radiocarbon dates clustering around 9,500 B.P. Another site found near the shoreline of Lake Elsinore, close to the confluence of Temescal Wash and the San Jacinto River, yielded radiocarbon dates between 8,000 and 9,000 Before the Present (B.P.). Additional sites with isolated Archaic dart points, bifaces, and other associated lithic artifacts from the same age range have been found in the nearby Cajon Pass area of San Bernardino County, typically atop knolls with good viewsheds.

The cultural prehistory of southern California has been summarized into numerous chronologies. Although the beginning and ending dates of different cultural horizons vary regionally, the general framework of the prehistory of Riverside County can be divided into three primary periods:

- Paleoindian Period (ca. 18,000-9,000 B.P.): Native peoples of this period created fluted spearhead bases designed to be hafted to wooden shafts. The distinctive method of thinning bifaces and spearhead performed by removing long, linear flakes leaves diagnostic Paleoindian markers at tool-making sites. Other artifacts associated with the Paleoindian toolkit include choppers, cutting tools, retouched flakes, and perforators. Sites from this period are very sparse across the landscape and most are deeply buried.
- Archaic Period (ca. 9,000-1,500 B.P.): Archaic sites are characterized by abundant lithic scatters of considerable size with many biface thinning flakes, bifacial preforms broken during manufacture, and well-made groundstone bowls and basin metates. As a consequence of making dart points, many biface thinning waste flakes were generated at individual production stations, which is a diagnostic feature of Archaic sites.
- Late Prehistoric Period (ca. 1,500 B.P.-contact): Sites from this period typically contain small lithic scatters from the manufacture of small arrow points, expedient groundstone tools such as tabular metates and unshaped manos, wooden mortars with stone pestles, acorn or mesquite bean granaries, ceramic vessels, shell beads suggestive of extensive trading networks, and steatite implements such as pipes and arrow shaft straighteners.

¹ CRM TECH Page 5.

Historic Setting²

Dating back to ancient times, the San Gorgonio Pass area has always been known as a nexus for cross-desert travels. Most notable among early roads through the pass was the Cocomaricopa Trail, a Native American trading route connecting the coastal region of California to areas along the Colorado River. In 1862, the Cocomaricopa Trail was “discovered” by William David Bradshaw, and became known as the Bradshaw Trail. For the next decade and a half, it served as the main thoroughfare between the Los Angeles area and gold mines near present-day Ehrenberg, Arizona, until the completion of the Southern Pacific Railroad in 1876-1877 brought an end to its heyday.

During much of the Spanish and Mexican periods in California history, the San Gorgonio Pass area was generally considered a part of Rancho San Gorgonio, the most remote of the 24 principal cattle ranches under the control of Mission San Gabriel. In 1843, while secularizing of the mission system, the Mexican authorities awarded the area to James “Santiago” Johnson, a naturalized Briton, as a part of the 4,400-acre San Jacinto y San Gorgonio land grant, also known as the Tract between San Jacinto and San Gorgonio. The Banning area was not included in this or any other land grants, and thus remained public land when Alta California was annexed by the United States in 1848.

In what is now the City of Banning, the earliest non-Native settlements were the adobe houses built by Isaac W. Smith and José Pope in 1854, after both had secured partial interests in Rancho San Gorgonio. Pope’s house, at what is now the Gilman Ranch, served as a stage station on the Bradshaw Trail under the later owners of the property, Newton Noble and James M. Gilman. Smith’s ranch, also a stage stop, later became the site of the Highland Springs Resort.

The Southern Pacific Railroad came through in 1876. At the time, Banning was called Moore City, after the town’s principal landowner, Ransom B. Moore, and was particularly noted for sheep grazing and as a relay point for their distribution. It was renamed around 1877 after Phineas Banning, one of the San Gorgonio Pass area’s largest sheep ranchers, who was also a successful Los Angeles-based freight wagon operator and Long Beach oilman. The Banning townsite was officially established in 1884, by which time it had become a busy transportation hub, first playing host to a convergence of stagecoach lines and later to travelers on the railroad.

In 1911, two years before the City’s incorporation, the Banning Sanitarium opened, marking the beginning of community’s efforts to market the health benefits of the dry climate of the region. The campaign extended well into the 1940s with claims that “the nation’s best physicians annually send scores of people here to get relief from asthma, bronchial and lung trouble [while] others have learned of the health advantages and charm of Banning through letters from people who have moved here.” Meanwhile, the Metropolitan Water District provided a considerable economic and population boost when, in 1930, it chose Banning to set up headquarters for tunneling operations through the San Jacinto Mountains, a part of the massive Colorado River Aqueduct project.

The City’s growth slowed during World War II but quickly rebounded after the end of the war as resort and tourist traffic found its way to the Palm Springs area. Coupled with the completion of the State

² CRM TECH Page 6-7.

Highway 60 bypass in 1962, Banning underwent significant changes in its economic base and population makeup, with a large increase in “unskilled labor, mostly minorities,” residents who could find work in hotels and resorts of the Palm Springs area but could not afford to live there.

Although consumer retail business interests have expanded considerably in the west portion of the town in recent years, the city’s longest commercial stretch center remains the same as in the 1920s, along the blocks running east-west on Ramsey Street. Banning’s economy today is largely geared to travelers on Interstate Highway 10, with many residents finding employment in retail and other consumer services. The city, like nearby Beaumont, also supports a large retirement community.

Existing Conditions

The Project site is generally located in the eastern portion of the City of Banning (City). The Project is generally bounded by Interstate 10 (I-10) and Banning Municipal Airport to the south; vacant land and the California Highway Patrol (CHP) Banning West Weigh Station to the east; and vacant lands to the north and west. The vacant lands to the west of the site were disturbed in 2010-2012, possibly due to use for materials or storage by the former Orco Block Company. Immediately north of the Project site is Morongo Tribal Land. The Project site consists of vacant, undeveloped lands containing non-ornamental vegetation. The Project area is in the San Gorgonio Pass, an east-west-trending corridor lying between the San Bernardino Mountains on the north and the San Jacinto Mountains on the south. The pass is an important connection between coastal southern California and the Coachella Valley region of the Colorado Desert, with I-10 and the Union Pacific (formerly Southern Pacific) Railroad serving as the main transportation thoroughways.³

Topographically, much of the Project area is flat, but gradually increases in elevation. The Project site has elevations ranging between $\pm 2,325$ feet (ft) above mean sea level (amsl) on the northwest corner of the Project site, at the intersection of Hathaway Street and Wilson Drive, and $\pm 2,152$ ft amsl on the southeast corner of the site with a downward gradient of approximately 3.8 percent. There is approximately 173 ft of elevation difference across the Project site. A northwest-southeast trending drainage crosses the Project site. An area near the western boundary has been disturbed by mechanical clearing of adjacent lands, and resulted in mounded soil and boulders. Two unpaved roads follow power transmission lines across the Project area, one in a southwest-northeast direction through the middle portion, and the other west-to-east near the northern Project boundary.

Records Search

The historical/archaeological resources records search was provided by the Eastern Information Center (EIC) of the California Historical Resources Information System (CHRIS). The records search identifies previously recorded cultural resources and existing cultural resources studies within a half-mile radius of the Project location. Previously recorded cultural resources include properties designated as California Historical Landmarks, Points of Historical Interest, Riverside County Landmarks, as well as those listed in

³ CRM TECH Page 4.

the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or the California Historical Resources Inventory.

The records search demonstrated that portions of the Project area were included in at least six previous cultural resources studies completed between 1986 and 2015, however the property had not been surveyed as a whole previously. Four U.S. Geological Survey (USGS) survey markers stamped “1917” were recorded as isolates (i.e., localities with fewer than three artifacts) in and near the northeastern corner of the Project area. One of the markers is located within the Project boundaries. No other sites or isolates of either historical or prehistoric origin were reported within the Project area.

An additional 15 previous studies had been reported to the EIC within the half-mile scope of the records search. Thirty-six sites and two additional isolates were recorded within the half-mile radius, all of them dating to the historic period. The Southern Pacific Railroad (33-009498), located along the southern side of I-10, being the closest to the Project site.

Twenty-eight of the sites were buildings clustered in the downtown area of Banning, five were trash scatters, and the other two represented the Devers-Vista 220kV power transmission line (33-015035; formerly Hayfield-Chino) recorded north of the Project area, and the circa 1927 Banning Municipal Airport (33-024895). Of the two isolates, one was another of the USGS survey markers, this one located just beyond the Project boundary, and the other consisted of two refuse items, a perfume bottle, and a bicycle wheel.⁴

During the field survey, six sites of historic period origin were found in the Project area, recorded into the California Historical Resources Inventory, and designated temporarily as 3793-1H through 3793-6H. These six sites are listed below in **Table 4.4-1: Cultural Resources Recorded During the Field Survey**. No other features or artifacts of prehistoric or historical origin were discovered in the Project area.

Table 4.4-1: Cultural Resources Recorded During the Field Survey

Site #	Description
3791-1H	Animal-watering feature consisting of a mounded asphalt disk with segments of rebars and part of a heavily rusted cast iron tub. Located near the northern project boundary. The asphalt disk is apparent in aerial images from 1953; the tub dates to the 1960s-1970s.
3791-2H	Four fragmented hole-in-top cans. Estimated to date to the 1930s.
3791-3H	Refuse scatter measuring approximately 106 x 30 feet and consisting of a metal pocket comb dispenser, two pull-tab cans, half a horseshoe, and a temperature valve. Located near Morongo Road near the northwestern corner of the project area. Artifacts date to the 1960s-1970s.
3791-4H	Barely discernible dirt road segment measuring approximately 200 feet long and traversing diagonally near northwest corner of the project area, possibly an earlier alignment of Morongo Road shown on historic maps from 1879-1897.
3791-5H	Local power transmission distribution line and a well-defined dirt road, both oriented southwest-northeast and continuing in either direction outside of the project area. Road appears on 1939-1941 maps. Transmission line leads to circa 1954 Banning Substation.
3791-6H	Discarded fence and post alignment, located in the northern portion of the project area, along a dirt road marking the former Morongo Indian Reservation boundary. Both apparent in aerial images dated 1956.
Source: CRM TECH Page 13.	

⁴ CRM TECH Page 9

The Project area has remained largely unchanged despite its proximity to the Southern Pacific Railroad, the original Ocean-to-Ocean Highway (U.S. Route 60/70/99, now Ramsey Street), and I-10. The first systematic land survey in the mid-1850s in the San Geronio Pass area revealed three trails converging to the south of the Project area, however none were located on site. A creek was noted within the Project boundaries.

The town of Banning was in place southwest of the Project site in the early 20th century. A road ran through the northwestern corner of the Project area. By the late 1930s, this early road had been superseded by present-day Morongo Road, which is paved and located just outside the Project area. Another road, later accompanied by a local power transmission line has remained in place to present day, while the remaining Project area appears to have otherwise been undeveloped and unused.

On October 13, 2021, CRM TECH submitted a written request to the State of California Native American Heritage Commission (NAHC) for a records search in the commission's Sacred Lands File. In addition to the NAHC, CRM TECH also contacted the two nearest Native American groups of Serrano heritage, namely the Morongo Band of Mission Indians and the Agua Caliente Band of Cahuilla Indians, for further information about the cultural sensitivity of the project area and to invite tribal participation in the archaeological fieldwork.

In response to CRM TECH's inquiry, the NAHC states in a letter dated November 19, 2021, that the Sacred Lands File identified no Native American cultural resources in the Project vicinity. Furthermore, the NAHC recommended that local Native American groups be consulted for further information and provided a referral list of 19 individuals associated with 13 local Native American groups who may have knowledge of such resources.

The Morongo Band of Mission Indians participated in the survey of the Project area; however, no further input has been received from either the Morongo Band of Mission Indians or the Agua Caliente Band of Cahuilla Indians.

4.4.3 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) was passed in 1966 and is codified in Title 16, Section 470 et seq. of the U.S. Code (USC). The goal of the Act is to ensure federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. Among the regulations of the NHPA, Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and afford the Advisory Council on Historic Properties (ACHP) a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. See Title 36 Code of Federal Regulations (CFR) Part 800, "Protection of Historic Properties."

Section 106 applies when two thresholds are met: 1) there is a federal or federally licensed action, including grants, licenses and permits, and 2) that action has the potential to affect properties listed in or eligible for listing in the NRHP. Section 106 requires each federal agency to identify and assess the effects

of its actions on historic resources. The responsible federal agency must consult with appropriate state and local officials, Indian Tribes, applicants for federal assistance and members of the public, and consider their views and concerns about historic preservation issues when making final project decisions. The agency should also plan to involve the public and identify any other potential consulting parties. If the agency determines that it has no undertaking or that its undertaking is a type of activity that has no potential to affect historic properties, the agency has no further Section 106 obligations.

Pursuant to Section 106, impacts to a cultural site or artifact must be declared “significant,” “potentially significant” or “not significant.” Under NHPA regulations, impacts to “significant” archeological sites must be mitigated for, while “not significant” archeological remains need not. A “potentially significant” determination is utilized when there is not enough information to make a conclusive ruling. NHPA mitigation would not be necessary for archeological sites avoided during development.

National Register of Historic Places

The NRHP is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

Antiquities Act of 1906

The only federal law protecting fossil resources on public lands is the Antiquities Act of 1906 (16 USC 431-433). Enacted when Theodore Roosevelt was president, the Antiquities Act was designed to protect nonrenewable fossil and cultural resources from indiscriminate collecting. NEPA (42 USC 4321) directs Federal agencies to use all practicable means to “...preserve important historic, cultural, and natural aspects of our national heritage...”

Actions by the U.S. Army Corps of Engineers

Appendix C of Title 33 CFR Section 325 establishes procedures to be followed by the U.S. Army Corps of Engineers (USACE) to fulfill the requirements of the NHPA, as well as other applicable historic preservation laws and Presidential directives related to historic resources potentially affected by USACE actions (including issuance of permits pursuant to the federal Clean Water Act [CWA]). It specifies that when a project's authorization requires a federal action (for example, issuance of permit pursuant to Section 404 of the CWA), the project must comply with the requirements of Section 106 of the NHPA.

State

Senate Bill 18

In order to aid in the protection of traditional tribal cultural places (“cultural places”) through local land use planning, Senate Bill (SB) 18, effective September 2004, requires local government to notify and consult with California Native American tribes when the local government is considering adoption or amendment of a general or specific plan.

Assembly Bill 52

The legislature added new requirements regarding tribal cultural resources in Assembly Bill 52 (AB 52). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, §21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, §21080.3.1.)

California Register of Historical Resources

The State’s OHP manages and oversees the CRHR, which is intended to serve as “an authoritative guide to the state’s significant historical and archeological resources.” As outlined in PRC §5020 et seq., resources listed must meet one of four “significance criteria” related to events, people, construction/artistic value or information. Sites must also retain sufficient integrity to convey their significance. The CRHR includes a number of type resources, including: all properties listed in or determined formally eligible for listing in the NRHP; all California Historical Landmarks from #770 onward; specific California Historical Landmarks issued prior to #770 and certain California Points of Historical Interest, as deemed appropriate for listing by the California Historic Resources Commission; and, any properties nominated per OHP regulations. California Historical Landmarks are intended to recognize resources of statewide significance. Points of Historical Interest recognize resources of local or countywide significance. Lastly, as mentioned above, all NRHP listings within California are automatically added to the CRHR. The listing of a site on a California State register does not generally result in any specific physical protection. Among other things, however, it does create an additional level of CEQA review to be satisfied prior to any discretionary action occurring that might adversely affect the resource.

California Code of Regulations

CCR Title 14 §1427 recognizes that “California’s archaeological resources are endangered by urban development and population growth and by natural forces.” Accordingly, the State Legislature finds that “these resources need to be preserved in order to illuminate and increase public knowledge concerning the historic and prehistoric past of California.” Lastly, it states that any person “not the owner thereof, who willfully injures, disfigures, defaces or destroys any object or thing of archaeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor.” The code also specifies that it is a misdemeanor to “alter any archaeological evidence found in any cave or to remove any materials from a cave.”

California Environmental Quality Act

State historic preservation regulations affecting the proposed Project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA) (Cal. Pub. Res. Code §§21083.2 and 21084.1) and State CEQA Guidelines (Cal. Code Regs. tit. 14, §21000 et seq.). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A “historical resource” “includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (Cal. Pub. Res. Code §5020.1).

CEQA defines historically significant resources as “resources listed or eligible for listing in the California Register of Historical Resources (CRHR)” (PRC §5024.1). A cultural resource may be considered historically significant if the resource is 45 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and meets any of the following criteria for listing on the CRHR:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history (PRC §5024.1).

Cultural resources are buildings, sites, humanly modified landscapes, traditional cultural properties, structures, or objects that may have historical, architectural, cultural, or scientific importance. CEQA states that if a project will have a significant impact on important cultural resources, deemed “historically significant,” then project alternatives and mitigation measures must be considered.

California Health and Safety Code §§7050.5, 7051 and 7054

California Health and Safety Code §§7050.5, 7051 and 7054 collectively address the illegality of interference with human burial remains as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

Local

City of Banning Code of Ordinances – Chapter 17.24.070⁵

Chapter 17.24.070 - Environmental resources/constraints. All development proposals shall be reviewed for compliance with the California Environmental Quality Act (CEQA). If the proposal is determine to

⁵ City of Banning Code of Ordinances. 2023. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO_DIVIIIDEST_CH17.24GEST_17.24.070ENRECO (accessed January 2023).

qualify as a 'project' under CEQA, the project proponent may be required to submit specialized studies to determine the effect on specific resources and hazards, including but not limited to biological resources, *cultural resources*, geotechnical hazards, hydrology, noise, and traffic. No project shall be approved without first satisfying the requirements of CEQA.

City of Banning General Plan⁶

Archaeological and Cultural Resources Element

The Banning General Plan (GP), adopted in 2006, includes 20 GP elements which contain specific long-range planning goals and policies designed to guide growth and development in the City. The GP's relevant goals and policies are described below.

- Policy 1** The City shall exercise its responsibility to identify, document and evaluate archaeological, historical, and cultural resources that may be affected by proposed development projects and other activities.
- Program 1.A - All new development proposals, except single family dwelling on existing lots of record, shall submit a records search for historic and cultural resources as part of the planning process.
 - Program 1.B - Development or land use proposals which have the potential to disturb or destroy sensitive cultural resources shall be evaluated by a qualified professional and, if necessary, comprehensive Phase I studies and appropriate mitigation measures shall be incorporated into project approvals.
 - Program 1.C - The City shall implement the requirements of state law relating to cultural resources, including Government Code §65352.3, and any subsequent amendments or additions.

4.4.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning cultural resources. The questions presented in the Environmental Checklist form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or
- Disturb any human remains, including those interred outside of formal cemeteries.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the impact's level of significance concerning cultural resources. This analysis considers the

⁶ City of Banning. 2006. *Draft General Plan Archaeological and Cultural Resources Element*. Retrieved from: <http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=> (accessed January 2023).

existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impacts. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on cultural resources examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on available information in public databases including local planning documents; a site evaluation of the Project site; review of Project maps and drawings; and analysis of aerial and ground-level photographs. The determination that a Project component would or would not result in "substantial" adverse effects on standards related to cultural resources considers the available policies and regulations established by federal, state, regional, and local agencies and the amount of deviation from these policies in the Project's components.

4.4.5 Impacts and Mitigation Measures

Impact 4.4-1 *Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

Level of Significance: Less than Significant

CEQA guidelines mandate that "generally a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" (Title 14 CCR §15064.5(a)(3)). A resource could potentially be listed in the CRHR if it meets any of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- Is associated with the lives of persons important in our past.
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c)).

As previously mentioned, six previously undocumented historic-era sites were recorded within the Project area. These sites are temporarily designated as Sites 3793-1H through 3793-6H including an animal watering feature (3793-1H), two refuse scatters (3793-2H and 3793-3H), a possible early road segment (3793- 4H), a local power transmission line with an access road (3793-5H), and discarded fence remains and a road along the former Morongo Indian Reservation boundary (3793-6H). All of them date to the mid

or late decades of the historic-period, except perhaps 3793-4H, for which no documentation is available beyond historic maps from the 1890s showing a road along a similar alignment.⁷

Site 3793-1H is composed of asphalt and steel items likely related to animal grazing activities. These structural remains demonstrate little potential for historic significance under the CRHR criteria. Site 3793-2H and 3793-3H consist of small-scale refuse scatters with an unclear historical background. These sites hold little potential for any archaeological data.

As previously mentioned, site 3793-4H shares a similar alignment to a road shown on historic maps from the 1890's that connected the City with the Morongo Indian Reservation. However, the road does not demonstrate any distinctive historical character or special merit in design, construction, engineering, or aesthetics. Additionally, there are no associated artifact deposits.

Furthermore, Site 3793-5H represents a dirt road and a local power transmission line that apparently supplied electricity to a small group of buildings located on the Morongo Indian Reservation. The SCE Banning Substation on Lincoln Street dates to around 1954. The power line was installed to accommodate increasing need for electricity in southern California after World War II. However, the City does not demonstrate an important association or recognized historical significance with that pattern of events. The road and powerline do not exhibit any remarkable qualities in design, construction, engineering, or aesthetics.

Similar to Sites 3793-1H, -2H, and -3H, fence remains and a road alignment typical to rural areas which lack historical records are found on Site 3793-6H.

CRM TECH evaluated these six resources and concluded all six did not qualify as "historical resources" (refer to **Appendix D**). Therefore, a less than significant impact would occur concerning the Project's impact to historical resources.

Mitigation Measures

No mitigation is necessary.

Impact 4.4-2 Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

Level of Significance: Less than Significant with Mitigation

The Project area appears to have low sensitivity for prehistoric archaeological resources, and it is unlikely that intact, subsurface prehistoric archaeological deposits would be uncovered during Project construction. A previously recorded isolate in the Project area, a circa 1917 USGS survey marker designated 33-022297, was not found during the field survey, although finding this artifact was not considered a focal point of the fieldwork. Isolates such as this, or localities with fewer than three artifacts, do not constitute archaeological sites due to the lack of depositional context and thus of information potential.⁸ As previously discussed, none of the six cultural resources identified during the field survey d

⁷ CMR TECH Page 14.

⁸ CRM TECH Page 14.

emonstrated any historical or archaeological interest. Sensitivity for encountering historic-age archaeological resources is considered low to moderate. Therefore, a less than significant impact would occur concerning archaeological resources after implementation of **MM CUL-1** and **MM CUL-2**.

Mitigation Measures

MM CUL-1 Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a qualified archaeologist. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, to identify and further evaluate any cultural resources that may be discovered in the Project area. A qualified archaeologist and/or Native American monitor(s) from Consulting Tribe(s) shall be retained to attend pre-grading meetings and to monitor earth moving activities, including clearing, grubbing, cutting, and trenching at the site. The monitor(s) shall carefully inspect these areas to assess the potential for significant prehistoric or historic remains. If potential archaeological and historical resources are uncovered, the construction contractor shall cease grading operations in the vicinity of the find until further evaluation is undertaken to assess the discovery. Further subsurface investigation may be needed if the resource is determined unique or important for its prehistoric or historic information.

MM CUL-2 If archaeological remnants are discovered during monitoring, the monitor(s) shall have the authority to divert construction in order to assess the significance of the find. Remnants shall be properly evaluated, documented, and deposited as applicable, consistent with State and local protocols.

Impact 4.4-3 *Would the Project disturb any human remains, including those interred outside of dedicated cemeteries?*

Level of Significance: Less than Significant with Mitigation

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. The closest cemetery to the Project site is Summit Cemetery District located at 2201 North San Geronio Avenue, Banning, California 92220, approximately 1.7-mile northwest of the Project site. If human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as PRC §5097 et. seq. California Health and Safety Code §7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California PRC §5097.98(b), remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made by the Coroner.

If the Coroner determines the remains to be Native American, the California Native American Heritage Commission (NAHC) must be contacted and the NAHC must then immediately notify the “most likely descendant(s)” of receiving notification of the discovery. The most likely descendant(s) shall then make recommendations within 48 hours and engage in consultations concerning the treatment of the remains as provided in PRC §5097.98. **MM CUL-3** would ensure the Project is in compliance with the above policies and that a qualified archaeologist would assess the significance of the find. Therefore, a less than

significant impact would occur concerning the disturbance of human remains with mitigation incorporated.

Mitigation Measures

MM CUL-3 If previously unknown cultural resources, including human remains, are identified during grading activities, a qualified archaeologist shall be retained to assess the nature and significance of the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner shall be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 24 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

4.4.6 Cumulative Impacts

As concluded above, with the implementation of **MM CUL-1** through **MM CUL-3** and **MM TCR-1** through **MM TCR-8** (refer to **Section 4.13, Tribal Cultural Resources**), the Project would not cause a significant adverse impact to historical resources pursuant to State CEQA Guidelines §15064.5. Cumulative projects could involve actions that damage known or as-yet undiscovered archaeological cultural resources specific to those development sites. However, as with the Project, all cumulative development would undergo environmental and design review on a project-by-project basis pursuant to CEQA to evaluate potential impacts to cultural resources. Additionally, cumulative development would comply with all federal, state, and local policies and regulations concerning the protection of cultural resources. Further, all cumulative development projects within the City would be required to comply with the following resource protection requirements, as applicable.

- Banning GP Policy 1 states that the City will identify, document, and evaluate archeological, historical, and cultural resources that may be affected by proposed development projects and other activities.
- Program 1.A and Program 1.B describe how the City will require all new developments to submit a records search for historic resources that may be affected by proposed development projects and activities; submit a records search for historic and cultural resources as part of the planning process; submit a comprehensive Phase I studies; and incorporate appropriate mitigation measures into project approvals for projects which have the potential to disturb or destroy sensitive cultural resources.⁹

Cumulative development could potentially impact undiscovered human remains during construction; however, all cumulative development would undergo environmental review on a project-by-project basis

⁹ City of Banning. *General Plan and Amendments*. Available at <https://www.ci.banning.ca.us/468/General-Plan-Amendments> (accessed January 2023).

to determine site-specific archaeological sensitivity and assess the potential for significant impacts to cultural resources and identify mitigation measures as necessary. Additionally, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. Furthermore, all cumulative development would comply with applicable Health and Safety Code Section 7050.5 and no cumulative impacts would occur.

4.4.7 Significant Unavoidable Impacts

No significant unavoidable impacts concerning cultural resources have been identified.

4.4.8 References

City of Banning Code of Ordinances. 2023. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO_DIVIIIDEST_C_H17.24GEST_17.24.070ENRECO (accessed January 2023).

City of Banning. 2006. *Draft General Plan. Archaeological and Cultural Resources Element*. Retrieved from:

<http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=>
(accessed January 2023).

City of Banning. General Plan and Amendments. Retrieved from: <https://www.ci.banning.ca.us/468/General-Plan-Amendments>. CRM TECH. 2022. Historical/Archaeological Resources Survey Report (**Appendix D**).

4.5 ENERGY

4.5.1 Introduction

This section of the Draft Environmental Impact Report (EIR) describes the existing setting as it relates to energy, identifies associated regulatory conditions and requirements, and presents the criteria used to evaluate potential impacts related to fuel and energy use associated with the Banning Commerce Center (Project) implementation. The analysis in this section is based in part on the following technical information:

- Kimley-Horn and Associates, Inc. 2023. *Energy Calculations*. **Appendix E**.

4.5.2 Environmental Setting

Existing Electricity and Natural Gas Supplies

Electricity

Electricity production requires the consumption or conversion of energy resources, including water, wind, oil, gas, coal, solar, geothermal, and nuclear resources, into electricity. The delivery of electricity involves a number of system components including substations and transformers that lower transmission line power (voltage) to an appropriate level for on-site distribution and use. Generated electricity is then distributed through a network of transmission and distribution lines, commonly called a power grid. Conveyance of electricity through transmission lines is typically responsive to market demands.

Banning Electric Utility provides electricity to the City of Banning (City), including the Project area, to approximately 13,500 citizens and business patrons. Banning Electric Utility has six distribution substations and 134 miles of power lines.¹ Banning Electric Utility produces and purchases their energy from a mix of conventional and renewable generating sources. **Table 4.5-1: Energy Resources Used to Generate Electricity for Banning Electric Utility** demonstrates that Banning Electric Utility's electric power mix in 2021 compared to the Statewide 2021 power mix. In 2021, electricity use attributable to the County of Riverside was approximately 16,767 GWh from residential and non-residential sectors.

¹ Banning Electric Utility. 2023. *Banning Electric Utility*. Retrieved from: <http://banning.ca.us/57/Banning-Electric-Utility> (accessed April 2023).

Table 4.5-1: Energy Resources used to Generate Electricity for Banning Electric Utility

Energy Resources	2021 City of Banning Power Mix	2021 California Power Mix
Eligible Renewable:	54.1%:	33.6%
Biomass and Biowaste	31.7%	2.3%
Geothermal	8.0%	4.8%
Eligible Hydroelectric	0.0%	1.0%
Solar	14.4%	14.2%
Wind	0.0%	11.4%
Coal	0.0%	3%
Large Hydroelectric	1.1%	9.2%
Natural Gas	0.0%	37.9%
Nuclear	13.6%	9.3%
Other	0.0%	0.2%
Unspecified Sources of Power ¹	31.2%	6.8%
Total	100%	100%
Notes: 1. Electricity from transactions that are not traceable to specific generation sources. Source: City of Banning. 2021. <i>2021 Power Content Label, City of Banning Electric Utility</i> . Retrieved from: http://banning.ca.us/DocumentCenter/View/224/PowerContentLabel_2015_Annual?bidId= (accessed April 2023).		

Natural Gas

The Southern California Gas Company (SoCalGas), the service provider for Project area, services approximately 21 million people in a 24,000-square mile service territory that includes Central and Southern California.² SoCalGas has four storage fields; Aliso Canyon, Honor Rancho, La Goleta, and Playa del Rey, as well as a combined storage capacity of approximately 134 billion cubic feet. According to the California Energy Commission (CEC), natural gas demand in the SoCalGas service area was 5,100.79 million therms in 2021.³

SoCalGas projects that total demand for natural gas will decline at an annual rate of 0.67 percent from 2022 to 2035. The decline in demand is due to modest economic growth, California Public Utilities Commission (CPUC) mandated energy efficiency standards and programs, tighter standards created by revised Title 24 Codes and Standards, renewable electricity goals, the decline in commercial and industrial demand, and conservation savings linked to Advanced Metering Infrastructure.

Energy Use

Energy use is typically quantified using the British Thermal Unit (BTU). Total energy use in California was 6,923 trillion BTU in 2020 (the most recent year for which this specific data is available), which equates to an average of approximately 177 million BTU per capita. Of California's total energy use, the breakdown by sector is approximately 34 percent transportation, 24 percent industrial, 20 percent commercial, and 22 percent residential. Electricity and natural gas in California are generally used by stationary sources such as residences, commercial sites, and industrial facilities, whereas petroleum use is generally

² Southern California Gas Company. ND. *Company Profile*. Retrieved from: <https://www.socalgas.com/about-us/company-profile> (accessed June 2023).

³ California Energy Commission. 2021. *Gas Consumption by Entity*. Retrieved from: <https://ecdms.energy.ca.gov/gasbyutil.aspx> (accessed June 2023).

accounted for by transportation-related energy use. In 2022, taxable gasoline sales (including aviation gasoline) in California accounted for 13,919,678,835 gallons of gasoline.

4.5.3 Regulatory Setting

Federal

Energy Independence and Security Act of 2007

The Energy Independence and Security Act (EISA; Public Law 110-140) was signed into law by President George W. Bush on December 19, 2007. The Act's goal is to achieve energy security in the United States by increasing renewable fuel production, improving energy efficiency and performance, protecting consumers, improving vehicle fuel economy, and promoting research on greenhouse gas (GHG) capture and storage. Under the EISA, the Renewable Fuel Standard (RFS) program (RFS2) was expanded in several key ways:

- Expanded the RFS program to include diesel, in addition to gasoline;
- Increased the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022;
- Established new categories of renewable fuel and set separate volume requirements for each; and
- Required the U.S. Environmental Protection Agency (U.S. EPA) to apply lifecycle GHG performance threshold standards to ensure that each category of renewable fuel emits fewer GHGs than the petroleum fuel it replaces.

RFS2 lays the foundation for achieving significant reductions of GHG emissions from the use of renewable fuels, for reducing imported petroleum, and encouraging the development and expansion of our nation's renewable fuels sector.

The EISA also includes a variety of new standards for lighting and for residential and commercial appliance equipment. The equipment includes residential refrigerators, freezers, refrigerator-freezers, metal halide lamps, and commercial walk-in coolers and freezers.

State

Assembly Bill 32 (AB) and Senate Bill (SB) 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006." AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05) and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Reductions in overall energy consumption have been implemented to reduce emissions.

In September 2016, the Governor signed into legislation SB 32, which builds on AB 32 and requires the state to cut GHG emissions to 40 percent below 1990 levels by 2030. With SB 32, the Legislature also

passed AB 197, which provides additional direction for updating the Scoping Plan to meet the 2030 GHG reduction target codified in SB 32. CARB has published a 2022 Scoping Plan that identifies a path to keep California on track to meet its SB 32 GHG reduction target of at least 40 percent below 1990 emissions by 2030.

Additional energy efficiency measures beyond the current regulations are needed to meet these goals as well as the AB 32 GHG reduction goal of reducing statewide GHG emissions to 1990 levels by 2020 and the SB 32 goal of 40 percent below 1990 levels by 2030. Part of the effort in meeting California's long-term reduction goals include reducing petroleum use in cars and trucks by 50 percent, increasing from one-third to more than one-half of California's electricity derived from renewable sources, doubling the efficiency savings achieved at existing buildings and making heating fuels cleaner; reducing the release of methane, black carbon, and other short-lived climate pollutants, and managing farm and rangelands, forests, and wetlands so they can store carbon. Refer to **Section 4.7: Greenhouse Gas Emissions** for a further discussion of AB 32 and SB 32.

State of California Energy Plan

The CEC is responsible for preparing the State Energy Plan, which identifies emerging trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The Plan calls for the state to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the least environmental and energy costs. To further this policy, the plan identifies several strategies, including assistance to public agencies and fleet operators and encouragement of urban designs that reduce vehicle miles traveled (VMT) and accommodate pedestrian and bicycle access.

California Building Energy Efficiency Standards: Title 24, Part 6 (California Energy Code)

The Code California Energy Code (Title 24, Part 6) was created as part of the California Building Standards Code (Title 24 of the California Code of Regulations) by the California Building Standards Commission in 1978 to establish statewide building energy efficiency standards to reduce California's energy use. In general, Title 24 energy code is designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings. The CEC updates the Title 24 Energy Efficiency Standards every three years to allow consideration and possible incorporation of new energy efficiency technologies and methods. The Title 24 Energy Efficiency Standards conserve nonrenewable resources, such as natural gas, and ensure renewable resources are extended as far as possible to reduce the need for constructing new power plants.

On August 11, 2021, the CEC adopted the 2022 Energy Code. In December, it was approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for on or after January 1, 2023, must comply with the 2022 Energy Code.

The Title 24 Energy Efficiency Standards include provisions applicable to all buildings, residential and non-residential, which describe requirements for documentation and certificates that the building meets the standards. These provisions include mandatory requirements for efficiency and design of the following types of systems, equipment, and appliances:

- Air Conditioning Systems
- Heat Pumps
- Water Chillers
- Gas- and Oil-Fired Boilers
- Cooling Equipment
- Water Heaters and Equipment
- Pool and Spa Heaters and Equipment
- Gas-Fired Equipment Including Furnaces and Stoves/Ovens
- Windows and Exterior Doors
- Joints and Other Building Structure Openings (Envelope)
- Insulation and Cool Roofs
- Lighting Control Devices
- Solar Photovoltaic Systems

The standards include additional mandatory requirements for space conditioning (cooling and heating), water heating, indoor and outdoor lighting systems, as well as equipment in non-residential, high-rise residential, and hotel or motel buildings. Mandatory requirements for low-rise residential buildings cover indoor and outdoor lighting, fireplaces, space cooling and heating equipment (including ducts and fans), and insulation of the structure, foundation, and water piping. The standards require solar photovoltaic systems for new homes. In addition to the mandatory requirements, the standards call for further energy efficiency that can be provided through a choice between performance and prescriptive compliance approaches. Separate sections apply to low-rise residential and to non-residential, high-rise residential, and hotel or motel buildings. In buildings designed for mixed use (e.g., commercial and residential), each section must meet the standards applicable to that type of occupancy.

The performance approach set forth under these standards provides for the calculation of an energy budget for each building and allows flexibility in building systems and features to meet the budget. The energy budget addresses space-conditioning (cooling and heating), lighting, and water heating. Compliance with the budget is determined using a CEC-approved computer software energy model. The alternative prescriptive standards require demonstrating compliance with specific minimum efficiency for components of the building such as building envelope insulation R-values, fenestration (areas, U-factor and solar heat gain coefficients of windows and doors) and heating and cooling, water heating and lighting system design requirements. These requirements vary depending on the building's location in the state's 16 climate zones.

California Green Building Standards

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The CEC approved the 2022 California Green Building Standards Code and went into effect January 1, 2023.

2008 California Energy Action Plan Update

The 2008 Energy Action Plan Update provides a status update to the 2005 Energy Action Plan II, which is the State of California's principal energy planning and policy document (CPUC and CEC, 2008). The plan continues the goals of the original Energy Action Plan, describes a coordinated implementation plan for State energy policies, and identifies specific action areas to ensure that California's energy is adequate, affordable, technologically advanced, and environmentally sound. First-priority actions to address California's increasing energy demands are energy efficiency, demand response (i.e., reduction of customer energy usage during peak periods in order to address system reliability and support the best use of energy infrastructure), and the use of renewable sources of power. If these actions are unable to satisfy the increasing energy and capacity needs, the plan supports clean and efficient fossil-fired generation.

2006 Appliance Efficiency Regulations

The California Energy Commission adopted Appliance Efficiency Regulations (Title 20, California Code of Regulations §§1601 through 1608) on October 11, 2006. The regulations were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both federally regulated appliances and non-federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

Renewable Portfolio Standard: Senate Bill 1078 and 107; Executive Order S-14-08, S-21-09, and SB 2X

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010. In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expands the State's Renewable Portfolio Standard (RPS) to 33 percent renewable power by 2020.

In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the California Air Resources Board (CARB) under its AB 32 authority to enact regulations to help the state meet its RPS goal

of 33 percent renewable energy by 2020. In addition, CARB is to design emissions reduction measures, adopt regulations requiring the reporting and verification of GHG emissions, including accounting for GHG emissions from all electricity consumed in the state, and develop emissions reduction measures, including limits on emissions of greenhouse gases applied to electricity and natural gas providers serving customers in California.

On April 2011, Governor Brown signed SB 2X, which legislated the prior Executive Order S-14-08 renewable standard, which required California energy providers to buy 33 percent of their energy from clean, renewable energy sources by 2020.

Executive Order B-30-15, Senate Bill 350, and Senate Bill 100

In April 2015, the Governor issued Executive Order B-30-15, which established a GHG reduction target of 40 percent below 1990 levels by 2030. SB 350 (Chapter 547, Statutes of 2015) advanced these goals through two measures. First, the law increases the renewable power goal from 33 percent renewables by 2020 to 50 percent by 2030. Second, the law requires the CEC to establish annual targets to double energy efficiency in buildings by 2030. The law also requires the CPUC to direct electric utilities to establish annual efficiency targets and implement demand-reduction measures to achieve this goal. In 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Appendix F to CEQA Guidelines

Public Resources Code §21100(b)(3) and CEQA Guidelines §15126.4 require EIRs to describe, where relevant, the wasteful, inefficient, and unnecessary use of energy caused by a project. In 1975, largely in response to the oil crisis of the 1970s, the California State Legislature adopted AB 1575, which created the CEC. The CEC's statutory mission is to forecast future energy needs, license thermal power plants of 50 megawatts or larger, develop energy technologies and renewable energy resources, plan for and direct State responses to energy emergencies, and promote energy efficiency through the adoption and enforcement of appliance and building energy efficiency standards. AB 1575 also amended Public Resources Code §21100(b)(3) to require EIRs to consider the wasteful, inefficient, and unnecessary use of energy caused by a project. In addition, CEQA Guidelines §15126.4 was adopted in 1998 which requires that an EIR describe feasible mitigation measures which would minimize the inefficient and unnecessary use of energy. Thereafter, the State Resources Agency created CEQA Guidelines, Appendix F.

Pursuant to Appendix F, an EIR must include a "discussion of the potential energy impacts of proposed projects...." However, because lead agencies have not consistently included such analysis in their EIRs, California's Natural Resources Agency amended Appendix F to the CEQA Guidelines in 2009 "to ensure that lead agencies comply with the substantive directive in §21100(b)(3)." CEQA Guidelines, Appendix F lists environmental impacts and mitigation measures that an EIR may include. What is required is a "discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy."

Potential impacts that may be discussed include:

- The Project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the Project including construction, operation, maintenance, or removal. If appropriate, the energy intensiveness of materials may be discussed.
- The effects of the Project on local and regional energy supplies and on requirements for additional capacity.
- The effects of the Project on peak and base period demands for electricity and other forms of energy.
- The degree to which the Project complies with existing energy standards.
- The effects of the Project on energy resources.
- The Project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

State CEQA Guidelines, Appendix F assists EIR preparers in determining whether a Project will result in the inefficient, wasteful, and unnecessary use of energy. The discussion below analyzes the Project's effect on energy resources.

Local

City of Banning General Plan

The Banning General Plan (General Plan), adopted in 2006, includes 21 general plan elements organized into four chapters: Community Development, Environmental Resources, Environmental Hazards, and Public Services and Facilities. Each general plan element contains specific long-range planning goals and policies designed to guide growth and development in the City. The General Plan's relevant goals, objectives, and policies are provided below:

Environmental Resources – Energy and Mineral Resources Element

Goal	Efficient, sustainable and environmentally appropriate use and management of energy and mineral resources, assuring their long-term availability and affordability.
Policy 1	Promote energy conservation throughout all areas of the community and sectors of the local economy, including the planning and construction of urban uses and in City and regional transportation systems.
Program 1.A	The City shall strictly and consistently enforce all state mandated energy-conserving development and building codes/regulations and shall investigate and report on the appropriateness of developing more stringent local energy performance standards.
Policy 2	Promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaics and other clean energy systems, directly into building design and construction.
Program 2.A	The City shall make available to residents, businesses, and the building industry information on commercially available conservation technologies, solar thermal and

photovoltaic energy systems, fuel cell and other alternative energy technology. Building regulations and guidelines that provide for the safe and efficient installation of these systems shall also be provided.

4.5.4 Impact Thresholds and Significance Criteria

Thresholds of Significance

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning energy. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

- Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, or
- Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Methodology

This section analyzes energy use on three sources of energy that are relevant to the Project, including electricity, natural gas, and transportation fuel for vehicle trips associated with new development, as well as the fuel necessary for Project construction. The analysis of the Project's electricity and natural gas use is based on the California Emissions Estimator Model version 2022.1 (CalEEMod), which quantifies energy use for occupancy. The results of CalEEMod are included in **Appendix B1** and **Appendix G** of this EIR. Modeling related to Project energy use was based primarily on the default settings in CalEEMod. The amount of operational fuel use was estimated using CalEEMod outputs for the Project and CARB Emission Factors (EMFAC) 2021 computer program for typical daily fuel use in Riverside County. Construction fuel was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry (TCR). The Climate Registry is a non-profit organization governed by U.S. states, and Canadian provinces and territories. TCR designs and operates voluntary and compliance greenhouse gas (GHG) reporting programs globally, and assists organizations in measuring, reporting and verifying the carbon in their operations in order to manage and reduce it.

4.5.5 Impacts and Mitigation Measures

Impact 4.5-1 *Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Level of Significance: Less Than Significant

Construction

The Project is anticipated to be constructed in one phase. Construction is anticipated to occur over a duration of approximately 18 months, beginning in early 2024. The energy associated with Project construction includes electricity use associated with water utilized for dust control, diesel fuel from on-road hauling trips, vendor trips, and off-road construction diesel equipment, as well as gasoline fuel from

on-road worker commute trips. Because construction activities typically do not require natural gas, it is not included in the following discussion. The methodology for each category is discussed below. This analysis relies on the construction equipment list and operational characteristics, as stated in **Section 4.2: Air Quality** and **Section 4.7: Greenhouse Gas Emissions**. Quantifications of construction energy for the Project are provided in **Table 4.5-2: Energy Use During Construction** below.

Table 4.5-2: Energy Use During Construction

Project Source	Total Construction Energy	Riverside County Annual Energy	Percentage Increase Countywide
Electricity Use		GWh	
Water Use ¹	0.0084	16,767	0.000000502%
Diesel Use		Gallons	
On-Road Construction Trips ²	212,612	260,086,931	0.0817%
Off-Road Construction Equipment ³	65,975		0.0254%
Construction Diesel Total	278,587		0.1071%
Gasoline		Gallons	
On-Road Construction Trips	209,900	678,776,489	0.0309%
Notes: 1. Construction water use based on acres disturbed per day per construction sequencing and estimated water use per acre. 2. On-road mobile source fuel use based on VMT from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2021 in Riverside County for 2025. 3. Construction fuel use was calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. Source: Kimley-Horn. 2023. Energy Calculations. Appendix E .			

Electricity

Electricity use associated with water use for construction dust control is calculated based on total water use and the energy intensity for supply, distribution, and treatment of water. The total number of gallons of water used is calculated based on acreage disturbed during grading and site preparation, as well as the daily watering rate per acre disturbed.

- The total acres disturbed are calculated using the methodology described in Chapter 4.2 of Appendix C of the CalEEMod User's Guide.
- The water application rate of 3,020 gallons per acre per day is from the Air and Waste Management Association's Air Pollution Engineering Manual (1992).

The energy intensity value is based on the CalEEMod default energy intensity per gallon of water for the South Coast Hydrologic Region. As summarized in **Table 4.5-2: Energy Use During Construction** above, the total electricity demand associated with the Project's water use for construction dust control would be approximately 0.0084 GWh over the duration of construction.

Petroleum Fuel

On-Road Diesel Construction Trips.

Diesel fuel associated with on-road construction mobile trips is calculated based on VMT, the CalEEMod default diesel fleet percentage, and vehicle fuel efficiency in miles per gallon (MPG). VMT for the entire construction period is calculated based on the number of trips multiplied by the trip lengths for each phase shown in CalEEMod. Construction fuel was calculated based on CalEEMod emissions outputs and

conversion ratios from the Climate Registry. Total diesel fuel consumption associated with on-road construction trips for the Project would be approximately 212,612 gallons.

Off-Road Diesel Construction Equipment

Similarly, the construction diesel fuel associated with the off-road construction equipment is calculated based on CalEEMod emissions outputs and conversion ratios from the Climate Registry. The total diesel fuel associated with Project off-road construction equipment is approximately 65,975 gallons. Combined diesel usage from on-road and off-road construction sources is 278,587 gallons.

On-Road Gasoline Construction Trips

The gasoline fuel associated with on-road construction mobile trips is calculated based on VMT from vehicle trips, the CalEEMod default gasoline fleet percentage, and vehicle fuel efficiency in MPG using the same methodology as the construction on-road trip diesel fuel calculation discussed above. The total gasoline fuel associated with Project on-road construction trips would be approximately 209,900 gallons.

Construction Energy Use Analysis

As indicated in **Table 4.5-2** above, Project construction electricity use would represent approximately 0.0000005 percent of the current electricity use in Riverside County. In 2025, Californians are anticipated to use approximately 13,744,391,388 gallons of gasoline and approximately 3,189,458,169 gallons of diesel fuel. Riverside County annual gasoline fuel use in 2025 is anticipated to be 678,776,489 gallons and diesel use would be approximately 260,086,931 gallons.⁴ Total Project construction gasoline fuel would represent approximately 0.03 percent of annual gasoline used in the County, and total Project construction diesel fuel would represent approximately 0.1 percent of annual diesel used in the County. Therefore, total Project construction gasoline and diesel fuel would represent a negligible amount of the County's fuel use. Based on the total Project's relatively low construction fuel use proportional to annual County use, the Project would not substantially affect existing energy fuel supplies or resources. New capacity or additional sources of construction fuel are not anticipated to be required.

Banning Electric Utility total energy sales are projected to be 150 GWh of electricity in 2024 (the first year of Project construction).⁵ The Project's construction-related net annual electricity consumption of 0.0084 GWh would represent approximately 0.0056 percent of Banning's Electrical Utility projected sales. Therefore, it is anticipated that Banning Electric Utility's existing and planned electricity capacity and electricity supplies would be sufficient to serve the Project's temporary construction electricity demand. Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil production would be sufficient to meet demand until 2050.⁶ Therefore, existing and planned transportation fuel supplies would be sufficient to serve the Project's temporary construction demand.

⁴ California Air Resources Board (CARB), EMFAC. 2021. *Emissions Inventory*. Retrieved from: <https://arb.ca.gov/emfac/emissions-inventory/d5188d165d4d351564673b9a0a47a376c7a3c31b> (accessed March 2023).

⁵ California Energy Commission. ND. *CED 2022 LSE and BA planning Forecast Tables*. Retrieved from: <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update-2> (accessed March 2023).

⁶ United States Energy Information Administration. 2020. *California Energy Consumption Estimates*. Retrieved from: <https://www.eia.gov/state/print.php?sid=CA> (accessed March 2023).

Furthermore, there are no unusual characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. In addition, some energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest United States Environmental Protection Agency (U.S. EPA) and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel use.

The Project would have construction activities that would use energy, primarily in the form of diesel fuel (e.g., mobile construction equipment) and electricity (e.g., power tools). Contractors would be required to monitor air quality emissions of construction activities using applicable regulatory guidance such as from South Coast Air Quality Management District CEQA Guidelines. Additionally, construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Sections 2485 and 2449), which reduce diesel PM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. This requirement indirectly relates to construction energy conservation because when air pollutant emissions are reduced from the monitoring and the efficient use of equipment and materials, energy use is reduced. There are no aspects of the Project that would foreseeably result in the inefficient, wasteful, or unnecessary use of energy during construction activities.

Due to increasing transportation costs and fuel prices, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary use of energy during construction. There is growing recognition among developers and retailers that sustainable construction is not prohibitively expensive and that there is a significant cost-saving potential in green building practices. Substantial reduction in energy inputs for construction materials can be achieved by selecting building materials composed of recycled materials that require substantially less energy to produce than non-recycled materials. The Project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes, and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. It is reasonable to assume that production of building materials such as concrete, steel, etc., would employ all reasonable energy conservation practices in the interest in minimizing the costs of business.

As described above, the Project's fuel consumption and energy usage from the entire construction period would increase fuel use in the County by less than one percent. It should be noted that the State CEQA Guideline Appendix G and Appendix F criteria require the Project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A less than one percent increase in temporary demand is not anticipated to trigger the need for additional capacity. Project construction would have a nominal effect on the local and regional energy supplies. Additionally, use of construction fuel would be temporary and would cease once the Project is fully developed. As such, Project construction would have a nominal effect on the local and regional energy supplies.

As stated above, there are no unusual characteristics that necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or state. It is

expected that construction fuel use associated with the Project would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. Therefore, potential impacts are considered less than significant.

Operations

The energy consumption associated with Project operations would occur from building energy (electricity and natural gas) use, water use, and transportation-related fuel use. Annual energy use during Project operations is shown in **Table 4.5-3: Project Annual Energy Use During Operations** below. This table notes the Project's unmitigated energy consumption estimates to provide a conservative analysis. Additionally, the Project would provide on-site solar photovoltaic (PV) panels to offset electricity consumption; refer to **Section 4.7: Greenhouse Gas Emissions** for more detail.

Table 4.5-3: Project Annual Energy Use During Operations

Project Source	Annual Unmitigated Operational Energy	Riverside County Annual Energy	Percentage Increase Countywide
Electricity Use	GWh		
Total Electricity (Electricity Demand + Water Conveyance)	12.5	16,767	0.075%
Natural Gas Use	Therms		
Area ¹	255,381	430,843,598	0.059%
Diesel Use			
Mobile ²	864,969	260,086,932	0.333%
Gasoline Use			
Mobile ²	1,594,173	6,787,765,490	0.024%
Notes: 1. The electricity, natural gas, and water usage are based on Project-specific estimates and CalEEMod defaults. 2. Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2021 for operational year 2026. Source: Kimley-Horn. 2023. E Energy Calculations. Appendix E.			

Electricity

The Project would use approximately 12.5 GWh of electricity per year. The Project would use approximately 278 million gallons of water annually which would require approximately 3.6 GWh per year for conveyance and treatment, which is 28.8 percent of the total electricity demand. Additionally, **MM GHG-1** would require the Project to install solar PV panels or other source of renewable energy generation that would provide 100 percent of the expected on-site energy demands. However, unmitigated Project electricity consumption would only increase countywide electricity use by 0.054 percent.

Petroleum Fuel

The gasoline and diesel fuel associated with on-road vehicular trips is based on total VMT calculated for the analyses within **Section 4.2: Air Quality** and **Section 4.7: Greenhouse Gas Emissions**, and average fuel efficiency from the EMFAC model. The total gasoline and diesel fuel associated with on-road trips would be approximately 1,594,173 gallons per year and 864,969 gallons per year, respectively.

Natural Gas

The methodology used to calculate the natural gas use associated with the Project is based on CalEEMod default rates. Unmitigated natural gas consumption from the Project would represent only a 0.059 percent increase over countywide natural gas usage.

Operational Energy Use Analysis

The Project's operational electricity use would represent a nominal portion of electricity used in the state and Riverside County. In addition, the Project would install solar PV panels to offset its electricity demand. Regarding natural gas, Californians used 11.9 billion therms of natural gas and 430.8 million therms of natural gas in Riverside County in 2021. The Project's operational natural gas use would contribute to only 0.00002 percent natural gas use in the State and 0.059 percent in the County.

Riverside County annual gasoline fuel use in 2026 is anticipated to be 678,776,489 gallons and diesel fuel is anticipated to be 260,086,931 gallons. Expected Project operational gasoline and diesel consumption would represent approximately 0.02 percent of gasoline use and 0.33 percent of diesel use in the County.

Transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, the global supply of crude oil, other liquid hydrocarbons, and biofuels is expected to be adequate to meet the world's demand for liquid fuels through 2050.⁷

The Project's energy consumption represents less than one percent of energy consumption within the County. Project operations would not substantially affect existing energy or fuel supplies or resources. The Project would comply with applicable energy standards and new capacity would not be required. Impacts would be less than significant.

Compliance with Energy Efficiency Measures

As discussed above, California's Energy Efficiency Standards for Residential and Non-Residential Buildings create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use. 2022 Title 24 standards for new residential and nonresidential buildings will focus on encouraging electric heat pump technology and use, promote electric-ready buildings to get owners to use cleaner electric heating, cooking, and vehicle charging, expanding solar photovoltaic systems and battery storage systems to reduce reliance on fossil fuel power plants.

Regarding water energy conservation, the Project would incorporate drought-tolerant landscaping throughout portions of the site. Water-efficient irrigation controls would also be used in landscape areas. Comprehensive water conservation strategies would be developed to each respective land use as part of

⁷ US Energy Information Administration. 2021. *International Energy Outlook 2021 IEO2021: Schedule, Focus, and Publication*. Retrieved from: https://www.eia.gov/outlooks/ieo/pdf/IEO2021_Narrative.pdf (accessed March 2023).

the Project plan development. Buildings would incorporate water-efficient fixtures and appliances, to comply with Title 24.

It should also be noted that SCE is subject to California's RPS. The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase total procurement from eligible renewable energy resources to 33 percent by 2020 and 50 percent by 2030. SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat.

As discussed above, California's Energy Efficiency Standards create uniform building codes to reduce California's energy use and provide energy efficiency standards for residential and non-residential buildings. These standards are incorporated within the California Building Code and are expected to substantially reduce the growth in electricity and natural gas use.

None of the Project energy uses exceed one percent of the corresponding uses within the County. Project operations would not substantially affect existing energy or fuel supplies or resources. All Project buildings will comply with energy and fuel efficiency laws and regulations; thus, the Project would not be wasteful or inefficient. Therefore, the Project would result in a less than significant impact in this regard.

Mitigation Measures

No mitigation is required.

Impact 4.5-2 *Would the Project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?*

Level of Significance: Less Than Significant

Construction and Operations

As discussed in **Impact 4.5-1** above, the energy conservation policies and plans relevant to the Project include the California Title 24 energy standards and the CALGreen Building Code. The Project would be required to comply with these existing energy standards. Compliance with state and local energy efficiency standards would ensure that the Project meets all applicable energy conservation policies and regulations. As such, the Project would not conflict with applicable plans for renewable energy or energy efficiency. Southern California Association of Government's Regional Transportation Plan/ Sustainable Communities Strategy (RTP/SCS) integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The document establishes GHG emissions goals for automobiles and light-duty trucks, as well as an overall GHG target for the region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of SB 375. The Project would not conflict with the stated goals of the RTP/SCS, for additional detail see **Section 4.7: Greenhouse Gas Emissions**. Therefore, potential impacts are considered not significant.

Mitigation Measures

No mitigation is required.

4.5.6 Cumulative Impacts

Potential cumulative impacts to energy would result if the Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. This could result from development that would not incorporate sufficient building energy efficiency features, would not achieve building energy efficiency standards, or would result in the unnecessary use of energy during construction and/or operation.

The cumulative projects within the areas serviced by the energy service providers would be applicable to this analysis. Projects that include development of large buildings or other structures that would have the potential to consume energy in an inefficient manner would have the potential to contribute to a cumulative impact.

Construction and Operations

Construction and operations associated with implementation of the Project would result in the use of energy, but not in an inefficient or wasteful manner. The primary source of energy would be from the required solar PV panels and would therefore not cause any extra demand on the energy grid. The use of energy would not be substantial in comparison to statewide electricity, natural gas, gasoline, and diesel demand; refer to **Table 4.5-2: Energy Use During Construction** and **Table 4.5-3: Project Annual Energy Use During Operations**. As discussed above, the Project-related construction electricity consumption would not utilize SCE generated electricity. The electricity used for construction would be less than that required during operation of the Project, would be temporary and would have a minimal contribution to the Project's overall energy consumption. Construction of the Project would not typically involve the consumption of natural gas. The Project's construction electricity consumption would be negligible relative to Banning Electric Utility's generated electricity and electricity supplies would be sufficient to serve the Project's temporary construction electricity demand.

Banning Electric Utility would review the Project's estimated electricity consumption in order to ensure that the estimated power requirement would be part of the total load growth forecast for their service area and accounted for in the planned growth of the power system if the electricity demand was to increase past what the PV panels can provide. It should be noted that the planning projections of Banning Electric Utility and SoCalGas consider planned development for their service areas and are in and of themselves providing for cumulative growth. Therefore, it is likely that the cumulative growth associated with the related projects is already accounted for in the planning of future supplies to cover projected demand.

Banning Electric Utility and SoCalGas have policies, programs, and projects in place to provide continued, adequate energy to their users, including the Project. Substantial reductions to the cumulative demand for energy can result from an increased reliance on renewable energy systems (as required by the State's RPS) and the construction of energy-efficient buildings. Cumulative projects would be subject to

applicable Title 24 and CALGreen requirements similar to the Project, which includes energy efficiency standards to minimize the wasteful and inefficient use of energy.

Furthermore, transportation fuels (gasoline and diesel) are produced from crude oil, which can be domestic or imported from various regions around the world. Based on current proven reserves, current crude oil production would be sufficient to meet worldwide consumption demand until 2050. As such, it is expected that existing and planned transportation fuel supplies would be sufficient to serve the Project's construction and operational demand. New capacity or supplies of energy resources would not be required. Additionally, the Project would be subject to compliance with all federal, state, and local requirements for energy efficiency. State regulations, including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program, would serve to reduce the transportation fuel demand of cumulative projects. Project demands for diesel fuel are also anticipated to decrease over time as Zero-Emissions (ZE) and Near Zero-Emissions (NZE) trucks become more available in the future.

In consideration of cumulative energy use, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Additionally, as discussed above, the Project would increase overall electricity and natural gas demand but would not require additional facilities other than local connections to, or undergrounding of, existing facilities in the Project vicinity. Therefore, the Project's incremental demand for electricity and natural gas facilities would not be cumulatively considerable. Thus, the Project would not contribute to a cumulative impact to the wasteful or inefficient use of energy. A less than significant cumulative impact would occur.

The Project and new development projects located within the cumulative study area would also be required to comply with all the same applicable federal, state, and local measures aimed at reducing fossil fuel consumption and the conservation of energy. The anticipated Project impacts, in conjunction with cumulative development in the vicinity, would increase urbanization and result in increased energy use. Potential land use impacts are site-specific and require evaluation on a case-by-case basis. As noted above, the Project would not result in significant impacts to state or local plans for renewable energy or energy efficiency. Therefore, the Project and identified cumulative projects are not anticipated to result in a significant cumulative impact. Therefore, potential impacts are considered less than significant.

4.5.7 Significant Unavoidable Impacts

No significant unavoidable impacts have been identified.

4.5.8 References

Kimley-Horn. 2023. *Energy Calculations*. **Appendix E**.

California Air Resources Board (CARB), EMFAC. 2021. *Emissions Inventory*. Retrieved from:
<https://arb.ca.gov/emfac/emissions-inventory/d5188d165d4d351564673b9a0a47a376c7a3c31b> (accessed March 2023).

California Energy Commission. 2021. *Gas Consumption by Entity*. Retrieved from:
<https://ecdms.energy.ca.gov/gasbyutil.aspx> (accessed June 2023).

California Energy Commission. ND. *CED 2022 LSE and BA planning Forecast Tables*. Retrieved from: <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2022-integrated-energy-policy-report-update-2> (accessed March 2023).

Banning Electric Utility. 2023. *Banning Electric Utility*. Retrieved from: <http://banning.ca.us/57/Banning-Electric-Utility> (accessed April 2023).

City of Banning. 2021. *2021 Power Content Label, City of Banning Electric Utility*. Retrieved from: http://banning.ca.us/DocumentCenter/View/224/PowerContentLabel_2015_Annual?bidId= (accessed April 2023).

Southern California Gas Company. ND. *Company Profile*. Retrieved from: <https://www.socalgas.com/about-us/company-profile> (accessed June 2023).

United States Energy Information Administration. 2020. *California Energy Consumption Estimates*. Retrieved from: <https://www.eia.gov/state/print.php?sid=CA> (accessed March 2023).

4.6 GEOLOGY AND SOILS

4.6.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to the geologic, soil, and seismic characteristics of the Banning Commerce Center Project (Project) site within the City of Banning (City). This section identifies potential impacts that could result from Project implementation and recommends mitigation measures to reduce potentially significant impacts as necessary. The issues addressed in this section are risks associated with faults, strong seismic ground shaking, seismic-related ground failure such as liquefaction, landslides, substantial erosion or the loss of topsoil, and unstable geological units and/or soils.

The environmental setting discussion is based largely on review of aerial photographs and maps of the Project site and its surroundings. Other information in this section, such as regulatory framework, is derived from the various planning documents including the City of Banning General Plan (GP), City of Banning Municipal Code, Federal Occupational Safety and Health Administration (OSHA) Regulations, Seismic Hazards Mapping Act (SHMA) of 1990, the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), the California Geological Survey, and pertinent State of California building codes.

The analysis in this section is based, in part, upon the following sources found in **Appendix F1: Geology and Soils** and **Appendix F2: Paleontological Resources Assessment**:

- Southern California Geotechnical (SCG). 2023. *Geotechnical Investigation Proposed Banning Commerce Center (Appendix F1)*.
- Kimley-Horn and Associates, Inc. 2024. *Paleontological Resources Assessment for the Banning Commerce Center Project in the City of Banning, Riverside County, California (Appendix F2)*.

4.6.2 Environmental Setting

Regional Geologic Setting

According to the City's General Plan (GP), the City is located between two tectonic plates, the Pacific Oceanic Plate to the west and the North American Continental Plate to the east, in a seismically active region in southern California.¹ The colliding plates form the San Andreas Fault system. The San Andreas system follows a northwest trend for 1,350 kilometers to its northwestern end at the Mendocino triple junction. The City is subject to seismic-related risks from the San Jacinto, Banning, and San Gorgonio Pass fault zones. The San Andreas Fault and the San Gorgonio Pass Fault have been categorized as Alquist-Priolo Earthquake Fault Zones by the State of California. The San Gorgonio Pass is a down-thrown block between two fault zones and possesses a right-lateral motion between the two tectonic plates. The valley f

¹ City of Banning. 2006. *General Plan and Amendments*. Retrieved at: <https://efaidnbmnnnibpcajpcgclefindmkaj/http://banning.ca.us/DocumentCenter/View/660/GP-Table-of-Contents?bidId=>. Accessed January 2024.

loor consists of alluvial fans composed of sediments that are shed primarily from the San Bernardino mountains.

The City of Banning is located in the San Gorgonio Pass Region of western Riverside County. The San Gorgonio Pass marks the boundary between the Peninsular Ranges Geomorphic Province to the south and the Transverse Ranges Geomorphic Province to the north. The Peninsular Ranges Geomorphic Province consist of northwest-trending mountains and valleys, including the San Jacinto Mountains. The Transverse Ranges Geomorphic Province consist of an east-west-trending series of steep mountains and valleys, including the San Bernardino mountains.

Project Site Conditions

The Project site is located approximately 2,625 feet east of N. Hathaway Street and Morongo Road within the City of Banning. The Project site is bounded by vacant land to the north and west and is bounded by Interstate (I)-10 to the south. West of the Project site are vacant undeveloped parcels and a Caltrans maintenance facility. The Project site is approximately 131.28 acres in size and consists of vacant undeveloped land. A dirt road bisects the Project site and additional east-west trending dirt roads are located in the northern portion of the site.

The western portion of the Project contains an approximately 5-acre soil stockpile that reaches approximately 15 to 20 feet in height. Based on review of historic aerial photographs, the material originated during the grading of the western adjacent site. The northern end of the stockpile has a concrete storm drain that flows onto the Project site from the western adjacent property.

Ground surface cover throughout the Project site consists of exposed soil with moderate native grass and weed growth. The Project site has gentle slopes and does not contain drastic elevation changes over short distances. The Project site has gentle sloping and does not contain drastic elevation changes over short distances. The Project site has elevations ranging between $\pm 2,325$ feet (ft) above mean sea level (amsl) on the northwest corner of the Project site, at the intersection of Hathaway Street and Wilson Street, and $\pm 2,152$ ft amsl on the southeast corner of the site with a downward gradient of approximately 3.8 percent. There is approximately 173 ft of elevation difference across the Project site.

Geotechnical Conditions

The subsurface exploration for the Project site consisted of eight borings advanced to depths ranging from approximately three to $20 \pm$ feet below the existing Project site grades. One boring was terminated at a depth shallower than planned due to refusal on very dense cobble. Additionally, a total of eight trenches were excavated within the proposed building area to depths ranging from approximately eight to ten \pm feet below the existing Project site grades.

The approximate locations of the borings and trenches were indicated on the Boring and Trench Location Plan (refer to **Appendix F1**). The Boring Logs and Trench Logs, which illustrate the conditions encountered at the boring locations, as well as the results of some of the laboratory testing, are included (refer to **Appendix F1**). The recovered soil samples were classified using the Unified Soil Classification System

(USCS), in accordance with ASTM D-2488.² Soil densities were evaluated in general accordance with the method presented in ASTM D-2937 and the results were recorded as dry unit weight in pounds per cubic foot. The moisture contents were evaluated in accordance with ASTM D-2216 and were recorded as a percentage of the dry weight. Selected soil samples were tested to evaluate their consolidation potential, in accordance with ASTM D-2435. The testing apparatus is designed to accept either natural or remolded samples in a one-inch-high ring, approximately 2.416 inches in diameter. Each sample was then loaded incrementally in a geometric progression and the resulting deflection was recorded at selected time intervals.³

Samples were tested for maximum dry density and optimum moisture content.

Laboratory testing found that the native soils that will remain in place below the recommended depth of excavation possess generally favorable consolidation/collapse characteristics and would not be subject to significant load increases from the foundations of the proposed new building and the post-construction static settlements would be within tolerable limits. Additionally, the on-site soils generally consist of silty sands, gravelly sands, and well-graded sands with varying amounts of gravel, cobbles, and boulders. The Geotechnical investigation identified these materials as non-expansive.

Artificial Fill

Historical aerial photos and Project site observations depict an artificial fill stockpile along the western edge of the Project site. However, artificial fill soils were not encountered in the borings or trenches. Based on the aerial imagery, the fill soils were generated from the grading of the adjacent property to the west, therefore, the material is expected to generally consist of soils similar to the alluvial soils that were encountered during Project site exploration, including gravelly sands and sandy gravels with boulders and cobbles.⁴

Alluvium

Native alluvium was encountered at the ground surface at each boring and trench location, extending to at least the maximum depth explored of approximately ± 20 feet below ground surface. The alluvial soils generally consist of medium dense to very dense silty fine to coarse sands, gravelly fine to coarse sands, and fine to coarse sands. Loose fine to medium sands and medium dense to dense silty fine to medium sands and silty fine sands were also encountered in the alluvium. Occasional to extensive cobbles and boulders were encountered throughout the alluvium.⁵

Groundwater

Groundwater was not encountered during the drilling at any of the boring locations. Based on the lack of any water within the borings, and the moisture contents of the recovered soil samples, the static groundwater table is considered to have existed at a depth in excess of $20 \pm$ feet at the time of the

² Southern California Geotechnical. 2023. *Geotechnical Investigation Proposed Banning Commerce Center*, page 8.

³ Southern California Geotechnical. 2023. *Geotechnical Investigation Proposed Banning Commerce Center*, page 6.

⁴ Ibid. Page 6.

⁵ Ibid. Page 6-7.

subsurface investigation.⁶ One monitoring groundwater well located 2,000 feet southwest of the site had measured groundwater at 595 feet in March of 2023.⁷

Geologic Hazards

Liquefaction and Related Ground Failure

Liquefaction is the loss of strength in generally cohesionless, saturated soils when the pore-water pressure induced in the soil by a seismic event becomes equal to or exceeds the overburden pressure. The primary factors which influence the potential for liquefaction include groundwater table elevation, soil type and plasticity characteristics, relative density of the soil, initial confining pressure, and intensity and duration of ground shaking. The depth within which the occurrence of liquefaction may impact surface improvements is generally identified as the upper 50 feet below the existing ground surface.⁸ Liquefaction potential is greater in saturated, loose, poorly graded fine sands with a mean grain size in the range of 0.075 to 0.2 mm. Non-sensitive clayey (cohesive) soils which possess a plasticity index of at least 18 are generally not considered to be susceptible to liquefaction, nor are those soils which are above the historic static groundwater table.⁹

Research conducted by SCG on the Riverside County GIS website indicated that the Project site is located within a zone of moderate liquefaction susceptibility. However, the subsurface conditions encountered at the boring locations are not considered to be conducive to liquefaction. These conditions consist of moderate to high strength potential native alluvial soils and no records of historical groundwater occurrences shallower than several hundred feet deep. Based on the in-situ soil strength and a groundwater depth that exceeds 50 feet, the liquefaction potential is considered to be very low.¹⁰

Faulting and Seismicity

As previously mentioned, the City is located between two tectonic plates, the Pacific Oceanic Plate to the west and the North American Continental Plate to the east, in a seismically active region in southern California. The colliding plates form the San Andreas Fault system. The City is subject to seismic-related risks from the San Jacinto, Banning, and San Gorgonio Pass Fault Zones. The San Andreas Fault and the San Gorgonio Pass Fault have been categorized as Alquist-Priolo Earthquake Fault Zones by the State of California. The Project site is located in an area which is subject to strong ground motions due to earthquakes. It is not generally considered to design a structure that is not susceptible to earthquake damage due to economic considerations, and significant damage to structures may be unavoidable during large seismic events.

However, research of available maps indicates that the Project site is not located within an Alquist-Priolo Earthquake Fault Zone. Furthermore, SCG did not identify any evidence of faulting during the geotechnical

⁶ Ibid. Page 21.

⁷ State of California. (n.d.). *Current Groundwater Live: Groundwater Levels*. Retrieved at: <https://storymaps.arcgis.com/stories/b3886b33b49c4fa8adf2ae8bdd8f16c3>. Accessed January 2024.

⁸ Southern California Geotechnical. 2023. *Geotechnical Investigation Proposed Banning Commerce Center*, page 1.

⁹ Ibid. Page 12.

¹⁰ Ibid. Page 1.

investigation. Therefore, the possibility of significant fault rupture on the Project site is considered to be low.

The potential for other geologic hazards such as seismically induced settlement, lateral spreading, tsunamis, inundation, seiches, flooding, and subsidence affecting the Project site is considered to be low as well.¹¹

Expansive Soils

The on-site soils generally consist of silty sands, gravelly sands, and well-graded sands with varying amounts of gravel, cobbles, and boulders. These materials have been visually classified as non-expansive. Furthermore, no design considerations related to expansive soils would be considered warranted for the Project site.¹²

Corrosive Soils

The results of laboratory testing indicate that representative samples of the on-site soils possess saturated resistivity values of 18,760 to 26,130 ohm-cm, and a pH value of 7.7 to 8.0. The soils possess redox potentials of 154 and 181 mV, and sulfide concentrations of 0.5 mg/kg. These test results have been evaluated in accordance with guidelines published by the Ductile Iron Pipe Research Association (DIPRA). The DIPRA guidelines consist of a point system by which characteristics of the soils are used to quantify the corrosivity characteristics of the site. Resistivity, pH, sulfide concentration, redox potential, and moisture content are the five factors that enter into the evaluation procedure. Based on these factors, and utilizing the DIPRA procedure, the on-site soils are not considered to be corrosive to ductile iron pipe. Therefore, polyethylene encasement or some other appropriate method of protection would not be required for iron pipes.

Relatively low concentrations (7.4 to 40.8 mg/kg) of chlorides were detected in the samples submitted for corrosivity testing. In general, soils posing chloride concentrations in excess of 500 parts per million (ppm) are considered to be corrosive with respect to steel reinforcement within reinforced concrete. Based on the lack of any significant chlorides in the tested samples, the site is considered to have a C1 chloride exposure in accordance with the American Concrete Institute (ACI) Publication 318 Building Code Requirements for Structural Concrete and Commentary. Therefore, a specialized concrete mix design for reinforced concrete for protection against chloride exposure is not warranted.

Nitrates present in soil can be corrosive to copper tubing at concentrations greater than 50 mg/kg. The tested samples possess nitrate concentrations of 9.4 to 21.3 mg/kg. Based on these test results, the on-site soils are not considered to be corrosive to copper pipe.¹³

Shrinkage/Subsidence

Removal and recompacting of the existing fill soils and near-surface alluvium is estimated to result in an average shrinkage of three to 13 percent. The potential shrinkage estimate was based on SCG's previous

¹¹ Ibid. Page 10.

¹² Ibid. Page 13.

¹³ Ibid. Page 14.

experience with similar projects at nearby sites. SCG discovered it was not practical to obtain numerous undisturbed samples based on the gravel, cobble, and boulder content of the on-site soils. Therefore, the actual amount of shrinkage could vary considerably from the above estimates.

Minor ground subsidence is anticipated to occur in the soils below the zone of removal, due to settlement and machinery working. The subsidence is estimated to be approximately ± 0.1 feet. This estimate may be used for grading in areas that are underlain by native alluvial soils.

These estimates are based on previous experience and the subsurface conditions encountered at the boring and trench locations. The actual amount of subsidence is expected to be variable and will be dependent on the type of machinery used, repetitions of use, and dynamic effects, all of which are difficult to assess precisely.¹⁴

Bedrock

The bedrock materials underlying the central portion of the City between the Banning and San Gorgonio Pass faults include sedimentary rocks formed during the Miocene to Pleistocene-EPOCH. These rocks consist of non-marine siltstone, sandstone, and conglomerate of the San Timoteo Formation. These sediments are strongly folded from tectonic activity and are topped by older alluvial fan deposits. The Project site is located within a close proximity of these faults.

Mass Movement

Landslides are movements of large landmasses, either as intact bedrock blocks, or as jumbled mixes of bedrock blocks, debris, and soils. The surrounding mountains in the Banning area have experienced numerous large landslides. From an engineering perspective, landslides are generally unstable, and may be subject to reactivation.¹⁵

Landslides are significant hazards in the City as development reaches higher elevations on the hill slopes. Slope failures can occur along the foothills and steep slopes of the mountains surrounding the City during or after periods of intense rainfall or in response to strong seismic shaking. Rock falls, rockslides, and to a lesser degree, large landslides are likely to occur in areas of high relief, such as along steep canyon walls in the southern Banning Bench area, and along portions of the natural slopes facing the southern edge of the City.¹⁶

The Project site has gentle slopes and does not contain drastic elevation changes over short distances. The Project site is also not within close proximity to mountain foothills where landslide runout could pose threats. Due to the low relief of the Project site and surrounding region, the potential for landslides to occur at the Project site is considered nil. Additionally, no large, exposed, loose or unrooted boulders are present above the Project site that could affect the integrity of the site.

¹⁴ Ibid. Page 15-16.

¹⁵ City of Banning. 2006. *City of Banning General Plan Chapter V. Environmental Hazards: Geotechnical Element*, page V-5.

¹⁶ Ibid. Page V-6.

Seismically Induced Settlement

Under certain circumstances, strong ground shaking can cause the densification of soils, resulting in local or regional settlement of the ground surface. Settlement generally occurs within areas of loose, granular soils with relatively low density. In Banning, areas underlain by late Quaternary alluvial sediments may be susceptible to seismically induced settlement. Seismically induced settlement mainly occurs along the foothills. The Project site is not located in areas defined as having high, moderate, or low seismically induced settlement (refer to GP Draft EIR Exhibit III-15: Seismically Induced Settlement and Slope Instability in the Study Area).

Seiches/Tsunamis

Seiches are seismically-induced oscillation or sloshing of water contained in enclosed bodies of water including lakes, ponds, reservoirs, and swimming pools. This hazard is dependent upon the frequency of seismic waves, distance and direction from the epicenter, and site-specific design criteria of the enclosed body of water. The potential for the Project site to be affected by a seiche or tsunami (earthquake generated wave) is considered nil due to the site's inland location and absence of lakes or reservoir impoundments near the site. However, seiching could result in the failure of larger bodies of water, including water tanks, retention basins, recharge basins and other water storage structures, and could result in the inundation of land and structures downslope.

Paleontological Resources

Existing federal, state, and local regulations address the provision of studies to identify paleontological resources; application review for projects that would potentially involve land disturbance; provide a project-level standard condition of approval that addresses unanticipated paleontological discoveries; and requirements to develop specific mitigation measures if resources are encountered during any development activity. Protection of paleontological resources is also afforded by CEQA for individual projects subject to discretionary actions that are implemented in accordance with the preferred Land Use Plan. A Paleontological Resources Assessment was prepared for the Project and is available in **Appendix F2**. A paleontological record search was conducted for the Project area, plus a 1-mile buffer, through the Los Angeles County Natural History Museum (LACNHM) on May 28, 2023, and the Western Science Center (WSC) on July 5, 2023. The results of the record searches were both negative for known specimens within the both the Project area and the 1-mile buffer, both repositories cited high paleontological sensitivity for the Project area based on the age and composition of the native soils and sediments across the site and positive findings in similar sediment deposits within California. LACNHM provided the below table of the closest known findings within their records:

Table 4.6-1: LACNHM Findings

Locality Number	Location	Formation	Taxa	Depth
LACM VP 7618-7622, CIT132, CIT133	San Timoteo Badlands; E of Moreno & NW of Eden Hot Springs	San Timoteo Formation	Horse family (<i>Equidae</i>); Camel family (<i>Camelidae</i>)	Surface
LACM VP 1653; LACM IP 437	Saboba Indian Reservation; five miles east of San Jacinto	Unknown Formation (Pleistocene)	Monkfish (<i>Squatina</i>), Stickleback (<i>Gasterosteus</i>); Invertebrates – insect (<i>Sobobapteron kirkbayeri</i>), brachiopod (<i>Terebratalia hemphili</i>)	Unknown
LACM VP 4540	Junction of Jackrabbit Trail & Gilman Springs Road; San Jacinto Valley	Unnamed Formation (Pleistocene, gravel pit)	Horse Family (<i>Equidae</i>)	Unknown
LACM VP 7261	Skinner Reservoir; Auld Valley	Unnamed Formation (Pleistocene, arenaceous silt)	Elephant clade (Proboscidea); ungulate (<i>Ungulata</i>)	Unknown
LACM VP 1269	Near intersection of Varner Road and Edom Hill Road; west end of Indio	Unnamed Formation (Pleistocene)	Horse (<i>Equus</i>)	Unknown
VP, Vertebrate Paleontology; IP, Invertebrate Paleontology; bgs, below ground surface.				

Available historical and topographic maps and technical studies were also reviewed to ascertain the level of existing disturbance within the Project area as well as the potential for existing paleontological resources. Geotechnical investigations recently conducted across the Project area noted fill soils in the western portion of the Project area. The same area was noted during recent archaeological surveys within the Project area and noted as highly disturbed. Additionally, two transmission line roads were observed within the Project area, one trending southwest–northeast through the middle and one trending east-west within the northern portion. Additionally, the Paleontological Resources Assessment in **Appendix F2** notes the soil types on the Project site consist of Pleistocene age sediments comprised of sand and gravel plutonic and gneissic detritus. However, outside of these specific occurrences, historical aerials and topographic maps show the majority of the Project area has remained vacant and undisturbed.

4.6.3 Regulatory Setting

Federal

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act was enacted in 1997 to “reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards and reduction program.” To accomplish this, the act established the National Earthquake Hazard Reduction Program (NEHRP), which refined the description of agency responsibilities, program goals, and objectives. NEHRP’s mission includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improvement of building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results. NEHRP designates the Federal Emergency Management Agency as the lead agency of the program and assigns it several planning, coordinating, and reporting responsibilities. Programs under

NEHRP help inform and guide planning and building code requirements such as emergency evacuation responsibilities and seismic code standards.

State

Alquist-Priolo Earthquake Fault Zoning Act

The California Alquist-Priolo Earthquake Fault Zoning Act was signed into state law in 1972, and amended, with its primary purpose being to mitigate the hazard of fault rupture by prohibiting the location of structures for human occupancy across the trace of an active fault. This act (or state law) was a direct result of the 1971 San Fernando Earthquake, which was associated with extensive surface fault ruptures that damaged numerous homes, commercial buildings, and other structures. The act requires the State Geologist to delineate regulatory zones known as “earthquake fault zones” along faults that are “sufficiently active” and “well defined” and to issue and distribute appropriate maps to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Pursuant to this act and as stipulated in §3603(a) of the California Code of Regulations (CCR), structures for human occupancy are not permitted to be placed across the trace of an active fault. The act also prohibits structures for human occupancy within 50 feet of the trace of an active fault, unless proven by an appropriate geotechnical investigation and report that the development site is not underlain by active branches of the active fault, as stipulated in §3603(a) of the CCR. Furthermore, the act requires that cities and counties withhold development permits for sites within an earthquake fault zone until geologic investigations demonstrate that the sites are not threatened by surface displacement from future faulting, as stipulated in §3603(d) of the CCR.

Seismic Hazard Mapping Act

The Seismic Hazard Mapping Act was adopted by the State in 1990 for the purpose of protecting the public from the effects of non-surface fault rupture earthquake hazards, including strong ground shaking, liquefaction, seismically induced landslides, or other ground failure caused by earthquakes. The goal of the act is to minimize loss of life and property by identifying and mitigating seismic hazards. The California Geological Survey prepares and provides local governments with seismic hazard zones maps that identify areas susceptible to amplified shaking, liquefaction, earthquake-induced landslides, and other ground failures.

California Building Code

CCR Title 24, also known as the California Building Standards Code (CBSC), includes regulations for how buildings are designed and constructed, and are intended to ensure the maximum structural integrity and safety of private and public buildings. The CBSC, which applies to all applications for building permits, consists of 12 parts that contain CBSC administrative regulations for all State agencies that implement or enforce building standards. Local agencies must ensure the development complies with the CBSC standards. Cities and counties can adopt additional standards beyond the CBSC including CBSC Part 2, named the California Building Code (CBC).

Storm Water Pollution Prevention Plans

Pursuant to the Clean Water Act (CWA), in 2012, the State Water Resources Control Board (SWRCB) issued a statewide general National Pollutant Discharge Elimination System (NPDES) Permit for stormwater discharges from construction sites (NPDES No. CAS000002). Under this Statewide General Construction Activity permit, discharges of stormwater from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for stormwater discharges or be covered by the General Permit. Coverage by the General Permit is accomplished by completing and filing a Notice of Intent with the SWRCB and developing and implementing a Storm Water Pollution Prevention Plan (SWPPP). Each applicant under the General Construction Activity Permit must ensure that a SWPPP is prepared prior to grading and is implemented during construction. The SWPPP must list best management practices (BMPs) implemented on the construction site to protect stormwater runoff and must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a monitoring plan if the site discharges directly to a water body listed on the state’s 303(d) list of impaired waters.

California Public Resources Code

The State of California Public Resources Code (PRC), Chapter 1.7, §5097.5 and §30244, includes additional state level requirements for the assessment and management of paleontological resources. These statutes require reasonable mitigation of adverse impacts to paleontological resources resulting from development on state lands, define the removal of paleontological “sites” or “features” from state lands as a misdemeanor, and prohibit the removal of any paleontological “site” or “feature” from state land without permission of the jurisdictional agency. These protections apply only to State of California land.

Local

City of Banning General Plan

Geotechnical Element

The Geotechnical Element intends to provide information regarding the geological and seismic conditions and hazards affecting the City of Banning, its Sphere-of-Influence (SOI), and the expanded General Plan planning area. A series of goals, policies, and programs are set forth in the Geotechnical Element focused at providing protection for the general health and welfare of the community and reducing potential impacts, such as loss of life and property damage, associated with seismic and geologic hazards. The Element, including maps and other supporting document will serve as a source of foundational information concerning regional geotechnical hazards, which are significantly essential to establishing future land use policies and decisions.

Goal	Increased protection and safety of human life, land, and property from the effects of seismic and geotechnical hazards
Policy 6	New septic tank leach fields, seepage pits, drainage facilities, and heavily irrigated areas shall be located away from structural foundations and supports to minimize the potential for localized collapse of soils.

4.6.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the Project site would have a significant environmental impact if one or more of the following occurs:

- Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42;
 - Strong seismic ground shaking;
 - Seismic-related ground failure, including liquefaction;
 - Landslides;
- Result in substantial soil erosion or loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- 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;
- Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater; or
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning geology and soils. This analysis considers the existing federal, state, and local regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Feasible mitigation measures would be recommended where significant impacts remain despite compliance with the regulatory framework, to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis examines the Project's temporary (i.e., construction) and long-term (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of available documentation related to geologic conditions, review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in “substantial” adverse effects on geology and soils considers the available policies and regulations established by local and state agencies and the amount of deviation from these policies in the Project’s components.

4.6.5 Impacts and Mitigation Measures

Impact 4.6-1 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Level of Significance: Less Than Significant

Construction and Operations

According to the geotechnical investigation prepared for the Project site, available maps indicate that the Project site is not located within an Alquist-Priolo Earthquake Fault Zone. The San Gorgonio Pass Fault is located within close proximity to the Project site. The San Gorgonio Pass fault zone is a series of north-dipping reverse and thrust faults connected by strike tear faults. This fault zone trends east-west and was formed during the Pleistocene Epoch. The most recently active strands of this fault occur at the base of the Banning Bench, in the central part of the City, and the Highland Scarp located along the western edge of the City. The Project site is not located in the central part of the City or the Highland Scarp. Additionally, SCG did not identify any evidence of faulting during the geotechnical investigation and determined the possibility of significant fault rupture on the Project site is considered low.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-2 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- ii) Strong seismic ground shaking?*

Level of Significance: Less than Significant

Construction and Operations

See Impact 4.6-1, above. Southern California is considered a seismically active region and the regional vicinity of the area being evaluated contains a number of known earthquake faults; however, the Project site is not within an Alquist-Priolo Earthquake Fault Zone. Further, the geotechnical investigation determined that the Project site contained no evidence of faulting and the possibility of fault rupture on

the site would be considered low.¹⁷ As such, there would be little risk to ground shaking be more significant on the Project site than other areas of the region or the state as a whole and the measures of the 2022 CBC or the then current code would ensure less than significant impacts related to ground shaking.

In fact, the Project would be designed in accordance with the parameters of the 2022 CBC or the then current CBC. The CBC provides procedures for earthquake resistant structural design that includes considerations for on-site soil conditions, occupancy, and the configuration of the structure including the structural system and height. Structures for human occupancy must be designed to meet or exceed the latest CBC standards for earthquake resistance. Furthermore, all grading and fill placement activities would be completed in accordance with the CBC requirements and the City grading code. Following these requirements, the proposed structure would be designed to resist structural collapse and thereby provide reasonable protection from serious injury, catastrophic property damage, and loss of life or death.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-3 *Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

Level of Significance: Less than Significant

Construction and Operations

Rock falls, rockslides, and landslides are most likely to occur in areas of high relief. As previously discussed, the Project site has gentle slopes and does not contain drastic elevation changes over short distances. Additionally, no large, exposed, loose or unrooted boulders are present above the Project site that would potentially affect the integrity of the site. Furthermore, the Project site is also not within close proximity to mountain foothills where landslides within the City are most common. Therefore, due to the low relief of the Project site and surrounding Project area, the potential for landslides or other mass movements would be considered low.

Liquefaction is the phenomenon in which saturated cohesionless soils undergo a temporary loss of strength due to severe ground shaking and gain mobility which can cause ground deformation. In extreme cases, the soil particles can become suspended in groundwater, resulting in the soil deposit becoming mobile and fluid-like.

Liquefaction is generally considered to occur primarily in loose to medium dense deposits of saturated soils. Thus, three conditions are required for liquefaction to occur: (1) a cohesionless soil of loose to

¹⁷ Southern California Geotechnical (2023). *Proposed Banning Commerce Center – Banning, CA*; Page 10. See Appendix F1.

medium density; (2) a saturated condition; and (3) rapid large strain, cyclic loading, normally provided by earthquake motions.

The geotechnical investigation determined the Project site is mapped in a liquefaction potential zone; however, based on the in-situ soil strength and a groundwater depth that exceeds 50 feet, the liquefaction potential is considered to be very low. Additionally, SCG confirmed that the subsurface condition encountered at the boring locations are not considered to be conducive to liquefaction. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-4 Would the Project result in substantial soil erosion or the loss of topsoil?

Level of Significance: Less than Significant with Mitigation Incorporated

Construction

Construction activities such as excavation and grading would be potentially significant due to grading activities occurring at 30+ feet. Therefore, grading activities would expose soils to short-term wind and water erosion.

Reduction of potential erosion can be accomplished through implementation of a SWPPP, which specified BMPs for temporary erosion controls. The BMPs would be required to meet or exceed measures required by the City GP to control potential construction-related pollutants and would comply with the City of Banning Municipal Code (BMC) Grading Regulations. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap sediment once it has been mobilized. The Project would be required to comply with erosion and siltation control measures such as, sand-bagging, silt fencing, erosion control blankets, mulching, etc., in order to reduce runoff and protect topsoil during grading activities. These measures deflect runoff and contain sediment transport within the Project site. Additionally, excavation, filling, and subgrade preparation would be performed in a manner that would provide proper drainage at all times as well as sufficient erosion control.

Furthermore, the Geotechnical Engineer must be informed of springs or water seepage encountered during grading or foundation construction for possible revision to the recommended construction procedures and/or installation of subdrains. Additionally, Project construction would be required to comply with the NPDES; refer to **Section 4.9: Hydrology and Water Quality** for discussion of the anticipated NPDES permitting process. Further, fill materials, would be placed in areas previously prepared to receive fill and evenly placed, near horizontal layers at about 6 to 8 inches in loose thickness. Each layer would be moisture conditioned to optimum moisture content and then compacted to at least 90 percent of the maximum dry density, obtained by the ASTM D1557 standard unless otherwise indicated (refer to **Appendix F1**).

Along with all required permits and the erosion control plan verified by the City prior to initiation of any ground disturbing activity or grading permit, **MM GEO-1** would ensure Project buildout would not lead to

a substantial loss of topsoil or erosion. Implementation of **MM GEO-1** and conformance to these requirements and verification by the City as part of the development approval process would ensure that potential impacts from construction of the warehouses are less than significant.

Operations

Project operations would not involve procedures which would result in substantial soil erosion. Following construction, the Project site would be covered with hardscape and landscaping which would not contribute to erosion. Landscaping would include drought-tolerant shrubs, ground cover, and trees. The storm water basin(s) would be planted with grasses and shrubs tolerant of seasonal water inundation. Ground cover would reduce erosion or and loss of on-site soils post-construction. This would ensure that Project operation would not result in the loss of topsoil or sedimentation into local drainage facilities and water bodies; refer to **Section 4.9: Hydrology and Water Quality**. In addition, a network of storm drains and gutters would be installed and maintained as necessary throughout the developed site. Therefore, the potential for substantial soil erosion or the loss of topsoil is considered less than significant.

Mitigation Measures

MM GEO-1 The Project would comply with the grading guidelines and all recommendations provided in the Geotechnical Investigation prepared for the Project.

Impact 4.6-5 *Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Level of Significance: Less than Significant

Construction and Operations

As discussed under Impact 4.6-3, above, liquefaction and landslides are not considered to be a significant design concern for the Project because although the Project site is located within a zone of moderate liquefaction susceptibility, the subsurface conditions encountered at the boring locations were not considered to be conducive to liquefaction as native alluvial soils were present with no evidence of historical shallow groundwater. Potential for liquefaction-mediated lateral spreading and subsidence appear to be effectively zero. The Project does not intend to introduce water to the alluvium except via engineered stormwater management features, nor extract water from aquifers via wells. Subsidence in the City area is closely associated with groundwater levels. Excessive withdrawal of groundwater is the leading cause of ground subsidence. Groundwater was not encountered during the drilling at any of the boring locations. SCG determined the static groundwater table to exist at a depth exceeding 20 ± feet below existing Project site grades. Subsidence is expected to occur during construction due to grading and soil compaction, however, this is an expected and accounted for phenomenon during engineering design.

The alluvial sediments within the groundwater basins from the City's water is withdrawn are subject to subsidence if rapid groundwater extraction occurs in response to increased water demands as a result of population growth or a prolonged drought. However, review of California's Groundwater Live: Land Subsidence GIS data has shown that the alluvial sediments in the Cabazon basin would not be subject to

subsidence risks as there has not been detectable elevation loss.¹⁸ Additionally, the City would minimize the potential impacts of subsidence through participation in local and regional efforts to conserve and recharge groundwater. Therefore, in compliance with all federal, state, and local policies and regulations, the Project would result in a less than significant impact concerning on- or off-site landslides, lateral spreading, ground subsidence, liquefaction, or collapse and no mitigation measures are required.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-6 *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?*

Level of Significance: Less than Significant

Construction and Operations

Expansive soils are soils that expand and contract depending on their moisture level and are typically found within the first five feet below the surface. This change can occur seasonally as water levels and precipitation changes throughout the year. Expansive soils can cause structural damage as their compositions and volume changes dramatically. The geotechnical investigation determined the on-site soils generally consist of silty sands, gravelly sands, and well-graded sands with varying amounts of gravel, cobbles, and boulders. These materials have been visually classified as non-expansive. Therefore, no design considerations related to expansive soils are considered warranted for the Project site. Furthermore, all grading and fill placement activities would be completed in accordance with the requirements of the CBC and the City of Banning grading code. All imported structural fill soils would consist of very low expansive (EI < 20), well graded soils possessing at least 10 percent fines. Therefore, a less than significant impact would occur concerning risks to life or property due to expansive soils, and no mitigation measures are required.

Mitigation Measures

No mitigation is necessary.

Impact 4.6-7 *Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?*

Level of Significance: No Impact

Construction and Operations

No septic tanks or other alternative wastewater disposal systems are proposed for the Project. Therefore, impacts in this regard would not occur. Water and wastewater systems and their development are further discussed in **Section 4.15: Utilities and Service Systems** of this EIR.

¹⁸ California's Groundwater Live. (2023). *InSAR Land Subsidence Data*. Available at: <https://storymaps.arcgis.com/stories/41574a6d980b4e5d8d4ed7b90f9698d2> (accessed January 2024).

Mitigation Measures

No mitigation is necessary.

Impact 4.6-8 *Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Level of Significance: Less than Significant with Mitigation Incorporated

Construction and Operations

A Paleontological Resources Assessment was completed as part of the Project and is available in **Appendix F2**. Paleontological resources are the preserved fossilized remains of plants and animals typically preserved in sedimentary rock units, particularly fine to medium grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. Fossils are more likely to be preserved subsurface on lands that have not experienced previous ground disturbance. The geologic units underlying the Project area consist of near-surface native alluvial soils and non-expansive loose to dense silty sands, gravelly sands, and well-graded sands.

Unique geologic features are not common in the City of Banning or the surrounding San Geronio Pass Area. The geologic processes that formed landforms within the Project area are generally the same processes as in other parts of California.

A paleontological record search was conducted for the Project area, plus a 1-mile buffer, through the LACNHM and the WSC. No paleontological resources were identified within the Project area as a part of the study, refer to **Appendix F2**. However, the age and composition of soils and sediments across the Project area, combined with the knowledge of paleontological resources identified within similar sediment deposits in California, indicate a high sensitivity for paleontological resources.

In addition to the above records search and sensitivity review conducted by LACNHM and WSC, a review of the Riverside County Land Information System paleontological sensitivity layer was conducted for the Project area. The Project area is mapped as having Low Potential (L) for paleontological resources, though this is likely a mapping error, as the County of Riverside has identified areas with Pleistocene-aged alluvial sediments as High A or High B based on documented significant Pleistocene-age fossils in the broader region. This mapping error has been noted in other paleontological studies within the region, such as the Paleontological Assessment for the Rider and Patterson Project submitted to and approved by Riverside County Planning (SCH No. 2022120110). As such, based on the age and composition of the soils, a sensitivity analysis conducted by LACNHM and WSC, and guidance provided by Riverside County, the Project area retains a high sensitivity for paleontological resources.

Further, as only a very small percentage of the Project area has been subject to prior disturbance, the likelihood of intact paleontological resources, which would be considered scientifically significant if discovered, being present within the Project area and inadvertently impacted by the Project remains high. As such, in order to mitigate impacts to paleontological resources, it is recommended that the **MM GEO-2** through **MM GEO-4** be implemented so that the Project has less than significant impact with mitigation.

Mitigation Measures

MM GEO-2

The Applicant will submit a Paleontological Resources Impact Mitigation Program (PRIMP) prepared by a qualified paleontologist to the City's Community Development Director, or designee, prior to the issuance of a grading permit to reduce impacts to sensitive paleontological resources during construction activities, and all other surface-disturbance activities. The PRIMP would include the following:

- The PRIMP shall be prepared by a Qualified Paleontologist, based on Society of Vertebrate Paleontology (SVP) guidelines, and meet all regulatory requirements. The qualified paleontologist shall have a Master's Degree or Ph.D. in paleontology, shall have knowledge of the local paleontology, and shall be familiar with paleontological procedures and techniques.
- The PRIMP shall include a site-specific investigation that will identify construction impact areas of ranging sensibility and approximate depths at which those resources are likely to be encountered. The Plan shall define monitoring procedures and methodology, and shall specify that sediments of undetermined sensitivity shall be monitored on a part-time basis (as determined by the Qualified Paleontologist).
- The PRIMP shall state which resources will be avoided and which shall be recovered for their data potential. Where possible, recovery is preferred over avoidance in order to mitigate the potential for looting of paleontological resources. The Plan shall also detail methods of recovery, preparation and analysis of specimens, final curation of specimens at a federally accredited repository, data analysis, and reporting.

MM GEO-3

A qualified paleontologist will attend preconstruction meetings to consult with the grading and excavation contractors concerning planned depths, excavation schedules, paleontological field techniques, and safety issues. In addition, all on-site construction personnel will receive Worker Education and Awareness Program (WEAP) training prior to the commencement of excavation work. All ground-disturbing activities associated with Project construction occurring within previously undisturbed fossil bearing formations will be monitored by a qualified paleontologist or qualified paleontological monitor. A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials and works under the direction of a qualified paleontologist. If fossils are discovered, the paleontologist (or paleontological monitor) will recover them. In most cases, this fossil salvage can be completed in a short period of time; however, some fossil specimens, such as a complete large mammal skeleton, may require an extended salvage period. In these instances, the paleontologist (or paleontological monitor) will be allowed to temporarily direct, divert, or halt grading to allow recovery of fossil remains, such as isolated mammal teeth, it may be necessary to set up a screen-washing operation on site.

MM GEO-4

Fossil remains collected during the monitoring and salvage portion of the program will be cleaned, repaired, sorted, and catalogued. Prepared fossils, along with copies

of all pertinent field notes, photos, and maps, will be deposited (as a donation) in a scientific institution with permanent paleontological collections located within Riverside County (or, if no repository is available, adjacent Counties). A final data recovery report will be completed that outlines the results on the paleontological monitoring program. This report will include discussions of the methods used, stratigraphic section(s) exposed, fossils collected, and significance of recovered fossils. The report will be submitted to the City's Community Development Director, or designee, upon completion.

4.6.6 Cumulative Impacts

Southern California is a seismically active region with a range of geologic and soil conditions. These conditions can vary widely within a limited geographical area due to factors, including differences in landforms and proximity to fault zones, among others. Therefore, while geotechnical impacts may be associated with the cumulative development, by the very nature of the impacts (i.e., landslides and expansive and compressible soils), impacts are typically site-specific and there is little, if any, cumulative relationship between the development of Project and development within a larger cumulative area, such as citywide development.

CEQA significance criteria do not require elimination of the potential for structural damage from seismic hazards. Instead, the criteria require an evaluation of whether the seismic conditions on a project site can be overcome through engineering design solutions that would reduce these impacts to less than significant by reducing the risk of exposing people or structures to loss, injury, or death. The Project's compliance with **MM GEO-1**, applicable state and local design standards and regulations would ensure impacts reduced to less than significant levels. Further, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. Any cumulative development would be required to comply with the same applicable standards and regulation. Furthermore, the Project would not affect the geotechnical hazards for off-site development. Therefore, no significant cumulative geotechnical impacts would occur.

4.6.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.6.8 References

City of Banning. 2006. *City of Banning General Plan Draft Environmental Impact Report*.

City of Banning. 2006. *City of Banning General Plan Chapter V. Environmental Hazards: Geotechnical Element*.

City of Banning. *General Plan and Amendments*. Retrieved from: <http://banning.ca.us/468/General-Plan-Amendments>.

Southern California Geotechnical. 2023. *Geotechnical Investigation Proposed Banning Commerce Center (Appendix F1)*.

4.7 GREENHOUSE GAS EMISSIONS

4.7.1 Introduction

This section of the EIR evaluates the potential for the Project to cumulatively contribute to greenhouse gas (GHG) emissions. Because no single project is large enough to result in a measurable increase in global concentrations of GHG emissions, climate change impacts of a Project are considered on a cumulative basis. The analysis in this section is based in part on the following technical information:

- Kimley-Horn and Associates, Inc. 2023. *Greenhouse Gas Assessment*. (Appendix G)

4.7.2 Environmental Setting

Global climate change is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. Historical changes to the earth's climate have occurred naturally without human influence, as in the case of an ice age. However, scientific evidence suggests that climate shift since the Industrial Revolution is happening because of GHGs resulting from human activity and industrialization over the past 200 years.

Greenhouse Gases and Climate Change

Certain gases in the earth's atmosphere classified as GHGs play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected back toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF₆), and nitrogen trifluoride (NF₃); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed

around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO₂ is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO₂ emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO₂ emissions remains stored in the atmosphere.¹ **Table 4.7-1: Description of Greenhouse Gases** describes the primary GHGs attributed to global climate change, including their physical properties.

Table 4.7-1: Description of Greenhouse Gases

Greenhouse Gas	Description
Carbon Dioxide (CO ₂)	CO ₂ is a colorless, odorless gas that is emitted naturally and through human activities. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, and wood. The largest source of CO ₂ emissions globally is the combustion of fossil fuels such as coal, oil, and gas in power plants, automobiles, and industrial facilities. The atmospheric lifetime of CO ₂ is variable because it is readily exchanged in the atmosphere. CO ₂ is the most widely emitted GHG and is the reference gas (Global Warming Potential of 1) for determining Global Warming Potentials for other GHGs.
Nitrous Oxide (N ₂ O)	N ₂ O is largely attributable to agricultural practices and soil management. Primary human-related sources of N ₂ O include agricultural soil management, sewage treatment, combustion of fossil fuels, and adipic and nitric acid production. N ₂ O is produced from biological sources in soil and water, particularly microbial action in wet tropical forests. The atmospheric lifetime of N ₂ O is approximately 120 years. The Global Warming Potential of N ₂ O is 298.
Methane (CH ₄)	CH ₄ , a highly potent GHG, primarily results from off-gassing (the release of chemicals from nonmetallic substances under ambient or greater pressure conditions) and is largely associated with agricultural practices and landfills. Methane is the major component of natural gas, about 87 percent by volume. Human-related sources include fossil fuel production, animal husbandry, rice cultivation, biomass burning, and waste management. Natural sources of CH ₄ include wetlands, gas hydrates, termites, oceans, freshwater bodies, non-wetland soils, and wildfires. The atmospheric lifetime of CH ₄ is about 12 years and the Global Warming Potential is 25.
Hydrofluorocarbons (HFCs)	HFCs are typically used as refrigerants for both stationary refrigeration and mobile air conditioning. The use of HFCs for cooling and foam blowing is increasing, as the continued phase out of CFCs and HCFCs gains momentum. The 100-year Global Warming Potential of HFCs range from 124 for HFC-152 to 14,800 for HFC-23.
Perfluorocarbons (PFCs)	PFCs have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Two main sources of PFCs are primary aluminum production and semiconductor manufacturing. Global Warming Potentials range from 6,500 to 9,200.
Chlorofluorocarbons (CFCs)	CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms. They are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the earth's surface). CFCs were synthesized in 1928 for use as refrigerants, aerosol propellants, and cleaning solvents. The Montreal Protocol on Substances that Deplete the Ozone Layer prohibited their production in 1987. Global Warming Potentials for CFCs range from 3,800 to 14,400.

¹ Intergovernmental Panel on Climate Change. 2013. *Carbon and Other Biogeochemical Cycles*. In: *Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Retrieved from: https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_all_final.pdf (accessed June 2023).

Greenhouse Gas	Description
Sulfur Hexafluoride (SF ₆)	SF ₆ is an inorganic, odorless, colorless, and nontoxic, nonflammable gas. It has a lifetime of 3,200 years. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas. The Global Warming Potential of SF ₆ is 23,900.
Hydrochlorofluorocarbons (HCFCs)	HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, HCFCs are subject to a consumption cap and gradual phase out. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year Global Warming Potentials of HCFCs range from 90 for HCFC-123 to 1,800 for HCFC-142b.
Nitrogen Trifluoride (NF ₃)	NF ₃ was added to Health and Safety Code §38505(g)(7) as a GHG of concern. This gas is used in electronics manufacture for semiconductors and liquid crystal displays. It has a high global warming potential of 17,200.
Sources: Compiled from U.S. EPA, Overview of Greenhouse Gases, (https://www.epa.gov/ghgemissions/overview-greenhouse-gases), accessed 12-30-2020; U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016, 2018; Intergovernmental Panel on Climate Change, Climate Change 2007: The Physical Science Basis, 2007; National Research Council, Advancing the Science of Climate Change, 2010; U.S. EPA, Methane and Nitrous Oxide Emission from Natural Sources, April 2010.	

4.7.3 Regulatory Setting

This section describes the federal, State, and local regulations applicable to GHG emissions. To date, national standards have not been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Federal

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon (mpg) for the combined fleet of cars and light trucks by model year 2020 and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The U.S. Environmental Protection Agency (EPA) authority to regulate GHG emissions stems from the U.S. Supreme Court decision in *Massachusetts v. EPA* (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Federal Clean Air Act (FCAA) and must be regulated if

these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence it found that six GHGs (CO₂, CH₄, N₂O, HFCs, PFCs, and SF₆) constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing FCAA and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, Executive Order 13432 was issued in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, an Executive Memorandum was issued directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO₂ in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 mpg if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks. It should be noted that the U.S. EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO₂ emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO₂ emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.²

² U.S. EPA and NHTSA. 2016. *Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2*. Retrieved from: <https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf> (accessed January 2023).

On September 27, 2019, the U.S. EPA and the NHTSA published the “Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program.” (84 Fed. Reg. 51,310 (Sept. 27, 2019)).³ The SAFE Rule (Part One) revoked California’s authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the U.S. EPA and NHTSA finalized rulemaking for SAFE Part Two sets CO₂ emissions standards and corporate average fuel economy (café) standards for passenger vehicles and light duty trucks, covering model years 2021-2026. The current U.S. EPA administration repealed SAFE Rule Part One, effective January 28, 2022, and is reconsidering Part Two.

In December 2021, the U.S. EPA finalized federal GHG emissions standards for passenger cars and light trucks for Model Years 2023 through 2026. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than three billion tons of GHG emissions through 2050.⁴

State

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California’s contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO₂ equivalents (CO₂e) in the world and produced 369 million metric tons of CO₂e (MMTCO₂e) in 2020.⁵ The transportation sector is the State’s largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark Assembly Bill (AB) 32, California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the legislation’s major provisions.

Assembly Bill 32 (California Global Warming Solutions Act of 2006)

AB 32 instructs the CARB to develop and enforce regulations for the reporting and verifying statewide GHG emissions. AB 32 also directed CARB to set a GHG emissions limit based on 1990 levels, to be achieved by 2020. It set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner.

³ U.S. EPA and NHTSA. 2019. *Federal Register*, Vol. 84, No. 188, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program*. Retrieved from: <https://www.federalregister.gov/d/2019-20672> (accessed January 2023).

⁴ U.S. EPA. 2021. *Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026*. Retrieved from: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions> (accessed January 2023).

⁵ California Air Resources Board. 2022. *Current California GHG Emissions Inventory Data, 2000-2020 GHG Inventory*. Retrieved from: <https://ww2.arb.ca.gov/ghg-inventory-data> (accessed December 2022).

California Air Resource Board Scoping Plan

CARB adopted the Scoping Plan to achieve AB 32 goals. The Scoping Plan establishes an overall framework for the measures that would be adopted to reduce California's GHG emissions. CARB determined that achieving the 1990 emissions level would require a reduction of GHG emissions of approximately 29 percent below what would otherwise occur in 2020 in the absence of new laws and regulations (referred to as "business-as-usual").⁶ The Scoping Plan evaluates opportunities for sector-specific reductions, integrates early actions and additional GHG reduction measures by both CARB and the State's Climate Action Team, identifies additional measures to be pursued as regulations, and outlines the adopted role of a cap-and-trade program.⁷ Additional development of these measures and adoption of the appropriate regulations occurred through the end of 2013. Key Scoping Plan elements include:

- Expanding and strengthening existing energy efficiency programs, as well as building and appliance standards.
- Achieving a statewide renewables energy mix of 33 percent by 2020.
- Developing a California cap-and-trade program that links with other programs to create a regional market system and caps sources contributing 85 percent of California's GHG emissions (adopted in 2011).
- Establishing targets for transportation related GHG emissions for regions throughout California and pursuing policies and incentives to achieve those targets (several sustainable community strategies have been adopted).
- Adopting and implementing measures pursuant to existing State laws and policies, including California's clean car standards, heavy-duty truck measures, the Low Carbon Fuel Standard (amendments to the Pavley Standard adopted 2009; Advanced Clean Car standard adopted 2012), goods movement measures, and the Low Carbon Fuel Standard (adopted 2009).
- Creating targeted fees, including a public goods charge on water use, fees on gasses with high global warming potential, and a fee to fund the administrative costs of the State of California's long-term commitment to AB 32 implementation.
- The California Sustainable Freight Action Plan was developed in 2016 and provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport system. This transition of California's freight transport system is essential to supporting the State's economic development in coming decades while reducing pollution.
- CARB's Mobile Source Strategy demonstrates how the State can simultaneously meet air quality standards, achieve GHG emission reduction targets, decrease health risk from transportation emissions, and reduce petroleum consumption over the next fifteen years. The mobile Source Strategy includes increasing ZEV buses and trucks.

⁶ CARB defines business-as-usual (BAU) in its Scoping Plan as emissions levels that would occur if California continued to grow and add new GHG emissions but did not adopt any measures to reduce emissions. Projections for each emission-generating sector were compiled and used to estimate emissions for 2020 based on 2002–2004 emissions intensities. Under CARB's definition of BAU, new growth is assumed to have the same carbon intensities as was typical from 2002 through 2004.

⁷ The Climate Action Team, led by the secretary of the California Environmental Protection Agency, is a group of State agency secretaries and heads of agencies, boards, and departments. Team members work to coordinate statewide efforts to implement global warming emissions reduction programs and the State's Climate Adaptation Strategy.

In 2012, CARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relied on emissions projections updated in light of current economic forecasts that accounted for the economic downturn since 2008, reduction measures already approved and put in place relating to future fuel and energy demand, and other factors. This update reduced the projected 2020 emissions from 596 MMTCO₂e to 545 MMTCO₂e. The reduction in forecasted 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now 21.7 percent, down from 29 percent. CARB also provided a lower 2020 inventory forecast that incorporated State-led GHG emissions reduction measures already in place. When this lower forecast is considered, the necessary reduction from business-as-usual needed to achieve the goals of AB 32 is approximately 16 percent.

CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes the most recent science related to climate change, including anticipated impacts to California and the levels of GHG emissions reductions necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. By 2016, California had reduced GHG emissions below 1990 levels, achieving AB 32's 2020 goal four years ahead of schedule.

In 2016, the Legislature passed Senate Bill (SB) 32, which codifies a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, CARB adopted a second update to the Scoping Plan.⁸ The 2017 Scoping Plan details how the State will reduce GHG emissions to meet the 2030 target set by Executive Order B-30-15 and codified by SB 32. Other objectives listed in the 2017 Scoping Plan are to provide direct GHG emissions reductions; support climate investment in disadvantaged communities; and support other Federal actions.

Adopted December 15, 2022, CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high Global Warming Potential (GWP); providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines §15183.5.

⁸ California Air Resources Board, California's 2017 Climate Change Scoping Plan, November 2017.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California's single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Included in the 2022 Scoping Plan is a set of Local Actions (2022 Scoping Plan Appendix D) aimed at providing local jurisdictions with tools to reduce GHGs and assist the state in meeting the ambitious targets set forth in the 2022 Scoping Plan. Appendix D to the 2022 Scoping Plan includes a section on evaluating plan-level and project-level alignment with the State's Climate Goals in CEQA GHG analyses. In this section, CARB identifies several recommendations and strategies that should be considered for new development in order to determine consistency with the 2022 Scoping Plan. Notably, this section is focused on Residential and Mixed-Use Projects.⁹ CARB specifically states that Appendix D does not address other land uses (e.g., industrial).¹⁰ However, CARB plans to explore new approaches for other land use types in the future.¹¹

As such, it would be inappropriate to apply the requirements contained in Appendix D of the 2022 Scoping Plan to any land use types other than residential or mixed-use residential development.

Senate Bill 32 (California Global Warming Solutions Act of 2006: Emissions Limit)

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions. With SB 32, the Legislature passed companion legislation, AB 197, which provides additional direction for developing the Scoping Plan.

Senate Bill 375 (The Sustainable Communities and Climate Protection Act of 2008)

Signed into law on September 30, 2008, SB 375 provides a process to coordinate land use planning, regional transportation plans, and funding priorities to help California meet AB 32's GHG reduction goals. SB 375 requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

Assembly Bill 1493 (Pavley Regulations and Fuel Efficiency Standards)

AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The U.S. EPA

⁹ California Air Resources Board. 2022. *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions, Page 21*. Retrieved from: <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf> (accessed November 2022).

¹⁰ Ibid, Page 4.

¹¹ Ibid, Page 21.

subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in 2011. The regulations establish one set of emission standards for passenger vehicle and light duty truck model years 2009–2016 and a second set of emissions standards for model years 2017 to 2025. By 2025, when all rules will be fully implemented, new passenger vehicles are anticipated to emit 34 percent fewer CO₂e emissions and 75 percent fewer smog-forming emissions.

Senate Bill 1368 (Emission Performance Standards)

SB 1368, which is AB 32's companion bill, which directs the California Public Utilities Commission (CPUC) to adopt a performance standard for GHG emissions for the future power purchases of California utilities. SB 1368 limits carbon emissions associated with electrical energy consumed in California by forbidding procurement arrangements for energy longer than 5 years from resources that exceed the emissions of a relatively clean, combined cycle natural gas power plant. The new law effectively prevents California's utilities from investing in, otherwise financially supporting, or purchasing power from new coal plants located in or out of the State. The CPUC adopted the regulations required by SB 1368 on August 29, 2007. The regulations implementing SB 1368 establish a standard for baseload generation owned by, or under long-term contract to publicly owned utilities, for 1,100 pounds of CO₂ per megawatt-hour.

Senate Bill 1078 and SBX1-2 (Renewable Electricity Standards)

SB 1078 (2002) requires California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 (2006) changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SBX1-2 (2011) codified the 33 percent by 2020 goal.

Senate Bill 350 (Clean Energy and Pollution Reduction Act of 2015)

Signed into law on October 7, 2015, SB 350 implements Executive Order B-30-15's goals. The SB 350 objectives are to increase the procurement of electricity from renewable sources from 33 percent to 50 percent (with interim targets of 40 percent by 2024, and 25 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

Assembly Bill 398 (Market-Based Compliance Mechanisms)

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact

public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

Senate Bill 150 (Regional Transportation Plans)

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

Senate Bill 100 (California Renewables Portfolio Standard Program: Emissions of Greenhouse Gases)

Signed into law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

Assembly Bill 1346 (Air Pollution: Small Off-Road Engines)

Signed into Law in October 2021, AB 1346 requires CARB, to adopt cost-effective and technologically feasible regulations to prohibit engine exhaust and evaporative emissions from new small off-road engines, consistent with federal law, by July 1, 2022. The bill requires CARB to identify and, to the extent feasible, make available funding for commercial rebates or similar incentive funding as part of any updates to existing applicable funding program guidelines to local air pollution control districts and air quality management districts to implement to support the transition to zero-emission small off-road equipment operations.

Assembly Bill 1279 (The California Climate Crisis Act)

AB 1279 establishes the policy of the state to achieve carbon neutrality as soon as possible, but no later than 2045; to maintain net negative GHG emissions thereafter; and to ensure that by 2045 statewide anthropogenic GHG emissions are reduced at least 85 percent below 1990 levels. The bill requires CARB to ensure that Scoping Plan updates identify and recommend measures to achieve carbon neutrality, and to identify and implement policies and strategies that enable CO₂ removal solutions and carbon capture, utilization, and storage technologies.

Senate Bill 1020 (100 Percent Clean Electric Grid)

Signed on September 16, 2022, SB 1020 provides additional goals for the path to the 2045 goal of 100 percent clean electricity retail sales. It creates a target of 90 percent clean electricity retail sales by 2035 and 95 percent clean electricity retail sales by 2040.

Senate Bill 905 (Carbon Sequestration Program)

Signed on September 16, 2022, SB 905 establishes regulatory framework and policies that involve carbon removal, carbon capture, utilization, and sequestration. It also prohibits the injecting of concentrated carbon dioxide fluid into a Class II injection well for the purpose of enhanced oil recovery.

Assembly Bill 1757 (Nature-Based Solutions)

Signed on September 16, 2022, AB 1757 requires state agencies to develop a range of targets for natural carbon sequestration and nature-based climate solutions that reduce GHG emissions to meet the 2030, 2038, and 2045 goals which would be integrated into a scoping plan addressing natural and working lands.

Executive Order S-3-05.

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

Executive Order S-01-07.

Issued on January 18, 2007, Executive Order S 01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

Executive Order S-13-08.

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08.

Issued on November 17, 2008, Executive Order S-14-08 expands the State's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the State come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09.

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

Executive Order B-30-15.

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO₂e (MMTCO₂e). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the State's climate adaptation plan to be updated every three years and for the State to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

Executive Order B-55-18.

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

Executive Order N-79-20.

Signed in September 2020, Executive Order N-79-20 establishes as a goal that where feasible, all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035. The executive order sets a similar goal requiring that all medium and heavy-duty vehicles will be zero-emission by 2045 where feasible. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium and heavy duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new zero emission vehicles (ZEVs) "towards the target of 100 percent." The executive order directs the California Environmental Protection Agency, the California Geologic Energy Management Division, and the California Natural Resources Agency to transition and repurpose oil production facilities with a goal toward meeting carbon neutrality by 2045. Executive Order N-79-20 builds upon the CARB Advanced Clean Trucks regulation, which was adopted by CARB in July 2020.

Title 20 Appliance Efficiency Regulations.

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of

these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards.

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The California Energy Commission (CEC) adopted the 2022 Energy Code on August 11, 2021, which was subsequently approved by the California Building Standards Commission for inclusion into the California Building Standards Code. The 2022 Title 24 standards will result in less energy use, thereby reducing air pollutant emissions associated with energy consumption across California. For example, the 2022 Title 24 standards will require efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards.

Title 24 California Green Building Standards Code.

The California Green Building Standards Code (CCR Title 24, Part 11 code) commonly referred to as the CALGreen Code, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and commercial buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/ conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. Updates to the 2019 CALGreen Code took effect on January 1, 2023 (2022 CALGreen). The 2022 CALGreen standards has improved upon the 2019 standards for new construction of, and additions and alterations to, residential and nonresidential buildings.

CARB Advanced Clean Truck Regulation.

CARB adopted the Advanced Clean Truck Regulation in June 2020 requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. This rule directly addresses disproportionate risks and health and pollution burdens and puts California on the path for an all zero-emission short-haul drayage fleet in ports and railyards by 2035, and zero-emission "last-mile" delivery trucks and vans by 2040. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium-and heavy-duty vehicles from Class 2b to Class 8. The regulation has two components including a manufacturer sales requirement, and a reporting requirement:

- **Zero-Emission Truck Sales:** Manufacturers who certify Class 2b through 8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales.

- **Company and Fleet Reporting:** Large employers including retailers, manufacturers, brokers and others would be required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, would be required to report about their existing fleet operations. This information would help identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

Regional

South Coast Air Quality Management District (SCAQMD) Rule 2305 (Warehouse Indirect Source Rule)

Rule 2305 was adopted by the SCAQMD Governing Board on May 7, 2021 to reduce NO_x and particulate matter emissions associated with warehouses and mobile sources attracted to warehouses. However, Rule 2305 would also reduce GHG emissions. This rule applies to all existing and proposed warehouses over 100,000 square feet located in the SCAQMD. Rule 2305 requires warehouse operators to track annual vehicle miles traveled associated with truck trips to and from the warehouse. These trip miles are used to calculate the Warehouse Actions and Investments to Reduce Emissions (WAIRE) Points Compliance Obligation. WAIRE Points are earned based on emission reduction measures and warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. Reduction strategies listed in the WAIRE menu include acquire zero emission (ZE) or near zero emission (NZE) trucks; require ZE/NZE truck visits; require ZE yard trucks; install on-site ZE charging/fueling infrastructure; install on-site energy systems; and install filtration systems in residences, schools, and other buildings in the adjacent community. Warehouse operators that do not earn a sufficient number of WAIRE points to satisfy the WAIRE Points Compliance Obligation would be required to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

South Coast Air Quality Management District Thresholds

The South Coast Air Quality Management District (SCAQMD) formed a GHG California Environmental Quality Act (CEQA) Significance Threshold Working Group to provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents. This working group was formed to assist SCAQMD's efforts to develop a GHG significance threshold and is composed of a wide variety of stakeholders including the State Office of Planning and Research, CARB, the Attorney General's Office, a variety of city and county planning departments in the SCAB, various utilities such as sanitation and power companies throughout the SCAB, industry groups, and environmental and professional organizations. The Working Group has proposed a tiered approach to evaluating GHG emissions for development projects where SCAQMD is not the lead agency, wherein projects are evaluated sequentially through a series of "tiers" to determine whether the project is likely to result in a potentially significant impact due to GHG emissions.

With the tiered approach, a project is compared against the requirements of each tier sequentially and would not result in a significant impact if it complies with any tier. Tier 1 excludes projects that are specifically exempt from SB 97 from resulting in a significant impact. Tier 2 excludes projects that are consistent with a GHG reduction plan that has a certified final CEQA document and complies with AB 32 GHG reduction goals. Tier 3 excludes projects with annual emissions lower than a screening threshold.

The SCAQMD has adopted a threshold of 10,000 MTCO₂e per year for industrial projects and a 3,000 MTCO₂e threshold was proposed for non-industrial projects but has not been adopted. During Working Group Meeting #7 it was explained that this threshold was derived using a 90 percent capture rate of a large sampling of industrial facilities. During Meeting #8, the Working Group defined industrial uses as production, manufacturing, and fabrication activities or storage and distribution (e.g., warehouse, transfer facility, etc.). The Working Group indicated that the 10,000 MTCO₂e per year threshold applies to both emissions from construction and operational phases plus indirect emissions (electricity, water use, etc.). The SCAQMD concluded that projects with emissions less than the screening threshold would not result in a significant cumulative impact.

Tier 4 consists of three decision tree options. Under the Tier 4 first option, SCAQMD initially outlined that a project would be excluded if design features and/or mitigation measures resulted in emissions 30 percent lower than business as usual emissions. However, the Working Group did not provide a recommendation for this approach. The Working Group folded the Tier 4 second option into the third option. Under the Tier 4 third option, a project would be excluded if it was below an efficiency-based threshold of 4.8 MTCO₂e per service population per year. Tier 5 would exclude projects that implement off-site mitigation (GHG reduction projects) or purchase offsets to reduce GHG emission impacts to less than the proposed screening level.

When the tiered approach is applied to a proposed project, and the project is found not to comply with Tier 1 or Tier 2, the project's emissions are compared against a screening threshold, as described above, for Tier 3. The screening threshold formally adopted by SCAQMD is an "interim" screening threshold for stationary source industrial projects where the SCAQMD is the lead agency under CEQA. The threshold was termed "interim" because, at the time, SCAQMD anticipated that CARB would be adopting a statewide significance threshold that would inform and provide guidance to SCAQMD in its adoption of a final threshold. However, no statewide threshold was ever adopted, and the interim threshold remains in effect.

For projects for which SCAQMD is not a lead agency, no screening thresholds have been formally adopted. However, the SCAQMD Working Group has recommended a threshold of 10,000 MTCO₂e/year for industrial projects and 3,000 MTCO₂e/year for residential and commercial projects. SCAQMD determined that these thresholds would "capture" 90 percent of GHG emissions from these sectors, "capture" meaning that 90 percent of total emissions from all new projects would be subject to some type of CEQA analysis (i.e., found potentially significant).¹²

Southern California Association of Governments (SCAG)

On September 3, 2020, SCAG's Regional Council adopted Connect SoCal 2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The RTP/SCS charts a course for closely integrating land use and transportation so that the region can grow smartly and sustainably. The strategy was prepared through a collaborative, continuous, and comprehensive process with input from local governments, county transportation commissions, tribal governments, non-profit organizations,

¹² SCAQMD, "Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans," December 5, 2008, Attachment E: "Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold," October 2008, p. 3-2.

businesses and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. The RTP/SCS is a long-range vision plan that balances future mobility and housing needs with economic, environmental, and public health goals. The SCAG region strives toward sustainability through integrated land use and transportation planning. The SCAG region must achieve specific federal air quality standards and is required by state law to lower regional GHG emissions.

Local

City of Banning General Plan

The City of Banning General Plan, Chapter IV Environmental Resources contains the following goals and policies that address GHG Emissions:

Water Resources Element

Policy 2 The City shall require the use of drought-tolerant, low water consuming landscaping as a means of reducing water demand for new development.

Energy and Mineral Resources Element

Goal **Efficient, sustainable, and environmentally appropriate use and management of energy and mineral resources, assuring their long-term availability and affordability.**

Policy 2 Promote the integration of alternative energy systems, including but not limited to solar thermal, photovoltaics and other clean energy systems, directly into building design and construction.

City of Banning Municipal Code

The City of Banning Municipal Code (Banning MC) regulations that support the reduction of GHG emissions include, but are not limited, to the following:

- Banning MC Chapter 8.52 is intended to eliminate barriers to recycling in the City in order to enable the City to reach waste reduction goals mandated by Assembly Bill 939 and space allocation requirements mandated by the California Solid Waste Reuse and Recycling Access Act of 1991 (AB1327).
- Banning MC Chapter 8.60 is intended to reduce congestion and air pollution caused by vehicle trips and vehicle miles traveled.
- Banning MC Chapter 13.16 establishes a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles.
- Banning MC Chapter 17.28 requires that a minimum of 15 percent of the net area of all parking areas shall be landscaped.
- Banning MC Chapter 17.32 establishes landscaping regulations that are intended to protect and preserve the natural environment in the City of Banning, and to incorporate green space, vegetation, and shade into the urban landscape.

- Banning MC Chapter 17.32 implements the California State Model Water Efficient Landscape Ordinance.

4.7.4 Impact Thresholds and Significance Criteria

Based upon the criteria derived from State CEQA Guidelines Appendix G, a project normally would have a significant effect on the environment if it would:

- Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, based on any applicable threshold of significance; or
- Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

Addressing GHG emissions generation impacts requires an agency to determine what constitutes a significant impact. The Amendments to the State CEQA Guidelines specifically allow lead agencies to determine thresholds of significance that illustrate the extent of an impact and are a basis from which to apply mitigation measures. This means that each agency is left to determine whether a project's GHG emissions will have a "significant" impact on the environment. The guidelines direct that agencies are to use "careful judgment" and "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" the project's GHG emissions.¹³

Methodology

Global climate change is, by definition, a cumulative impact of GHG emissions. Therefore, there is no project-level analysis. The baseline against which to compare potential impacts of the Project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities which almost doubled between 1970 and 2010 from approximately 27 gigatonnes (Gt) of CO₂/year to nearly 49 GtCO₂/year.¹⁴ As such, the geographic extent of climate change and GHG emissions cumulative impact discussion is worldwide.

The Project's construction and operational emissions were calculated using the California Emissions Estimator Model (CalEEMod). For construction, CalEEMod calculates emissions from off-road equipment usage and on-road vehicle travel associated with haul, delivery, and construction worker trips. GHG emissions during construction were forecasted based on the proposed construction schedule and applying the mobile-source and fugitive dust emissions factors derived from CalEEMod. The Project's construction-related GHG emissions would be generated from off-road construction equipment, on-road hauling and vendor (material delivery) trucks, and worker vehicles. Construction was modeled generally according to the following 18-month timeline:¹⁵

¹³ California Code of Regulations, §15064.4a

¹⁴ Intergovernmental Panel on Climate Change, Climate Change 2014 Mitigation of Climate Change Working Group III Contribution to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, 2014.

¹⁵ As the Project development is speculative, a conservative worst-case construction timeline has been modeled for analysis purposes. This involves modeling emissions at the earliest feasible date. Emissions in future years (i.e., due to a later construction start date or operational opening year) would be lower due to phased-in emissions standards, inspection and maintenance requirements, and fleet turnover). Project construction that occurs at a later date than what was modeled impacts would result in lower emissions than those analyzed due to the use of more energy-efficient and cleaner burning construction vehicle fleet mix, pursuant to state regulations that require vehicle fleet operators to phase-in less polluting heavy-duty equipment. As a result, Project-related construction emissions would be lower than the impacts disclosed herein. For emissions modeling purposes, conservatively analyzing the emissions using an earlier construction start date provides for a worst-case analysis and full disclosure of potential air quality impacts, as required by CEQA.

- **Site Preparation:** Commence in the first quarter of 2024 and conclude in the second quarter of 2024 (an approximate 2-month duration).
- **Grading:** Commence in second quarter of 2024 and conclude in the third quarter of 2024 (an approximate 3-month duration).
- **Building Construction and Infrastructure:** Commence in third quarter of 2024 and conclude in the third quarter of 2025 (an approximate 11-month duration).
- **Paving:** Commence in second quarter of 2025 and conclude in the second quarter of 2025 (an approximate 3-month duration).
- **Architectural Coating:** Commence in third quarter of 2025 and conclude in the third quarter of 2025 (an approximate 3-month duration).

The Project's operational GHG emissions would be generated by vehicular traffic, off-road equipment, area sources (landscaping maintenance, consumer products), electrical generation, natural gas consumption, water supply and wastewater treatment, and solid waste. These emissions categories are as follows:

- **Area Sources.** Area source emissions occur from hearths, architectural coatings, landscaping equipment, and consumer products. The Project involves warehouse uses and would not include hearths. Landscaping and consumer products would be limited. Negligible quantities of consumer products (i.e., personal care products, home, lawn, and garden products, disinfectants, sanitizers, polishes, cosmetics, and floor finishes) would be used.
- **Energy Consumption.** Energy consumption consists of emissions from Project consumption of electricity and natural gas. Primary uses of electricity and natural gas by the Project would be for miscellaneous warehouse equipment, space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. Energy emissions are calculated based on consumption rates and emissions factors in CalEEMod.
- **Solid Waste.** Solid waste releases GHG emissions in the form of methane when these materials decompose. Solid waste emissions are calculated based on generation rates and emissions factors in CalEEMod.
- **Water and Wastewater.** Project GHG emissions would be generated from energy consumption associated with water and wastewater conveyance and treatment. Water and wastewater emissions are calculated based on consumption rates and emissions factors in CalEEMod.
- **Off-Road Equipment.** Operational off-road emissions would be generated by off-road cargo handling equipment used during warehouse operational activities. For this project it was assumed that the warehouses would include 26 forklifts and 5 yard trucks per SCAQMD data.
- **Emergency Backup Generators.** As the Project warehouses are speculative, it is unknown whether emergency backup generators would be used. Backup generators would only be used in the event of a power failure and would not be part of the Project's normal daily operations. Nonetheless, emissions associated with this equipment were included to be conservative. Emissions from an emergency backup generator for each warehouse building were calculated separately from

CalEEMod; refer to **Appendix G**. However, CalEEMod default emissions rates were used. If backup generators are required, the end user would be required to obtain a permit from the SCAQMD prior to installation. Emergency backup generators must meet SCAQMD's Best Available Control Technology (BACT) requirements and comply with SCAQMD Rule 1470 (Requirements for Stationary Diesel-Fueled Internal Combustion and Other Compression Ignition Engines), which would minimize emissions.

- **Mobile Sources.** Mobile sources are emissions from motor vehicles. The Project generated traffic was obtained from the Banning Commerce Center (DR 21-7017; ENV 21-1524) Traffic Analysis, March 2023). Project trip generation from the Trip Generation Analysis is based on the following Institute of Transportation Engineers (ITE) land use categories:
 - ITE Land Use 150: Warehousing (660 thousand square feet, 1,130 total daily vehicle trips, which include 396 truck trips).
 - ITE Land Use 155: High-Cube Cold Fulfillment Center (660 thousand square feet, 4,254 total daily vehicle trips, which include 128 truck trips).

4.7.5 Impacts and Mitigation Measures

Impact 4.7-1 *Would the Project generate GHG emissions, either directly or indirectly, that could have a significant impact on the environment?*

Level of Significance: Significant and Unavoidable

Construction

The Project would result in direct CO₂, N₂O, and CH₄ emissions from construction equipment and the transportation of employees and materials to and from the Project site. However, these GHG emissions would be temporary during construction activities and would cease once Project development is complete. **Table 4.7-2: Construction-Related GHG Emissions** below demonstrates the total GHG emissions during construction.

Table 4.7-2: Construction-Related GHG Emissions

Category	MTCO ₂ e
Construction Year 1 (2024)	2,243
Construction Year 2 (2025)	2,428
Total Construction Emissions	4,671
30-Year Amortized Construction Emissions	156

Source: Kimley-Horn. May 2023. *Greenhouse Gas Emissions Assessment*. CalEEMod Version 2022.1.1.7. **Appendix G**

As demonstrated in **Table 4.7-2** above, the Project would generate approximately 4,671 MTCO₂e over the course of construction. Construction GHG emissions are typically summed and amortized over a 30-year assumption of the SCQAMD and then added to operational emissions. The amortized Project construction emissions would be 156 MTCO₂e per year. Once construction is complete, the generation of these GHG emissions would cease.

Operation

Operational emissions occur over the life of the Project. GHG emissions would result from direct emissions such as Project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power, the energy required to convey water to, and wastewater from the Project, the emissions associated with solid waste generated from the Project, and any fugitive refrigerants from air conditioning or refrigerators.

GHG emissions associated with the Project are summarized in **Table 4.7-3: Project-Related GHG Emissions** below. The Project's unmitigated emissions would be approximately 27,048 MTCO₂e annually from both construction and operations. Project-related GHG emissions would exceed the City's 3,000 MTCO₂e per year threshold. The majority of the GHG emissions (76 percent of unmitigated emissions and 86 percent of mitigated emissions) are associated with non-construction related mobile sources. Emissions of motor vehicles are controlled by State and federal standards, and the Project has no control over these standards.

Table 4.7-3: Project-Related GHG Emissions

Emissions Source	MTCO ₂ e	
	Unmitigated	Mitigated
Area and Indirect Sources		
Construction Amortized Over 30 Years	156	156
Area Source ¹	58	0
Energy (Electricity and Natural Gas) ²	3,215	1,358
Off-road (Forklifts and Yard Trucks) ³	1,792	0
Emergency Backup Generator	20	20
Waste ⁴	387	96.8
Water and Wastewater	843	761
Subtotal	6,471	2,392
Mobile Sources		
Warehouse Trucks	9,203	9,203
Warehouse Passenger Cars	11,374	11,374
Subtotal	20,577	20,577
TOTAL	27,048	22,969
<i>Banning GHG Threshold</i>	3,000	3,000
Exceeds Threshold?	Yes	Yes
Notes: 1. Mitigation Measure GHG-4 requires electric landscaping equipment, which would reduce area source emissions. 2. Mitigation Measure GHG-1 requires the installation of photovoltaic solar panels to offset energy emissions or acquire energy from the local utility company that has been generated by renewable sources. 3. Mitigation Measure AQ-6 requires cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, and forklifts) to be powered by electricity. Unmitigated emissions from diesel equipment are disclosed for informational purposes. 4. Mitigation Measure GHG-3 requires Project to divert 75 percent of landfill waste. Source: Kimley-Horn. 2023. <i>Greenhouse Gas Emissions Assessment. CalEEMod Version 2022.1.1.7. Appendix G.</i>		

Mitigation measures (MMs) would be implemented as part of the Project. **MM GHG-1** through **MM GHG-5** would reduce GHG emissions associated with Project development. **MM GHG-1** would require the installation of solar photovoltaic (PV) panels or the acquisition of energy from renewable sources. **MM GHG-2** would require the Project to provide "EV ready" employee parking stalls. **MM GHG-3** would

mandate diverting at least 75 percent of landfill waste produced. **MM GHG-4** would require 100 percent electric landscaping equipment, and **MM GHG-5** would require electrical hookups for future electric trucks and trucks with auxiliary equipment.

Additionally, implementation of **MM AQ-2** through **MM AQ-6**, located in **Section 4.2: Air Quality**, would reduce the Project's operational emissions through appropriate signage for on-site circulation, limiting idling emissions, and utilizing all-electric cargo handling equipment.

In addition, the Project would be required to comply with SCAQMD Rule 2305 which would directly reduce emissions or to otherwise facilitate emissions reductions. Alternatively, warehouse operators can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby. Although Rule 2305 focuses on air quality pollutant emissions, the rule would facilitate cleaner vehicles and supporting infrastructure that would also result in GHG benefits.

Warehouse owners and operators are required to earn WAIRE Points each year. WAIRE points are a menu-based system earned by emission reduction measures. Warehouse operators are required to submit an annual WAIRE Report which includes truck trip data and emission reduction measures. WAIRE points can be earned by completing actions from a menu that can include acquiring and using natural gas, Near-Zero Emissions and/or Zero-Emissions on road trucks, zero-emission cargo handling equipment, solar panels or zero-emission charging and fueling infrastructure, or other options.

A preliminary WAIRE calculation has been conducted for the Project. The Project would include approximately five zero emission yard trucks. Based on the SCAQMD WAIRE User Calculator, with implementation of LOR-5, the Project would have a Warehouse Points Compliance Obligation (WPCO) of 927 and would earn 5,134 points. As a result, the Project more than fulfill its WPCO and would bank 4,207 points.¹⁶

As demonstrated in **Table 4.7-3: Project Related GHG Emissions**, mitigation measures would reduce Project GHG emissions by approximately 15 percent; however, total mitigated emissions would continue to exceed the City's threshold of 3,000 MTCO₂e per year. Additional mitigation to reduce the Project's mobile emissions is not feasible due to the limited ability of the City to address emissions resulting from trucks, cars, and/or emissions generated by trucks outside of the City's limits.

As with all land use projects, the Project's mobile and transportation related GHG emissions are a function of two parameters: emissions control technology and vehicle miles traveled (VMT). CARB is directly responsible for regulating mobile and transportation source emissions in the State. Regarding the first parameter, California addresses emissions control technology through a variety of legislation and regulatory schemes, including the state's Low Carbon Fuel Standard (Executive Order S-01-07) (LCFS), a regulatory program designed to encourage the use of cleaner low-carbon transportation fuels in California, encourage the production of those fuels, and therefore, reduce GHG emissions and decrease petroleum dependence in the transportation sector. The regulatory standards are expressed in terms of

¹⁶ Kimley-Horn and Associates, Inc. 2023. *Greenhouse Gas Assessment*. Page 28. **Appendix G**.

the “carbon intensity” of gasoline and diesel fuel and their substitutes. Different types of fuels are evaluated to determine their “life cycle emissions” which include the emissions associated with producing, transporting, and using the fuels. Each fuel is then given a carbon intensity score and compared against a declining carbon intensity benchmark for each year. Providers of transportation fuels must demonstrate that the mix of fuels they supply for use in California meets these declining benchmarks for each annual compliance period. In 2018, CARB approved amendments to the LCFS, which strengthened the carbon intensity benchmarks through 2030 to ensure they are in-line with California’s 2030 GHG emission reduction target enacted through SB 32. This ensures that the transportation sector is meeting its obligations to achieve California’s GHG reduction targets. The state is also implementing legislation and regulations to address the second parameter affecting transportation related GHG emissions by controlling for VMT. Examples of this include SB 375, which links land use and transportation funding and provides one incentive for regions to achieve reductions in VMT, and SB 743, which discourages VMT increases for passenger car trips above a region-specific benchmark. However, the state has determined that VMT regulations are not applicable to heavy trucks, such as those that will utilize the Project and generate the majority of the Project’s GHG emissions.

As such, the City of Banning has no regulatory control over emissions control technology and therefore has limited ability to control or mitigate emissions associated with vehicle emissions associated with this Project. Additional mitigation to further reduce the Project’s non-mobile emissions is also not feasible. The Project’s mitigation measures and laws, ordinances, and regulations (LORs) address non-mobile emissions to the extent possible, by requiring on-site renewable energy (**MM GHG-1**), requiring the Project to meet or exceed CALGreen Tier 2 standards (**MM GHG-2**), diverting 75 percent landfill waste (**MM GHG-3**), requiring 100 percent electric landscape equipment (**MM GHG-4**), and requiring electric hookups for future electric trucks (**MM GHG-5**).

The reliance on carbon offsets to reduce either the Project’s mobile or non-mobile emissions is also not feasible, as no local programs are available that would meet CEQA’s criteria for a valid mitigation measure. To reduce emissions, purchased offset credits must be genuine, quantifiable, additional, and verifiable. There are currently three CARB-approved offset registries: Climate Action Reserve (CAR), American Carbon Registry (ACR), and Verra (formerly Verified Carbon Standard). However, even offset credits purchased from CARB-approved offset project registries have been determined to not adequately assure that purchased offset credits accurately and reliably represent actual emissions reductions, or to not guarantee that such reductions are not already required by law.

This is due to the fact that “over-crediting” can occur based on the generation of credits from actions that would have happened regardless of the offset program. “Additionality” is inherent to the fundamental idea of carbon offsets and is critical to their functioning. There are several methodologies available for registries to determine additionality, but they all depend on predictions about future factors (such as about future fuel, timber, or electricity prices) and any such analysis is therefore speculative. An offset program permits an emitter to emit more than an emissions cap or target in exchange for reducing emissions elsewhere. Accordingly, the offset program must actually cause emissions to be reduced, but this is not always the case. For example, a pair of studies published in 2019 and 2021 examined California’s

forest carbon offsets program and found that it was likely to have overstated its total emission reductions by 80 percent or more.¹⁷

If an offset program generates credits from reductions that would have happened regardless of the offset program, and this causes the protocols to generate more credits than actual reductions in emissions, the emitter's emissions are not truly offset, and therefore would not be considered adequate mitigation under CEQA. The high rates of over-crediting documented by the offset programs and protocols that have been studied, and the failure of the methods used by offset programs to ensure offset quality, means that offset credits cannot be assumed to be high-quality based solely on their being listed by a certain registry, or to necessarily result in quantified verified tons of emissions reductions.

Additionally, the City has no enforcement authority over offset credits that fund carbon reduction projects outside of the City. Therefore, the use of carbon offsets has not been considered for the Project as a conservative measure.

Existing requirements based on local, State, and federal laws and regulations are frequently required independently of CEQA review. Typical requirements include compliance with the provisions of the Building Code, CalGreen Code, local municipal code, SCAQMD Rules, etc. LORs are neither Project specific nor a result of Project development and are therefore not considered to be project design features or MMs. The Project would comply with the following LORs:

- LOR-1 Pursuant to SCAQMD Rule 1113, the Project applicant shall require by contract specifications that the interior and exterior architectural coatings (paint and primer including parking lot paint) products used would have a volatile organic compound rating of 50 grams per liter or less.
- LOR-2 Require diesel powered construction equipment to turn off when not in use per Title 13 of the California Code of Regulations, §2449.
- LOR-3 The Project shall be designed in accordance with the applicable Title 24 Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations [CCR], Title 24, Part 6). These standards are updated, nominally every three years, to incorporate improved energy efficiency technologies and methods. The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. The Title 24 Energy Efficiency Standards (§110.10) require buildings to be designed to have 15 percent of the roof area "solar ready" that will structurally accommodate later installation of rooftop solar panels. If future building operators pursue providing rooftop solar panels, they will submit plans for solar panels prior to occupancy.
- LOR-4 The Project shall be designed in accordance with the applicable California Green Building Standards (CALGreen) Code (24 CCR, Part 11). The Building Official, or designee shall ensure compliance prior to the issuance of each building permit. These requirements include, but are not limited to:

¹⁷ Kimley-Horn. 2023. *Greenhouse Gas Assessment*. Page 29-30 **Appendix G**.

- Design buildings to be water-efficient. Install water-efficient fixtures in accordance with §4.303 (residential) and §5.303 (nonresidential) of the California Green Building Standards Code Part 11.
- Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with §4.408.1 (residential) and §5.408.1 (nonresidential) of the California Green Building Standards Code Part 11.
- Provide storage areas for recyclables and green waste and adequate recycling containers located in readily accessible areas in accordance with §4.410 (residential) and §5.410 (nonresidential) of the California Green Building Standards Code Part 11.
- To facilitate future installation of electric vehicle supply equipment (EVSE), nonresidential construction shall comply with §5.106.5.3 (nonresidential electric vehicle charging) of the California Green Building Standards Code Part 11.

LOR-5 The Project tenants shall comply with the SCAQMD Indirect Source Rule (Rule 2305). This rule is expected to reduce NO_x and PM₁₀ emissions during construction and operation. Emission reductions resulting from this rule were not included in the Project analysis. Compliance with Rule 2305 is enforced by the SCAQMD through their reporting process and is required for all warehouse projects greater than 100,000 square feet.

Despite implementation of LORs and all feasible MMs, the remaining mobile emissions would exceed the 3,000 MTCO₂e threshold and no additional mitigation is available to further reduce emissions. Therefore, a significant unavoidable impact would occur.

Mitigation Measures

Refer to **MM AQ-2** through **MM AQ-6** in **Section 4.2: Air Quality**.

MM GHG-1 Prior to issuance of tenant occupancy permits, the Project shall be required to install a solar photovoltaic (PV) system or otherwise acquire energy from the local utility that has been generated by renewable sources, sufficient to power the anticipated initial improvements for the warehouse (i.e., the Title 24 electricity demand and the plug-load. The final PV generation facility size requires approval by Southern California Edison (SCE). SCE's Rule 21 governs operating and metering requirements for any facility connected to SCE's distribution system. Should SCE limit the off-site export, the proposed Project may utilize a battery energy storage system (BESS) to lower off-site export while maintaining on-site renewable generation to off-set consumption. The building shall include an electrical system and other infrastructure sufficiently sized to accommodate the PV arrays. The electrical system and infrastructure must be clearly labeled with noticeable and permanent signage.

In addition, to ensure that the Project's electrical room(s) is sufficiently sized to accommodate the potential need for additional electrical panels, either (1) a secondary electrical room shall be provided in the building, or (2) the primary electrical room shall be sized 25 percent larger than is required to satisfy the service requirements of the building or the electrical gear shall be installed with the initial construction with 25 percent excess demand capacity.

- MM GHG-2** Prior to the issuance of a building permit, the Project Applicant or successor in interest shall provide documentation to the City of Banning demonstrating that the Project is designed to achieve Leadership in Energy and Environmental Design (LEED) standards or meet or exceed CALGreen Tier 2 standards in effect at the time of building permit application.
- MM GHG-3** The development shall divert a minimum of 75 percent of landfill waste. Prior to issuance of certificate of tenant occupancy permits, a recyclables collection and load area shall be constructed in compliance with County standards for Recyclable Collection and Loading Areas, and the facility's operator shall be required to provide the City with a copy of the Project's recycling program. This mitigation measure applies only to tenant permits and not the building shell approvals.
- MM GHG-4** Prior to issuance of tenant occupancy permits, the Planning Department shall confirm that tenant lease agreements include contractual language that all landscaping equipment used on-site shall be 100 percent electrically powered. This mitigation measure applies only to tenant permits and not the building shell approvals.
- MM GHG-5** Conduits for the installation of electrical hookups to allow future electric vehicle (EV) trucks and trucks with auxiliary power units (APU) shall be installed at a ratio of one charging station for every 50 dock high doors.

Impact 4.7-2 *Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Level of Significance: Significant and Unavoidable

Construction and Operation

Consistency with SCAG's Regional Transportation Plan/Sustainable Communities Strategy

On September 3, 2020, SCAG's Regional Council adopted the 2020 RTP/SCS. The RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The RTP/SCS embodies a collective vision for the region's future and is developed with input from local governments, county transportation commissions, tribal governments, nonprofit organizations, businesses, and local stakeholders in the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura. SCAG's RTP/SCS establishes GHG emissions goals for automobiles and light-duty trucks for 2020 and 2035 as well as an overall GHG target for the Project region consistent with both the target date of AB 32 and the post-2020 GHG reduction goals of Executive Orders 5-03-05 and B-30-15.

The RTP/SCS contains over 4,000 transportation projects, ranging from highway improvements, railroad grade separations, bicycle lanes, new transit hubs, and replacement bridges. These future investments were included in county plans developed by the six county transportation commissions and seek to reduce traffic bottlenecks, improve the efficiency of the region's network, and expand mobility choices for everyone. The RTP/SCS is an important planning document for the region, allowing project sponsors to qualify for federal funding.

The RTP/SCS accounts for operations and maintenance costs to ensure reliability, longevity, and cost effectiveness. The RTP/SCS is also supported by a combination of transportation and land use strategies that help the region achieve state GHG emissions reduction goals and FCAA requirements, preserve open space areas, improve public health and roadway safety, support our vital goods movement industry, and utilize resources more efficiently. GHG emissions resulting from development-related mobile sources are the most significant source of emissions, and therefore Project comparison to the RTP/SCS is an appropriate indicator of whether the Project would inhibit the post-2020 GHG reduction goals promulgated by the State. The Project's consistency with the RTP/SCS goals is analyzed in **Table 4.7-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency** below.

Table 4.7-4: Regional Transportation Plan/Sustainable Communities Strategy Consistency

SCAG Goals	Description
Encourage regional economic prosperity and global competitiveness.	Not applicable: This is not a project-specific policy and is therefore not applicable. However, the Project is located on a vacant site and development of the site would contribute to regional economic prosperity.
Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent: The Project would include improvements to Wilson Street, O'Donnell Street, and Nicolet Street and would pay its fair share for roadway improvement projects in the City.
Enhance the preservation, security, and resilience of the regional transportation system.	Not applicable: This is not a transportation improvement project and is therefore not applicable.
Increase person and goods movement and travel choices within the transportation system.	Consistent: The Project includes a warehouse use that would support goods movement and is consistent.
Reduce greenhouse gas emissions and improve air quality.	Consistent: The Project is located within a suburban/rural area near existing truck routes and freeways, which would help reduce Project-generated trip lengths and GHG/air quality emissions.
Support healthy and equitable communities	Consistent: Although the Project exceeds regional thresholds for criteria pollutants (air quality), the Project does not exceed health-related localized air quality thresholds as shown in the Project Air Quality Assessment.
Adapt to a changing climate and support an integrated regional development pattern and transportation network.	Not applicable: This is not a project-specific policy and is therefore not applicable.
Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	Not applicable: This is not a project-specific policy and is therefore not applicable.
Encourage development of diverse housing types in areas that are supported by multiple transportation options.	Not applicable: The Project involves development of a warehouse and does not include housing.
Promote conservation of natural and agricultural lands and restoration of habitats.	Not applicable: This Project is located on previously disturbed land and is not located on agricultural lands.
Source: Kimley-Horn. 2023. <i>Greenhouse Gas Assessment</i> . Table 4. Appendix G.	

As demonstrated in **Table 4.7-4** above, the Project would be consistent with the stated goals of the RTP/SCS and would not interfere with SCAG's ability to achieve the region's post-2020 mobile source GHG reduction targets.

Consistency with CARB's 2022 Scoping Plan

The 2022 CARB Scoping Plan sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. The transportation, electricity, and industrial sectors are the largest GHG contributors in the State. The 2022 Scoping Plan plans to achieve the AB 1279 targets primarily through zero-emission transportation (e.g., electrifying cars, buses, trains, and trucks). Additional GHG reductions are achieved through decarbonizing the electricity and industrial sectors.

Statewide strategies to reduce GHG emissions in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-electric vehicle buses and trucks. Additional transportation policies include the Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, In-use Off-Road Diesel-Fueled Fleets Regulation, Off-Road Zero-Emission Targeted Manufacturer rule, Clean Off-Road Fleet Recognition Program, and Amendments to the In-use Off-Road Diesel-Fueled Fleets Regulation. The 2022 Scoping Plan would continue to implement SB 375. GHGs would be further reduced through the Cap-and-Trade Program carbon pricing and SB 905. SB 905 requires CARB to create the Carbon Capture, Removal, Utilization, and Storage Program to evaluate, demonstrate, and regulate carbon dioxide removal projects and technology.

Table 4.7-3: Project-Related GHG Emissions indicates that 90 percent of the Project's mitigated GHG emissions are from mobile sources, which would be further reduced by the 2022 Scoping Plan measures previously described. The City has no control over mobile emissions, and these emissions would decline in the future due to measures discussed above, as well as cleaner technology and fleet turnover. Statewide GHG emissions reduction strategies in the latest 2022 Scoping Plan include implementing SB 100, which would achieve 100 percent clean electricity by 2045; achieving 100 percent zero emission vehicle sales in 2035 through Advanced Clean Cars II; and implementing the Advanced Clean Fleets regulation to deploy zero-emission vehicle (ZEV) buses and trucks. Several of the State's plans and policies would contribute to a reduction in mobile source emissions from the Project. These include the following:

- **CARB's Advanced Clean Truck Regulation:** Adopted in June 2020, CARB's Advanced Clean Truck Regulation requires truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California is required to be zero-emission. The Advanced Clean Truck Regulation accelerates the transition of zero-emission medium- and heavy-duty vehicles from Class 2b to Class 8.
- **Executive Order N-79-20 and ZEV Action Plan:** Executive Order N-79-20 establishes the goal for all new passenger cars and trucks, as well as all drayage/cargo trucks and off-road vehicles and equipment, sold in California, will be zero-emission by 2035 and all medium and heavy-duty vehicles will be zero-emission by 2045. It also directs CARB to develop and propose rulemaking for passenger vehicles and trucks, medium- and heavy-duty fleets where feasible, drayage trucks, and off-road vehicles and equipment "requiring increasing volumes" of new ZEVs "towards the target of 100 percent." The goals of this executive order are incorporated into the Advanced Clean Cars II rule.

- **CARB's Mobile Source Strategy:** CARB's Mobile Source Strategy takes an integrated planning approach to identify the level of transition to cleaner mobile source technologies needed to achieve all of California's targets by increasing the adoption of ZEV buses and trucks.
- **CARB's Sustainable Freight Action Plan:** The Sustainable Freight Action Plan which improves freight system efficiency, utilizes near-zero emissions technology, and deployment of ZEV trucks. This Plan applies to all trucks accessing the project site and may include existing trucks or new trucks that are part of the statewide goods movement sector.
- **CARB's Emissions Reduction Plan for Ports and Goods Movement:** CARB's Emissions Reduction Plan for Ports and Goods Movement identifies measures to improve goods movement efficiencies such as advanced combustion strategies, friction reduction, waste heat recovery, and electrification of accessories.
- **In-Use Off-Road Diesel-Fueled Fleets Regulation.** CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation reduces emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. CARB is currently proposing amendments to this regulation to further reduce emissions. The Proposed Amendments would reduce emissions by requiring that fleets phaseout operation of their oldest and highest emitting off-road diesel vehicles, prohibiting the addition of high emitting vehicles to a fleet, and requiring the use of R99 or R100 renewable diesel in off-road diesel vehicles.
- **Clean Off-Road Fleet Voucher Incentive Program.** CARB's Clean Off-Road Equipment Voucher Incentive Project (CORE) is intended to accelerate deployment of advanced technology in the offroad sector by providing a streamlined way for fleets to access funding that helps offset the incremental cost of such technology.
- **Low Carbon Transportation Investments and the Air Quality Improvement Program.** This program provides mobile source incentives to reduce GHG, criteria pollutant, and toxic air contaminant emissions through the deployment of advanced technology and clean transportation in the light-duty and heavy-duty sectors. Low Carbon Transportation Investments are supported by Cap-and-Trade auction proceeds.
- **Clean Miles Standard and Incentive Program.** The Clean Miles Standard and Incentive Program requires CARB to adopt and for the California Public Utilities Commission to implement annual GHG reduction targets consistent with the Zero-Emission Vehicle Action Plan.
- **Transportation Refrigeration Unit Regulation.** Beginning December 31, 2022, the Transportation Refrigeration Unit (TRU) regulation requires newly manufactured truck TRUs, trailer TRUs, and domestic shipping container TRUs are required to use a refrigerant with a global warming potential less than or equal to 2,200, or no refrigerant at all.

Although these measures are not directly applicable to the Project, any commercial activity associated with goods movement would be required to comply with these measures as adopted. The Project would not obstruct or interfere with efforts to increase ZEVs or state efforts to improve system efficiency. As such, the Project would not interfere with their implementation.

Following compliance with all applicable regulations and mitigation measures, the Project would not conflict with the State's progress towards carbon neutrality under the 2022 Scoping Plan. It is also noted

that the Project would not convert any Natural and Working Lands (NWL) and/or decrease the urban forest carbon stock in the State, which are areas of emphasis in the 2022 Scoping Plan. In conclusion, the Project does not conflict with the applicable plans that are discussed above, and therefore, with respect to this particular threshold, the Project does not have a significant impact.

Despite plan consistency, the Project's long-term operational GHG emissions would exceed the 3,000 MTCO₂e per year threshold despite the implementation of **MM AQ-2** through **MM AQ-6** located in **Section 4.2: Air Quality**, and **MM GHG-1** through **MM GHG-5**; thus, the Project could impede California's Statewide GHG reduction goals for 2030 and 2050. Therefore, a significant and unavoidable impact would occur as a result of the Project.

4.7.6 Cumulative Impacts

Climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (about one day), GHGs have much longer atmospheric lifetimes of one year to several thousand years that allow them to be dispersed around the globe.

It is generally the case that an individual project of this size and nature is of insufficient magnitude by itself to influence climate change or result in a substantial contribution to the global GHG inventory. The State CEQA Guidelines generally address GHG emissions as a cumulative impact because of the global nature of climate change. As such, GHG impacts are recognized as exclusively cumulative impacts; there are no non-cumulative GHG emission impacts from a climate change perspective. The additive effect of Project-related GHGs would not result in a reasonably foreseeable cumulatively considerable contribution to global climate change. In addition, the Project as well as other cumulative related projects would also be subject to all applicable regulatory requirements, which would further reduce GHG emissions. As discussed above, the Project-related GHG emissions would exceed the City's 3,000 MTCO₂e threshold of significance despite implementation of **MM AQ-2** through **MM AQ-6** from the Air Quality Assessment and **MM GHG-1** through **MM GHG-5** and could impede statewide 2030 and 2050 GHG emission reduction targets. As such, the Project would result in a potentially significant cumulative GHG impact.

4.7.7 Significant Unavoidable Impacts

Impact 4.7-1 and Impact 4.7-2 would result in significant unavoidable impacts. The Project would result in significant unavoidable cumulative impacts as well.

4.7.8 References

California Air Resources Board. 2017. *California's 2017 Climate Change Scoping Plan*.

California Air Resources Board. 2022. *2022 Scoping Plan for Achieving Carbon Neutrality, Appendix D: Local Actions*. Retrieved from: <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf> (accessed November 2022).

California Air Resources Board. *Current California GHG Emissions Inventory Data, 2000-2020 GHG inventory (2022 Edition)*. Retrieved from: <https://ww2.arb.ca.gov/ghg-inventory-data>. (accessed December 2022).

Intergovernmental Panel on Climate Change. 2013. *Carbon and Other Biogeochemical Cycles*. In: *Climate Change 2013: The Physical Science Basis, Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*. Retrieved from: https://www.ipcc.ch/site/assets/uploads/2018/02/WG1AR5_all_final.pdf (accessed June 2023).

Kimley-Horn and Associates, Inc. 2023. *Greenhouse Gas Assessment*. **Appendix G**.

SCAQMD. 2008. "Staff Report: Interim CEQA GHG Significance Threshold for Stationary Sources, Rules and Plans," Attachment E: "Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold," p. 3-2.

U.S. EPA and NHTSA, 2016. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2. Retrieved from: <https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf>. (accessed January 2023).

U.S. EPA and NHTSA, Federal Register, Vol. 84, No. 188. 2019. *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program*. Retrieved from: <https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf>. (accessed January 2023).

U.S. EPA. 2021. *Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026*. Retrieved from: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions>. (accessed December 2022).

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Introduction

This section addresses potential hazards and hazardous materials impacts that may result from implementation of the Banning Commerce Center Project (Project) that includes development of industrial space. The following discussion addresses the existing hazards and hazardous materials conditions of the affected environment, considers relevant goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the Project, as applicable.

The information and analysis herein rely on the following investigation (found in Draft EIR **Appendix H**) and collectively documents the conditions of the site regarding hazards and hazardous materials:

- CASC Engineering and Consulting. March, 8, 2022. Phase I Environmental Site Assessment, Brookfield Property, 500 Feet East of Hathaway St. and Wilson St., Banning, California (**Appendix H**).

Analysis of area cumulative impacts and identification of appropriate and feasible mitigation measures are also included in the discussion portions of this section.

4.8.2 Environmental Setting

A Phase I Environmental Site Assessment (ESA) was conducted for the Project. The Phase I ESA analyzed the Project site and was completed in accordance with the American Society for Testing and Materials (ASTM) Standard E 1527-21, (provided as **Appendix H**). CASC conducted a Project site visit on February 22, 2022. Information presented in this section is largely derived from the Phase I ESA.

Land Use

The approximately 130-acre Project site is located north of Interstate 10 (I-10), east of N. Hathaway Street, and west of Cottonwood Road on Assessor Parcel Numbers (APNs) 532-030-008, 532-030-009, 532-080-008, 532-080-010, 532-090-026, 532-090-028, 532-090-030, and 532-110-015. Wilson Street bisects the Project site. The Land Use and Zoning designation for the Project site is Business Park, as illustrated in **Figure 3-3: General Plan Land Use & Zoning Map**. Access to the Project would be provided off N. Hathaway Street, as illustrated in **Figure 3-4: Conceptual Site Plan**.

Surroundings include vacant land to the north; the California Department of Transportation (Caltrans) Banning Station and vacant land and existing residential uses to the west; I-10 and Union Pacific Railway to the south; and California Highway Patrol (CHP) weigh station and vacant land to the east. The Project site is not currently not being utilized and remains as a vacant lot.

Records Review

A review of available information was conducted to determine the previous uses of the Project site and surrounding area. Consultant reviewed the data presented for these listing and evaluated them based on their regulatory status, their distance from the Project site, and the general geology of the region:

Project Site - Government records were searched using the Property APN: 532-110-015. The records were reviewed, and it was determined that the Project site was not identified on any searched databases.

- Surrounding Properties - Based on the review of the federal, state, and local databases, the findings below were identified:
 - Orco Block Co Inc, 600 N. Hathaway Street (2,500 feet [ft] East of Project Site) – This address appeared on the Statewide Environmental Evaluation and Planning System (SWEEPS UST), Hazardous Substance Storage Container Database (HIST UST), Electromagnetic Interface (EMI), California Environmental Reporting System (CERS), and Hazardous Waste Tracking System (HWTS) databases as a result of the two USTs located on the Project site, and air quality emissions. The facility has reported no leaking of the tanks and the tanks do not appear to be in use. This address has reported no spills or leaks and appears to be in compliance with local and federal regulations and, therefore, does not present an environmental concern.
 - Caltrans District 8 Banning Maintenance, 2033 Ramsey Street (1,000 ft East of Project Site) - This address appeared on the Leaking Underground Storage Tank (LUST), SWEEPS UST, Historical (HIST) UST, Solid Waste Facility/Landfill (SWF/LF), CERS, Resource Conservation Recovery Act (RCRA) NonGen/NLR, and Cortese databases as a result of solid waste operations, a 1,500-gallon diesel tank, and a 5,000-gallon unleaded fuel tank located on-site. The leaking tank has since been cleaned up as of 8/30/1995, where only soil was impacted. The address also appears as a solid waste site due to Caltrans maintenance operations. The address is monitored quarterly by the U.S. Environmental Protection Agency (U.S. EPA) and currently no environmental concerns have been reported. The address appears to be compliant and has no other listings or depicts signs of a leak. This property is inspected quarterly and appears to be in compliance with local and federal regulations and, therefore, does not present an environmental concern.
 - Banning Airport (3000 ft Southwest of the Project Site) - This address appeared on the Formerly Used Defense Sites (FUDS), the Department of Toxic Substance Control's EnviroStor database, Aboveground Storage Tank (AST), SWEEPS UST, HIST UST, California Environmental Reporting System (CERS) TANKS, National Pollutant Discharge Elimination System (NPDES), Waste Data System (WDS), and CERS databases as a result of the airport operations that take place and storage tanks at the airport. The address is reported to be under military evaluation and does not have any record of significant environmental spills or cleanups. This property appears to be in compliance with local and federal regulations and, therefore, does not present an environmental concern.
 - Powerline Road (2000 ft North of the Project Site) - This address appeared on the Indian Health Service (IHS) OPEN DUMPS database as a result of the solid waste disposal that takes place. The facility confirmed that it has been cleaned up as of 02/25/2009 and appears to be in compliance with local and federal regulations and, therefore, does not present an environmental concern.

Orphan Sites

Not all sites or facilities identified in the database records can be accurately located in relation to the Project site, due to incomplete information being supplied to the regulatory agencies. These facilities, referred to as “Orphan Sites,” are identified in Appendix F of the Phase I ESA (see **Appendix H**).

History, Aerial Photographs, Records, and Maps

Review of property history revealed that the Project Site has been predominately vacant since 1949. Historical aerial photographs and maps of the Project site and surrounding area showed no potential environmental concerns. Review of City directories, property tax files, building department, zoning, and land use records, revealed no significant findings for the Project site. There were no other sources of historical information reviewed during the assessment.

Site Reconnaissance

On February 22, 2022, consultant conducted a site reconnaissance to observe the Project site and adjacent properties for potential evidence and/or practices that could represent visible recognized environmental conditions (RECs) in connection with the Project site. In addition, the exterior, undeveloped portions of the site were visually evaluated for conditions that could represent interpreted jurisdictional waters, including wetlands. No actual sampling or analyses were included as part of the preliminary visual assessments. Consultant confirmed the site boundaries, traversed the perimeter of the Property, and observed land use and types of operations of the site and adjacent properties. There were no floors, ceilings, walls, or at other areas where gaining access may have required destructive techniques or presented unique health and safety concerns for consultant to inspect. Additionally, the Project site itself is not on the Cortese list.¹ The Project site has also not been cited or issued violation notices by any environmental regulatory agency for improper use or disposal of hazardous materials

Recognized Environmental Conditions

According to the Phase I ESA prepared for the Project site, no evidence of RECs were found.

Observations

Due to the absence of buildings located on the Project site, the consultant did not make any interior observations during the site reconnaissance. Consultant made the following exterior visual observations during the site reconnaissance:

¹ DTSC. 2022. *EnviroStor Hazardous Waste and Substances Site List (Cortese)*. Retrieved from: <https://dtsc.ca.gov/dtscs-cortese-list/>. (accessed January 2023)

Table 4.8-1: Site Reconnaissance Observations

Issue	Comment
Hazardous materials or petroleum products	No hazardous material or petroleum products observed.
Hazardous waste	No containers labeled to contain hazardous waste identified.
Solid waste	No evidence of unauthorized or improper solid waste disposal was observed at the site.
Wells	No wells were reported or overserved on-site.
Process wastewater	No process wastewater is generated on site.
Storm Water	An existing drainage course runs from the northwest end of the property to the southeast.
Drains, sumps, and drywells	No drains, sumps or drywells were observed.
Odors	None detected.
PCB-Containing Equipment	None detected.
Pits, ponds, or lagoons; Property	None identified.
Pits, ponds, lagoons - adjoining properties	None identified.
Stained soil or pavement	No stained soil or pavement observed.
Stressed vegetation	No stressed vegetation observed.
General exterior yard keeping	Not Applicable
Source: Appendix H , Table 8.	

As there is no presence of buildings or wetlands located on the Project site, the Phase I ESA did not evaluate the potential presence of asbestos containing materials (ACM), and lead based paint (LBP), and radon. The Phase I ESA determined these environmental considerations are not present on the Project Site.

Underground Storage Tanks/Structures

Existing Underground Storage Tanks

No existing on-site USTs were reported or observed on-site.

Former Underground Storage Tanks

No former on-site USTs were reported or observed on-site.

Aboveground Storage Tanks

Existing Aboveground Storage Tanks

No existing on-site Aboveground Storage Tanks (ASTs) were reported or observed on-site.

Former Aboveground Storage Tanks

No former on-site ASTs were reported or observed on-site.

Nearby Airports or Airstrips

The nearest Airport/ airstrip to the Project site is the Banning Municipal Airport, located approximately 0.35 mile south of the Project. The Project site, which is within Zone D of the Banning Municipal Airport Comprehensive Land Use Plan or land use compatibility plan (ALUCP), as delineated by the Riverside

County Airport Land Use Commission (RCALUC).² According to RCALUC, Zone D is described as a runway buffer area where highly noise-sensitive outdoor nonresidential uses and flight hazards are prohibited. Development of the Project within Zone D is permissible per County requirements.³

Flooding Hazards

The Project site is partially located within a 100-year flood hazard area.⁴ According to Federal Emergency Management Agency's (FEMA) National Flood Hazard Layer (NFHL), much of the Project site exists within Zone X, indicative of areas of minimal flood hazard. However, the northeast portion of the Project site, an area encompassing approximately 47.5 acres, is designated as Zone A, a hazard area with a 1 percent annual chance of flooding (100-year flood hazard area).

Wildland Fire Hazards

According to the California Department of Forestry and Fire Protection (CAL FIRE), the Project site is located within a Local Responsibility Area (LRA). Within the LRA designation, the Project site is designated as a Very High Fire Hazard Severity Zone (VHFHSZ), as identified on the latest FHSZ maps prepared by CAL FIRE.⁵

Evacuation Routes

According to the Western Riverside Council of Governments (WRCOG)/San Bernardino County Transportation Authority (SBCTA) Sustainability Toolkit Evacuation Routes viewer, WRCOG Area Evacuation Routes in the Project area include I-10, Hargrave Street, Ramsey Street, E. Wilson Street, and San Geronio Avenue.⁶

Schools

The nearest schools to the Project area are Hoffer Elementary School, located approximately 0.27 mile west at 1115 E. Hoffer Street, and the Florida Street Discovery Center Preschool, located approximately 1.4 miles to the west at 617 N. Florida Street.

4.8.3 Regulatory Setting

Hazardous materials and wastes are identified and defined by federal and state regulations for the purpose of protecting public health and the environment. Hazardous materials contain certain chemical, physical, or infectious properties that cause them to be considered hazardous. Hazardous wastes are defined in the Code of Federal Regulations (CFR) Title 40, Volume 28, Parts 260–265 and in the California Code of Regulations (CCR), Title 22 Div. 4.5, Chapter 11, Article 1, §66261. Over the years, the laws and

² Riverside County Airport Land Use Commission. 2004. *Banning Municipal Airport Compatibility Map Delineation*. Retrieved from: <https://www.rcaluc.org/Portals/13/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640> (accessed January 2023).

³ Ibid.

⁴ Federal Emergency Management Agency. 2023. *National Flood Hazard Layer Viewer*. Retrieved from: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd> (accessed January 2023).

⁵ CAL FIRE. 2007. *FHSZ Viewer*. Retrieved from: <https://egis.fire.ca.gov/FHSZ/> (accessed January 2023).

⁶ Western Riverside Council of Governments. 2022. *WRCOG/SBCTA Sustainability Toolkit Evacuation Routes*. Retrieved from: <https://www.arcgis.com/apps/webappviewer/index.html?id=4168a1efbdca40f889ea9dba43e04b4e&extent=-13138981.0556%2C4022288.1589%2C-12669351.9538%2C4239369.3193%2C102100> (accessed January 2023).

regulations have evolved to deal with different aspects of the handling, treatment, storage, and disposal of hazardous substances.

Federal

Toxic Substances Control Act/Resource Conservation and Recovery Act/Hazardous and Solid Waste Act

The Federal Toxic Substances Control Act of 1976 and Resource Conservation and Recovery Act (RCRA) established a program administered by the U.S. EPA for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA was amended in 1984 by the Hazardous and Solid Waste Act (HSWA), which affirmed and extended the “cradle to grave” system of regulating hazardous wastes.

Comprehensive Environmental Response, Compensation, and Liability Act/Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, CFR, Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List (NPL). CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Comprehensive Environmental Response, Compensation, and Liability Information System and the National Priorities List

The U.S. EPA also maintains the Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS) list. This list contains sites that are either proposed to be or on the NPL, as well as sites that are in the screening and assessment phase for possible inclusion on the NPL. The NPL is a list of the worst hazardous waste sites that have been identified by Superfund. There are no NPL sites on the Project site.

Emergency Planning and Community Right-to-Know Act

The Federal Emergency Planning and Community Right-To-Know Act (EPCRA) was enacted to inform communities and residents of chemical hazards in their area. Businesses are required to report the locations and quantities of chemicals stored on-site to both state and local agencies. EPCRA requires the U.S. EPA to maintain and publish a digital database list of toxic chemical releases and other waste management activities reported by certain industry groups and Federal facilities. This database, known as

the Toxic Release Inventory, gives the community more power to hold companies accountable for their chemical management.

Hazardous Materials Transportation Act

The U.S. Department of Transportation (U.S. DOT) receives authority to regulate the transportation of hazardous materials from the Hazardous Materials Transportation Act, as amended and codified (49 U.S. Code [USC] 5101 et seq.). The U.S. DOT is the primary regulatory authority for the interstate transport of hazardous materials and establishes regulations for safe handling procedures (i.e., packaging, marking, labeling, and routing).

In California, §31303 of the California Vehicle Code states that any hazardous material being moved from one location to another must use the route with the least travel time. This, in practice, means major roads and highways, although secondary roads are permitted to be used for local delivery. These policies are enforced by both the California Highway Patrol and Caltrans.

Clean Water Act/Spill Prevention, Control, and Countermeasure Rule

The Clean Water Act (CWA) (33 USC §1251 et seq., formerly the Federal Water Pollution Control Act of 1972), was enacted with the intent of restoring and maintaining the chemical, physical, and biological integrity of the waters of the U.S. The CWA requires states to set standards to protect, maintain, and restore water quality through the regulation of point source and certain non-point source discharges to surface water. Those discharges are regulated by the National Pollutant Discharge Elimination System (NPDES) permit process (CWA §402). In California, NPDES permitting authority is delegated to, and administered by, the nine Regional Water Quality Control Boards (RWQCB). The Project is within the jurisdiction of the Colorado River Basin RWQCB.

Section 402 of the CWA authorizes the California State Water Resources Control Board (SWRCB) to issue NPDES General Construction Storm Water Permit (Water Quality Order 99-08-DWQ), referred to as the “General Construction Permit.” Construction activities can comply with and be covered under the General Construction Permit provided that they:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting stormwater and with the intent of keeping all products of erosion from moving off-site into receiving waters
- Eliminate or reduce non-stormwater discharges to storm sewer systems and other waters of the U.S.; and
- Perform inspections of all BMPs.

NPDES regulations are administered by the RWQCB. Projects that disturb one or more acres are required to obtain NPDES coverage under the Construction General Permit.

As part of the CWA, the U.S. EPA oversees and enforces the Oil Pollution Prevention regulation contained in Title 40 of the CFR, Part 112 (Title 40 CFR, Part 112), which is often referred to as the “SPCC rule” because the regulations describe the requirements for facilities to prepare, amend, and implement Spill

Prevention, Control, and Countermeasures (SPCC) Plans. A facility is subject to SPCC regulations if a single oil (or gasoline, or diesel fuel) storage tank has a capacity greater than 660 gallons, the total above ground oil storage capacity exceeds 1,320 gallons, or the underground oil storage capacity exceeds 42,000 gallons, and if, due to its location, the facility could reasonably be expected to discharge oil into or upon the “Navigable Waters” of the United States.

Occupational Safety and Health Administration

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. To establish standards for workplace health and safety, OSHA also created the National Institute for Occupational Safety and Health as the research institution for OSHA. The Administration is a division of the U.S. Department of Labor that oversees the administration of OSHA and enforces standards in all states. OSHA standards are listed in Title 29 CFR Part 1910.

OSHA’s Hazardous Waste Operations and Emergency Response Standard apply to five groups of employers and their employees. This includes any employees who are exposed or potentially exposed to hazardous substances (including hazardous waste) and who are engaged in clean-up operations; corrective actions; voluntary clean-up operations; operations involving hazardous wastes at treatment, storage, and disposal facilities; and emergency response operations.

State

California Environmental Protection Agency (CalEPA)

CalEPA has jurisdiction over hazardous materials and wastes at the State level. The Department of Toxic Substance Control (DTSC) is the department of CalEPA responsible for implementing and enforcing California’s own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. DTSC regulates hazardous waste in California primarily under the authority of the Federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by the U.S. EPA are called “non-RCRA hazardous wastes.” Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. California Government Code (CGC) §65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

Enforcement of directives from DTSC is handled at the local level, in this case the Riverside County Department of Environmental Health, Hazardous Materials Division. The RWQCB also has the authority to implement regulations regarding the management of soil and groundwater investigation.

California Department of Forestry and Fire Protection

CAL FIRE has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threat.

California Fire Code

California Code of Regulations, Title 24, also known as the California Building Standards Code, contains the California Fire Code (CFC), included as Title 24, Part 9. The CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution.

Hazardous Materials Release Response Plans and Inventory Act of 1985

The California Health and Safety Code, Division 20, Chapter 6.95, known as the Hazardous Materials Release Response Plans and Inventory Act or the Business Plan Act, requires businesses using hazardous materials to prepare a plan that describes their facilities, inventories, emergency response plans, and training programs. Businesses must submit this information to the County. The Environmental Health Division verifies the information and provides it to agencies responsible for protection of public health and safety and the environment. Business Plans are required to include emergency response plans and procedures in the event of a reportable release or threatened release of hazardous materials, including, but not limited to, all of the following:

- Immediate notification to the administering agency and to the appropriate local emergency rescue personnel.
- Procedures for the mitigation of a release or threatened release to minimize any potential harm or damage to persons, property, or the environment.
- Evacuation plans and procedures, including immediate notice, for the business site.

Business Plans are also required to include training for all new employees, and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of hazardous material.

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State hazardous waste management program, which is similar to but more stringent than the Federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling, treatment, storage, and disposal facilities; treatment standards; operation of facilities and staff training; and closure of facilities and liability requirements. These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing

of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

The Unified Hazardous Waste and Hazardous Materials Management Regulatory Program (Unified Program) required the administrative consolidation of six hazardous materials and waste programs (Program Elements) under one agency, a Certified Unified Program Agency (CUPA). The Program Elements consolidated under the Unified Program are Hazardous Waste Generator and On-site Hazardous Waste Treatment Programs (a.k.a. Tiered Permitting); Aboveground Petroleum Storage Tank SPCC; Hazardous Materials Release Response Plans and Inventory Program (a.k.a. Hazardous Materials Disclosure or “Community-Right-To-Know”); California Accidental Release Prevention Program (Cal ARP); UST Program; and Uniform Fire Code Plans and Inventory Requirements.

The Unified Program is intended to provide relief to businesses complying with the overlapping and sometimes conflicting requirements of formerly independently managed programs. The Unified Program is implemented at the local government level by CUPAs. Most CUPAs have been established as a function of a local environmental health or fire department. Some CUPAs have contractual agreements with another local agency, a participating agency, which implements one or more Program Elements in coordination with the CUPA. The Project site is located within Riverside County. The CUPA designated for Riverside County is the Hazardous Materials Division of the Department of Environmental Health.

Department of Toxic Substance Control

DTSC is a department of CalEPA and is the primary agency in California that regulates hazardous waste, cleans up existing contamination, and looks for ways to reduce the hazardous waste produced in California. DTSC regulates hazardous waste in California primarily under the authority of the Federal RCRA and the California Health and Safety Code (primarily Division 20, Chapters 6.5 through 10.6, and Title 22, Division 4.5). Other laws that affect hazardous waste are specific to handling, storage, transportation, disposal, treatment, reduction, cleanup, and emergency planning. CGC §65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services lists of contaminated drinking water wells, sites listed by the SWRCB as having UST leaks and have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

California Office of Emergency Services

To protect the public health and safety and the environment, the California Office of Emergency Services (OES) is responsible for establishing and managing statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. Basic information on hazardous materials handled, used, stored, or disposed of (including location, type, quantity, and the health risks) needs to be available to firefighters, public safety officers, and regulatory agencies. The information must be included in these institutions’ business plans to prevent or mitigate the damage to

the health and safety of persons and the environment from the release or threatened release of these materials into the workplace and environment.

These regulations are covered under Chapter 6.95 of the California Health and Safety Code Article 1 – Hazardous Materials Release Response and Inventory Program (§§25500 to 25520) and Article 2 – Hazardous Materials Management (§§25531 to 25543.3). CCR Title 19, Public Safety, Division 2, Office of Emergency Services, Chapter 4 – Hazardous Material Release Reporting, Inventory, and Response Plans, Article 4 (Minimum Standards for Business Plans) establishes minimum statewide standards for Hazardous Materials Business Plans (HMBP). These plans shall include the following: (1) a hazardous material inventory in accordance with §§2652 to 2655; (2) emergency response plans and procedures in accordance with §2658; and (3) training program information in accordance with §2659. Business plans contain basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of in the state. Each business shall prepare a HMBP if that business uses, handles, or stores a hazardous material or an extremely hazardous material in quantities greater than or equal to the following: 500 pounds of a solid substance, 55 gallons of a liquid, 200 cubic feet of compressed gas, a hazardous compressed gas in any amount, or hazardous waste in any quantity.

California Occupational Safety and Health Administration

The California Occupational Safety and Health Administration (Cal/OSHA) is the primary agency responsible for worker safety in the handling and use of chemicals in the workplace. Cal/OSHA standards are generally more stringent than Federal regulations. The employer is required to monitor worker exposure to listed hazardous substances and notify workers of exposure (8 CCR §§337-340). The regulations specify requirements for employee training, availability of safety equipment, accident-prevention programs, and hazardous substance exposure warnings.

In addition, Cal/OSHA regulates medical/infectious waste, including management of sharps, requirements for containers that hold or store medical/infectious waste, labeling of medical/infectious waste bags/containers, and employee training.

Regional

South Coast Air Quality Management District (SCAQMD)

SCAQMD Rule 1403 governs the demolition of buildings containing ACM. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM.

Riverside County Department of Environmental Health Hazardous Materials Branch

The Riverside County Department of Environmental Health Hazardous Materials Branch is responsible for overseeing the six hazardous materials programs in the County. The CUPA program is designed to consolidate, coordinate, and uniformly and consistently administer permits, inspection activities, and enforcement activities throughout Riverside County.

CUPA consolidates, coordinates, and makes consistent the following hazardous materials and hazardous waste programs:

- Hazardous materials release response plans and inventory (business plan)
- Hazardous waste generation and on-site treatment
- Aboveground Petroleum Storage Act (APSA)/Spill Prevention, Control, and Countermeasure Plan (SPCC plan)
- Underground storage tanks (UST)
- California Accidental Release Program (CALARP)
- Hazardous materials management plans and inventory statements under California Fire Code

Hazardous Materials Emergency Response Team

The Hazardous Materials Emergency Response Team responds to over 1,100 chemically-related emergencies or complaints each year. The program is a joint agency team staffed by the Hazardous Materials Management and Riverside County Fire/CAL FIRE.

Local Oversight Program

Under contract with the SWRCB, the Riverside County Department of Environmental Health, Local Oversight Program (LOP) oversees the investigation and cleanup of soil and groundwater contamination resulting from unauthorized releases of petroleum products (gasoline, diesel fuel, waste oil, etc.) from leaking USTs (LUSTs). The cleanup of these sites is necessary to protect the groundwaters of the State from contamination and to protect the public from exposure to hazardous materials. During each phase of assessment and cleanup, technical workplans and reports are required to be submitted to and accepted by the LOP. Once assessment and cleanup efforts have been successfully completed, the Riverside County LOP would issue a closure/no further action letter to the responsible parties.

Local

City of Banning General Plan

The Banning General Plan (GP), adopted in 2006, includes 20 GP elements which contain specific long-range planning goals and policies designed to guide growth and development in the City. The GP's relevant goals and policies are described below.

Hazardous and Toxic Materials Element

Goal	Maintain and promote measures to protect life and property from hazards resulting from human activities and development.
Policy 2	The City shall continue to conduct and participate in studies with other agencies to identify existing and potential hazards to public health and safety.
Program 2.A	Maintain, coordinate, and update the location of hazardous spills as a result of accident or intentional action, and community evacuation plans. Responsible Agencies: Fire Department, Planning Department, County Health Department; Schedule: Ongoing

- Program 2.B** The Fire Department shall maintain a citywide Emergency Response Program, which provides for emergency services in the event of a hazardous spill or airborne release. Responsible Agencies: Fire Department, City Manager's Office, County Health Department; Schedule: Ongoing
- Program 2.C** Coordinate with responsible agencies to assure enforcement of state and federal regulations for the testing and monitoring of underground fuel storage tanks for leakage. Responsible Agencies: Fire Department, state and federal EPA, County Health Department; Schedule: Ongoing
- Policy 3** The City shall thoroughly evaluate development proposals for lands directly adjacent to sites known to be contaminated with hazardous or toxic materials, traversed by natural gas transmission lines or fuel lines, or sites that use potentially hazardous or toxic materials.
- Program 3.A** Consult with the County of Riverside Department of Health on a quarterly basis to identify existing and new hazardous waste sites within the General Plan study area. Responsible Agencies: Planning Department, Fire Department, County Health Department; Schedule: Ongoing
- Program 3.B** A Conditional Use Permit shall be required for all new development that generates, transports, uses or stores significant amounts of hazardous materials. Responsible Agencies: Planning Department; Schedule: Ongoing

Banning Municipal Airport Comprehensive Land Use Plan

The Banning Municipal ALUCP was adopted by Banning City Council on January 20, 1993.⁷ The basic function of the ALUCP is to provide guidance to affected jurisdictions and promote compatibility between the airport and surrounding land uses. The ALUCP designates the airport influence area, safety zones, noise impact zones, airspace protection zones, and overflight notification zones. Height and noise restrictions for future land uses are established for the airport approach safety zones. All development shall be constructed or reconstructed in accordance with Federal Aviation Regulations Part 77. Regulations of land uses in airport compatibility zones are implemented by the RCALUC. If the RCALUC determines that a development plan is inconsistent with the Airport Land Use Plan, the RCALUC requires the local agency to reconsider its approval regarding land use compatibility. The local agency may overrule the RCALUC by a two-thirds vote of its governing board if it makes specific findings that the proposed action is consistent with §21670 of the California Public Utilities Code (California Aeronautics Act).

4.8.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G contains the Environmental Checklist Form, which includes questions concerning hazards and hazardous materials. The questions presented in the Environmental Checklist Form have been utilized as significance criteria in this section. Accordingly, the Project would have a significant effect on the environment if it would:

⁷ County of Riverside Airport Land Use Commission. 1993. *Banning Municipal Airport Comprehensive Land Use Plan*. Retrieved from: <https://www.rcaluc.org/Portals/13/PDFGeneral/plan/oldplan/Banning%20Municipal%20Airport.PDF>. (accessed January 2023).

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;
- 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 or excessive noise for people residing or working in the project area;
- Impair implementation of or physically interfere within an adopted emergency response plan or emergency evacuation plan; or
- Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria in order to determine the level of impacts related to hazards and hazardous materials. This analysis also considers existing regulations, laws and standards that serve to avoid or reduce potential environmental impacts, as well as recommendations from existing site evaluations. Where significant impacts may remain, feasible mitigation measures are recommended, where warranted, to avoid or lessen the potential for significant adverse impacts to occur.

Approach to Analysis

This analysis of impacts on hazards and hazardous materials examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on available information in public databases including local planning documents; a site evaluation of the Project site; review of Project maps and drawings; and analysis of aerial and ground-level photographs. The determination that a Project component would or would not result in "substantial" adverse effects on standards related to hazards and hazardous materials considers the available policies and regulations established by federal, state, regional, and local agencies and the amount of deviation from these policies in the Project's components.

4.8.5 Impacts and Mitigation Measures

Impact 4.8-1 *Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Level of Significance: Less Than Significant

Construction

Construction activities would include the use of materials such as fuels, lubricants, and greases in construction equipment and coatings used in construction. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. The use of these materials would also be temporary and short-term or single-use in nature and would cease upon completion of the Project's construction phase. Project construction would involve the use, storage, transport, and disposal of hazardous materials and would therefore be required to comply with all applicable federal, state, and local agencies and regulations, including the U.S. EPA, the California DTSC, the CalOSHA, Caltrans, the RCRA, and the Riverside County Department of Environmental Health Hazardous Materials Branch (the CUPA for Riverside County). Compliance with applicable laws and regulations, discussed in **Section 4.8.3**, concerning hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Therefore, hazards to the public or the environment arising from the routine transport, use, or disposal of hazardous materials during Project construction would be less than significant.

Grading Activities

Grading activities conducted during Project construction would lead to the disturbance of on-site soils. The handling and transport of these materials and exposure to contaminated soils for workers and the surrounding environment could result in a significant impact. Contaminated soils encountered during grading would be required to be removed and disposed of off-site in accordance with all applicable local, State, and federal regulations, as listed above, including the Hazardous Materials Transportation Act which establishes regulations for safe handling procedures (i.e., packaging, marking, labeling, and routing). As the site is currently vacant and no development exist on site, there are no USTs, ASTs, RECs, or any other hazardous substances observed on-site. Therefore, impacts would be less than significant.

Operation

Operation of the Project would involve the use of small amounts of hazardous materials, such as industrial cleansers, greases, and oils for cleaning and maintenance purposes. Additionally, the Project would require various outdoor landscape maintenance activities. These demands would include the storage of, and periodic application of pesticides, herbicides, and fertilizers. If equipment needed for landscaping are used and housed on-site, the Project may require the storage and of fuels and solvents on-site.

The Project may also involve transport, use, and disposal of hazardous materials; the specific substances and quantities of such materials are presently unknown. The use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the U.S. EPA, U.S. Department of Transportation, California OSHA, and the Riverside County Fire Protection District.

Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. Additionally, the Project would also be operated with strict adherence to all emergency response plan requirements set forth by the Riverside County Fire Protection District. Compliance with applicable laws and regulations concerning hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for significant hazards to the public or the environment. Mandatory compliance with laws and regulations, would ensure that operational impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-2 Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Level of Significance: Less Than Significant

Construction

See **Impact 4.8-1** above. The construction of new development such as the Project site could result in hazards to the public or the environment through the accidental upset or release of hazardous materials caused by accidental spillage of hazardous materials used during construction phases, or as a result of the exposure of contaminated soil during grading activities. Database searches did not reveal any USTs or ASTs located on the Project site. As the site is currently vacant and no development exist on site, there are no RECs, or any other hazardous substances observed on-site. Furthermore, the Project site itself is not on the Cortese list.⁸ Additionally, the Project site has not been cited or issued violation notices by any environmental regulatory agency for improper use or disposal of hazardous materials.

Compliance with applicable laws and regulations concerning hazardous materials, discussed in **Section 4.8.3**, would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable regulations, such as RCRA, for the cleanup and disposal of that contaminant. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility under SCAQMD Rule 1166. Furthermore, strict adherence to all emergency response plan requirements set forth by Riverside County Fire Department would be required through the duration of the Project construction phase. Project construction workers would also be required to conduct safe handling of hazardous material, as stated previously. Therefore, impacts would be less than significant.

⁸ DTSC. 2022. *EnviroStor Hazardous Waste and Substances Site List (Cortese)*. Retrieved from: <https://dtsc.ca.gov/dtscs-cortese-list/>. (accessed January 2023).

Operation

Project Operation would involve typical hazardous materials and chemicals such as solvents and cleaning products associated with operation of an industrial/warehouse type use. Additionally, the Project would require various outdoor landscape maintenance activities which may include storage of, and periodic application of pesticides, herbicides, and fertilizers. As discussed in **Impact 4.8-1** above, any routine transport, use, and disposal of these materials during warehouse operations must adhere to federal, state, and local regulations for transport, handling, storage, and disposal of hazardous substances. Prior to Project approval, a HMBP also would be required for approval to show conformance with all applicable materials handling protocols. Adherence to these regulations is overseen and enforced by the Riverside County Department of Environmental Health Hazardous Materials Branch. As stated previously, the CUPA program provided by the County is designed to consolidate, coordinate, and uniformly and consistently administer permits, inspection activities, and enforcement activities throughout Riverside County. Furthermore, household hazards such as cleaners and solvents contain such low quantities of liquid and material that they do not pose a significant threat related to the release of hazardous materials into the environment. A less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-3 *Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

Level of Significance: Less Than Significant

Construction and Operation

The nearest school to the Project site is Hoffer Elementary School located approximately 0.27 mile west of the Project site. At their closest points, the western boundary of the Project site and the eastern boundary of Hoffer Elementary School are approximately 0.27 mile apart. However, the majority of the Project site is located at least 0.75 mile from the nearest school. Due to the shape of the Project site (see **Figure 3-2: Local Vicinity Map**), the proposed structures would be located at least 0.75 mile away from the nearest school. The northwestern portion of the site, the area nearest the school, would include infrastructure improvements such as the extension of Wilson Street and possible parking areas to serve the proposed Project. Therefore, the Project would not emit hazardous emissions or include the handling of hazardous or acutely hazardous materials, substances, and/or wastes within one-quarter mile of an existing or proposed school. The transport of hazardous substances or materials to-and-from the Project site during construction and long-term operational activities would be required to comply with applicable federal, state, and local regulations intended to reduce public safety hazards.

Refer to **Section 4.2: Air Quality** for analysis pertaining to human health risks associated with the Project's air pollutant emissions. These health risks include harmful levels of exposure to schoolchildren located more than one-quarter mile from the Project site. As concluded in the Project's Air Quality Impact Analysis (**Appendix B1**), results of the Localized Significance Threshold analysis indicate that the Project would not

exceed the SCAQMD localized significance thresholds during construction. The Health Risk Assessment (**Appendix B2**) concluded that the Project would not exceed South Coast Air Quality Management Plan localized significance thresholds during construction. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations during Project construction. Additionally, the Project would not exceed the South Coast Air Quality Management District localized significance thresholds during operational activity. Therefore, sensitive receptors would not be exposed to substantial pollutant concentrations as the result of Project operations, and impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-4 *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Level of Significance: No Impact

Construction and Operation

CGC §65962.5 describes that before an application for a development project is completed, the Applicant and/or Lead Agency shall indicate whether the site is included on any of the listed compiled pursuant to that section and to identify which list(s). According to the Cortese List, the Project site is not included on a list of hazardous materials sites, nor are there any hazardous materials sites listed in the vicinity of the Project site. Envirostor tracks cleanup, permitting, enforcement and investigation efforts at hazardous waste facilities and sites with known or suspected contamination issues. No hazardous materials sites are located within or in the immediate vicinity of the Project site. Therefore, the Project would not create a significant hazard to the public or environment and no impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-5 *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 or excessive noise for people residing or working in the project area?*

Level of Significance: Less Than Significant

Construction and Operation

The closest airport to the Project site is the Banning Municipal Airport located approximately 1,750 feet to the south. Although the Project is within 2.0 miles of a public airport, Exhibit V-7 of the Banning General Plan Noise Element shows that the Project is located outside the 55 dBA CNEL noise contour. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-6 Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Level of Significance: Less Than Significant

Construction and Operation

When construction occurs on the Project site, with the exception of worker vehicle trips and transportation of construction materials, the majority of the proposed work would occur within the boundaries of the site and would not impede access to nearby roadways. There would be required off-site improvements as part of the Project. The City does not designate any roads as emergency evacuation routes within the Project site and any future construction activities on site would not affect any evacuation route and would not interfere with the City's emergency management program. As discussed, construction activities may require the transport of heavy equipment and materials to and from the site. These activities may temporarily impede traffic flows; however, these impediments would be localized and short-term in nature. Impacts in this regard would be less than significant.

The City has adopted an Emergency Operations Plan Part 1 and Part 2 (<http://www.banning.ca.us/DocumentCenter/View/2776/Banning-EOP---Final-Part-1---Rev-1212?bidId=>; and <http://www.banning.ca.us/DocumentCenter/View/2777/Banning-EOP---Final-Part-2--Rev1212?bidId=>) to identify hazard situations, phases of emergency management, and communication and warning systems available to effectively deal with emergency situations. No revisions to the adopted Emergency Operations Plan would be required as a result of construction on the Project site. The Project site is served by the Riverside County Fire Department Station No. 89, located at 172 N. Murray Street, approximately 1.4 miles west of the Project site. Should a response from the station or other nearby fire station be required, response times would not be impacted because primary access to all major roads would be maintained during construction.

As previously stated, WRCOG Area Evacuation Routes in the Project area include I-10, Hargrave Street, Ramsey Street, E. Wilson Street, and San Geronio Avenue. Furthermore, design of any needed roadway improvements and subsequent construction due to increased traffic volumes on local roadways would comply with the applicable federal, state, and local requirements related to emergency access and evacuation plans. The proposed design and construction plans for any future construction and roadway improvements, including potential mitigation (road widening or intersection improvements) to accommodate any future increase in traffic volume would be reviewed and approved by the City engineering department and fire marshal (if needed) during the plan review and prior to Project approval.

Neither construction or operations of the Project site would disrupt or interfere with emergency access or impede access to nearby roadways or would interfere with the City's emergency operations plan. The Project would comply with design standards for emergency services and would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant in this regard and mitigation is not necessary.

Mitigation Measures

No mitigation is necessary.

Impact 4.8-7 *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

Level of Significance: Less Than Significant

Construction and Operation

According to CAL FIRE, the Project site is located within an LRA. Within the LRA designation, the Project site is designated as a VHFHSZ, as identified on the latest FHSZ maps prepared by CAL FIRE. The Project consists of the construction of one industrial facility, with associated parking and landscaping. The Project would build all structures consistent with the latest California Building Code standards which also includes features to minimize fire hazards. In addition, due to the presence of area roadways, lack of steep slopes, and concrete construction of the Project, it is not likely to be affected by a wildfire during construction or operations. Currently, the Project site is composed of vacant land. The vacant land does not have any special infrastructure such as fuel breaks or emergency water sources. Additionally, as noted above, the Project related uses would be industrial in nature. No practices that could exacerbate fire risks are anticipated. In addition, as part of the Project site development, adjacent roadways would be improved which would serve to provide emergency ingress and egress to the site in the event of an emergency. See **Section 4.15: Wildfire** for additional information. The Project would comply with all applicable local and state regulations related to fire safety, as evaluated through the City's standard development review process. Impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.8.6 Cumulative Impacts

For purposes of hazardous materials impact analysis, cumulative impacts are considered for cumulative development in the general Project vicinity, a one-mile radius. Impacts associated with hazardous materials are often site-specific and localized. The Draft EIR evaluates environmental hazards in connection with the Project site and surrounding area.

Cumulative impacts related to hazards and hazardous materials would result from projects that combine to increase exposure to hazards and hazardous materials. The potential for cumulative impacts to occur is limited since the impacts from hazards and hazardous waste impacts are typically unique to each site and do not usually contribute to cumulative impacts. Cumulative development projects would be required to assess potential hazardous materials impacts on the development site prior to grading. Additionally, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. Furthermore, the Project and other cumulative projects would be required to comply with all federal, State, and local statutes and regulations governing hazards and hazardous wastes. Therefore, cumulative

impacts related to hazards and hazardous materials would be less than significant through compliance of applicable requirements, policies, and regulations.

4.8.7 Significant Unavoidable Impacts

No significant unavoidable hazards and hazardous materials impacts have been identified.

4.8.8 References

California Department of Forestry and Fire Protection. *Fire Hazard Severity Zone (FHSZ) Viewer*.

Retrieved from: <https://egis.fire.ca.gov/FHSZ/>. (accessed January 2023).

California Department of Toxic Substances Control. 2022. *EnviroStor Hazardous Waste and Substances Site List (Cortese)*. Retrieved from: <https://dtsc.ca.gov/dtscs-cortese-list/>. (accessed January 2023)

City of Banning General Plan. 2006. Retrieved from: <http://banning.ca.us/468/General-Plan-Amendments>. (accessed January 2023).

City of Banning. 2017. *Local Hazard Mitigation Plan*. Retrieved from: <http://www.ci.banning.ca.us/DocumentCenter/View/5100/2017-LHMP-FINAL?bidId=>. (accessed June 2022).

County of Riverside Airport Land Use Commission. 1993. *Banning Municipal Airport Comprehensive Land Use Plan*. Retrieved from: <https://www.rcaluc.org/Portals/13/PDFGeneral/plan/oldplan/Banning%20Municipal%20Airport.PDF>. (accessed January 2023).

Riverside County Airport Land Use Commission. 2004. *Banning Municipal Airport Compatibility Map Delineation*. Retrieved from: <https://www.rcaluc.org/Portals/13/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640>. (accessed January 2023).

Federal Emergency Management Agency. *National Flood Hazard Layer (NFHL) Viewer*. Retrieved from: <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>. (accessed January 2023).

Southern California Council of Governments (SCAG). 2016. *Final 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy*. Retrieved from: <https://scag.ca.gov/sites/main/files/file-attachments/f2016rtpscs.pdf?1606005557>. (accessed June 2022).

South Coast Air Quality Management District. 2016. *Final 2016 Air Quality Management Plan*. Retrieved from: <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15>.

Western Riverside Council of Governments. 2022. *WRCOG/SBCTA Sustainability Toolkit Evacuation Routes*. Retrieved from:

<https://www.arcgis.com/apps/webappviewer/index.html?id=4168a1efbdca40f889ea9dba43e04b4e&extent=-13138981.0556%2C4022288.1589%2C-12669351.9538%2C4239369.3193%2C102100>. (accessed January 2023).

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Introduction

The purpose of this section of the Draft EIR is to evaluate the potential impacts to hydrology and water quality conditions in the City of Banning from Project implementation. Hydrology concentrates on the distribution and circulation of water, both on land and underground. Water quality addresses the quality of surface and groundwater. This section will provide further context regarding the Project area's hydrologic resources. Impacts in this section are assessed regarding the Project's effects on water quality, groundwater availability, and other hydrological conditions of the surrounding area. Additionally, the analysis will determine the Project's potential effects in flood, tsunami, and seiche zones.

- Kimley-Horn and Associates, Inc., November 2022. *Preliminary Off-site Hydrology and Flood Hazard Assessment (Appendix I1)*
- Kimley-Horn and Associates, Inc., December 2023. *Preliminary Water Quality Management Plan (Appendix I2)*.
- Kimley-Horn and Associates, Inc., December 2023. *Preliminary Drainage Report (Appendix I3)*.

4.9.2 Environmental Setting

Existing Conditions

Hydrology

The Project site is currently undeveloped, vacant with poor vegetative cover. The existing drainage pattern is characterized by sheet flows across the Project site towards the southeasterly corner of the Project site, with runoff flowing to an earthen drainage channel adjacent to the south boundary of the site and north of Interstate 10 (I-10) within Caltrans right-of-way. The earthen drainage channel flows through an existing box culvert that accepts flows from the Project site and ultimately discharges to the Salton Sea. The Project site lies within the San Gorgonio River Watershed (refer to **Section 3.0: Project Description, Figure 3-2: Local Vicinity Map**).

The United States is divided into successively smaller hydrological areas, or units, which are then nested within each other. These regions are labeled from largest to smallest as regions (HUC 2), subregions (HUC 4), basins (HUC 6), subbasins (HUC 8), watersheds (HUC 10), and sub-watersheds (HUC 12). Hydrological unit boundaries of each designation are delineated based on surface features of their geographic locations. The Project site lies within the San Gorgonio River Watershed (HUC 10: 1810020101). This watershed drains toward the east and ultimately discharges into the Salton Sea.

Water Quality

The Project site is located within the Whitewater River Region which includes the urbanized areas that lie approximately between Banning and the San Gorgonio Pass area to the northwest and the Salton Sea to the southeast. The area of Riverside County in the Whitewater River Region is under the jurisdiction of the Colorado River Regional Water Quality Control Board ("Regional Water Board"). The Whitewater River

Region is approximately 367 square miles, which is approximately 5 percent of the 7,300 square miles within Riverside County.

The Project site is subject to the provisions contained in the Whitewater River Region Stormwater Management Plan (SWMP). The SWMP describes those activities and programs implemented by the Permittees to manage urban runoff to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) municipal separate storm sewer system (MS4) permit (MS4 Permit) for the Whitewater River Region.

The Permittees have revised the SWMP to address 2013 MS4 Permit requirements related to the planning and permitting of New Development and Redevelopment Projects within their jurisdictions. The objective of the New Development/Redevelopment Program is to ensure that controls are in place to prevent or minimize water quality impacts from New Development and Redevelopment Projects to the maximum extent practical (MEP). The development approval and permitting processes carries forth project-specific requirements in the form of conditions of approval, design criteria, tracking, inspection, and enforcement actions.¹

Potential Pollutants of Concerns that the Project may emit because of construction, vehicle parking, material loading and unloading, landscape maintenance may include the following:

- Green Wastes
- Herbicides
- Oil and Grease Spills
- Paint Products
- Pesticides
- Solvents
- Trash and Debris
- Asphalt
- Scrap Metals
- Wash Waters
- New/Uses Oil
- Chemicals
- Fuel
- Fertilizer

Groundwater

The Project site is located within the San Gorgonio Pass Groundwater Basin. The San Gorgonio Pass Water Agency has prepared the San Gorgonio Pass Subbasin Groundwater Sustainability Plan that provides context for the groundwater basin.² Per the Geotechnical Investigation conduction for the Project, groundwater was not encountered during the drilling of borings. Borings were made to a maximum depth of 20 feet below grade.

Flood, Tsunami, Seiche Zones

According to FEMA's National Flood Insurance Program's FIRM (Map No. 06065C0836G, rev August 28, 2008 and Map No. 06065C0837G, rev August 28, 2008), the Project site lies within FEMA Flood

¹ Colorado River Regional Water Quality Control Board. 2015. *Whitewater River Region Stormwater Management Plan*. Retrieved from: https://www.waterboards.ca.gov/rwqcb7/water_issues/programs/stormwater/docs/wwr_swmp_011515.pdf (accessed May 2023).

² San Gorgonio Pass Water Agency. 2022. *San Gorgonio Pass Subbasin Groundwater Sustainability Plan*. Retrieved from: https://www.spggsas.org/wp-content/uploads/2022/01/Final_SGPGSP_1230_2021-web.pdf (accessed June 2023).

Zone A and Zone X. The northeastern portion of the Project site is located within Zone A and the southern and western portion of the Project site is located in Zone X. Land designated as Zone X (un-shaded) are minimal flood hazard areas and are the areas above the 0.2-percent-annual-chance (or 500-year) flood level. Land designated as Zone A are areas with a one percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.

According to the Preliminary Off-site Hydrology and Flood Hazard Assessment prepared for the Project, in the event of a flood event, inundation depth for the Project site would be less than three inches with flow velocity less than two feet per second. This is due to the wide area that the Project site encompasses which allows for flood waters to dissipate.

The Project site, and the City of Banning, is not located within a California Department of Conservation Tsunami Hazard Map.³ Additionally, the City of Banning General Plan does not identify any seiche hazard zones within the City.

4.9.3 Regulatory Setting

Federal

Federal Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. Under the CWA, the U.S. Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry. EPA has also developed national water quality criteria recommendations for pollutants in surface waters.

Under the NPDES permit program, the EPA establishes regulations for discharging stormwater by municipal and industrial facilities and construction activities. Section 402 of the CWA prohibits the discharge of pollutants to “Waters of the United States” from any point source unless the discharge is in compliance with an NPDES Permit.

The Anti-degradation Policy under EPA's Water Quality Standards Regulations (48 F.R. 51400, 40 CFR 131.12, November 8, 1983), requires states and tribes to establish a three-tiered anti-degradation program to prevent a decrease in water quality standards.

- Tier 1—Maintains and protects existing uses and water quality conditions that support such uses. Tier 1 is applicable to all surface waters.

³ California Department of Conservation. 2023. *California Tsunami Maps*. Retrieved from: <https://www.conservation.ca.gov/cgs/tsunami/maps> (accessed June 2023).

- Tier 2—Maintains and protects “high quality” waters where existing conditions are better than necessary to support “fishable/swimmable” waters. Water quality can be lowered in such waters but not to the point at which it would interfere with existing or designed uses.
- Tier 3—Maintains and protects water quality in outstanding national resource waters (ONRWs). Water quality cannot be lowered in such waters except for certain temporary changes.

Anti-degradation was explicitly incorporated into the federal CWA through 1987 amendments, codified in §303(d)(4)(B), requiring satisfaction of anti-degradation requirements before making certain changes in NPDES permits.

Section 303(d) of the CWA requires the State Water Resources Control Board (SWRCB) to list impaired water bodies that are too polluted or otherwise degraded to meet the water quality standards set by states, territories, or authorized tribes. The law requires that these jurisdictions establish priority rankings for waters on the lists and develop Total Maximum Daily Loads for these waters.

Section 404 of the CWA is administered and enforced by the U.S. Army Corps of Engineers (USACE). Section 404 establishes a program to regulate the discharge of dredged and fill material into waters of the United States, including wetlands and coastal areas below the mean high tide. USACE administers the day-to-day program, and reviews and considers individual permit decisions and jurisdictional determinations. USACE also develops policy and guidance and enforces Section 404 provisions.

National Pollutant Discharge Elimination System

The NPDES permit program, created in 1972 by the CWA, helps address water pollution by regulating point sources that discharge pollutants to waters of the United States. Under the CWA, EPA authorizes the NPDES permit program to state, tribal, and territorial governments, enabling them to perform many of the permitting, administrative, and enforcement aspects of the NPDES program. California is authorized to implement CWA programs, but EPA retains oversight responsibilities.

The CWA prohibits anybody from discharging “pollutants” through a “point source” into a “water of the United States” unless they have an NPDES permit. The permit will contain limits on what can be discharged, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. The permit translates general requirements of the CWA into specific provisions tailored to the operations of each project discharging pollutants.

National Flood Insurance Program

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses.

This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. The Federal Insurance and Mitigation Administration (FIMA) within the Federal Emergency Management Agency (FEMA) is responsible for administering the NFIP and administering programs that aid with mitigating future damages from natural hazards. Chapter 15.64 - Floodplain Management of the Municipal Code provides the mechanism for the Federal Government to make flood insurance available in Banning.

State

California Porter-Cologne Water Quality Control Act (Porter-Cologne Act)

The Porter-Cologne Act (California Water Code §13000 et seq) is the principal law governing water quality regulation in California. It established a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected,
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason, and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Quality Control Boards (RWQCB) (based on hydrogeologic barriers) and the SWRCB, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The SWRCB provides program guidance and oversight, allocates funds, and reviews RWQCB decisions. In addition, the SWRCB allocates rights to the use of surface water. The RWQCBs have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrology regions. The SWRCB and RWQCBs have numerous nonpoint source pollution (NPS)-related responsibilities, including monitoring and assessment, planning, financial assistance, and management.

The RWQCBs regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The SWRCB and the RWQCBs can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions.

The Porter-Cologne Act also implements many provisions of the CWA, such as the NPDES permitting program. Section 401 of the CWA gives the SWRCB the authority to review any proposed federally permitted or federally licensed activity that may impact water quality and to certify, condition, or deny the activity if it does not comply with State water quality standards. If the SWRCB imposes a condition on

its certification, those conditions must be included in the federal permit or license. Except for dredge and fill activities, injection wells, and solid waste disposal sites, waste discharge requirements may not “specify the design, location, type of construction, or particular manner in which compliance may be had....” (Porter Cologne Act §13360). Thus, waste discharge requirements ordinarily specify the allowable discharge concentration or load or the resulting condition of the receiving water, rather than the manner by which those results are to be achieved. However, the RWQCBs may impose discharge prohibitions and other limitations on the volume, characteristics, area, or timing of discharges and can set discharge limits such that the only practical way to comply is to use management practices. RWQCBs can also waive waste discharge requirements for a specific discharge or category of discharges on the condition that management measures identified in a water quality management plan approved by the SWRCB or RWQCBs are followed.

The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. A number of statewide water quality control plans have been adopted by the SWRCB. In addition, regional water quality control plans (basin plans) have been adopted by each of the RWQCBs and are updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. Statewide and regional water quality control plans include enforceable prohibitions against certain types of discharges, including those that may pertain to nonpoint sources. Portions of water quality control plans, the water quality objectives and beneficial use designations, are subject to review by EPA. When approved they become water quality standards under the CWA.

State Water Resources Control Board

National Pollution Discharge Elimination System

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. The City of Banning is within the jurisdiction of the Colorado River RWQCB.

The NPDES permit is divided into two phases: Phase I and Phase II. Phase I requires medium and large cities, or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges. Phase II requires regulated small MS4s in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges. Concerning the Project, the NPDES permit is divided into two parts: construction and post-construction. The construction permitting is administered by the SWRCB, while the post-construction permitting is administered by the RWQCB. Development projects typically result in the disturbance of soil that requires compliance with the NPDES General Permit, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities (Order No. 2012-0006-DWQ, NPDES Number CAS000002) (General Construction Permit). This Statewide General Construction Permit regulates discharges from construction sites that disturb one or more acres of soil.

The SWRCB has issued and periodically renews a statewide General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (GCASP) and a statewide General Industrial

Activities Stormwater Permit (GIASP) for projects that do not require an individual permit for these activities. The GCASP was adopted in 2009 and further revised in 2012 (Order No. 2012-0006-DWQ). The most recent GIASP (Order No. 2014-0057-DWQ) was adopted in April 2014 and requires dischargers to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to reduce or prevent industrial pollutants in stormwater discharges, eliminate unauthorized non-storm discharges, and conduct visual and analytical stormwater discharge monitoring to verify the effectiveness of the SWPPP and submit an annual report.

By law, all stormwater discharges associated with construction activity where clearing, grading, and excavation results in soil disturbance of at least one acre of total land area must comply with the provisions of this NPDES Permit and develop and implement an effective SWPPP. The SWPPP is required to contain a site map(s), which shows the construction site perimeter, existing and proposed buildings, lots, roadways, stormwater collection and discharge points, general topography both before and after construction, and drainage patterns across the project site. The SWPPP is required to list Best Management Practices (BMPs) the discharger will use to protect stormwater runoff and the placement of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Construction General Permit Section A describes the elements that must be contained in an SWPPP. A Project Applicant must submit a Notice of Intent (NOI) to the SWRCB to be covered by the NPDES General Permit and prepare the SWPPP before beginning construction. SWPPP implementation starts with the commencement of construction and continues through project completion. Upon project completion, the Applicant must submit a Notice of Termination (NOT) to the SWRCB to indicate that construction is completed.

For industrial uses, the NPDES program requires certain industrial land uses to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program unless an exemption has been granted. This began on April 1, 2014, when the California SWRCB adopted an updated new NPDES permit for storm water discharge associated with industrial activities (referred to as the “Industrial General Permit”). The new Industrial General Permit, which is more stringent than the former Industrial General Permit, became effective on July 1, 2015. Under this currently effective NPDES Industrial General Permit, industrial uses including but not limited to manufacturing, transportation facilities, and other uses with typically heavy industrial uses would require permitting. These facilities are subject to stormwater effluent limitations. While warehousing uses are not specifically included if a covered use is implemented, the proposed Project could require NPDES coverage under this order (2014-0057-DWQ).

Municipal Stormwater Permitting Program

The Municipal Stormwater Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. The MS4 permits require the discharger to develop and implement a Stormwater Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in CWA §402(p).

The management programs specify what BMPs will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

For construction activities that would result in the disturbance of one acre or more, permittees must develop, implement, and enforce a program to reduce pollutant runoff in stormwater. This includes: (1) a program to prevent illicit stormwater discharges; (2) structural and non-structural BMPs to reduce pollutants in runoff from construction sites; and (3) preventing discharges from causing or contributing to violations of water quality standards. Permittees are required to review construction site plans to determine potential water quality impacts and ensure proposed controls are adequate. These include preparation and submission of an Erosion and Sediment Control Plan (ESCP) with elements of an SWPPP, prior to issuance of building or grading permits. The 2012 MS4 permit requires that the ESCP be developed by a Qualified SWPPP Developer. Permittees are required to develop a list of BMPs for a range of construction activities.

Local

City of Banning General Plan

The Banning General Plan (GP), adopted in 2006, includes 20 GP elements which contain specific long-range planning goals and policies designed to guide growth and development in the City. The GP's relevant goals and policies are described below.

Flooding and Hydrology Element

Goal **A comprehensive system of flood control facilities and services effectively protecting lives and property.**

Policy 6 All new development shall be required to incorporate adequate flood mitigation measures, such as grading that prevents adverse drainage impacts to adjacent properties, on-site retention of runoff, and the adequate siting of structures located within flood plains.

City of Banning Code of Ordinances⁴

Chapter 13.24 – Stormwater Management System

The following provision from the City's Municipal Code help minimize stormwater impacts associated with new development projects and are relevant to the Project. The intent of this chapter is to protect and enhance the water quality of city watercourses, water bodies, groundwater, and wetlands in a manner pursuant to and consistent with the CWA.

⁴ City of Banning, ND. *Code of Ordinances*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT13PUSE_CH13.24STMASY (accessed June 2023).

4.9.4 Impact Thresholds and Significant Criteria

The City of Banning relies upon the Environmental Checklist Form included in Appendix G of the State CEQA Guidelines to determine the significance of environmental impacts. As it applies to the Project, the Project would have a significant impact on Hydrology and Water Quality if it would:

- Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:
 - Result in substantial erosion or siltation on- or off-site?
 - Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
 - Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?
 - Impede or redirect flood flows?
- Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Methodology

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the Project's level of significance concerning hydrology and water quality. This analysis also considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where applicable, feasible mitigation measures are recommended to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on hydrology and water quality examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project site and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on available information in public databases including local planning documents, an Off-site Hydrology and Flood Hazard Assessment (**Appendix I1**), a WQMP (**Appendix I2**), and a Drainage Report (**Appendix I3**). The determination that a Project component would or would not result in "substantial" adverse effects related to hydrology and water quality includes

consideration of the available policies and regulations established by local and regional agencies and any deviation from these policies in the Project's components.

4.9.5 Impacts and Mitigation Measures

Impact 4.9-1 *Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Level of Significance: Less than Significant

Construction and Operation

Project development would consist of 1,320,284 sf of industrial warehouse use with associated truck parking and loading docks. Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction activities in the absence of any protective or avoidance measures.

Pursuant to the requirements of the Colorado River RWQCB and the City of Banning, the Project proponent would be required to obtain a NPDES Permit for construction activities.

Compliance with the NPDES permit and the Colorado River Basin Water Quality Control Program involves the preparation and implementation of a SWPPP for construction-related activities, including grading. The SWPPP would specify the BMPs that the Project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the site.

Furthermore, the Porter-Cologne Water Quality Control Act defines water quality objectives (i.e., standards) as "...the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area" (Water Code, §13050(h)).

In addition, §13.24.110 - Construction sites and on-site storage and infiltration of stormwater of the Municipal Code states:

"Any person performing construction work in the city shall comply with the provisions of this chapter and the Uniform Building Code, latest edition, for erosion and sediment control, as well as City of Banning Ordinance 1388 which is incorporated by reference hereto. In addition, except as waived by or agreed to by the director or the director's designee consistent with NPDES permit provisions and requirements, development of all land within the city must include provisions for the management of stormwater runoff from the property which is to be developed, including volumetric or flow based treatment control BMP design criteria, and/or exceptions to these requirements, and methodologies used to ensure proper management of stormwater runoff postconstruction. This management shall consist of constructing storage and/or infiltration facilities, which

includes basins. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred-year, three-hour duration event. Post development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates."

Compliance with the NPDES permit, WDRs, BMPs, and the Municipal Code would ensure the Project meets all mandatory construction storm water management requirements, and impacts would be less than significant with no mitigation required.

Pollutants of concern associated with Project development include, asphalt, concrete, fertilizers, fuel, green wastes, herbicides, new/used oil and grease, paint products, pesticides, scrap metal, solvents, wash waters, and trash and debris.

WDRs are issued by the Colorado River RWQCB under the provisions of the California Water Code, Division 7 "Water Quality," Article 4 "Waste Discharge Requirements." These requirements regulate the discharge of wastes which are not made to surface waters, but which may impact the region's water quality by affecting underlying groundwater basins. Such WDRs are issued for Publicly Owned Treatment Works' wastewater reclamation operations, discharges of wastes from industries, subsurface waste discharges such as septic systems, sanitary landfills, dairies, and a variety of other activities which can affect water quality. The Project would connect to the sanitary sewer system operated by the City which would treat all wastewater discharges into the sanitary sewer system. As the City maintains the sewer system and ensures adequate operations, waste discharges into the groundwater would not occur on the Project site or by the Project.

Additionally, the Project would implement the following applicable BMPs to minimize impacts to water quality:

- Sweep plazas, sidewalks, and parking lots regularly to prevent accumulation of litter and debris. Collect debris from pressure washing to prevent entry into the storm drain system. Collect wash water containing any cleaning agent or degreaser and discharge to the sanitary sewer, not a storm drain.
- Maintain catch basins, stormwater inlets, and other stormwater conveyance structures on a regular basis to remove pollutants, prevent clogging of the downstream conveyance system, restore catch basin's sediment trapping capacity, and ensure the system functions properly hydraulically to avoid flooding;
- Maintain landscaping using minimum or no pesticides;
- Do not rake or blow leaves, clippings, or pruning waste into the street, gutter, or storm drain. Dispose of green waste by composting, hauling it to a permitted landfill, or recycling it through the City's program, if applicable;
- Mark all storm drain inlets with the words "Only Rain Down the Storm Drain" and maintain and periodically repaint or replace the markings as necessary;
- Provide stormwater pollution prevention information to the new site owners, lessees, or operators. Include the following lease agreements: "Tenant shall not allow anyone to discharge

anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains.”;

- Trash enclosures shall have a solid impermeable roof with a minimum clearance height to allow the bin lid to completely open. Trash enclosures shall have a concrete slab floor that is graded to correct any spill within the enclosure. All trash bins within the enclosure shall be leak free and have a lid and be continuously closed. The enclosure shall be protected from receiving direct rainfall or run-on from collateral surfaces.
- Waste will be hauled by either public or commercial carriers.
- Any standing liquids must be cleaned up and disposed of properly using a mop and bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer.
- Move loaded and unloaded items indoors as soon as possible.

Additionally, pursuant to the NPDES permit, a Water Quality Management Plan is required for managing the quality of stormwater or urban runoff that flows from a developed site after construction is completed and the Project site becomes occupied and/or operational. The Water Quality Management Plan would describe the BMPs that would be implemented and maintained throughout the life of the Project to minimize and/or prevent water pollution caused by storm water or urban runoff. Post-development peak urban runoff discharge rates would not exceed pre-development peak urban runoff discharge rates, and stormwater would be captured via grated and curb inlets and be conveyed to surface detention basins. The detention basins would meet the NPDES permit requirements.

The Project site currently drains via sheet flows across the Project site towards the southeasterly corner of the Project site. Runoff is captured by an existing earthen ditch on the southern Project site boundary and is conveyed easterly into the Caltrans right-of-way, and ultimately discharges to the Salton Sea. Given the size of the Project site and the type of development allowed, the proposed on-site storm drain system would consist of landscaping/retention areas and above ground detention basins, of which six (6) are proposed and would be designed to have a capacity of 21.76 acre-feet of storm flows on the Project site. A drainage swale is proposed along the northern boundary of the Project site which would intercept and convey off-site sheet flows and shallow concentrated flows from the north to the east then south along to the eastern Project site boundary. These flows would be conveyed into the existing Caltrans stormwater infrastructure. Therefore, the proposed drainage pattern would align with the existing drainage pattern on-site and runoff discharge rates would not experience a significant change.

In addition, §13.24.120 (New development and redevelopment) of the Municipal Code states:

(d) Acceptable methods and standards for controlling stormwater runoff volumes, rates, and pollutant load may include, but are not limited to, the following:

- 1) Increase Permeable Areas. Avoid placing impervious surfaces in highly porous soil areas; incorporate landscaping and open space into the project design; use porous materials for or near driveways and walkways; incorporate detention ponds and infiltration pits into the project's design; avoid placing pavement and other impervious surfaces in low-lying areas.

- 2) Direct Runoff to Permeable Areas. Direct stormwater runoff away from impermeable areas to swales, berms, green strip filters, gravel beds, and French drains. Install rain gutters and orient them toward permeable areas. Modify the grade of the property to divert flow to permeable areas and minimize the amount of stormwater runoff leaving the property. When designing curbs, berms, or other structures, avoid designs which isolate permeable or landscaped areas.
- 3) Maximize Stormwater Storage for Reuse. Use retention structures, subsurface areas, cisterns, or other structures to store stormwater runoff for reuse or slow release.
- 4) Any new development shall comply with the provisions of this chapter, City of Banning Ordinance 1388 and the municipal NPDES permit, all of which are incorporated by reference hereto.

Therefore, Project construction and operation would not violate any water quality standards, waste discharge requirements or otherwise substantially degrade surface or ground water quality following compliance with the City Municipal Code, NPDES requirements, and Colorado River RWQCB requirements. Impacts would be less than significant, and no mitigation is required.

Mitigation Measures:

No mitigation is necessary.

Impact 4.9-2 Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Level of Significance: Less than Significant

Construction and Operation

As discussed in **Section 4.14, Utilities and Service Systems**, water is supplied to the City by three sources: groundwater, recycled water, and water imported from the State Water Project with the majority being supplied via groundwater. Additionally, Section 4.14 details that the annual water demand of the Project would be 79 acre-feet (AF). The Project's water demand would require, at most, 0.28 percent of the total water supply that is available to the City of Banning. According to the 2020 Urban Water Management Plan (UWMP) for the City, the City produces an average of 7,513 AF of groundwater per year.⁵ Assuming that all water consumed by the Project comes from groundwater, the Project's annual water demand of 79 AF would consist of a one percent increase in the total amount of groundwater produced. This does not constitute a significant increase in consumptions and would not decrease the groundwater supply for the San Geronio Pass Groundwater Basin. Impacts would be less than significant.

The development of the Project would require the construction of additional roadways, parking lots, and buildings. This would increase the impervious surface area within the City and could limit the amount of

⁵ City of Banning. 2020. *2020 Urban Water Management Plan, Table 3.3*. Retrieved from: http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId= (accessed June 2023).

infiltration available within the City. The Project would construct on-site stormwater infrastructure that would capture on-site stormwater flows only and direct them into on-site stormwater detention basins. These basins would not be lined to prevent infiltration and would allow surface water to infiltrate through the substrate and into the groundwater basin. A total of six (6) basins would be constructed on-site and would have the capacity to detain 21.76 acre-feet of storm flows on the Project site. Off-site flows are expected to by-pass the Project site after construction of the channel on the northern boundary of the Project. Additionally, the Project does not propose to alter the existing drainage pattern of the Project site and would discharge stormwater in its existing locations. As the Project would not significantly decrease groundwater supply in the basin or substantially limit the ability for stormwater and surface water to infiltrate and recharge the aquifer, impacts would be less than significant.

Mitigation Measures:

No mitigation is necessary.

Impact 4.9-3 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?

i) Result in substantial erosion or siltation on- or off-site?

Level of Significance: Less than Significant

Construction

The Project site gently slopes across the Project site from the northwest to the southeast. The Project would be designed to accommodate the size of the development and would consist of retaining walls and other grading operations. However, the Project site would be designed and stormwater infrastructure would be constructed in a manner that generally maintains the overall existing drainage pattern of the Project site. As such, Project construction would involve substantial ground disturbance during clearing and grading of the site, and on-site erosion could occur if graded slopes are not stabilized prior to ultimate development or landscaping. The proposed grading activities would generate fair amounts of silt which could be carried off-site during a heavy rainfall event and result in erosion and/or siltation downstream without any preventative measures.

However, pursuant to requirements of the Colorado River RWQCB, the Project would be required to obtain a NPDES permit for construction activities on-site. The NPDES permit is required for all projects that include ground disturbing activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area. Compliance with the NPDES permit involves the preparation and implementation of a SWPPP for construction related activities. BMPs, specified in the SWPPP, would minimize erosion and siltation impacts, and protect water quality through the implementation of straw bale barriers, silt fences, plastic sheeting/erosion control blankets, and outlet protection measures, among others. Impacts associated with erosion and siltation, water quality, and flooding would be less than significant with compliance to the SWPPP, and no mitigation is required.

Operation

With buildout of the Project, the site would generally be converted from vacant, undisturbed land to developed land consisting of industrial land uses and ornamental landscaping. As compared to existing conditions, development would reduce the site's potential for generating substantial amounts of erosion or siltation because previously undeveloped areas that contribute to erosion and siltation would be replaced by buildings, paving, landscaped areas, and other stabilized ground covers. Additionally, a Project-specific WQMP was prepared for the Project that identifies BMPs that would be implemented during operation that would treat for common surface water pollutants, including silts. The WQMP identifies pre-treatment for runoff, such as sedimentation in the stormwater detention basins and prescribes maintenance operations that would ensure the efficacy of these measures. With adherence the City Municipal Code and the Project-specific WQMP, impacts would be less than significant.

Mitigation Measures:

No mitigation is necessary.

Impact 4.9-4 *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*

ii) Substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Level of Significance: Less than Significant

Construction and Operations

The existing drainage pattern for the site is characterized by sheet flows across the Project site towards the southeasterly corner of the Project site. Runoff is captured by an existing earthen ditch on the southern boundary of the Project site and is conveyed easterly into the Caltrans right-of-way. The Project ultimately discharges into the Salton Sea. The Project site lies within the San Gorgonio River Watershed (HUC10: 1810020101).⁶

The City of Banning Public Works Department is responsible for maintaining the City's storm drain system. Stormwater infrastructure within the City is typically characterized by curb and gutter, storm drains, catch basins, underground storm water conveyance infrastructure and sewer, stormwater basins, and other appurtenant infrastructure. The ultimate discharge location for stormwater runoff within the City is the Salton Sea.

Project runoff calculations for the 100-year storm event were performed using the rational method computer program Civil Design (Civild), Civild determines runoff rates and time of concentration using criteria as specified in the Hydrology Manual.⁷ Additionally, the Project would be required to retain urban

⁶ California State Water Resources Control Board. ND. *HUC Watersheds*. Retrieved from: <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed June 2023).

⁷ Kimley-Horn. 2023. Preliminary Drainage Report. *Page 2-1*.

runoff on-site and urban runoff would be treated and mitigated via surface detention/infiltration basins. The Project's runoff flow rate, volume, velocity, and duration would not exceed the pre-development conditions for the 2-year, 24-hour and 10-year 24-hour rainfall events through implementation of Site-Design BMP concepts and low impact development (LID)/Site Design BMPs.

The Source Control BMPs applicable to the Project include an irrigation system and landscape maintenance that would minimize runoff and include the following:

- Preserve existing native trees, shrubs, and ground cover to the maximum extent possible.
- Design landscaping to minimize irrigation and runoff
- Where landscaped areas are used to retain or detain stormwater, specify plants that are tolerant of saturated soil conditions.
- Consider using pest-resistant plants, especially adjacent to hardscape.
- Do not overwater plants.

Additionally, §13.24.110 of the Municipal Code requires land development activities to include provisions for the management of stormwater runoff from the property, which is to include volumetric or flow-based treatment control BMP design criteria, which shall consist of constructing storage and/or infiltration facilities including basins and make provision to store runoff from rainfall events up to and including the 100-year, 3-hour duration event. A total of six (6) detention basins would be constructed and maintained on the Project site. These basins would have the capacity to detain 21.76 acre-feet of storm flows on the Project site. Off-site flows are expected to by-pass the Project site after construction of the channel on the northern boundary of the Project. Post development peak urban runoff discharge rates may not exceed pre-development peak urban runoff discharge rates, per the Banning Municipal Code (BMC).

As previously discussed, post-development peak urban runoff discharge rates would not exceed pre-development peak urban runoff discharge rates. Furthermore, the Project would implement BMPs to minimize impacts from runoff and comply with the existing regulatory framework. Therefore, impacts would be less than significant, and no mitigation is required.

Mitigation Measures:

No mitigation is necessary.

Impact 4.9-5 Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?

iii) Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?

Level of Significance: Less than Significant

Construction and Operations

The existing drainage pattern for the site is characterized by sheet flows across the Project site towards the southeasterly corner of the Project site. Runoff is captured by an existing earthen ditch on the southern boundary of the Project site and is conveyed easterly into the Caltrans right-of-way. The Project ultimately discharges into the Salton Sea. The Project site lies within the San Gorgonio River Watershed (HUC10: 1810020101).⁸

The City of Banning Public Works Department is responsible for maintaining the City's storm drain system. Storm water infrastructure within the City is typically characterized by curb and gutter, storm drains, catch basins, underground storm water conveyance infrastructure and sewer, stormwater basins, and other appurtenant infrastructure. The ultimate discharge location for storm water runoff within the City is the Salton Sea.

As previously discussed, Project development would include the addition of impervious surfaces that could alter absorption rates, drainage patterns, and the amount of surface runoff from the existing Project area. However, as previously described in Impact Analysis 4.9-4, post-development peak urban runoff discharge rates would not exceed pre-development peak urban runoff discharge rates and BMPs would be implemented. The BMPs would not only minimize runoff from the Project site, but would help improve water quality as well and manage pollutants in stormwater runoff.

BMPs applicable to the Project that would minimize polluted runoff include the following:

- Maintaining catch basins, stormwater inlets, and other stormwater conveyance structures on a regular basis to remove pollutants, prevent clogging of the downstream conveyance system, restore catch basin's sediment trapping capacity, and ensure the system functions properly hydraulically to avoid flooding;
- Maintain landscaping using minimum or no pesticides;
- Do not rake or blow leaves, clippings, or pruning waste into the street, gutter, or storm drain. Dispose of green waste by composting, hauling it to a permitted landfill, or recycling it through the City's program
- Sweep plazas, sidewalks, and parking lots regularly to prevent accumulation of litter and debris. Collect debris from pressure washing to prevent entry into the storm drain system. Collect wash water containing any cleaning agent or degreaser and discharge to the sanitary sewer not to a storm drain.
- Mark all storm drain inlets with the words "Only Rain Down the Storm Drain" and maintain and periodically repaint or replace the markings as necessary;
- Provide stormwater pollution prevention information to the new site owners, lessees, or operators. Include the following lease agreements: "Tenant shall not allow anyone to discharge

⁸ California State Water Resources Control Board. ND. *HUC Watersheds*. Retrieved from: <https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed June 2023).

anything to storm drains or to store or deposit materials so as to create a potential discharge to storm drains.”;

- Trash enclosures shall have a solid impermeable roof with a minimum clearance height to allow the bin lid to completely open. Trash enclosures shall have a concrete slab floor that is graded to correct any spill within the enclosure. All trash bins within the enclosure shall be leak free and have a lid and be continuously closed. The enclosure shall be protected from receiving direct rainfall or run-on from collateral surfaces.
- Waste will be hauled by either public or commercial carriers.
- Any standing liquids must be cleaned up and disposed of properly using a mop and bucket or a wet/dry vacuum machine. All non-hazardous liquids without solid trash may be put in the sanitary sewer.
- Move loaded and unloaded items indoors as soon as possible.

Furthermore, on January 12, 2010, the City of Banning adopted Ordinance No. 1415, amending Title 13, Chapter 13.24, of the Municipal Code (now entitled “Stormwater Code”) to bring it into compliance with the requirements of its Municipal NPDES Permit No. CAS617002 (R7-20080001). Among other things, the amended Stormwater Code addresses water quality on construction sites (Section 13.24.110 [Construction Sites]), which was amended in its entirety, and new development (Section 13.24.120 [New Development and Redevelopment]), which was also amended in its entirety. Section 13.24.120 requires new development to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of water and further requires new development to implement BMPs designed to control the rate and volume of stormwater runoff from new developments so as to minimize the discharge and transport of pollutants. For example, the Project will intercept stormwater runoff from the Project site and convey flows into constructed detention basins that would operate dually to control stormwater flows and to control the sedimentation levels of the stormwater. There would be a total of six (6) detention basins with a combined capacity to hold and detain 21.76 acre-feet of storm flows on the Project site.

While the development of the site would introduce urban uses into a currently undeveloped area with corresponding increases in potential pollutants that could impact stormwater runoff from the site, water quality BMPs implemented pursuant to existing regulations, listed above (see **Appendix I2** for further details), would reduce these impacts to a less than significant level in the construction phase, interim development phase, and final build out phase of the Project. Accordingly, Project impacts relative to stormwater capacity and water quality would be less than significant.

Mitigation Measures:

No mitigation is necessary.

Impact 4.9-6 *Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would?*

iv) Impede or redirect flood flows?

Level of Significance: Less than Significant

The existing drainage pattern for the site is characterized by sheet flows across the Project site towards the southeasterly corner of the Project site. Runoff is captured by an existing earthen ditch on the southern boundary of the Project site and is conveyed easterly into the Caltrans right-of-way. The Project ultimately discharges into the Salton Sea.

All flood flows draining into the Project site from the north would be intercepted and redirected to the southeastern portion of the Project site where it would discharge into the existing Caltrans right-of-way, as it does in its existing conditions. The Project would capture stormwater flows originating on the Project site which would account for and capture the entirety of the 100-year 3-hour storm event. Project-specific drainage reports and flood hazard assessments were completed and are available in **Appendix I3** and **Appendix I1** respectively. As such, the Project would follow existing flow patterns after construction. While a portion of the Project site is located within a mapped flood hazard area (Zone A and Zone X), the Project site would be designed such that the development would be above the flood elevation. As a result the Project would be required to complete a FEMA conditional letter of map revision (CLOMR) and a letter of map revision (LOMR) process prior to grading/construction and prior to building occupancy. This process would alter the the FEMA FIRM Flood zones for the portions of the Project that are within these areas. As the overall drainage flow pattern would not change across the Project site after construction, flood flows that may occur on the Project site would similarly not be altered. Impacts would be less than significant, and no mitigation is necessary.

Mitigation Measures:

No mitigation is necessary.

Impact 4.9-7 *Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

Level of Significance: Less than Significant

The Project site is located more than 50 miles from the Pacific Ocean. The San Jacinto Mountains and Santa Ana Mountains lie between the Project site and the Pacific Ocean. Should a tsunami occur, the likelihood of impacts to the Project site would be virtually nonexistent. Additionally, there are no standing bodies of water, such as lakes, ponds, reservoirs, or inland seas, on or adjacent to the Project site such that seiche would occur in the event of an earthquake, periods of high wind, or other seiche causing event.

As previously discussed, according to FIRM Map No. 06065C0836G, and Map No. 06065C0837G, indicate the Project site lies within FEMA Flood Zone A and Zone X. Land designated as Zone X are minimal flood hazard areas and are the areas above the 0.2-percent-annual-chance (or 500-year) flood level.⁹ Land

⁹ Ibid.

designated as Zone A are areas with a one percent annual chance of flooding and a 26 percent chance of flooding over the life of a 30-year mortgage.¹⁰ Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones. As previously stated, the Project would complete a FEMA CLOMR and LOMR process.

The Preliminary Off-site Hydrology and Flood Hazard Assessment conducted for the Project Site confirmed the Project site is subject to a portion of flows emanating from the west of the San Gorgonio River (subcatchment 4) along with a portion of the breakout flows from the main bank of the San Gorgonio River (Subcatchment 5). Existing flood depths within the Project site and surrounding area directly north are less than 0.25 feet (three inches) during the 100-year flood event. Although the runoff rate and volume levels were determined to be significant, the flows are dispersed over a large enough area to result in a shallow depth, with flow velocity generally less than 2 feet per second, which is considered “low damage” according to the U.S. Bureau of Reclamation Downstream Hazard Classification Guidelines.¹¹ Furthermore, prior to the issuance of certificates of occupancy, a floodplain review would occur with the Riverside County Flood Control and Water Conservation District to ensure that building elevations and that the Project complies with Riverside County Floodplain Management Ordinance No. 458. This floodplain review is not a required approval for overall Project approval. As the overall flood depth would be less than three inches, flow velocities would be less than 2 feet per second, and the Project would be designed to intercept and accommodate the 100-year 3-hour storm event, impacts would be less than significant, and no mitigation is required.

Impact 4.9-8 *Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Level of Significance: Less than Significant

Construction and Operations

The Colorado River RWQCB regulates waste discharges to minimize and control their effects on the quality of the region’s ground and surface water. As it affects the Project, the primary regulatory tool is the NPDES permit. The CWA prohibits anybody from discharging "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The permit will contain limits on what you can discharge, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health.

As previously stated, on January 12, 2010, the City of Banning adopted Ordinance No. 1415, amending Title 13, Chapter 13.24, of the Municipal Code (now entitled “Stormwater Code”) to bring it into compliance with the requirements of its Municipal NPDES Permit No. CAS617002 (R7-20080001. Among other things, the amended Stormwater Code addresses water quality on construction sites (Section 13.24.110 (Construction Sites), which was amended in its entirety, and new development (Section 13.24.120 (New Development and Redevelopment), which was also amended in its entirety. Section 13.24.120 requires new development to control stormwater runoff so as to prevent any deterioration of water quality that would impair subsequent or competing uses of water and further

¹⁰ Ibid.

¹¹ Kimley-Horn and Associates, Inc.. 2022. *Preliminary Offsite Hydrology and Flood Hazard Assessment*.

requires new development to implement BMPs designed to control the rate and volume of stormwater runoff from new developments so as to minimize the discharge and transport of pollutants.

Furthermore, the Sustainable Groundwater Management Act (SGMA) classifies California's 515 groundwater basins into one of four categories high, medium, low, or very low priority. According to the SGMA Basin Prioritization Dashboard accessed on June 25, 2020, the Project site is located within the Coachella Valley-San Gorgonio Pass Basin and is classified as "medium" priority. The SGMA requires medium- and high-priority basins to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs) and manage groundwater for long-term sustainability.

The City, in conjunction with the San Gorgonio Pass Water Agency, Banning Heights Municipal Water Agency, Cabazon Water District, Desert Water Agency, and the Mission Springs Water District, would comply with the San Gorgonio Pass Subbasin Groundwater Sustainability Plan.¹² The GSP aims to maintain sustainable groundwater conditions throughout a multi-decade hydrologic cycle. The GPS discusses the hydrogeologic setting, groundwater conditions, and water budget. The Project would comply with the GSP, and impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

4.9.6 Cumulative Impacts

Cumulative impacts to hydrology and water quality are impacts that would result from incremental changes that degrade water quality or contribute to drainage and flooding problems within the Banning area. The City of Banning's General Plan EIR notes that the construction of development resulting from implementation of the City's General Plan would eventually contribute to increased runoff generated in the entire General Plan Study Area, in which the proposed Project is included and identified a less than significant impact level. Further, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR.

Although the Project in combination with other cumulative projects in the Banning area represents an incremental change in regional drainage patterns and additional developed surfaces, the Project as well as other cumulative projects are required to construct a number of on- and off -site facilities that would mitigate cumulative drainage and flooding conditions, as well as mitigate potential water quality impacts, as discussed throughout this section. With the Project Design Features proposed to minimize potential impacts to hydrology and water quality and the regulatory requirements applicable to all development within the Banning area, the Project would not significantly contribute to cumulative or regional drainage or water quality impacts.

¹² San Gorgonio Pass Water Agency. 2022. San Gorgonio Pass Subbasin Groundwater Sustainability Plan. Retrieved from: https://www.sgpgsas.org/wp-content/uploads/2022/01/Final_SGPGSP_1230_2021-web.pdf (accessed May 2023).

4.9.7 Significant Unavoidable Impacts

No significant unavoidable impacts have been identified.

4.9.8 References

California Department of Conservation. 2023. *California Tsunami Maps*. Retrieved from:

<https://www.conservation.ca.gov/cgs/tsunami/maps> (accessed June 2023).

California State Water Resources Control Board. ND. *HUC Watersheds*. Retrieved from:

<https://gispublic.waterboards.ca.gov/portal/home/webmap/viewer.html?useExisting=1&layers=b6c1bab9acc148e7ac726e33c43402ee> (accessed June 2023).

City of Banning. 2020. *2020 Urban Water Management Plan, Table 3.3*. Retrieved from:

http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId= (accessed June 2023).

City of Banning. ND. *Code of Ordinances*. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT13PUSE_CH13_24STMASY (accessed June 2023).

Colorado River Regional Water Quality Control Board. 2015. *Whitewater River Region Stormwater Management Plan*. Retrieved from:

https://www.waterboards.ca.gov/rwqcb7/water_issues/programs/stormwater/docs/www_swm_p_011515.pdf (accessed May 2023).

Federal Emergency Management Agency. 2022. *Glossary*. Retrieved from:

<https://www.fema.gov/about/glossary> (accessed September 2022).

Kimley-Horn and Associates, Inc., 2023. *Preliminary Drainage Report*.

Kimley-Horn and Associates, Inc., 2022. *Preliminary Off-site Hydrology and Flood Hazard Assessment*.

San Geronio Pass Water Agency. 2022. *San Geronio Pass Subbasin Groundwater Sustainability Plan*.

Retrieved from: https://www.sgpgsas.org/wp-content/uploads/2022/01/Final_SGPGSP_1230_2021-web.pdf (accessed June 2023).

4.10 NOISE

4.10.1 Introduction

This section of the EIR identifies and analyzes the Banning Commerce Center Project's (Project) potential construction and operational noise and vibration effects on the surrounding area, within the City of Banning (City). Specifically, the analysis describes the existing noise environment near the Project site; the regulatory framework that guided this analysis pursuant to federal, state, and regional regulations; forecasts of future noise and vibration levels at surrounding land uses; and the potential for significant noise impacts. Information for this analysis was derived from the following:

- Kimley-Horn and Associates, Inc. (2023). *Acoustical Assessment* (**Appendix J**).
- Urban Crossroads. (2023). *Traffic Analysis* (**Appendix K1**).

4.10.2 Environmental Setting

Existing Noise Sources

The City is impacted by various noise sources. Mobile sources of noise, especially cars, trucks, trains and the Banning Municipal Airport are the most common and significant sources of noise. Other noise sources are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Mobile Sources

Existing roadway noise levels were calculated for the roadway segments in the Project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the Project traffic analysis (**Appendix K1**). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by the California Department of Transportation (Caltrans). The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in proximity to the Project site are included in **Table 4.10-1: Existing Traffic Noise Levels**.

Table 4.10-1: Existing Traffic Noise Levels

	Roadway Segment	ADT	dBA CNEL 100 Feet from Roadway Centerline
Hargrave Street	Ramsey Street to I-10 WB Ramp	8,850	65.1
	I-10 WB Ramp to I-10 EB Ramp	6,700	63.9
Hathaway Street	Wilson Street to Nicolet Street	2,300	60.5
	Nicolet Street to Ramsey Street	2,350	60.6
Ramsey Street	Hargrave Street to Hathaway Street	7,400	65.6
	Hathaway Street to I-10 EB Ramp	4,000	62.9
Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level Source: Appendix K1 , Table 7			

As depicted in **Table 4.10-1**, the existing traffic-generated noise level on Project-vicinity roadways currently ranges from 60.5 dBA Community Noise Equivalent Level (CNEL) to 65.6 dBA CNEL 100 feet from the centerline. CNEL is 24-hour average noise level with a 5 dBA “weighting” during the hours of 7:00 p.m. to 10:00 p.m. and a 10 dBA “weighting” added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Stationary Sources

The nearest stationary noise source in the Project vicinity is the Caltrans Banning Maintenance Station to the west and the Desert Hills Inspection Facility to the east. Typical noise sources from these types of facilities would include mechanical equipment such as heating, ventilation, and air conditioning (HVAC) units as well as automobile and truck related noise such as vehicles starting and doors slamming. The noise associated with these sources may represent a single-event noise occurrence or short-term noise.

Noise Measurements

The Project site is currently vacant and unoccupied. To quantify existing ambient noise levels in the Project area, Kimley-Horn conducted three short-term noise measurements on February 8, 2023; see Appendix A of **Appendix J**. The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the Project site. The 10-minute measurements were taken between 10:48 a.m. and 11:48 a.m. on February 8, 2023. Measurements of L_{eq} are considered representative of the noise levels throughout the day. The average noise levels and sources of noise measured at each location are listed in **Table 4.10-2: Existing Noise Measurements** and shown on Exhibit 4 of **Appendix J**.

Table 4.10-2: Existing Noise Measurements

Site	Location	Measurement Period	Duration	L_{eq} (dBA)
ST-1	555 N Hathaway Street, across the street from Summit	10:48 – 10:58 a.m.	10 Minutes	68.1
ST-2	Southwest corner of Williams Street and Hathaway Street	11:13 – 11:23 a.m.	10 Minutes	63.1
ST-3	Weigh Station – Banning West	11:38 – 11:48 a.m.	10 Minutes	70.5
Source: Appendix J , Table 8				

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise sensitive uses typically include residences, hospitals, schools, childcare facilities, and places of assembly. Vibration sensitive receivers are generally similar to noise sensitive receivers but may also include businesses, such as research facilities and laboratories that use vibration-sensitive equipment. The Project site is primarily surrounded by vacant/undeveloped land with residential uses located west of Hathaway Street and the Morongo Reservation to the north. Sensitive land uses nearest to the Project are listed in **Table 4.10-3: Sensitive Receptors**.

Table 4.10-3: Sensitive Receptors

Receptor Description	Distance and Direction from the Project to Property Line
Multi-family Residences	400 feet to the west
Single-family Residences	550 feet to the northwest
Single-family Residences	1,000 feet to the southwest
Single-family Residences	3,000 feet to the northeast
Source: Appendix J , Table 9	

4.10.3 Regulatory Setting

State

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of “normally acceptable,” “conditionally acceptable,” “normally unacceptable,” and “clearly unacceptable” noise levels for various land use types. Single-family homes are “normally acceptable” in exterior noise environments up to 60 CNEL and “conditionally acceptable” up to 70 CNEL. Multiple-family residential uses are “normally acceptable” up to 65 CNEL and “conditionally acceptable” up to 70 CNEL. Schools, libraries, and churches are “normally acceptable” up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State’s noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, hotel rooms, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings and habitable rooms (including hotels), the acceptable interior noise limit for new construction is 45 dBA CNEL.

Local

City of Banning General Plan

The City of Banning General Plan, Chapter V Environmental Hazards contains the following goals and policies that address minimizing or avoiding community exposure to excessive noise levels:

Noise Element

- | | |
|------------------|---|
| Goal: | A noise environment that complements the community’s residential character and its land uses. |
| Policy 1: | The City shall protect noise sensitive land uses, including residential neighborhoods, schools, hospitals, libraries, churches, resorts, and community open space, from potentially significant sources of community noise. |
| Policy 2: | The relationship between land use designations in the Land Use Element and changes in the circulation pattern of the City, as well as individual developments, shall be monitored and mitigated. |

Policy 3: Private sector project proposals shall include measures that assure that noise exposures levels comply with State of California noise insulation standards as defined in Title 25 (California Noise Insulation Standards) and/or Banning Ordinances 1138 (8.44) and 1234 (8.48), whichever is more restrictive.

Policy 8: The City shall impose and integrate special design features into proposed development that minimize impacts associated with the operation of air conditioning and heating equipment, on-site traffic, and use of parking, loading and trash storage facilities.

Land Use Compatibility

The noise criteria identified in the City of Banning General Plan, Chapter V Environmental Hazards, Noise Element (Table V-4) are guidelines to evaluate land use compatibility. The compatibility criteria provides the City with a planning tool to gauge the compatibility of land uses relative to existing and future exterior noise levels. The Land Use Compatibility for Community Noise Exposure matrix describes categories of compatibility and not specific noise standards.

City of Banning Municipal Code

Municipal Code Chapter 8.44.050 – Base ambient noise level

All ambient noise measurements shall commence at the base ambient noise levels (BANL) in decibels within the respective times and zones as follows:

Table 4.10-4: Base Ambient Noise Levels

Decibels	Time	Zone Use
45 dB(A)	10:00 p.m. — 7:00 a.m.	Residential
55 dB(A)	7:00 a.m. — 10:00 p.m.	Residential
75 dB(A)	Anytime	Industrial and commercial

Source: **Appendix J**, Table 5

Municipal Code Chapter 8.44.070 – Maximum Residential Noise Levels

No noise level shall exceed the following for the duration periods specified:

Table 4.10-5: Maximum Residential Noise Levels

Noise Level Exceeded	Maximum Duration Period
5 dB(A) above BANL	15 minutes any hour
10 dB(A) above BANL	5 minutes any hour
15 dB(A) above BANL	1 minute any hour
20 dB(A) above BANL	Not permitted

Source: **Appendix J**, Table 6

Municipal Code Chapter 8.44.080 – Maximum Nonresidential Noise Levels

No exterior noise level shall exceed the base ambient noise levels (BANL) for nonresidential land uses (refer to **Table 4.10-4**).

Municipal Code Chapter 8.44.090(E) – Noises Prohibited: Construction, Landscape Maintenance, or Repair

Restricts noise levels related to landscape maintenance and construction, including erection, excavation, demolition, alteration, or repair of any structure or improvement, to the hours between 7:00 a.m. to 6:00 p.m. provided that noise levels do not exceed 55 dBA for intervals of more than 15 minutes per hour at any time as measured in the interior of the nearest occupied residence or school.

4.10.4 Impact Thresholds and Significance Criteria

California Environmental Quality Act (CEQA) Guidelines Appendix G contains analysis guidelines related to noise and vibration. These guidelines have been used by the City to develop thresholds of significance for this analysis. A project would create a significant environmental impact if it would:

- Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Generate excessive groundborne vibration or groundborne noise levels; or
- 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, expose people residing or working in the Project area to excessive noise levels.

Methodology

Construction

Construction noise levels were based on typical noise levels generated by construction equipment published by the Federal Transit Administration (FTA) and the FHWA. Construction noise is assessed in dBA L_{eq} . This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period.

Construction noise modeling was conducted using the FHWA Roadway Construction Noise Model (RCNM). Reference noise levels are used to estimate construction noise levels at nearby noise-sensitive receptors based on a standard noise attenuation rate of 6 dB per doubling of distance (line-of-sight method of sound attenuation for point sources of noise). Noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise. The City has established a quantitative construction noise standard of 55 dBA for more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school. Standard construction provides 15 dBA of exterior-to-interior noise attenuation with windows open, therefore exterior construction noise levels above 70 dBA would result in a significant impact.

Operations

The operational noise environments were analyzed for two scenarios (i.e., Without Project and With Project), which are based on noise prediction modeling and empirical observations. Reference noise level

data are used to estimate Project operational noise levels from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise levels from stationary sources can vary throughout the day. Operational noise is evaluated based on the City's Noise Ordinance and General Plan standards.

An analysis was conducted of the Project's effect on traffic noise conditions at off-site land uses. Without Project traffic noise levels were compared to With Project traffic noise levels. The environmental baseline is the Without Project condition. The Without Project and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108). The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures (walls and buildings), barriers, and topography. The noise attenuating effects of changes in elevation, topography, and intervening structures were not included in the model. Therefore, the modeling effort is considered a worst-case representation of the roadway noise. In general, a 3-dBA increase in traffic noise is barely perceptible to people, while a 5-dBA increase is readily noticeable.

Vibration

Groundborne vibration levels associated with Project construction-related activities were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential groundborne vibration impacts related to building/structure damage and interference with sensitive existing operations were evaluated, considering the distance from construction activities to nearby land uses and typically applied criteria.

For a structure built traditionally, without assistance from qualified engineers, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any vibration damage. FTA guidelines show that modern engineered buildings built with reinforced-concrete, steel or timber can withstand vibration levels up to 0.50 in/sec and not experience vibration damage. The Caltrans 2020 Transportation and Construction Vibration Guidance Manual identifies the vibration threshold for human annoyance, vibrations levels of 0.04 in/sec begin to cause annoyance and levels of 0.2 in/sec is used for building damage.

4.10.5 Impacts and Mitigation Measures

Impact 4.10-1 *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Level of Significance: Less Than Significant

Construction

On-Site Construction Noise

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction

equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. The nearest sensitive receptors to the Project construction area are existing residential uses to the west with the nearest residential building located approximately 400 feet from the construction area. However, it is noted that construction activities would occur throughout the Project site and would not be concentrated at a single point near noise-sensitive receptors.

Construction activities would include site preparation, grading, building construction, paving, and architectural coating. Such activities would require dozers and tractors during site preparation; excavators, graders, dozers, scrapers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, and paving equipment during paving; and air compressors during architectural coating. Typical operating cycles for these types of construction equipment may involve one to two minutes of full power operation followed by three to four minutes at lower power settings. Other primary sources of acoustical disturbance would be random incidents, which would last less than one minute (such as dropping large pieces of equipment or the hydraulic movement of machinery lifts). Typical noise levels associated with individual construction equipment are listed in **Table 4.10-6: Typical Construction Noise Levels**.

Table 4.10-6: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source	Typical Noise Level (dBA) at 400 feet from Source ¹
Air Compressor	81	63
Backhoe	80	62
Compactor	82	64
Concrete Mixer	85	67
Concrete Pump	82	64
Concrete Vibrator	76	58
Crane, Mobile	83	65
Dozer	85	67
Generator	81	63
Grader	85	67
Impact Wrench	85	67
Jack Hammer	88	70
Loader	85	67
Paver	89	71
Pneumatic Tool	85	67
Pump	76	58
Roller	74	56
Saw	76	58
Scraper	89	71
Shovel	82	64
Truck	88	70
¹ Calculated using the inverse square law formula for sound attenuation: $dBA2 = dBA1 + 20\log(d1/d2)$ Where: dBA2 = estimated noise level at receptor; dBA1 = reference noise level; d1 = reference distance; d2 = receptor location distance Source: Appendix J , Table 10.		

Although the construction equipment noise levels in **Table 4.10-6** are from FTA’s 2018 Transit Noise and Vibration Impact Assessment Manual, the noise levels are based on measured data from a U.S. Environmental Protection Agency report which uses data from the 1970s, the FHWA Roadway Construction Noise Model which uses data from the early 1990s, and other measured data. Since that time, construction equipment has been required to meet more stringent emissions standards and the additional necessary exhaust systems also reduce noise from what is shown in the table.

Following FTA’s methodology for quantitative construction noise assessments, construction-generated noise levels associated with the Project were calculated using FHWA’s RCNM computer program. RCNM enables the prediction of construction noise levels for a variety of construction operations based on a compilation of empirical data and the application of acoustical propagation formulas. The program enables the calculation of construction noise levels in more detail and with more accuracy than manual methods while avoiding the need to collect extensive amounts of project-specific input data.

Following FTA methodology, when calculating construction noise, all equipment is assumed to operate at the center of the construction area because equipment would operate throughout the site and not at a fixed location for extended periods of time. Therefore, the distance used in the RCNM model was 3,000 feet for the nearest residential uses located to the west.

The noise levels calculated in **Table 4.10-7: Construction Noise Levels at Nearest Receptor**, show estimated exterior construction noise for each phase of construction without accounting for attenuation from intervening barriers, structures, or topography. Because building construction, paving, and architectural coating activities are anticipated to overlap, the equipment from these phases have been combined. During construction, equipment would operate throughout the Project site and the associated noise levels would not occur at a fixed location for extended periods of time. The closest sensitive receptors are located along the western property line.

Table 4.10-7: Construction Noise Levels at Nearest Receptor

Construction Phase	Modeled Exterior Construction Noise Level (dBA L _{eq}) ¹	Exterior Noise Threshold (dBA L _{eq})	Exceed Threshold?
Site Preparation	51.2	70	No
Grading	52.7	70	No
Building Construction/Paving/Architectural Coating	51.3	70	No
1. Following FTA methodology, all equipment is assumed to operate at the center of the Project site because equipment would operate throughout the Project site and not at a fixed location for extended periods of time. Thus, the worst-case distance used in the RCNM model was 3,000 feet to the property line west of the construction zone. Source: Appendix J , Table 11.			

As indicated in **Table 4.10-7**, Project construction noise levels would not exceed the City’s 70 dBA threshold (equivalent to 55 dBA interior noise levels, assuming 15 dBA outdoor to indoor noise reduction with windows open). Therefore, noise levels when measured in the interior of the nearest occupied residence would not exceed the City’s threshold of 55 dBA at any time. In addition, as required by the City Municipal Code, construction activities may only occur between the hours of 7:00 a.m. and 6:00 p.m. Construction noise would therefore have a less than significant impact.

Off-Site Construction Traffic Noise

Construction noise may be generated by passenger cars from worker trips and trucks to deliver materials and haul soil to and from the Project site. Delivery trucks, haul trucks, and worker vehicles associated with the construction of the Project would vary from day to day. The Project's off-site construction noise impact from vendor trucks was analyzed by using the FHWA RD-77-108 model to quantify noise from the Project's maximum estimated truck usage with existing traffic and roadway noise levels along the potential haul routes. The location of roadside sensitive receptors was also considered. The Project would require 466 vendor truck trips for the delivery of construction materials during the building construction phase of the Project. The addition of vendor trucks would alter the fleet mix of haul route roadways. This effect was accounted for by adjusting the fleet mix (i.e., increasing the truck percentages) in the FHWA RD-77-108 model.

Table 4.10-8: Construction Traffic Noise Levels provides the predicted noise levels along Hargrave Street, Hathaway Street, and Ramsey Street as all construction traffic is anticipated to access the site from this route. **Table 4.10-8** shows that roadway noise levels would range from 60.5 dBA to 65.6 dBA under existing conditions and from 64.5 dBA to 67.3 dBA under existing conditions plus Project construction. The greatest change in noise levels would occur along Hathaway Street from Wilson Street to Nicolet Street. Construction traffic would result in an increase in ambient noise levels of up to 4.0 dBA. This increase in ambient noise levels is above the perceptible range (3.0 dBA), however traffic noise does not exceed the noise and land use compatibility standard of 70 dBA for residential uses. Therefore, a less than significant impact would occur.

Table 4.10-8: Construction Traffic Noise Levels

Roadway Segment		Existing Conditions		Existing Conditions Plus Construction		Change	Noise Threshold	Significant Impact
		ADT	dBA CNEL at 100 feet from Roadway Centerline	ADT	dBA CNEL at 100 feet from Roadway Centerline			
Hargrave Street	Ramsey Street to I-10 WB Ramp	8,850	65.1	10,357	67.0	1.9	70	No
	I-10 WB Ramp to I-10 EB Ramp	6,700	63.9	8,357	66.2	2.3	70	No
Hathaway Street	Wilson Street to Nicolet Street	2,300	60.5	3,957	64.5	4.0	70	No
	Nicolet Street to Ramsey Street	2,350	60.6	4,007	64.5	3.9	70	No
Ramsey Street	Hargrave Street to Hathaway Street	7,400	65.6	9,057	67.3	1.7	70	No
	Hathaway Street to I-10 EB Ramp	4,000	62.9	5,707	65.6	2.7	70	No
ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level. Source: Appendix J , Table 12.								

Operations

Implementation of the Project would create new sources of noise in the Project vicinity. The major noise sources associated with the Project would include stationary noise equipment (i.e., trash compactors, air

conditioners, etc.); truck and loading dock (i.e., slow-moving truck on the site, maneuvering and idling trucks, equipment noise); parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and off-site traffic noise.

Mechanical Equipment

The warehouse portion of the Project is surrounded by vacant property to the north, east, and west while the southern portion of the Project is adjacent to I-10. The Project also includes an access road and truck parking lot along the northern boundary of the Project, running east to west. Residential properties to the west are approximately 400 feet from the access road and parking lot portion of the Project. Potential stationary noise sources related to long-term operation of the Project site would include mechanical equipment. Mechanical equipment (e.g., HVAC equipment) typically generates noise levels of approximately 52 dBA at 50 feet. Based on current site plans, the warehouse building would be located approximately 2,970 feet east of the nearest residential property on Hathaway Street. At a minimum distance of 2,970 feet, mechanical equipment noise levels would attenuate to 16.5 dBA, which is below the City's ambient noise standards of 45 dBA for nighttime (10:00 p.m. – 7:00 a.m.) and 55 dBA for daytime (7:00 a.m. – 10:00 p.m.) for residential receptors (refer to **Table 4.10-4**). Noise from mechanical equipment would also be below the City's non-residential 75 dBA standard. Noise impacts associated with HVAC equipment would be less than significant. Operation of mechanical equipment would not increase ambient noise levels beyond the acceptable compatible land use noise levels. Therefore, the Project would result in a less than significant impact related to stationary noise levels. Further, the Project would be required to comply with the General Plan and Municipal Code noise standards.

Warehouse Truck and Loading Dock Noise

During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting braking activities; backing up toward the docks; dropping down the dock ramps; and maneuvering away from the docks. The proposed warehouse building includes dock-high doors for truck loading/unloading and manufacturing/light industrial operations. The dock-high doors are approximately 750 feet from the closest property line (non-residential uses located to the east). The closest residential property line is approximately 3,040 feet to the west. Truck and loading dock noise is typically 64.4 dBA L_{eq} at 50 feet.

Based on distance attenuation, noise levels due to loading/unloading would be reduced to 28.7 dBA at the closest residential property line located 3,040 feet to the west of the loading areas. At the closest non-residential property line, noise levels would be 40.9 dBA. Therefore, loading/unloading noise levels would be below the City's 45 dBA nighttime residential standard and below the 75 dBA non-residential standard. It should be noted that this noise level does not assume any reductions for topographical differences and intervening terrain. Furthermore, loading dock doors would also be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior warehouse activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, interior loading and associated activities would be permissible during all hours of the day. As described above, noise levels associated with trucks and loading/unloading activities would not exceed the City's standards and impacts would be less than significant.

Parking Noise

Parking would be located north, east, west, and south of the warehouse and the parking strip to the north. The traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 50 feet for normal speech to 50 dBA at 50 feet for very loud speech. It should be noted that parking lot noises are instantaneous noise levels compared to noise standards in the hourly L_{eq} metric, which are averaged over the entire duration of a time period. As a result, actual noise levels over time resulting from parking lot activities would be far lower than the reference levels identified above.

For the purpose of providing a conservative, quantitative estimate of the noise levels that would be generated from the vehicles entering and exiting the parking lot, the methodology recommended by FTA for the general assessment of stationary transit noise sources is used. Using the methodology, the Project's peak hourly noise level that would be generated by the on-site parking levels was estimated using the following FTA equation for a parking lot:

$$L_{eq(h)} = SEL_{ref} + 10 \log (NA/1,000) - 35.6$$

Where:

$L_{eq(h)}$ = hourly L_{eq} noise level at 50 feet

SEL_{ref} = reference noise level for stationary noise source represented in sound exposure level (SEL) at 50 feet

NA = number of automobiles per hour

35.6 is a constant in the formula, calculated as 10 times the logarithm of the number of seconds in an hour

Based on the peak hour trip generation rates in the Traffic Study (**Appendix K1**), approximately 910 trips during the worst-case peak hour would be made to the Project site each day. Using the FTA's reference noise level of 92 dBA SEL at 50 feet from the noise source, the Project's highest peak hour vehicle trips would generate noise levels of approximately 56 dBA L_{eq} at 50 feet from the parking lot. The nearest property line is 400 feet west of the closest parking area. Based strictly on distance attenuation, parking lot noise at the nearest receptor would be 37.9 dBA which is below the City's nighttime residential and non-residential noise standards of 45 dBA and 75 dBA, respectively. Therefore, noise impacts from parking lots would be less than significant.

Off-Site Traffic Noise

Implementation of the Project would generate increased traffic volumes along nearby roadway segments. Based on the Traffic Impact Analysis, the proposed Project would result in approximately 5,384 daily trips. The "Opening Year Without Project" and "Opening Year With Project" scenarios are compared in **Table 4.10-9: Opening Year and Opening Year Plus Project Traffic Noise Levels**. As shown in **Table 4.10-9**, roadway noise levels without the Project (existing roadways), would range from 60.8 dBA CNEL to

65.9 dBA CNEL and with the Project between 57.9 dBA CNEL and 66.3 dBA CNEL (includes roadways to be constructed by the Project). Project generated traffic would result in a maximum increase of 3.4 dBA on existing roads, this increase would occur on Hathaway Street from Wilson Street to Nicolet Street. In general, a 3-dBA increase in traffic noise is barely perceptible to people, while a 5-dBA increase is readily noticeable. **Table 4.10-9** shows that none of the roadway segments would exceed both a 3.0 dBA increase and exceed the City's noise and land use compatibility standards of 70 CNEL for residential uses, standard for noise-sensitive land use that exceeds the noise, and land use compatibility standards. Therefore, Project traffic noise would result in a less than significant impact.

Table 4.10-9: Opening Year and Opening Year Plus Project Traffic Noise Levels

Roadway Segment		Opening Year Without Project		Opening Year With Project		Change	Land Use Compatibility	Significant Impact ²
		ADT	dBA CNEL ¹	ADT	dBA CNEL ¹			
Hargrave Street	Ramsey Street to I-10 WB Ramp	9,350	65.3	11,750	66.2	0.9	70	No
	I-10 WB Ramp to I-10 EB Ramp	7,100	64.2	8,400	65.3	1.1	70	No
Hathaway Street	Wilson Street to Nicolet Street	2,450	60.8	7,600	64.2	3.4	70	No
	Nicolet Street to Ramsey Street	2,500	60.9	7,400	63.7	2.8	70	No
O'Donnell Street	Wilson Street to Nicolet Street	NA	NA	4,750	59.3	NA	70	No
Ramsey Street	Hargrave Street to Hathaway Street	7,850	65.9	11,450	66.3	0.4	70	No
	Hathaway Street to I-10 EB Ramp	4,250	63.2	5,550	64.0	0.8	70	No
Wilson Street	Hathaway Street to Driveway	NA	NA	5,400	62.5	NA	70	No
	Driveway to O'Donnell Street	NA	NA	5,350	62.5	NA	70	No
	O'Donnell Street to Driveway	NA	NA	450	57.9	NA	70	No
ADT = average daily traffic; dBA = A-weighted decibels; CNEL = community noise equivalent level; NA = data not available, roadway does not exist without Project								
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.								
2. Potential impacts occur when the Project change exceeds 3 dBA and the land use compatibility standard is exceeded (i.e., both must occur).								
Source: Appendix J , Table 13.								

As discussed, construction and operation of the Project would not result in significant noise impacts.

Mitigation Measures

No mitigation is required.

Impact 4.10-2 Generation of excessive groundborne vibration or groundborne noise levels?

Level of Significance: Less Than Significant

Construction Vibration

Construction can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. Construction on the Project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved.

The FTA has published standard vibration velocities for construction equipment operations. In general, the FTA architectural damage criterion for continuous vibrations (i.e., 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment. For example, for a building that is constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.20 in/sec is considered safe and would not result in any construction vibration damage.

Table 4.10-10: Typical Construction Equipment Vibration Levels, lists vibration levels at 25 feet for typical construction equipment. Vibration levels at 400 feet, the distance from the Project boundary to the nearest existing structure is also included in **Table 4.10-10**. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 4.10-10**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during Project construction range from 0.003 to 0.089 in/sec PPV at 25 feet from the source of activity.

Table 4.10-10: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity at 25 feet (in/sec)	Peak Particle Velocity at 400 feet (in/sec) ¹
Large Bulldozer	0.089	0.0014
Caisson Drilling	0.089	0.0014
Loaded Trucks	0.076	0.0012
Jackhammer	0.035	0.0005
Small	0.003	0.0000
1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$, where: PPV_{equip} = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPV_{ref} = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018; D = the distance from the equipment to the receiver. Source: Appendix J , Table 14.		

The nearest structure to the Project construction site is approximately 400 feet away. **Table 4.10-10** shows that at 400 feet the vibration velocities from construction equipment would not exceed 0.0014 in/sec PPV, which is below the FTA's 0.20 in/sec PPV threshold for building damage and below the 0.04 in/sec PPV annoyance threshold. It is also acknowledged that construction activities would occur throughout the

Project site and would not be concentrated at the point closest to the nearest structure. Therefore, vibration impacts associated with Project construction would be less than significant.

Operational Vibration

The Project would include truck movement activity at the Project site. These movements would generally be low-speed (i.e., less than 15 miles per hour) and would occur over new, smooth surfaces. For perspective, Caltrans has studied the effects of propagation of vehicle vibration on sensitive land uses and notes that “heavy trucks, and quite frequently buses, generate the highest earthborn vibrations of normal traffic.” Caltrans further notes that the highest traffic-generated vibrations are along freeways and state routes. Their study finds that “vibrations measured on freeway shoulders (five meters from the centerline of the nearest lane) have never exceeded 0.08 inches per second, with the worst combinations of heavy trucks and poor roadway conditions (while such trucks were moving at freeway speeds). This level coincides with the maximum recommended safe level for ruins and ancient monuments (and historic buildings)”. Since the Project’s truck movements would be at low speed (not at freeway speeds) and would be over smooth surfaces (not under poor roadway conditions), Project-related vibration associated with truck activity would not result in excessive groundborne vibrations; no vehicle-generated vibration impacts would occur. In addition, there are no sources of substantial groundborne vibration associated with the Project, such as rail or subways. The Project would not create or cause any vibration impacts due to operations.

Mitigation Measures

No mitigation is required.

Impact 4.10-3 *For or 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?*

Level of Significance: Less Than Significant

The closest airport to the Project site is the Banning Municipal Airport located approximately 1,750 feet to the south. Although the Project is within 2.0 miles of a public airport, Exhibit V-7 of the Banning General Plan Noise Element shows that the Project is located outside the 55 dBA CNEL noise contour. Additionally, there are no private airstrips located within the Project vicinity. Therefore, the Project would not expose people working in the Project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

Mitigation Measures

No mitigation is required.

4.10.6 Cumulative Impacts

Cumulative Construction Noise

The Project's construction activities would not result in a substantial temporary increase in ambient noise levels. Construction noise would be periodic and temporary noise impacts that would cease upon completion of construction activities. The Project would contribute to other proximate construction project noise impacts if construction activities were conducted concurrently. However, based on the noise analysis above, the Project's construction-related noise impacts would be less than significant following the City of Banning Municipal Code.

Construction activities at other planned and approved projects near the Project site would be required to comply with applicable City rules related to noise and would take place during daytime hours on the days permitted by the applicable Municipal Code, and projects requiring discretionary City approvals would be required to evaluate construction noise impacts, comply with the City's standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are by nature localized. Based on the fact that noise dissipates as it travels away from its source, noise impacts would be limited to the Project site and vicinity. Therefore, Project construction would not result in a cumulatively considerable contribution to significant cumulative impacts, assuming such a cumulative impact existed, and impacts in this regard are not cumulatively considerable.

Cumulative Operational Noise

Cumulative Off-Site Traffic Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the Project and other foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the Project and other projects in the vicinity. Cumulative increases in traffic noise levels were estimated by comparing the Existing and Opening Year Without Project scenarios to the Opening Year Plus Project scenario. The traffic analysis considers cumulative traffic from future growth assumed in the transportation model, as well as cumulative projects.

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The following criteria is used to evaluate the combined and incremental effects of the cumulative noise increase.

- ***Combined Effect.*** The cumulative with Project noise level ("Opening Year With Project") would cause a significant cumulative impact if a 3.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to the Project in combination with other related projects (combined effects), it must also be demonstrated that the Project has an incremental effect. In other words, a significant portion of the noise increase must be due to the Project.
- ***Incremental Effects.*** The "Horizon Year With Project" causes a 1.0 dBA increase in noise over the "Opening Year Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded and the resulting noise level exceeds the City's noise compatibility standard. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the proposed Project and growth due to occur in the general area would contribute to cumulative noise impacts.

Table 4.10-11: Cumulative Off-Site Traffic Noise Levels identifies the traffic noise effects along roadway segments in the Project vicinity for "Existing," "Opening Year Without Project," and "Opening Year With Project," conditions, including incremental and net cumulative impacts. **Table 4.10-11** shows the increase for combined effects and incremental effects would meet the criteria for cumulative noise increase. However, traffic noise levels from the Project do not exceed the City's noise compatibility standards. Therefore, the Project, in combination with cumulative background traffic noise levels, would result in a less than significant cumulative impact. The proposed Project's contribution would not be cumulatively considerable.

Table 4.10-11: Cumulative Off-Site Traffic Noise Levels

Roadway Segment		Existing ¹	Opening Year Without Project ¹	Opening Year With Project ¹	Combined Effects Difference in dBA Between Existing and Opening Year With Project	Incremental Effects Difference in dBA Between Opening Year Without Project and Opening Year With Project	Noise Compatibility Standard	Cumulatively Significant Impact?
Hargrave Street	Ramsey Street to I-10 WB Ramp	65.1	65.3	66.2	1.1	0.9	70	No
	I-10 WB Ramp to I-10 EB Ramp	63.9	64.2	65.3	1.4	1.1	70	No
Hathaway Street	Wilson Street to Nicolet Street	60.5	60.8	64.2	3.7	3.4	70	No
	Nicolet Street to Ramsey Street	60.6	60.9	63.7	3.1	2.8	70	No
O'Donnell Street	Wilson Street to Nicolet Street	NA	NA	59.3	NA	NA	70	No
Ramsey Street	Hargrave Street to Hathaway Street	65.6	65.9	66.3	0.7	0.4	70	No
	Hathaway Street to I-10 EB Ramp	62.9	63.2	64.0	1.1	0.8	70	No

Roadway Segment		Existing ¹	Opening Year Without Project ¹	Opening Year With Project ¹	Combined Effects Difference in dBA Between Existing and Opening Year With Project	Incremental Effects Difference in dBA Between Opening Year Without Project and Opening Year With Project	Noise Compatibility Standard	Cumulatively Significant Impact?
Wilson Street	Hathaway Street to Driveway	NA	NA	62.5	NA	NA	70	No
	Driveway to O'Donnell Street	NA	NA	62.5	NA	NA	70	No
	O'Donnell Street to Driveway	NA	NA	57.9	NA	NA	70	No
dBA = A-weighted decibels; CNEL = community noise equivalent level; NA = data not available, roadway does not exist without Project								
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.								
Source: Appendix J , Table 15.								

Cumulative Stationary Noise

Stationary noise sources of the Project would result in an incremental increase in non-transportation noise sources in the Project vicinity. However, as discussed above, operational noise caused by the Project would be less than significant. Similar to the Project, other planned and approved projects would be required to mitigate for stationary noise impacts at nearby sensitive receptors, if necessary. As stationary noise sources are generally localized, there is a limited potential for other projects to contribute to cumulative noise impacts.

No known past, present, or reasonably foreseeable projects would combine with the operational noise levels generated by the Project to increase noise levels above acceptable standards because each project must comply with applicable City regulations that limit operational noise. Therefore, the Project, together with other projects, would not create a significant cumulative impact, and even if there was such a significant cumulative impact, the Project would not make a cumulatively considerable contribution to significant cumulative operational noises.

Given that noise dissipates as it travels away from its source, operational noise impacts from on-site activities and other stationary sources would be limited to the Project site and vicinity. Thus, cumulative operational noise impacts from related projects, in conjunction with Project specific noise impacts, would not be cumulatively significant.

4.10.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.10.8 References

Kimley-Horn and Associates, Inc. (2023). *Acoustical Assessment*.

Urban Crossroads. (2023). *Traffic Analysis*.

4.11 PUBLIC SERVICES

4.11.1 Introduction

This section evaluates potential the Banning Commerce Center's (Project) potential individual and cumulative environmental impacts on public services by identifying anticipated demand and evaluating the Project's relationship to existing and planned public services, facilities, and availability to serve the City of Banning (City) population. For abbreviation purposes, the general term "public services" in this Draft Environmental Impact Report (EIR) includes the following: fire protection, police protection, schools, parks, and other services. This section identifies potential impacts that could result from Project implementation, which includes construction and operation of the warehouse.

In accordance with Appendix G of the California Environmental Quality Act (CEQA), the emphasis in this Draft EIR is on impacts to public services that could result from Project implementation and could require construction of new or expansion of existing public service facilities, which would result in a physical impact on the environment. The environmental setting discussion is based largely on review of relevant documents and information including the following:

- City of Banning General Plan (GP). <http://banning.ca.us/468/General-Plan-Amendments>.
- City of Banning GP EIR. (*This document is available from the City via a Public Records Request*).
- Riverside County Fire Department. <https://www.rvcfire.org/>.
- City of Banning Fire and Rescue. <http://www.banning.ca.us/344/Fire-and-Rescue>.
- City of Banning Police Department. <http://www.banning.ca.us/17/Banning-Police-Department>.
- Personal Communication.

4.11.2 Environmental Setting

Fire Protection

The City of Banning contracts for fire protection services with the Riverside County Fire Department (RCFD)/California Department of Forestry and Fire Protection (CAL FIRE), providing a full range of fire protection services including full range fire suppression, medical response, HazMat response, and rescue.¹ Although the City contracts fire services with Riverside County, the City has its own Fire Marshal, and all reviews are done by the City Fire Marshal and no submittals to Riverside County are required.² The Fire Marshal reviews all new development plans, and future development is required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency access, and fire flow. There is currently one fire station and two fire engines staffed for emergency response within the City. The downtown station, Station 89, is located at 172 N. Murray Street, and is the closest Station to the Project site.³ Station 89 is located approximately one mile west of the Project site. The⁴

¹ City of Banning. ND. *Banning Fire Services*. Retrieved from: <http://www.banning.ca.us/24/Fire-CDF-Contract>. (accessed May 2023).

² City of Banning. ND. *Fire Prevention, Planning & Engineering*. Retrieved from: <http://www.banning.ca.us/142/Fire-Prevention-Planning-Engineering>. (accessed January 2023)

³ City of Banning. ND. *Fire and Rescue*. Retrieved from: <https://www.ci.banning.ca.us/34C4/Fire-and-Rescue>. (accessed January 2023).

⁴ Jeff Poth FAE Paramedic. Station 89. February 10, 2023. Personal Communication (phone call).

average emergency response times for Station 89 is approximately 4-5 minutes. Also nearby is The Morongo Reservation Fire Department located 2.4 miles northeast of the Project site at 11581 Potrero Road, Banning, CA 92220, Station 89 is closest in proximity to the Project Site.

Police Protection

Police protection services would be provided by the City of Banning Police Department (BPD), located approximately one mile west of the Project site at 125 E. Ramsey Street. The BPD operate out of a single police station. The BPD is comprised seven divisions including Animal Control, Dispatch, Investigations, Patrol, Property and Evidence, and records services. The dispatch division answers emergency and non-emergency calls for service and sends appropriate assistance to citizens. The investigations division provides detectives which file cases against criminals and work with the district attorney's office for successful prosecution. The patrol division consist of 15 officers who respond to all calls for service. Patrol officers handle traffic collisions, disturbances, domestic violence incidents, crime reports, and suspicious persons and vehicles.⁵ The BPD crime statistics are located at <http://www.banning.ca.us/590/Crime-Stats>.

Schools

The Project site is within the boundaries of the Banning Unified School District (BUSD), which includes four elementary schools, an intermediate school, a middle school, two high schools, and an independent study school.⁶ Schools closest to the Project site include Hoffer Elementary School located at 1115 E. Hoffer Street, approximately 0.5 mile northwest of the Project site, Nicolet Middle School located at 101 E. Nicolet Street, approximately one mile northwest of the Project site, and Banning High School located at 100 W. Westward Avenue, approximately 1.3 mile southwest of the Project site.

Parks and Recreation

Available for public use in the City of Banning are six City-owned parks. The closest parks to the Project site include Roosevelt Williams Park located approximately 0.5 miles northwest of the Project site at 3758 Cypress Street; Lions Park located approximately one mile southwest of the Project site at 955 S. Hargrave Street; and Repplier Park located approximately 1.3 miles northwest of the Project site at 201 W. George Street.⁷

Other Public Facilities

The Banning Library is located at 21 West Nicolet Street, approximately 1.0 mile west of the Project site. The Banning Library is a facility operated by the City Public Works Department. The Banning Library is a special district governed by a board of trustees consisting of five elected members. Currently, the Banning Library serves a population of 31,221 people.⁸

⁵ City of Banning. ND. *Patrol*. Retrieved from: <http://www.banning.ca.us/545/Patrol>, (accessed January 2023).

⁶ Banning Unified School District. 2023. *Schools*. Retrieved from: <https://www.banning.k12.ca.us/>, (accessed January 2023).

⁷ City of Banning. ND. *City Parks*. Retrieved from: <https://www.ci.banning.ca.us/408/City-Parks>, (accessed January 2023).

⁸ Banning Library District. 2020. *About the Library*. Retrieved from: <https://www.banninglibraryca.gov/about-the-library/aboutthelibrary.php>, (accessed June 2023).

4.11.3 Regulatory Setting

Federal

Federal Emergency Management Act

In March 2003, the Federal Emergency Management Act (FEMA) became part of the U.S. Department of Homeland Security. FEMA's continuing mission is to lead the effort to prepare the nation for all hazards and effectively manage federal response and recovery efforts following any national incident. FEMA also initiates proactive mitigation activities, trains first responders, and manages the National Flood Insurance Program and the U.S. Fire Administration.

Fire Prevention and Control Act of 1974

The Federal Fire Prevention and Control Act of 1974 was created to reduce the nation's losses caused by fire through better fire prevention and control, supplement existing programs of research, training, and education, and to encourage new and improved programs and activities by State and local governments. In addition, the act established the U.S. Fire Administration and the Fire Research Center within the Department of Commerce. The Fire Prevention and Control Act established an intensified program of research into the treatment of burn and smoke injuries and the rehabilitation of victims of fires within the National Institutes of Health.

Occupational Safety and Health Administration

The Occupational Safety and Health Administration's (OSHA) mission is to "assure safe and healthy working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance." The agency is also charged with enforcing a variety of whistleblower statutes and regulations.

Emergency Action Plan

Developments are required under OSHA standards to prepare an emergency action plan (EAP) kept in the workplace that provides procedures to be followed by all employees for reporting a fire or other emergency and emergency evacuation, including type of evacuation and exit route assignments. Employers are required to have and maintain an employee alarm system, provide training, and review the EAP with each employee covered by the plan.

Fire Prevention Plan

Developments are required under OSHA standards to prepare a fire prevention plan that, at a minimum, must include procedures to control accumulations of flammable and combustible waste materials, and for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials. Furthermore, the fire prevention plan must contain the names and/or job titles of employees responsible for maintaining equipment to prevent or control sources of ignition or fires, and for the control of fuel source hazards.

Disaster Mitigation Act of 2000

This Act (42 United States Code [USC] §5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at the control and streamlining of the administration of federal disaster relief and programs to promote mitigation activities.

Some of the major provisions of this Act include:

- i. Funding pre-disaster mitigation activities;
- ii. Developing experimental multi-hazard maps to better understand risk;
- iii. Establishing state and local government infrastructure mitigation planning requirements;
- iv. Defining how states can assume more responsibility in managing the hazard mitigation grant program; and
- v. Adjusting ways in which management costs for projects are funded.

The mitigation planning provisions outlined in §322 of this Act address mitigation planning at the state and local levels. §322 emphasizes the need for state and local government entities to coordinate on hazard mitigation planning activities and establishes the development of a hazard mitigation plan as a specific eligibility requirement for local governments applying for federal mitigation grant funds. These hazard mitigation plans would protect public health and safety through the reduction of long-term risk of damage and loss to known hazards by implementing effective risk reduction measures.

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) of 1990 (42 U.S. Code 12181) prohibits discrimination on the basis of disability in public accommodation and State and local government services. Under the ADA, the Architectural and Transportation Barriers Compliance Board issues guidelines to ensure that facilities, public sidewalks, and street crossings are accessible to individuals with disabilities. Public play areas, meeting rooms, park restrooms, and other buildings and park structures must comply with ADA requirements.

International Fire Code

The International Fire Code (IFC) regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The IFC includes general and specialized technical fire and life safety regulations addressing fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, use and storage of hazardous materials, protection of emergency responders, industrial processes, and many other topics. The IFC is issued by the International Code Council, an international organization of building officials.

State

California Penal Code

All law enforcement agencies within the State of California are organized and operated in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for peace officers. Under state law, all sworn municipal and county officers are state peace officers.

California Code of Regulations Title 24 (California Building Standards Code)

CCR Title 24, also known as the California Building Standards Code (CBSC), includes regulations for how buildings are designed and constructed, and are intended to ensure the maximum structural integrity and safety of private and public buildings. The CBSC, which applies to all applications for building permits, consists of 12 parts that contain CBSC administrative regulations for all State agencies that implement or enforce building standards. Local agencies must ensure the development complies with the CBSC standards. Cities and counties can adopt additional standards beyond the CBSC including CBSC Part 2, named the California Building Code (CBC).

California Code of Regulations Title 24 Part 2 - California Building Code

The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment.

CBC Chapter 7A, (CBC, Title 24, Part 2) primarily focuses on preventing ember penetration into homes, a leading cause of structure loss from wildfires. Fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and urbanized areas adjacent to wilderness. Developments situated in Very High Fire Hazard Severity Zones (VHFHSZ) require fire hazard analysis and application of fire protection measures that have been developed to specifically result in defensible communities.

California Code of Regulations Title 24 Part 9 - California Fire Code

The California Fire Code (CFC) contains regulations consistent with nationally recognized accepted practices for safeguarding, to a reasonable degree, life and property from various hazards, including fire and explosion, among others. The CFC also contains provisions to assist emergency response personnel. The CFC is pre-assembled with the International Fire Code with necessary California amendments. The CFC contains fire safety-related building standards that are referenced in other parts of CCR Title 24. The CFC is updated once every three years; the 2022 CFC took effect on January 1, 2023. The CFC sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire suppression training. The CFC provides minimum standards to increase the ability of a building or structure to resist the

intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in fire losses through the use of performance and prescriptive requirements.

Title 5, California Code of Regulations

This State legislation governs the requirements for construction of school facilities. (CCR 5).

Title 8, California Code of Regulations §§1270 and 6773

In accordance with CCR, Title 8 §1270 “Fire Prevention” and §6773 “Fire Protection and Fire Equipment,” the California Occupational Safety and Health Administration (Cal-OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

Mitigation Fee Act

The California Mitigation Fee Act (California Government Code [CGC] §66000 et seq.) mandates procedures for administration of impact fee programs, including collection and accounting, reporting, and refunds. A development impact fee is a monetary exaction other than a tax or special assessment that is charged by a local governmental agency to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project.

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code §13000 et seq., and include provisions concerning building standards, fire protection and notification systems, fire protection devices, and fire suppression training, as also set forth in the 2022 CBSC and related updated codes.

Assembly Bill 2926, California Government Code §65995, and Senate Bill 50

California has traditionally been responsible for the funding of local public schools. To assist in providing facilities to serve students generated by new development projects, the State passed Assembly Bill (AB) 2926 in 1986. This bill allowed school districts to collect impact fees from developers of new residential and commercial/industrial building space. Development impact fees were also referenced in the 1987 Leroy Greene Lease-Purchase Act and the Leroy F. Greene School Facilities Act of 1998, which required school districts to contribute a matching share of project costs for construction, modernization, or reconstruction and create a new state program requiring the board to provide funding per pupil.

Government Code §65995 authorizes school districts to collect impact fees from developers of new residential and commercial/industrial building space. Senate Bill (SB) 50 amended CGC §65995 in 1998. Under the provisions of SB 50, schools can collect fees to offset costs associated with increasing school capacity resulting from development.

The provisions of SB 50 prohibit local agencies from denying either legislative or adjudicative land use approvals on the basis that school facilities are inadequate, and reinstate the school facility fee cap for legislative actions (e.g., general plan amendments, specific plan adoption, zoning plan amendments). Accordingly, these provisions limit the scope of impact review in an EIR, the mitigation that can be imposed, and the findings a Lead Agency must make in justifying its approval of a Project (CGC §§65995-65996). According to CGC §65996, the provisions of Chapter 4.9, including development fees authorized by SB 50, are deemed to be “full and complete school facilities mitigation....” These provisions remain in place as long as subsequent State bonds are approved and available.

Quimby Act

The Quimby Act, within the Subdivision Map Act, authorizes the legislative body of a city or county to require the dedication of land or to impose fees for park or recreational purposes as a condition of the approval of a tentative or parcel subdivision map, if specified requirements are met. Existing law requires any fees collected to be committed within five years after the payment of the fees or the issuance of building permits on 1/2 of the lots created by the subdivision, whichever occurs later. Existing law requires any fees not committed to be distributed and paid to the then record owners of the subdivision, as specified.

Mutual Aid Agreements

The Emergency Management Mutual Aid (EMMA) system is a collaborative effort between city and county emergency managers in the Office of Emergency Services (OES) in the coastal, southern, and inland regions of the state. EMMA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of EMMA is to support disaster operations in affected jurisdictions by providing professional emergency management personnel. In accordance with the Mutual Aid Agreements, local and state emergency managers have responded in support of each other under a variety of plans and procedures.

California Governor’s Office of Emergency Management Agency

In 2009, the State of California passed legislation creating the California Governor’s Office of Emergency Management Agency (Cal-EMA) and authorizing it to prepare a Standardized Emergency Management System (SEMS) program (Title 19 CCR §2400 et seq.), which sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with SEMS could result in the state withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster.

Cal-EMA serves as the lead state agency for emergency management in the state. Cal-EMA coordinates the state response to major emergencies in support of local government. The primary responsibility for emergency management resides with local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the state through the statewide mutual aid system. In California, the SEMS provides the mechanism by which local government requests assistance. Cal-EMA

serves as the lead agency for mobilizing the state's resources and obtaining federal resources; it also maintains oversight of the state's mutual aid system.

California Education Code §17620

California Education Code §17620, et seq., allows school district governing boards to collect impact fees from developers of new commercial and residential construction.

Local

City of Banning General Plan⁹

Public Buildings and Facilities Element

The Public Buildings and Facilities Element reflects the state of available technological and organizational resources. This element reviews the buildings and facilities in light of issues of land use compatibility, aesthetic impacts, and functionality. This element is meant to provide sufficient information to assure coordinated planning and development and provides the goals and policies to achieve this. The following goals and policies are applicable to the Project.

Goal **The provision of a full range of dependable, cost-effective, and conveniently located public buildings, services and facilities that meet the functional, social and economic needs of the entire community.**

Policy 2 Continue to identify and evaluate viable, long-term funding mechanisms that provide for the construction, maintenance and operation of existing and future public buildings and facilities, including assuring that new development funds its fair share of these facilities.

Schools and Libraries Element

Goal **The provision of quality school and library facilities in the City that are accessible, safe and conveniently located within the community.**

Policy 3 Schools and libraries shall be protected from excessive noise and traffic conditions, incompatible land uses, and the threat of on-site disturbance to the greatest extent practicable.

Police and Fire Protection Element

Goal **The highest possible quality and level of service for fire and police protection to preserve and protect the health, welfare and property of residents, business owners, visitors and property owners.**

Policy 1 The City shall work closely with the Fire and Police departments to assure that adequate facilities are constructed and service is provided as development and growth occur to maintain and enhance levels of service and insurance ratings.

⁹ City of Banning. *Draft Subsequent Environmental Impact Report*. Retrieved from: <https://www.ci.banning.ca.us/DocumentCenter/View/767/GP-DEIR-Sec-1>. (accessed February 2023)

Policy 2	The City shall review all proposals for new or significant remodeling projects for potential impacts concerning public safety.
Policy 3	The City shall strictly enforce fire standards and regulations in the course of reviewing development and building plans and conducting building inspections of large multiple family projects, community buildings, commercial structures and motel structures.
Policy 4	All proposed development projects shall demonstrate the availability of adequate fire flows prior to approval.
Policy 5	Crime prevention design techniques, including the use of “defensible space,” high security hardware, optimal site planning and building orientation, and other design approaches to enhance security shall be incorporated in new and substantially remodeled development.
Policy 9	The Fire Department shall maintain a 5-minute response time.
Policy 10	The Police Department shall maintain a level of service (LOS) goal of 2.0 sworn officers per 1000 residents.
Policy 11	The Fire Department Ambulance Services shall maintain a 5-minute response time.
Policy 14	The City shall pursue all funding mechanisms to fund the need for police and fire services generated by new development.

Emergency Preparedness Element

Goal	A detailed, integrated and comprehensive emergency preparedness plan for the City, ensuring a high level of readiness and responsiveness to man-made and natural disasters of any scope, and which maximizes response capabilities of the City, County, State and Federal governments.
Policy 3	The City shall identify and establish emergency evacuation and supply routes and plans to preserve or reestablish the use of Highland Springs Avenue, San Geronio Avenue, Wilson Street, Ramsey Street, Interstate-10 and other essential transportation routes.
Policy 5	The City shall cooperate and coordinate with Riverside County Emergency Services, local utility purveyors and other agencies and utilities in the preparation of public information materials to assist residents, visitors and business owners in responding to local disasters and emergencies.
Policy 6	The City shall thoroughly consider and assess vulnerability to natural and manmade disasters or emergencies when reviewing proposals for the siting and development of critical and essential public/quasi-public facilities.

Wildland Fire Hazards Element

Goal	Protect human life, land, and property from the effects of wildland fire hazards
Policy 1	Development proposals shall be transmitted to the Police Department and the City Fire Marshal, and input shall be incorporated into project design or conditions of approval, as appropriate.

- Policy 2** The Police and Fire Departments shall closely coordinate and cooperate with the City and County emergency preparedness teams and shall assure the most effective disaster response practical.
- Policy 3** New and substantially remodeled structures or developments shall incorporate wildfire prevention design techniques, such as the use of “defensible space,” fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards.
- Policy 4** Require that adequate emergency vehicle access and evacuation routes be available with approval of any new development.

Hazardous and Toxic Materials Element

- Goal** **Maintain and promote measures to protect life and property from hazards resulting from human activities and development.**
- Policy 1** Coordinate with responsible agencies to assure enforcement of state and federal regulations for the testing and monitoring of underground fuel storage tanks for leakage.
- Policy 5** Coordinate with the Fire Department, Police Department, neighboring jurisdictions, and other appropriate agencies to identify segments of highway or local roads that shall be restricted from transporting hazardous and toxic materials in order to preserve public safety.

City of Banning Code of Ordinances¹⁰

Title 8 Health and Safety

Chapter 8.16 – Fire Protection Code provides the application and adoption of the 2022 California Fire Code along with amendments.

4.11.4 Impact Thresholds and Significance Criteria

The CEQA Guidelines Appendix G, Environmental Checklist Form, includes questions pertaining to public services. The issues presented in the Environmental Checklist Form have been utilized as thresholds of significance in this section. Accordingly, the Project would have a significant adverse environmental impact if it:

- Would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
 - Fire protection;

¹⁰ City of Banning. 2023. *Code of Ordinances*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances, (accessed February 2023).

- Police protection;
- Schools;
- Parks; or
- Other public facilities.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning public services. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the Project's potentially significant environmental impacts associated with public services.

Approach to Analysis

This analysis of impacts on public services examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field observations conducted by Kimley-Horn; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on public services standards considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.11.5 Impacts and Mitigation Measures

Impact 4.11-1 Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Project development would result in a significant impact if the Project would result in significant increases in demands for fire and police protection services, schools, parks, or other facilities such that new or physically altered stations, schools, parks, or other facilities or locations from which services are provided would be needed. If the construction or operation of such facilities would cause substantial environmental effects due to the expansion or construction of facilities on new sites needed to maintain acceptable service ratios, response times, or other performance objectives a potentially significant impact could result.

1) Fire protection?

Level of Significance: Less than Significant

According to CAL FIRE's Fire and Resource Assessment Program, Fire Hazard Severity Zone (FHSZ) Viewer, the Project site is not located in or near a State Responsibility Area (SRA); the nearest SRA to the development site is located approximately 1.5 miles east of the Project site. The Project site is located in a Local Responsibility Area (LRA). Within the LRA designation, the Project site is designated as a Very High Fire Hazard Severity Zone (VHFHSZ), as identified on the latest FHSZ maps prepared by CAL FIRE.¹¹ The proposed construction, along with the removal of any brush, trees, and grasses would limit the potential for wildfire spreading by removal of source materials. Due to multiple points of ingress/egress, building designs compliant with state, regional, and local codes; buildout of the Project would not interfere with emergency response and evacuation plans of the City.

As previously mentioned, the City of Banning contracts with the RCFD, providing a full range of fire protection services. These services include paramedic response, hazardous materials response, search and rescue, swift water rescue, full fire prevention support, and disaster preparedness. The Project site would be served by Station 89 which located approximately one mile to the west of the Project site at 172 N. Murray Street. The RCFD operates under a Regional Fire Protection Program, which allows its fire stations to actively support one another regardless of geographic or jurisdictional boundaries. Also nearby is the Morongo Reservation Fire Department located 2.4 miles northeast of the Project site at 11581 Potrero Road, Banning, CA. The Morongo Reservation and the County of Riverside have a standing mutual aid agreement in place.

The station physically closest to an emergency at the Project site, Riverside County Fire Department Station 89, would respond. This station houses the staffed Engine 89, Rescue 89, and Engine OES 240. Each engine is staffed with 3 personnel. The average emergency response times for Station 89 is approximately 4-5 minutes.¹² The fire department provides a range of emergency response services to the City including full range fire suppression, medical response (paramedic capability), HazMat response, and rescue.

Based on the Project's close proximity to Station 89 as well as The Morongo Reservation Fire Department, the Project would be adequately served by fire protection services. Furthermore, the City of Banning General Plan (GP) proposes additional fire stations, one of which is in the vicinity of the Banning Municipal Airport which is south of the Project site on the opposite side of I-10. However, even with these future fire stations, Station 89 would remain closest to the Project site.

Although the City contracts fire services with Riverside County, the City has its own Fire Marshal, and all reviews are done by the City Fire Marshal and no submittals to Riverside County are required.¹³ The Fire Marshal reviews all new development plans, and future development is required to conform to all fire protection and prevention requirements, including, but not limited to, building setbacks, emergency a

¹¹ CAL FIRE. 2007. *FHSZ Viewer*. Retrieved from: <https://egis.fire.ca.gov/FHSZ/>, (accessed January 2023).

¹² Jeff Poth FAE Paramedic. Station 89. February 10, 2023. Personal Communication (phone call).

¹³ City of Banning. ND. *Fire Prevention, Planning & Engineering*. Retrieved from: <http://www.banning.ca.us/142/Fire-Prevention-Planning-Engineering>, (accessed January 2023).

ccess, and fire flow. Compliance with the requirements for emergency lane width, vertical clearance, and distance would ensure that adequate emergency access is available for all new development and redevelopment projects. In addition, the Project would comply with the City Municipal Code §12.12.070 which prescribes protective measures and routing of traffic during construction that closes lanes or roadway segments temporarily. These measures are provided in a traffic control plan, or similar document, and would be included in the construction documents for the Project. This plan would identify lane and roadway closures during construction of the Project, if required. Emergency services, including the RCFD and City of Banning Fire Marshal, would be consulted during the production of this traffic control plan to ensure adequate public safety and circulation as well as emergency service access to existing buildings and residences. Access to residences and businesses would be maintained, should construction require lane or road closures, as required by the City Municipal Code §12.12.090.

The Project site does not currently have direct access to the roadway network of the City, and as such, disruption to the existing roadway network would be minimal and only be required during for a short duration of the entire construction period. Wilson Street and Nicolet Street east of Hathaway Street and O'Donnell Street are platted roadway rights-of-way within the City that will be constructed to serve the Project. Therefore, with improved development to the City's roadway network as part of the Project, access to the City's evacuation routes will be provided.

Additionally, the Project would provide adequate emergency vehicle access and evacuation routes through multiple points of ingress/egress. The Project would not alter or impact any existing emergency access roads or evacuation routes as identified in the Western Riverside Council of Governments (WRCOG) Community Vulnerability Profile Map 1: Banning's Regional Evacuation Route. Approximately seven miles (16 percent of the City's network) are evacuation routes and are located within a Fire Hazard Zone. The Project site would provide access to the identified evacuation routes through street and access improvements. Project implementation could potentially cause an increase in demand for fire services; however, the increase would not be significant. Project development would comply with all applicable, current building code requirements and be subject to approval by the City Fire Marshal. The Project would include a minimum of fire safety and fire suppression features, including type of building construction, fire sprinklers, a fire hydrant system, and paved access. The minimum number of fire hydrants required, as well as the location and spacing of fire hydrants, shall comply with the CFC and National Fire Protection Association (NFPA)¹⁴. Additionally, The Project does not propose any residential uses that would contribute to population growth and population growth is not anticipated to occur as a direct or indirect result of Project implementation.

Lastly, the Project would be required to pay development impact fees as a condition of approval. With payment of these fees, the Project would receive adequate fire protection service and would not result in adverse physical impacts associated with the provision of or need for new or physically altered fire protection facilities, and would not adversely affect service ratios, response times, or other performance objectives. The Project would comply with the RCFD Technical Policies and Standards, CFC, and CBC,

¹⁴ National Fire Protection Association. 2022. *How to Maintain Building and Equipment Access for the Responding Fire Department*. Retrieved from: <https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2022/12/19/How-To-Maintain-Building-and-Equipment-Access-for-the-Responding-Fire-Department>. (accessed February 2023)

including Project features that aid in fire safety and support fire suppression activities, such as fire sprinklers, paved access, and required aisle widths. Compliance with applicable local and state regulations would ensure that Project implementation would result in a less than significant impact to fire protection services.

Mitigation Measures

No mitigation is necessary.

II) Police protection?

Level of Significance: Less than Significant

As previously mentioned, the City is serviced by the BPD which includes seven divisions consisting of animal control, dispatch, investigations, patrol, property and evidence, and records. The BPD is located approximately one mile west of the Project site at 125 E. Ramsey Street. The BPD consists of 46 full-time employees of which 34 are sworn officers and 12 are not sworn (professional staff members).¹⁵ The population of the City is 30,273 persons as of 2021.¹⁶

The Patrol unit is the largest unit within the department and calls for routine and emergency service are typically handled by this unit. In 2021-2022 there were a total of 74,521 calls for service and the response time of patrol to the Priority One calls was 8:36 minutes. The targeted numbers for 2022-2023 are 74,344 total calls and a response time to Priority One calls of 8:36 minutes.

As mentioned above, the Project would comply with City Municipal Code §12.12.070. Emergency services, including the BPD, would be consulted to ensure construction and design document compliance with the City of Banning Municipal Code and that adequate public safety and circulation will be maintained during construction. Access to residences and businesses would be maintained should construction require lane or road closures as required by City Municipal Code §12.12.090. As the Project site is not adjacent to an existing roadway, impacts to existing roadways during construction would be minimal and only for a short duration of the entirety of construction.

As previously discussed, Compliance with the requirements for emergency lane width, vertical clearance, and distance would ensure that adequate emergency access is available for all new development and redevelopment projects. The Project would provide adequate emergency vehicle access and evacuation routes through multiple points of ingress/egress and would not alter or impact any existing emergency access roads.

Additionally, development impact fees are imposed on new developments to pay for new facilities. Although some calls for service are anticipated, the Project site is not residential and therefore the increase for police services would not be significantly impacted due to construction and operation of the Project warehouse. Additionally, development of the site would increase property tax revenues to provide

¹⁵ City of Banning Public Records. Request #23-19. February 3, 2023. Personal communication. (email)

¹⁶ Ibid.

a source of funding to offset any increases in demands for public services generated by the Project. Overall, impacts would be less than significant.

Mitigation Measures

No mitigation is necessary.

III) Schools?

Level of Significance: Less than Significant

As previously mentioned, the Project site is within the BUSD which consists of four elementary schools, an intermediate school, a middle school, two high schools, and an independent study school. Schools closest to the Project site include Hoffer Elementary School located at 1115 E. Hoffer Street, approximately 0.5 mile northwest of the Project site, Nicolet Middle School located at 101 E. Nicolet Street, approximately one mile northwest of the Project site, and Banning High School located at 100 W. Westward Avenue, approximately 1.3 mile southwest of the Project site.

The Project, however, would not create a direct demand for public school services, as the subject property would contain non-residential uses that would not generate any school-aged children requiring public education. Although, the Project could potentially result in an indirect increase of residents to the area based on the addition of employment and infrastructure, the majority of the presented employment opportunities would be filled by existing City residents. The Project would not directly generate student population increases or indirectly draw students to the area and therefore, the Project would not cause or contribute the need to construct new or physically alter public school facilities.

Although the Project would not directly or indirectly cause demand for additional public school services, the Project Applicant would be required to contribute development impact fees to the BUSD in compliance with California SB 50 (Greene), which allows school districts to collect fees from new developments in order to offset the costs associated with increasing school capacity needs. CEQA requires these development impact fees prior to the issuance of building permits. Actual fees are subject to change determined by the school district and final fees would be determined at the time of payment.

The development impact fees for industrial development located within the BUSD is currently \$0.66.¹⁷

For the reasons described above, the Project implementation would not result in substantial adverse physical impacts associated with the construction of new or physically altered school facilities and therefore would not cause significant environmental impacts in this regard, in order to maintain acceptable service ratios or other performance objectives. Compliance with applicable local and state regulations would ensure that Project implementation would result in a less than significant impact to school services.

Mitigation Measures

No mitigation is necessary.

¹⁷ Janet Ramirez. BUSD. February 10, 2023. Personal Communication (Phone call).

IV) Parks?

Level of Significance: Less than Significant

As previously mentioned, the City has six City-owned parks available for public use. The closest parks to the Project site include Roosevelt Williams Park located approximately 0.5-mile northwest of the Project site at 3758 Cypress Street; Lions Park located approximately one mile southwest of the Project site at 955 S. Hargrave Street; and Repplier Park located approximately 1.3-mile northwest of the Project site at 201 W. George Street.¹⁸

No park facilities currently exist on the Project site and Project development would not conflict with any nearby park facilities or require modification or construction of park facilities. Additionally, the Project does not contain residential uses that would generate population growth requiring park facilities. Because the Project would not directly generate population growth or indirectly introduce parkgoers to the area, the Project would not cause or contribute to a need to construct new or physically alter park facilities. Therefore, a less than significant impact is anticipated to occur, and no mitigation is required.

Mitigation Measures

No mitigation is necessary.

V) Other public facilities?

Level of Significance: Less than Significant

The Banning Library is located within the City and is operated by the City Public Works Department. The Project, however, would not create a direct demand for other public facilities, as the subject property would contain non-residential uses that would not generate population growth requiring other public facilities. As discussed previously and in **Section 7.0: Effects Found Not to be Significant**, the Project would not directly or indirectly generate or induce substantial population growth to the area. Therefore, the Project would not cause or contribute to a need to construct new or physically alter existing public facilities. Furthermore, no public facilities exist on the Project site and Project development would not conflict with existing public structures or require modification of public facilities. Project development would result in a less than significant impact in regard to public facilities.

Mitigation Measures

No mitigation is necessary.

4.11.6 Cumulative Impacts

Projects have the potential to be cumulatively considerable, when evaluated in the context of other past, present or reasonably foreseeable projects that make a cumulative contribution to impacts. Overall, the Project would not directly or indirectly generate substantial population growth or substantially increase the need for public services within the City. Anticipated increase demands for public services within the City was accounted for in the GP and analyzed in the GP Final EIR, which accounts for cumulative growth

¹⁸ City of Banning. ND. *City Parks*. Retrieved from: <https://www.ci.banning.ca.us/408/City-Parks>, (accessed January 2023).

in the City. Similar to the Project, cumulative development occurring within the vicinity would be subject to risk concerning public services. Cumulative Projects would also be subject to comply with existing federal, State, and local regulatory framework as well as the latest CBC and California Fire Code regulations and standards for fire safety. Cumulative Projects would also be subject to comply with existing federal, State, and local regulatory framework as well as the latest CBC and California Fire Code regulations and standards for fire safety. Development occurring within the City, or those future projects annexed from the County lands adjacent to and near the Project site would be subject to review by the City to ensure cumulative development is designed to provide a minimum of fire safety and support fire suppression activities. Additionally, the Project applicant would pay all required development fees that would be appropriately allocated for police, fire, schools, and other public facilities. Therefore, the past, present, and future projects would not result in a cumulative impact related to the provision of public services.

4.11.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.11.8 References

Banning Library District. 2020. *About the Library*. Retrieved from:

https://www.banninglibraryca.gov/about_the_library/aboutthelibrary.php, (accessed June 2023).

Banning Unified School District. 2023. *Schools*. Retrieved from: <https://www.banning.k12.ca.us/>, (accessed January 2023).

CAL FIRE. 2007. *FHSZ Viewer*. Retrieved from: <https://egis.fire.ca.gov/FHSZ/>. (accessed January 2023).

City of Banning. ND. *Banning Fire Services*. Retrieved from: <http://www.banning.ca.us/24/Fire-CDF-Contract>, (accessed May 2023).

City of Banning. 2023. *Code of Ordinances*. Retrieved from:

https://library.municode.com/ca/banning/codes/code_of_ordinances, (accessed February 2023).

City of Banning. ND. *Fire and Rescue*. Retrieved from: <https://www.ci.banning.ca.us/34C4/Fire-and-Rescue>, (accessed January 2023).

City of Banning. ND. *Fire Prevention, Planning & Engineering*. Retrieved from:

<http://www.banning.ca.us/142/Fire-Prevention-Planning-Engineering>, (accessed January 2023).

City of Banning. ND. *City Parks*. Retrieved from: <https://www.ci.banning.ca.us/408/City-Parks>, (accessed January 2023).

City of Banning. ND. *Patrol*. Retrieved from: <http://www.banning.ca.us/545/Patrol>, (accessed January 2023).

City of Banning. *Draft Subsequent Environmental Impact Report*. Retrieved from: <https://www.ci.banning.ca.us/DocumentCenter/View/767/GP-DEIR-Sec-1>, (accessed February 2023).

Janet Ramirez. BUSD. February 10, 2023. Personal Communication (phone call).

Jeff Poth FAE Paramedic. Station 89. February 10, 2023. Personal Communication (phone call).

National Fire Protection Association. 2022. *How to Maintain Building and Equipment Access for the Responding Fire Department*. Retrieved from: <https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2022/12/19/How-To-Maintain-Building-and-Equipment-Access-for-the-Responding-Fire-Department>, (accessed February 2023).

4.12 TRANSPORTATION

4.12.1 Introduction

The purpose of this section is to describe the potential transportation impacts that may result from construction and operation of the Banning Commerce Center Project (Project), within the City of Banning (City). The following discussion addresses the existing transportation conditions in the Project area, identifies applicable regulations, evaluates the Project's consistency with applicable goals and policies, identifies and analyzes potential environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the Project. The information and analysis herein rely on the following investigations and collectively document the traffic and circulation conditions of the Project site found in **Appendix K** of this EIR:

- Urban Crossroads. 2023. *Banning Commerce Center Traffic Analysis (Appendix K1)*
- Urban Crossroads. 2023. *Banning Commerce Center Vehicle Miles Traveled (VMT) Analysis (Appendix K2)*.

4.12.2 Environmental Setting

Traffic Impact Analysis

The Traffic Analysis (TA) conducted by Urban Crossroads analyzes the existing and forecast traffic conditions associated with the Project located on the southeast corner of O'Donnell Street and Wilson Street in the City. The purpose of the TA is to evaluate the potential circulation system deficiencies that may result from the development of the Project, and where necessary recommend improvements to achieve acceptable operations consistent with General Plan level of service (LOS) goals and policies. The TA has been prepared in accordance with the City's Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis and consultation with City staff during the traffic study scoping process.

Existing Transportation System

Existing Circulation Network

The Project site does not currently have direct access to the roadway network of the City. Wilson Street and Nicolet Street are platted roadway rights-of-way east of Hathaway Street and O'Donnell Street within the City that will be constructed to serve the Project. Wilson Street and Nicolet Street intersect Hathaway Street and would be constructed as part of coordination between the development of this Project, developers of adjacent properties and projects, and the City.

Pedestrian and Bicycle Facilities

The City General Plan does not include a bicycle or pedestrian circulation plan. There are limited pedestrian facilities in the vicinity of the Project site (see Exhibit 3-5 of **Appendix K1**).

Existing Transit Service

The Project site is within the service area for Banning Connect transit, a public transit agency serving various jurisdictions within Riverside County. Transit service in Banning began in April 1973 as Banning Transit System. In December 2002, the cities of Beaumont and Banning entered into an agreement to provide coordinated transit service within the two cities. This partnership would be branded as PASS Transit; however, all buses and infrastructure were still owned by the respective cities. On July 1, 2019, the agreement was ended, and the PASS Transit name began to be phased out. The two cities have agreed to maintain some integration for passengers traveling between the two cities, however the systems would be branded separately. In late 2020, the City began rebranding the transit system to Banning Connect.¹ Banning Connect Transit provides local bus service in the City of Banning in Riverside County. It formerly was part of Pass Transit that also served the City of Beaumont. Connections between the Beaumont and Banning systems can be made in the Sun Lake Village/Walmart area. Transit service is reviewed and updated periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate. As such, it is recommended that the Project Applicant work in conjunction with the transit agencies to potentially extend the existing routes to accommodate bus service to the site.

According to the City's Shortage Range Transit Plan, the City's current transit system comprises three fixed-route services and a Dial-a-Ride system.² Banning Connect transit services cover approximately 35 square miles in the pass area with routes connecting to regional services. The Banning Connect transit system's three fixed route services (Route 1, Route 5 and Route 6) serve downtown and neighborhood areas of the City, both the residential and business areas of Cabazon, and the main commercial area of the City of Beaumont. Banning Connect provides bus service along Highland Springs Avenue, 2nd Street, and 1st Street via Route 1, Route 5, and Route 6. The transit services are illustrated on Exhibit 3-3 of the Traffic Analysis (see **Appendix K1**). The Project site is located approximately one mile east of Route 1 transfer points 1 and 6.³ Additionally, the City is served by Beaumont Transit, Riverside Transit, SunLine, OmniTrans, Metrolink, and IE511. These rail systems are commuter rail systems serving the southern California region.

Study Area

The following 11 Project study area (potential area of influence around the Project site) intersections were selected for evaluation in the TA based on consultation with City staff (see Exhibit 1-3 of **Appendix K1**):

- Hargrave St. and Ramsey Street
- Hargrave St. and I-10 Westbound (WB) Ramps
- Hargrave St. and I-10 Eastbound (EB) Ramps
- Hathaway St. and Wilson Street
- Hathaway St. and Nicolet Street

¹ CPTDB Wiki. 2022. *Banning Transit System*. Retrieved from: https://cptdb.ca/wiki/index.php/Banning_Transit_System. (accessed June 2023).

² City of Banning. 2023. *City of Banning Short Range Transit Plan, FY 2020/2021 – 2022/2023*. Retrieved from: <https://banningca.gov/DocumentCenter/View/7449/Att-2-Banning-SRTP>, (accessed April 2023).

³ City of Banning. 2022. *Route 1*. Retrieved from: <http://www.banning.ca.us/DocumentCenter/View/6481/Route-1>, (accessed April 2023).

- Hathaway St. and Ramsey Street
- I-10 EB Ramps and Ramsey Street
- Driveway 1 and Wilson Street
- Driveway 2/First Industrial Wy. and Wilson Street
- First Industrial Wy. and Nicolet St./Driveway 3
- Driveway 4 and Wilson Street

At a minimum, the Project study area includes intersections where the Project is anticipated to contribute 50 or more peak hour trips per the County’s traffic study guidelines. The “50 peak hour trip” criteria represents a minimum number of trips at which a typical intersection would have the potential to be substantively affected by a given development proposal. The 50 peak hour trip criterion is a traffic engineering standard that is accepted and widely used within Riverside County for estimating a potential area of influence (i.e., study area).

Existing AM and PM peak hour traffic volumes at the 11 key existing study intersections evaluated in this report were collected in November 2022. These key existing study intersections were designated for evaluation based on the applicable City criteria and knowledge of the area circulation system. Specifically, intersections were chosen based on available and most logical pathways for vehicle traffic from regional transportation corridors to the Project site, and from input from the City Public Works Department on the Traffic Scoping Agreement. Traffic count data is included in **Appendix K1** of this EIR. **Table 4.12-1: Existing (2022) Intersection LOS Analysis AM and PM Peak Hour.**

Table 4.12-1: Existing (2022) Intersection LOS Analysis AM and PM Peak Hour

Study Intersection	Traffic Control	Delay ¹ (secs.)		LOS	
		AM	PM	AM	PM
1. Hargrave St. and Ramsey St.	Traffic Signal	13.5	14.3	B	B
2. Hargrave St. and I-10 WB Ramps	Cross-Street Stop	19.4	17.8	C	C
3. Hargrave St. and I-10 EB Ramps	Cross-Street Stop	49.1	22.2	E	C
4. Hathaway St. and Wilson St.	All-Way Stop	7.8	7.6	A	A
5. Hathaway St. and Nicolet St.	All-Way Stop	7.9	7.5	A	A
6. Hathaway St. and Ramsey St.	Traffic Signal	9.2	8.9	A	A
7. I-10 EB Ramps and Ramsey St.	Cross-Street Stop	9.1	9.9	A	A
8. Driveway 1 and Wilson St.	Future Intersection				
9. Driveway 2/First Industrial Wy. and Wilson St.	Future Intersection				
10. First Industrial Wy. and Nicolet St./Driveway 3	Future Intersection				
11. Driveway 4 and Wilson St.	Future Intersection				
Source: Table 3-1 of Appendix K1 .					
Notes:					
BOLD = Level of Service (LOS) does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS). Maximum Acceptable LOS = D					
Deficient operation shown in bold;					
1. Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal, or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.					

Table 4.12-1: Existing (2022) Intersection LOS Analysis AM and PM Peak Hour shows that study intersection 3 Hargrave St. and I-10 EB Ramps, would exceed the maximum LOS of D in the AM peak hours.

The following are the Project study area roadway segments selected for evaluation, based on consultation with City staff:

- Wilson Street, East of Hathaway Street
- Hathaway Street, South of Wilson Street
- Ramsey Street, West of Hathaway Street
- Hargrave Street, South of Ramsey Street.

The roadway capacities utilized for the Project study area roadway segment analysis are obtained from the City of Banning traffic study guidelines. These roadway segment capacities are approximate figures only and are used at the General Plan level to assist in determining the roadway functional classification (number of through lanes) needed to meet traffic demand. **Table 4.12-2: Existing (2022) Roadway Segment Capacity Analysis** provides a summary of the Existing (2022) conditions roadway segment capacity analysis. As shown in **Table 4.12-2**, all Project study area roadway segments are currently operating at an acceptable LOS based on the daily roadway capacity thresholds and minimum LOS criteria.

Table 4.12-2: Existing (2022) Roadway Segment Capacity Analysis

Roadway	Segment Limits	Roadway Section	LOS Capacity ¹	Existing (2022)		
				Vol	V/C ²	LOS ³
1. Wilson Street	East of Hathaway Street	2U	15,000	Future Segment		
2. Hathaway Street	South of Wilson Street	2U	19,000	2,057	0.108	A
3. Ramsey Street	West of Hathaway Street	2U	19,000	5,072	0.267	A
4. Hargrave Street	South of Ramsey Street	2U	19,000	8,834	0.465	A
Source: Table 3-2 of Appendix K1 Notes: ¹ These maximum roadway capacities are based on the City of Banning's standards; capacities have been interpolated where applicable. ² V/C = Volume to Capacity Ratio ³ LOS = Level of Service						

4.12.3 Regulatory Setting

Federal

Federal rules and regulations govern many facets of the City's transportation system, including transportation planning and programming; funding; and design, construction, and operation of facilities. The City complies with all applicable rules and regulations of the Federal Highway Administration, the Urban Mass Transit Administration, the Federal Railroad Administration, the Federal Aviation Administration, and other Federal agencies. In addition, the City coordinates with Federal resource agencies where appropriate in the environmental clearance process for transportation facilities.

State

Assembly Bill 1358 – Complete Streets

The California Complete Streets Act of 2008 was signed into law on September 30, 2008. Beginning January 1, 2011, Assembly Bill (AB) 1358 required circulation elements to address the transportation system from a multi-modal perspective. The Complete Streets Act also requires circulation elements to

consider the multiple users of the transportation system, including children, adults, seniors, and people with disabilities.

Assembly Bill 32 – Global Warming Solutions Act

The California Global Warming Solutions Act of 2006 (AB 32) was signed into law in September 2006 after considerable study and expert testimony before the legislature. The law instructs the California Air Resources Board (CARB) to develop and enforce regulations for the reporting and verifying of statewide greenhouse gas (GHG) emissions. The Act directed CARB to set a GHG emission limit based on 1990 levels to be achieved by 2020. The bill set a timeline for adopting a scoping plan for achieving GHG reductions in a technologically and economically feasible manner (AB 32). In December 2008, CARB adopted a Scoping Plan to achieve the goals of AB 32. AB 32 was followed by Senate Bill (SB) 32 in 2016, which expanded this goal for statewide GHG emissions to be 40 percent below 1990 levels by 2030 (SB 32).

The scoping plan has a range of GHG reduction actions, which include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market-based mechanisms (e.g., cap-and-trade system), and an AB 32 program implementation regulation to fund the program. CARB recognizes cities as “essential partners” in reducing GHG emissions. As such, CARB has developed a Local Government Toolkit with guidance for GHG reduction strategies, such as improving transit, developing bicycle/pedestrian infrastructure, and increasing city fleet vehicle efficiency, among other strategies.

Adopted December 15, 2022, CARB’s 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan) sets a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85 percent below 1990 levels by 2045 in accordance with AB 1279. To achieve the targets of AB 1279, the 2022 Scoping Plan relies on existing and emerging fossil fuel alternatives and clean technologies, as well as carbon capture and storage. Specifically, the 2022 Scoping Plan focuses on zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high Global Warming Potential (GWP); providing communities with sustainable options for walking, biking, and public transit; displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines); and scaling up new options such as green hydrogen. The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB no longer includes a numeric per capita threshold and instead advocates for compliance with a local GHG reduction strategy (i.e., Climate Action Plan) consistent with CEQA Guidelines §15183.5.

The key elements of the 2022 CARB Scoping Plan focus on transportation. Specifically, the 2022 Scoping Plan aims to rapidly move towards zero-emission transportation (i.e., electrifying cars, buses, trains, and trucks), which constitutes California’s single largest source of GHGs. The regulations that impact the transportation sector are adopted and enforced by CARB on vehicle manufacturers and are outside the jurisdiction and control of local governments. The 2022 Scoping Plan accelerates development of new regulations as well as amendments to strengthen regulations and programs already in place.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

The Sustainable Communities and Climate Protection Act, or SB 375, provides incentives for cities and developers to bring housing and jobs closer together and to improve public transit. The goal is to reduce the number and length of automobile commuting trips, which will help to meet the statewide targets for reducing GHG emissions set by AB 32.

SB 375 requires each Metropolitan Planning Organization to add a broader vision for growth, called a Sustainable Communities Strategy (SCS), to its transportation plan. The SCS must lay out a plan to meet the region's transportation, housing, economic, and environmental needs in a way that enables the area to lower GHG emissions. The SCS should integrate transportation, land-use, and housing policies to plan for achieving the emissions target for their region. The latest Southern California Association of Governments (SCAG) Regional Transportation Plan (RTP) and SCS were adopted in 2020.

Senate Bill 743 – Amending CEQA with Respect to Evaluating Transportation Impacts

On September 27, 2013, Governor Jerry Brown signed SB 743 into law. A key element of this law is the potential elimination or deemphasizing of auto delay, LOS, and other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. According to the legislative intent contained in SB 743, these changes to current practice were necessary to more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions.

As noted, SB 743 requires impacts to transportation network performance to be viewed through a filter that promotes the reduction of GHG emissions, the development of multimodal transportation networks, and the diversification of land uses. Some alternative metrics were identified in the law, including VMT or automobile trip generation rates. SB 743 does not prevent a city or county from continuing to analyze delay or LOS as part of other plans (i.e., the general plan), studies, or ongoing network monitoring, but these metrics may no longer constitute the sole basis for determining CEQA impacts once SB 743 is ratified into CEQA Guidelines.

In December 2018, the California Natural Resources Agency finalized updates to the State CEQA Guidelines, which included SB 743. Section 15064.3 of the 2019 CEQA Guidelines provides that transportation impacts of projects are, in general, best measured by evaluating the project's VMT. Automobile delay will no longer be considered to be an environmental impact under CEQA. Automobile delay can, however, still be used by agencies to determine local operational impacts. The provisions of this section became mandatory July 1, 2020.

State Transportation Improvement Program

The State Transportation Improvement Program (STIP) is a multi-year capital improvement program for transportation projects on and off the State Highway System, funded with revenues from the Transportation Investment Fund and other funding sources. STIP programming generally occurs every two years. The programming cycle begins with the release of a proposed fund estimate in July of odd numbered years, followed by California Transportation Commission (CTC) adoption of the fund estimate in August (odd years). The fund estimate serves to identify the amount of new funds available for the

programming of transportation projects. Once the fund estimate is adopted, Caltrans and the regional planning agencies prepare transportation improvement plans for submittal to the CTC by December 15th (odd years). Caltrans prepares the Interregional Transportation Improvement Program and regional agencies prepare the Regional Transportation Improvement Plans. Public hearings are held in January (even years) in both northern and southern California. The STIP is adopted by the CTC by April (even years).

Technical Advisory on Evaluating Transportation Impacts in CEQA

The Governor's Office of Planning and Research (OPR) released the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) in December 2018. The Technical Advisory aids in the transition from LOS to VMT methodology for transportation impact analysis under CEQA. The advisory contains technical recommendations regarding assessment of VMT, thresholds of significance, and mitigation measures.

California Department of Transportation

The California Department of Transportation (Caltrans) owns and operates the State highway system (SHS), which includes the freeways and State routes within California. In Banning, Caltrans maintains State Route 243 (SR-243) and Interstate 10 (I-10). As discussed above, VMT are now used, although Caltrans recognizes they will not apply to all projects on the SHS; however, they would apply to the Project. Caltrans also recognizes that VMT is the most appropriate primary measure of transportation impacts for capacity increasing transportation projects on the SHS.

The Caltrans Guide for the Preparation of Traffic Impact Studies (December 2002) provides guidance on the evaluation of traffic impacts to State highway facilities. The document outlines when a traffic impact study is needed and what should be included in the scope of the study. The Guide states the following: "Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities, however, Caltrans acknowledges that this may not be always feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS."

Regional

Riverside County Long Range Transportation Study

The Riverside County Long Range Transportation Study (LRTS) is meant to address the challenges of a growing population and growing industrial and warehousing base. The RCTC is the Regional Transportation Planning Agency (RTPA) for Riverside County. RCTC is charged with coordinating transportation planning, funding, and facilitation of all modes of transportation in Riverside County. Short and long-range transportation planning is a key responsibility of RCTC. RCTC plans and implements transportation and transit improvements, particularly those that affect more than one jurisdiction. The agency also assists local governments with money for local streets and roads and develops plans and programs to improve commuting and goods movement. Policies adopted by RCTC also aim to ensure that all persons have equitable access to transportation.

The purpose of the LRTS is meant to strengthen transportation in the region in order to improve mobility, safety, and economic prosperity for Riverside County residents. The LRTS dovetails with and bridges local

plans and SCAG's RTP/SCS. It supports the County's economy and quality of life through smart planning, project development, and implementation. The LRTS is multimodal in nature and encompasses all forms of transportation: highways, local roads, transit, rail, pedestrian, and bicycle facilities.

The four basic purposes of the LRTS are to:

- Develop strategies to address transportation challenges.
- Provide a realistic vision of transportation in Riverside County in 2045.
- Develop a list of high priority feasible and fundable projects.
- Comprise RCTC's input to SCAG's RTP/SCS (Connect SoCal).

SCAG's RTP/SCS, is a long-range regional plan covering the six counties within the SCAG region. The Riverside County LRTS focuses only on Riverside County and its cities. SCAG's RTP/SCS is required to address transportation and related elements such as housing, aviation, air quality conformity, public health, environmental justice, and conservation lands. The LRTS focuses on transportation projects and funding.

RCTC also functions as the County Congestion Management Agency and contained within the LRTS is the County of Riverside Congestion Management Program (CMP), the purpose of which is provided immediately below.

County of Riverside Congestion Management Program

The passage of Proposition 111 in June 1990 established a process for each metropolitan county in California that has an urbanized area with a population over 50,000 (which would include the County of Riverside) to prepare a CMP. The CMP that was prepared by the RCTC in 2011 in consultation with the county and cities in Riverside County is an effort to more directly align land use, transportation, and air quality management efforts, and to promote reasonable growth management programs that effectively use statewide transportation funds while ensuring that new development pays its fair share of needed transportation improvements. Additionally, the passage of Proposition 111 provided additional transportation funding through a \$0.09 per gallon increase in the state gas tax.

The focus of the CMP is the development of an Enhanced Traffic Monitoring System in which real-time traffic count data can be accessed by the RCTC to evaluate the condition of the Congestion Management System, as well as meeting other monitoring requirements at the state and federal levels. Per the CMP adopted LOS standard of E, when a Congestion Management System segment falls to LOS F, a deficiency plan is required. Preparation of a deficiency plan would be the responsibility of the local agency where the deficiency is located. Other agencies identified as contributors to the deficiency would also be required to coordinate with the development of the plan. The plan must contain mitigation measures, including transportation demand management (TDM) strategies and transit alternatives, and a schedule of mitigating the deficiency. To ensure that the Congestion Management System is appropriately monitored to reduce the occurrence of CMP deficiencies, it is the responsibility of local agencies, when reviewing and approving development proposals, to consider the traffic impacts on the Congestion Management System.

Local

City of Banning – General Plan Circulation Element

The Circulation Element of the City of Banning General Plan contains a goal and policies that are considered applicable to the proposed Project as identified below.

Goal **A safe and efficient transportation system.**

Policy 7 New development proposals shall pay their fair share for the improvement of street within and surrounding their projects on which they have an impact, including roadways, bridges, grade separations and traffic signals.

Policy 10 Sidewalks shall be provided on all roadways 66 feet wide or wider. In Rural Residential land use designation pathways shall be provided.

Transportation Uniform Mitigation Fee

The Transportation Uniform Mitigation Fee (TUMF) program is administered by Western Riverside Council of Governments (WRCOG) based upon a regional Nexus Study completed in early 2003 and updated in 2016 to address major changes in right of way acquisition and improvement cost factors. TUMF identifies a network of backbone and local roadways that are needed to accommodate growth through 2035. This regional program was put into place to ensure that development pays its fair share, and that funding is in place for construction of facilities needed to maintain the requisite LOS and critical to mobility in the region.

TUMF fees are imposed on new residential, industrial, and commercial development through application of the TUMF fee ordinance and fees are collected at the building or occupancy permit stage. Several the facilities within the Project's study area are programmed for improvements through the TUMF program. The Project Applicant will be subject to the TUMF fee program and will pay the requisite TUMF fees at the rates then in effect pursuant to the City's TUMF Ordinance.

Development Impact Fees

The City of Banning has adopted a Development Impact Fee (DIF) program to impose and collect fees from new residential, commercial, and industrial development for the purpose of funding roadways and intersections necessary to accommodate City growth as identified in the City's currently adopted General Plan Circulation Element. The City's DIF program includes facilities that are not part of, or which may exceed improvements identified and covered by the TUMF program.

4.12.4 Impact Thresholds and Significance Criteria

The following significance criteria for transportation impacts were derived from the Environmental Checklist Form in State CEQA Guidelines Appendix G. An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria:

- Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;

- Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);
- Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment?); or
- Result in inadequate emergency access.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds as the basis for determining the impact's level of significance concerning transportation resources. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. Where significant impacts remain despite compliance with the regulatory framework, feasible mitigation measures are recommended to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts on transportation examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field observations; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on transportation standards consider the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.12.5 Impacts and Mitigation Measures

Impact 4.12-1: *Would the Project conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Level of Significance: *Less Than Significant*

In compliance with the City's Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and LOS Assessment, a TA (see **Appendix K1**) was conducted for the Project which includes an LOS analysis. However, please note that the LOS analysis is provided for information purposes only, as vehicle delay is no longer considered a significant impact under CEQA pursuant to SB 743. Specifically, Public Resources Code (PRC) §21099(b)(2) states that: "Upon certification of the guidelines by the Secretary of the Natural Resources Agency pursuant to this section, automobile delay, as described solely by LOS or similar measures of vehicular capacity or traffic congestion shall not be considered a significant impact on the environment pursuant to this division, except in locations specifically identified in the guidelines, if any."

As summarized below under the “Traffic Analysis” discussion, with respect to consistency with the City’s LOS policies, with recommended improvements the Project’s effects on operational LOS will be consistent with applicable local agency policies. Refer to **Appendix K1** for a complete discussion of analysis methodology and findings.

City of Banning General Plan Circulation Element

As noted above, the Circulation Element guides mobility and transportation in the City, including public transit, bicycle, and pedestrian facilities. The Project would adhere to the City General Plan goal and policies outlined in **Section 4.12.3: Regulatory Setting**, above. More specifically, the Project’s circulation network would be designed consistently with the existing transportation system by adhering to the transportation guidelines set in the City’s General Plan. If applicable, the Project would comply with the City’s DIF program which would require a payment of fees to ensure that the Project’s impact would not significantly impact the regional circulation and/or arterial expansions planned by the City and County (i.e., CMP). The payment of fees pursuant to the DIF program would also help the City keep pace with improvements associated with the projected population increases or other identified roadway deficiencies.

Bicycle and Pedestrian Facilities

As stated previously, the City currently does not have a bicycle or pedestrian circulation plan. There are limited pedestrian facilities in the vicinity of the Project site (see Figure 3-5 of **Appendix K1**). Field observations and traffic counts conducted in 2022 indicate light pedestrian and bicycle activity within the Project study area. As stated above, the Project would provide a payment of fees towards the City’s DIF Program to ensure that existing and proposed bicycle facilities are supported and not impacted. The Project would also improve pedestrian walkways adjacent to the Project site and be designed to ensure pedestrian safety. Therefore, a less than significant impact would occur in regard to bicycle and pedestrian facilities.

Transit Facilities

Transit options provide an alternative mode of transportation for motorists and a primary mode for the transit dependent. As stated previously, the Project site would be served by Banning Connect Transit System. The nearest transit facilities to the Project site are Banning Routes 1 and 6 located to the southwest along Ramsey Street. Transit service is reviewed and updated periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate. As such, it is recommended that the Project Applicant work in conjunction with the transit agencies to potentially extend the existing routes to accommodate bus service to the site.

The Project would support public transit use by improving roadway circulation and pedestrian walkways near the Project site. This would allow employees to utilize public transit, specifically Banning Routes 1 and 6. The Project would also pay fees pursuant to the DIF program, which would support the expansion of public transit near the Project site. Therefore, the Project would support future public transit facilities

with proposed roadway and pedestrian improvements, including payment of fees; and as such, a less than significant impact would occur.

Conclusion

The Project would not conflict with the relevant goals, policies, and ordinances, addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, impacts would be less than significant.

Refer to the following discussion that evaluates operational LOS and recommends improvements in order to meet applicable local agency transportation policies. Please note that while LOS is not a significant impact under CEQA per SB 743, this information is provided here for informational purposes and will be considered by decision-makers. Recommended improvements are likely to be incorporated into the Project's conditions of approval for construction or payment of fair share contributions.

Traffic Analysis

To ensure that the TA satisfies the City's Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis requirements, Urban Crossroads, Inc. prepared a Project traffic study scoping package (Agreement) for review by City staff prior to the preparation of the TA. The Agreement provides an outline of the Project's traffic study area, trip generation, trip distribution, and analysis methodology.

Project Forecast Trip Generation

Trips generated by the Project's land uses were estimated in the TA based on trip generation rates collected by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition for the following ITE land use codes:

- Warehousing (ITE Land Use Code 150)
- High-Cube Fulfillment Center Warehouse (ITE Land Use Code 155)

The Project is anticipated to generate a total of 5,384 actual vehicle trip-ends per day with 685 AM peak hour trips and 910 PM peak hour trips.

Traffic Study Scenarios and Assumptions

For the purposes of the TA, potential deficiencies to traffic and circulation have been assessed for each of the following conditions:

- Existing (2022) Conditions
- Opening Year Conditions or Existing plus Ambient Growth (EA) (2025)
- Opening Year plus Project Conditions or Existing plus Ambient Growth plus Project (EAP) (2025)
- Cumulative (2025) Without Project Conditions or Existing plus Ambient Growth plus Cumulative (EAC)

- Cumulative (2025) With Project Conditions or Existing plus Ambient Growth plus Project plus Cumulative (EAPC)

Existing (2022) Conditions

Information for Existing (2022) conditions is disclosed to represent the baseline traffic conditions as they existed at the time the TA was prepared. The following study area intersection is currently operating at an unacceptable LOS during the peak hours:

- Hargrave Street and I-10 EB Ramps (#3) – LOS E AM peak hour only

EA and EAPC (2025) Conditions

The following study area intersection is anticipated to operate at an unacceptable LOS during the peak hours under EA (2025) traffic conditions, consistent with Existing (2022) traffic conditions:

- Hargrave Street and I-10 EB Ramps (#3) – LOS F AM peak hour only

The following study area intersections are anticipated to operate at an unacceptable LOS during the peak hours under EAP (2025) traffic conditions with the addition of Project traffic, in addition to the locations identified above for EA (2025) traffic conditions:

- Hargrave Street and I-10 WB Ramps (#2) – LOS E AM and PM peak hours
- Hathaway Street and Nicolet Street (#5) – LOS E PM peak hour only

EAC and EAPC (2025) Conditions

The following study area intersections are anticipated to operate at an unacceptable LOS during the peak hours under EAC (2025) traffic conditions:

- Hargrave Street and I-10 WB Ramps (#2) – LOS F AM and PM peak hours
- Hargrave Street and I-10 EB Ramps (#3) – LOS F AM and PM peak hours

The following study area intersections are anticipated to operate at an unacceptable LOS during the peak hours under EAPC (2025) traffic conditions with the addition of Project traffic, in addition to the locations identified above for EAC (2025) traffic conditions:

- Hathaway Street and Nicolet Street (#5) – LOS F PM peak hour only

Recommendations

The following recommendations are based on the minimum improvements needed to accommodate site access and maintain acceptable peak hour operations for the Project. It should be noted that these recommendations were provided to address LOS, which, pursuant to SB 743 is no longer used as the basis for the determination of significance of Transportation impacts under CEQA. As such, these recommendations do not relate to Transportation impacts resultant of Project implementation, nor are these recommendations required to reduce the significance of the impacts of the Project. These recommendations are provided for informational purposes only; however, they could be included as

conditions of approval of the Project, in which case, the Project would implement these recommendations.

Recommendation 1 – Hathaway Street and Wilson Street (#4) – The following improvement is necessary to accommodate site access:

- Project to install a traffic signal.
- Project to construct a westbound left turn lane with a minimum of 315-feet of storage and two right turn lanes.
- Project to construct pedestrian ramps at each corner and stripe crosswalks across all legs.

Recommendation 2 – Driveway 1 and Wilson Street (#8) – The following improvements are necessary to accommodate site access:

- Project to install a stop sign on the southbound approach (Project driveway) and construct a right turn lane.
- Project to construct two eastbound through lanes.
- Project to construct a westbound through lane and a shared through-right turn lane.

Recommendation 3 – Driveway 2/O'Donnell Street and Wilson Street (#9) – The following improvements are necessary to accommodate site access:

- Project to install a traffic signal.
- Project to construct a northbound left turn lane with a minimum of 100-feet of storage and shared through-right turn lane.
- Project to construct an eastbound left turn lane with a minimum of 100-feet of storage, two through lanes, and a right turn lane with a minimum of 100-feet of storage.
- Project to construct a westbound left turn lane with a minimum of 100-feet of storage, two through lanes, and a right turn lane with a minimum of 100-feet of storage.
- Project to construct pedestrian ramps at the northeast, northwest, and southeast corners, and crosswalks across the north and west legs.

Recommendation 4 – O'Donnell Street and Nicolet Street/Driveway 3 (#10) – The following improvements are necessary to accommodate site access:

- Project to construct a southbound left turn lane. Note, the southbound right turn lane should be striped at some time in the future when Nicolet Street is constructed to the west.
- Project to install a stop sign on the westbound approach (Project driveway) and construct a right turn lane. Note, the westbound right turn lane should be restriped to a shared through-right turn lane at some time in the future when Nicolet Street is constructed to the west.
- Project to construct pedestrian ramps at the northeast corner and a crosswalk across the east leg.

Recommendation 5 – Driveway 4 and Wilson Street (#11) – The following improvements are necessary to accommodate site access:

- Project to install a stop sign on the northbound approach (Project driveway) and construct a shared left-through lane.
- Project to install a stop sign on the southbound approach (Project driveway) and construct a shared through-right turn lane.
- Project to construct an eastbound left turn lane and right turn lane. It should be noted, there will be sufficient pavement width provided to stripe an eastbound left turn lane and two through lanes, however a left turn and right turn lane will be striped for the interim condition. The through lanes should be striped at some time in the future when Wilson Street continues to the east and provides connection to other roadways.
- Project to construct pedestrian ramps at each corner and stripe crosswalks across all legs.

Recommendation 6 – Wilson Street is an east-west oriented roadway located within the Project site. Project to construct Wilson Street at its ultimate full-section width as an Arterial Highway (110-foot right-of-way) from Hathaway Street to the Project's eastern boundary consistent with the City's standards. Project to construct a raised median along Wilson Street from Hathaway Street to the Project's eastern boundary.

Recommendation 7 – O'Donnell Street is a north-south oriented roadway located on the Project's western boundary. Project to construct O'Donnell Street at its ultimate half-section width along the Project's frontage as a Local Street (78-foot right-of-way) from Wilson Street to Nicolet Street consistent with the City's standards. Project to provide an additional 12-feet of pavement on the west side of O'Donnell Street, consistent with the City's standards, in order to facilitate site access.

On-site traffic signing and striping should be implemented agreeable with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the Project site.

Sight distance at each project access point should be reviewed with respect to standard California Department of Transportation (Caltrans) and City of Banning sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.

Recommendation 8 – Cottonwood Road is a north-south oriented roadway located on the Project's eastern boundary. Project to construct Cottonwood Road, only as required by the City's conditions of approval, at its ultimate half-section width along the Project's frontage as a Major Highway (100-foot right-of-way) from Wilson Street to the Project's southern boundary, consistent with the City's standards. Project to provide an additional 12-feet of pavement on the east side of Cottonwood Road, consistent with the City's standards, in order to facilitate site access.

On-site traffic signing and striping should be implemented agreeable with the provisions of the California Manual on Uniform Traffic Control Devices (CA MUTCD) and in conjunction with detailed construction plans for the Project site.

Sight distance at each project access point should be reviewed with respect to standard California Department of Transportation (Caltrans) and City of Banning sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.

Summary of Available Funding Mechanisms for Operational Improvements (not for CEQA Impacts)

The recommended improvements needed to address the cumulative deficiencies identified under Existing (2022), EA and EAPC (2025), and EAC and EAPC (2025) traffic conditions are summarized in **Table 4.12-3: Summary of Improvements by Analysis Scenario** (Table 1-4 of **Appendix K1**). As shown in **Table 4.12-3**, the Project will construct the improvements identified, as discussed above. Improvements that appear under EAP traffic conditions would be the Project's responsibility to construct to maintain acceptable LOS, if not also required to address EA deficiencies. For those improvements listed in **Table 4.12-3** and not constructed as part of the Project, the Project Applicant's responsibility for the Project's contributions towards deficient intersections is fulfilled through payment of fair share or fees (e.g., DIF; applicable pre-existing fee programs) that would be assigned to construction of the identified recommended improvements. The Project Applicant would be required to pay fair share and fees consistent with the City's requirements.

Mitigation Measures

No mitigation is required.

Table 4.12-3: Summary of Improvements by Analysis Scenario

# Intersection	Jurisdiction	Analysis Scenario					Project Responsibility	Improvements in DIF	Project Fair Share
		Existing (2022)	EA (2025)	EAP (2025)	EAC (2025)	EAPC (2025)			
2. Hargrave St. and I-10 WB Ramps	Banning, Caltrans	None	Install a Traffic Signal	Same	Same	Same	Fair Share	No	16.6%
3. Hargrave St. and I-10 EB Ramps	Banning, Caltrans	Install a Traffic Signal; Add SB left turn lane	Same; Same	Same; Same	Same; Same	Same; Same	Fair Share; Fair Share	No; No	11.7%
5. Hathaway St. & Nicolet St.	Banning	None	None	Convert intersection to a cross-street stop control	Not Applicable; Install a Traffic Signal; Restripe the SB approach to provide one left turn lane and one shared through-right turn lane.	Not applicable; Same; Same	Construct; Fair Share; Fair Share	No; No; No	71.6%

Source: Table 1-4 of **Appendix K1**.

1 Improvements included in regional/City DIF programs have been identified as such.

2 Program improvements constructed by project may be eligible for fee credit. In lieu fee payment is at the discretion of the City.

Impact 4.12-2: *Would the Project conflict or be inconsistent with CEQA Guidelines §15064.3, subdivision (b)?*

Level of Significance: Significant and Unavoidable

State CEQA Guidelines requires all lead agencies to adopt VMT as the measure for identifying transportation impacts for land use projects. To comply with CEQA, the City adopted Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis (City Guidelines). The City Guidelines documents the City's VMT analysis methodology and adopted VMT impact thresholds. The VMT analysis presented in this report has been developed based on these City Guidelines.

VMТ Screening

Consistent with City Guidelines, projects that meet certain screening criteria based on their location, land use, or other attributes may be presumed to result in a less than significant transportation impact. As the City has not developed their own City VMT screening tool, the Western Riverside Council of Governments (WRCOG) VMT Screening Tool (Screening Tool) was alternatively used to aid in the screening process and offers screening attributes consistent with the screening criteria listed in the City Guidelines. The following screening criteria for land development projects were selected for further evaluation based on their applicability to the proposed Project:

- Proximity to Transit
- Low VMT Area
- Small/Low Trip Generating Projects

Land development projects that have one or more of the following attributes may be presumed to have a less than significant VMT impact.

Proximity to Transit

According to City Guidelines, projects that meet the following criteria may be presumed to have a less than significant VMT impact:

- located within a Transit Priority Area (TPA) (i.e., within ½ mile of an existing “major transit stop” or an existing stop along a “high-quality transit corridor”),
- consistent with the City's General Plan and zoning,
- have a floor-to-area ratio (FAR) greater than 0.75,
- projects that provide parking less than or equal to the City's Municipal Code requirements,
- and projects that do not replace any affordable residential units with moderate- or high-income residential units.

Based on the Screening Tool results presented in Attachment A of **Appendix K2**, the Project site is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor, and TPA screening criteria is not met.

Low VMT Area

As noted in the City Guidelines, “Projects located in areas with low VMT will be eligible to be screened out as long as they are consistent with the City’s General Plan.” The City recognizes any net increase in VMT per employee for uses consistent with General Plan Guidelines as exceeding the threshold for Low VMT.

The Screening Tool is used to determine if a Project is in a low VMT Area. It uses the sub-regional Riverside County Transportation Model (RIVCOM) to measure VMT performance within individual traffic analysis zones (TAZs) in the region. First, the Project’s physical location is identified on the map, then the Screening Tool provides VMT data for the TAZ in which the project resides to determine existing VMT for that zone. The Project was located and selected by parcel location. The Screening Tool was then run for production-attraction (PA) VMT per employee. The Project TAZ 41 was shown to generate 26.9 VMT per employee, which is below the WRCOG regional average 30.4 VMT per employee for industrial land uses.⁴ The Project is located in a low VMT area (See Attachment A in **Appendix K2**). However, after further examination of the Project’s TAZ within the RIVCOM model it was determined the Project’s TAZ contained mostly agricultural uses type, which is not consistent with the proposed industrial land use of the Project. Therefore, the Project does not qualify for this screening criteria. The Low VMT Area screening criteria is not met.

Small/ Low Trip Generating Projects

The City Guidelines recognizes those projects generating fewer than 1,000 daily vehicle trips to result in a less than significant VMT impact. Table 1 of **Appendix K2** presents a summary of the trip generation, which estimates 5,384 daily vehicle trips generated, exceeding the City’s 1,000 daily vehicle trip threshold for projects consistent with the City’s General Plan land use designations. Therefore, the Project type screening criteria is not met.

VMT Analysis

VMT Metric and Significance Threshold

According to the City Guidelines, the appropriate efficiency metric used to measure VMT for purposes of determining a potential transportation impact for non-residential land use projects in the City is VMT per employee. In addition, the City Guidelines have identified the following impact threshold:

- For other land uses (for example, industrial, manufacturing, etc.), any net increase in VMT per employee (for the WRCOG regional average) would indicate a significant impact for uses consistent with the General Plan.

The WRCOG regional threshold was calculated using WRCOG’s latest RIVCOM model version 3.5. Results from this calculation yielded the same base year results of 30.4 VMT per employee for the WRCOG regional average.

⁴ Ibid, page 23.

Project Land Use Conversion

To estimate Project generated VMT, standard land use information such as dwelling units and building square footage must first be converted into a RIVCOM compatible dataset. The RIVCOM model utilizes socio-economic data (SED) (e.g., population, households, and employment) instead of land use information for the purposes of vehicle trip estimation. Land use information for the Project has been converted to SED and input into the Project's TAZ to calculate the Project's VMT. It is estimated that the Project would generate approximately 2,841 employees; see Table 2 of **Appendix K2**.

Project's VMT Calculation and Comparison to Impact Threshold

As stated previously, for industrial land uses in the City the efficiency metric VMT per employee is used to evaluate project generated VMT. VMT per employee is obtained by dividing project generated home-based work VMT by the number of Project employees. Home-based work VMT is obtained from the RIVCOM model using the Production/Attraction (PA) method for calculating VMT, which sums all weekday VMT generated by trips with at least one trip end in the study area (i.e., Project's TAZ). Productions are land use types that generate trips (residences), and attractions are land use types that attract trips (employment). Productions and attractions are converted from person trips to vehicle trips for the purposes of calculating VMT and are then multiplied by the distance skims to calculate VMT. A summary of RIVCOM's output data can be found in Attachment B of **Appendix K2**. **Table 4.12-4: Project HBW VMT Per Employee**, presents Project generated PA home-based work (HBW) VMT for RIVCOM, along with the estimated number of Project employees, and the resulting VMT per employee.

Table 4.12-4: Project HBW VMT Per Employee

	Project
Home-Based Work VMT	94,677
Employment	2,841
VMT per Employee	33.3
Source: Appendix K2 , Table 3.	

Table 4.12-5: Project VMT Per Employee Comparison, provides a comparison between Project VMT per employee to the City's significance threshold. As shown in **Table 4.12-4**, Project generated VMT per employee exceeds the City's adopted thresholds by 9.5 percent and Project's VMT impact is considered significant.

Table 4.12-5: Project VMT Per Employee Comparison

	Project
City Threshold	30.4
Project	33.3
Percent Above Threshold	+9.5%
Potentially Significant?	Yes
Source: Appendix K2 , Table 4.	

Conclusion

In conclusion, the Project was not found to meet any available screening criteria, the Project's VMT analysis was found to exceed the City's VMT per employee threshold by 9.5 percent, and implementation of feasible VMT reduction measures would not definitively reduce Project VMT or Project VMT impacts. Reductions in commute VMT through feasible reduction measures such as those described below would be provided by the Project and would be implemented as part of future Certificates of Occupancy for future tenants as noted in **MM TRANS-1**. However, even with implementation of the potential VMT reduction measures and **MM TRANS-1**, the Project VMT impact is assumed to exceed the City VMT threshold. Potential commute trip reduction strategies have been considered for the purposes of reducing Project related VMT impacts (i.e., commute trips) determined to be significant. As the future building tenants are not known for the Project, the effectiveness of each commute trip reduction measures cannot be known at this time. The Project can, however, consider the following measures that have the potential to reduce work/commute VMT, although no quantified benefit can be taken at this time. The Project VMT impact is therefore considered significant and unavoidable.

Mitigation Measures

Impact would be significant, unavoidable, and unmitigable for the Project. **MM TRANS-1** requires the incorporation of reasonable and feasible VMT reduction measures as part of future Certificates of Occupancy of future tenants. The VMT reduction measures could include VMT reduction strategies listed below.

MM TRANS-1 Prior to the issuance of Certificate of Occupancy for future tenants, the future tenant shall demonstrate implementation of reasonable and feasible VMT reduction measures to the satisfaction of the City of Banning Planning Director. Measures to be considered include, but are not limited to VMT strategy reduction measures:

Potential VMT Reduction Strategies

The following are potential VMT reduction measures that could be implemented:

- The Project may implement a Voluntary Commute Trip Reduction (CTR) measure. The purpose of the CTR would be to encourage alternative modes of transportation such as carpooling, which would reduce VMT. A proposed CTR program for this Project could include providing on-site and/or online commute information services including information on available transit and ride coordination for employees.
- The Project could provide designated carpool/vanpool parking in desirable locations on-site, which could encourage employees to carpool/vanpool to work and reduce VMT.
- The Project could install end-of-trip facilities such as bicycle parking and lockers which could encourage employees to use alternative modes of transportation and thus reduce VMT.

- The Project could increase sidewalks along the Project frontage and provide connections to existing trails (if applicable) in order to improve pedestrian access. This measure could encourage employees to walk to nearby destinations and thus reduce VMT.
- The Project could implement employee parking cash-out policies. Cash-out is when employers provide employees with a choice of forgoing their current subsidized/free parking, provided by the employer, in lieu of a cash payment equivalent to or greater than the cost of the parking space. This encourages employees to use other modes of travel instead of single occupancy vehicles.

Impact 4.12-3: *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)?*

Level of Significance: Less Than Significant

The Project site does not currently have direct access to the roadway network of the City of Banning. Wilson Drive and Nicolet Street east of Hathaway Street and O'Donnell Street are platted roadway rights-of-way within the City that will be constructed to serve the Project. Wilson Drive and Nicolet Street intersect Hathaway Street and would be constructed as part of coordination between the development of this Project, developers of adjacent properties and projects, and the City. Two unpaved roads follow power transmission lines across the Project area, one in a southwest-northeast direction through the middle portion, and the other west-to-east near the northern Project boundary. The Project would include the construction of one concrete tilt-up building on a flat slab foundation, driveways, parking areas, landscaping, other appurtenant infrastructure and landscaping, and roadway improvements along Project frontages, including the extension of Wilson Drive to the future Cottonwood Avenue alignment (Cottonwood Avenue to be constructed by others). The Project would not substantially increase hazards due to a geometric design feature or incompatible uses. The Project's design features would include the creation of new driveways, improvements of adjacent/near-by roadways, and development of internal circulation pathways. The Project's roadways, ingress and egress, interior circulation elements, and improvements would be designed in conformance with the development and design standards of the Banning General Plan and Banning MC design standards which includes but is not limited to Banning MC Section 17.24.040, "Each structure or use shall maintain direct access to a public right-of-way. Where a structure or use is part of a larger project, such as a shopping center, all structures shall maintain reciprocal access easements through parking lots. Whenever possible, circulation systems shall interconnect between projects, and limit access onto arterial roadways".

This would result in the safe and efficient movement of traffic within and throughout the Project site. Furthermore, this would ensure that the Project would not introduce any sharp curves for the public and Project uses, or create dangerous intersections, or design hazards. Lastly, the Project does not propose incompatible land uses, such as utilizing farm equipment, that would result in a potential significant traffic safety hazard. Large heavy-duty machinery such as excavators, graders, rollers, etc., would be signed and staged appropriately. As the Project would develop a speculative warehouse facility, it would be designed to accommodate truck traffic throughout the Project site. As such, truck turning templates are completed

to ensure that there would be adequate circulation and movement throughout the Project site. Refer to **Figure 4.12-1, Truck Turning Exhibit**.

Additionally, implementation of the TA Recommendations 1 through 7 listed above, and compliance with the City's Traffic Impact Analysis Guidelines, would ensure large trucks have adequate access to and from the Project site and adjacent intersections. Implementation of the identified recommendations would ensure that impacts would be less than significant, and the Project would not substantially increase hazards due to heavy truck maneuvers.

Therefore, the Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) and impacts would be less than significant.

Mitigation Measures

No mitigation is required.

Impact 4.12-4: Would the Project result in inadequate emergency access?

Level of Significance: Less Than Significant

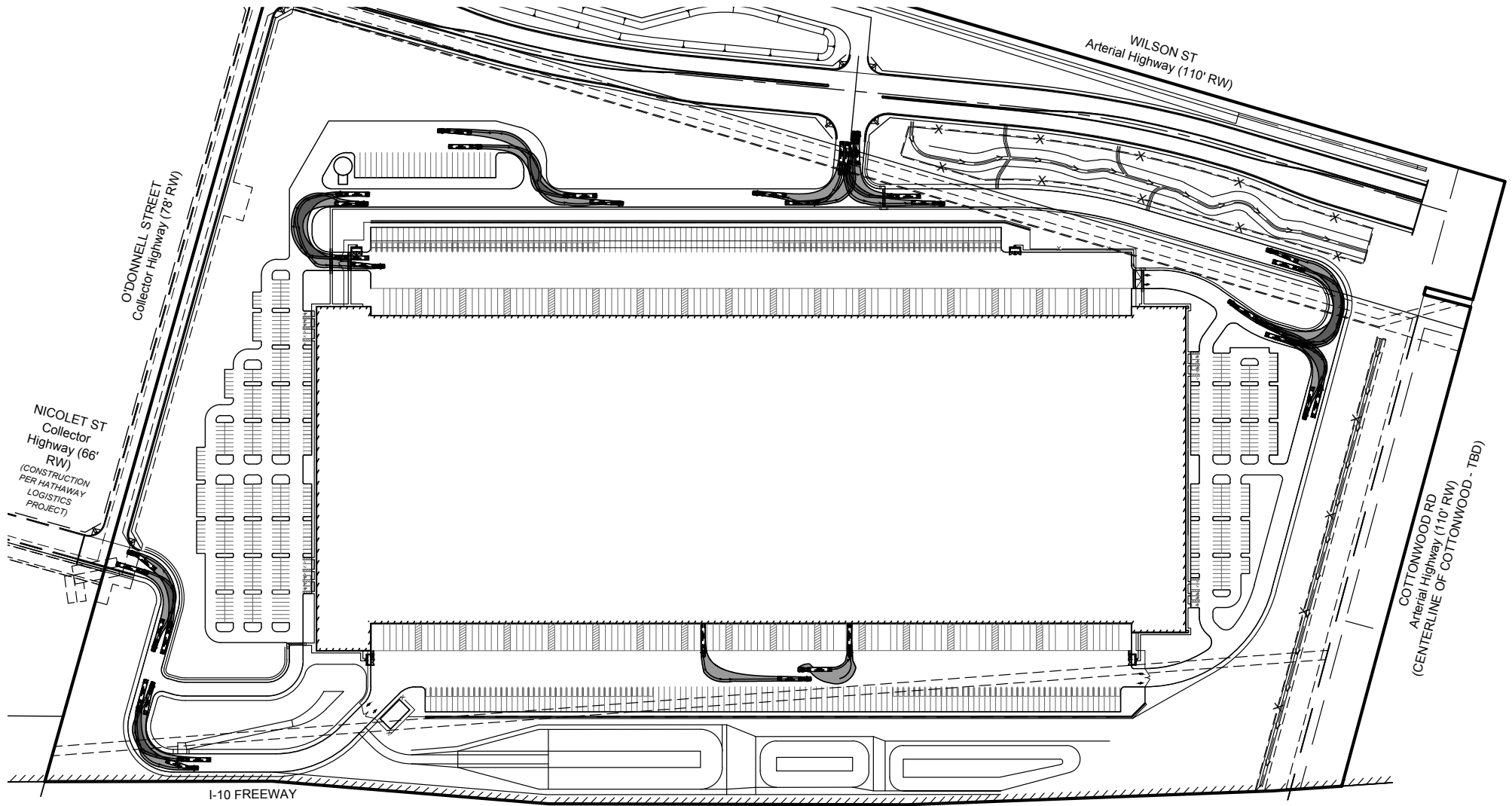
See **Impact 4.12-3**. Wilson Street and Nicolet Street are platted roadway rights-of-way within the City that will be constructed to serve the Project east of Hathaway Street and O'Donnell Street. Wilson Street and Nicolet Street intersect Hathaway Street and would be constructed as part of coordination between the development of this Project, developers of adjacent properties and projects, and the City. Should the construction of Nicolet Street be delayed for any reason, the Project would be required to provide a secondary access to the Project site via an extension of Ramsey Street, within its currently dedicated right-of-way, to the Project site. This extension would not be a permanent roadway improvement and would occur through already disturbed areas. This secondary access would only be required as conditioned by the City upon Project approval. Project site ingress and egress for the warehouse building would be via two driveways: one 44-foot driveway at the intersection of Nicolet Street and O'Donnell Street; one 52-foot driveway along Wilson Drive. The Project access point along Wilson Drive would be signalized. The Project access point from Nicolet Street and O'Donnell Street would be unsignalized. While not considered as part of the Project, the City has currently proposed a roadway alignment on the eastern portion of the Project site: Cottonwood Road that would serve as a recommendation to discuss that the Project will construct Cottonwood Road at its ultimate half-section width at major highway, I-10. This road would connect the Project to a proposed interchange with I-10. At such a point when the proposed interchange and roadway are constructed, there would be an additional location for regional access to the Project site. Emergency access to the Project site would be provided by the proposed driveways located at the intersection of Nicolet Street and O'Donnell Street and at the driveway along Wilson Drive.

Furthermore, design of any needed roadway improvements and subsequent construction due to increased traffic volumes on local roadways would comply with the applicable federal, state, and local requirements related to emergency access and evacuation plans. The proposed design and construction plans for any future construction and roadway improvements, including potential mitigation (road

widening or intersection improvements) to accommodate any future increase in traffic volume would be reviewed and approved by the City engineering department and fire marshal (if needed) during the plan review and prior to Project approval. Neither construction or operations of the Project site would disrupt or interfere with emergency access or impede access to nearby roadways. The Project would not result in inadequate emergency access and would comply with design standards for emergency services. Impacts would be less than significant and no mitigation is necessary.

Mitigation Measures

No mitigation is required.



Source: Kimley-Horn, 2024

FIGURE 4.12-1: Truck Turning Exhibit
Banning Commerce Center Project, City of Banning



Not to scale

4.12.6 Cumulative Impacts

As discussed in the preceding analysis, the Project has less than significant impacts relating to conflicts with the circulation system, roadway design hazards, and emergency access. Other projects in the area are also required to meet standard requirements to provide transportation facilities that accommodate both pedestrian, bicycle, and vehicle travel. Therefore, the Project would not result in impacts that are cumulatively considerable.

Cumulative traffic impacts are addressed in the Project Traffic Analysis (**Appendix K1**) and summarized above. The Project's contribution to operational LOS deficiencies would be fully addressed through implementing the recommended measures and providing construction or funding for the identified improvements (note that operational level of service is no longer a significant impact under CEQA per SB743). There were no other LOS cumulative effects identified or cumulatively considerable contributions to significant cumulative impacts for the Project. The Project's VMT analysis (**Appendix K2**, summarized above) provides an analysis of the Project's cumulative impacts on VMT. The VMT analysis concludes that Citywide VMT increases with the Project resulting in a significant and unavoidable cumulative VMT impact. Even with implementation of reasonable and feasible VMT reduction measures, the VMT analysis concludes that Citywide VMT increases from the Project would result in a significant and unavoidable cumulative VMT impact.

4.12.7 Significant Unavoidable Impacts

Project Buildout is estimated to exceed the City's adopted VMT threshold. Regardless of potential reductions in VMT through feasible reduction measures, reductions in VMT cannot be accurately estimated or guaranteed. Even with implementation of regulatory requirements, and consideration of mitigation, the Project would result in significant and unavoidable impacts.

4.12.8 References

California Department of Transportation. 2021. *California Manual on Uniform Traffic Control Devices (CA MUTCD)*.

City of Banning. 2006. *City of Banning General Plan*. Retrieved from: <http://banning.ca.us/468/General-Plan-Amendments>.

City of Banning. 2006. *City of Banning General Plan Final Environmental Impact Report*. Retrieved from: <http://www.ci.banning.ca.us/DocumentCenter/View/2260/Response-to-Comments?bidId=>.

City of Banning. 2022. *Route 1*. Retrieved from: <http://www.banning.ca.us/DocumentCenter/View/6481/Route-1>, (accessed April 2023).

City of Banning. 2023. *City of Banning Short Range Transit Plan, FY 2020/2021 – 2022/2023*. Retrieved from: <https://banningca.gov/DocumentCenter/View/7449/Att-2-Banning-SRTP>, (accessed April 2023).

City of Banning. 2021. *Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis*. Retrieved from:
<http://www.banning.ca.us/DocumentCenter/View/12605/City-of-Banning-TIA-Guidelines>,
(accessed October 2023).

County of Riverside. 2015. *County of Riverside General Plan*. Retrieved from:
<https://planning.rctlma.org/general-plan-and-zoning/riverside-county-general-plan>, (accessed
October 2023).

CPTDB Wiki. 2022. *Banning Transit System*. Retrieved from:
https://cptdb.ca/wiki/index.php/Banning_Transit_System, (accessed June 2023).

Western Riverside Council of Governments. 2016. *TUMF Nexus Study, 2016 Program Update*. Retrieved
from: <https://wrcog.us/DocumentCenter/View/1020/TUMF-2017-Nexus-Study-current?bidId=>,
(accessed October 2023).

Urban Crossroads. 2023. *Banning Commerce Center Project. Traffic Analysis*

Urban Crossroads. 2023. *Banning Commerce Center Project. Vehicle Miles Traveled (VMT) Analysis*.

4.13 TRIBAL CULTURAL RESOURCES

4.13.1 Introduction

This section of the Draft Environmental Impact Report (Draft EIR) evaluates potential impacts related to tribal cultural resources that could result from Project development. Historically, the term “cultural resources” encompassed archaeological, historical, paleontological, and tribal cultural resources, including both physical and intangible remains, or traces left by historic or prehistoric peoples. Tribal Cultural Resources consist of the following:

- A tribal cultural resource listed in or determined to be eligible by the State Historical Resources Commission (SHRC), for listing in the California Register of Historical Resources.
- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (b) Included in a local register of historical resources as defined in subdivision (k) of §5020.1.
 - (c) 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 §5024.1.

The analysis in this section is based upon information derived from the following:

- CRM TECH. 2022. *Historical/Archaeological Resources Survey Report. City of Banning, Riverside County, California.* (**Appendix D**).

4.13.2 Environmental Setting

Ethnohistoric Context

The San Gorgonio Pass area has long been a part of the traditional homeland of the Cahuilla Indians, a Takic-speaking people who were primarily hunters and gatherers prior to European contact. One of the three subgroups of the Cahuilla, the Pass Cahuilla, was so named by anthropologists because of their roots in the San Gorgonio Pass area. Cahuilla territory was generally bounded on the east by the Orocopa Mountains; on the north by the San Bernardino Mountains; on the west by the Santa Ana River, the San Jacinto Plain, and the eastern slope of the Palomar Mountains; and on the south by Borrego Springs and the Chocolate Mountains. This geographic diversity provided a variety of foods, and it has been estimated that the Cahuilla exploited more than 500 native and non-native plants. Acorns, mesquite, screw beans, piñon nuts, and various types of cacti were used. A variety of seeds, wild fruits and berries, tubers, roots, and greens were also a part of the Cahuilla diet. A marginal agricultural existence provided corn, beans, squashes, and melons. Rabbits and small animals were hunted to supplement the diet. During high stands of Ancient Lake Cahuilla, fish, migratory birds, and marshland vegetation were also taken for sustenance and utilitarian purposes.

Structures in permanent villages ranged from small brush shelters to dome-shaped or rectangular dwellings. Villages were situated near water sources, in the canyons near springs or on alluvial fans at

walk-in wells. Mortuary practices entailed cremation of the dead. Upon a person's death, the body was bound or put inside a net and then taken to a place where the body would be cremated. Secondary internments also occurred. A mourning ceremony took place about a year after the death. During this ceremony, an image of the deceased would be burned along with other goods.

Pre-contact Cahuilla population has been estimated to have been as low as 2,500 or as high as 10,000. At the time of first contact with Europeans, around 1774, the Cahuilla numbered approximately 6,000. Although they were the first to come into contact with the Cahuilla, the Spanish missionaries and explorers had little influence over the native lifeways in this remote, arid desert region. Some of the Cahuilla who lived in the plains and valleys west of the desert and the mountains, however, were missionized through an asistencia located near present-day San Bernardino.

Cahuilla political, economic, and religious autonomy was maintained until 1877, when the United States government began to establish Indian reservations in the region. Protestant missionaries came into the area to convert and "civilize" the Native Americans. During this era, traditional cultural practices, such as cremation of the dead, were prohibited. Today, the Cahuilla reside on a number of reservations in southern California, located from Banning in the north to Warner Springs in the south and from Hemet in the west to Thermal in the east.

Project Setting

The Project area is in the San Gorgonio Pass, an east-west-trending corridor lying between the San Bernardino Mountains on the north and the San Jacinto Mountains on the south. The pass is an important connection between coastal southern California and the Coachella Valley region of the Colorado Desert, with Interstate 10 (I-10) and the Union Pacific (formerly Southern Pacific) Railroad serving as the main transportation thoroughways.¹ The pass was formed by the San Andreas Fault, which runs along the pass between the San Bernardino Mountains to the north and the San Jacinto Mountains to the south. The Project is generally bounded by I-10 and Banning Municipal Airport to the south; vacant land and the California Highway Patrol (CHP) Banning West Weigh Station to the east and vacant lands to the north and west. The vacant lands to the west of the site have been disturbed in 2010-2012, possibly due to use for materials or storage by the former Orco Block Company. Immediately north of the Project site is Morongo Tribal Land. Topographically, much of the Project area is flat, but gradually increases in elevation. Elevation on-site ranges from approximately 2,325 to 2,152 feet (ft) above mean sea level (amsl), with a downward gradient of approximately 3.8 percent. An area near the western boundary has been disturbed by mechanical clearing of adjacent lands, and resulted in mounded soil and boulders. Two unpaved roads follow power transmission lines across the Project area, one in a southwest-northeast direction through the middle portion, and the other west-to-east near the northern boundary.

¹ CRM TECH Page 4

4.13.3 Regulatory Setting

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. 300101 et seq.) is legislation intended to preserve historical and archaeological sites in the United States of America. The act created the National Register of Historic Places, the list of National Historic Landmarks, and the State Historic Preservation Offices (SHPO). Among other things, the act requires federal agencies to evaluate the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.) through a process known as “Section 106 Review.”

National Register of Historic Places

Developed in 1981 pursuant to Title 36 CFR §60, the National Register of Historic Places (NRHP) provides an authoritative guide to be used by federal, state and local governments, private groups and citizens to identify the nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment. It should be noted that the listing of a private property on the NRHP does not prohibit any actions which may otherwise be taken by the property owner with respect to the property. The listing of sites in California to the NRHP is initiated through an application submitted to the State Office of Historical Preservation. Applications deemed suitable for potential consideration are handled by the SHPO. All NRHP listings for sites in California are also automatically added to the California Register of Historical Resources (CRHR) by the State of California. The listing of a site on the NRHP does not generally result in any specific physical protection. Among other things, however, it does create an additional level of CEQA (and NEPA, the National Environmental Protection Act) review to be satisfied prior to the approval of any discretionary action occurring that might adversely affect the resource.

American Indian Religious Freedom Act

This American Indian Religious Freedom Act became law in 1978 (Public Law 95-341, 42 USC 1996) in order to protect and preserve for American Indians their inherent right of freedom to believe, express and exercise their traditional religions. These religious rights extend to, but are not limited to, access to sites, use and possession of sacred objects and the freedom to worship through ceremonies and traditional rites.

Under this regulation, federal agencies and departments are charged with evaluating their policies and procedures in consultation with native traditional religious leaders in order to eliminate interference with the free exercise of native religion. Agencies must determine and make appropriate changes necessary to protect and preserve Native American religious cultural rights and practices, and to accommodate access to and use of religious sites “to the extent that the use is practicable and not inconsistent with an agency’s essential functions.” The intent is to protect Native Americans’ First Amendment right to “free exercise” of religion.

Native American Graves Protection and Repatriation Act

Enacted in 1990 under Title 25 U.S. §3001, the Native American Graves Protection and Repatriation Act (NAGPRA) describes the rights of Native American lineal descendants, Indian Tribes and Native Hawaiian organizations with respect to treatment, repatriation and disposition of Native American cultural items for which they can show a relationship of lineal descent or cultural affiliation. The statute also requires federal agencies and museums receiving federal funds to inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. In an attempt to recognize the religious and cultural significance of such sites and to protect their sacred integrity, it also provides for greater protection of Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects and items of cultural patrimony on federal and tribal lands.

National Park Service – National Register Bulletin 38

National Park Service has prepared guidelines to assist in the documentation of Traditional Cultural Properties (TCPs) by public entities. The Bulletin is intended to be an aid in determining whether properties have traditional cultural significance and if they are eligible for inclusion in the National Register. It is also intended to assist federal agencies, SHPOs, Certified Local Governments, tribes, and other historic preservation practitioners who need to evaluate such properties when considering their eligibility for the NRHP as part of the review process prescribed by the Advisory Council on Historic Preservation (ACHP).

TCPs are a broad group of places that can include:

- location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world;
- rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents;
- an urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices;
- location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

State

California Register of Historical Resources

(Public Resource Code §5024.10 et seq.)

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to

indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC §5024.1). Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks (CHL) numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest (PHI) program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the SHRC determines that it meets one or more of the following criteria, which are modeled on NRHP criteria:

- Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
- Criterion 2: It is associated with the lives of persons important in our past.
- Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
- Criterion 4: It has yielded, or may be likely to yield, information important in history or prehistory.

Under PRC §5024.1 and 14 CCR §4852(c), a cultural resource must retain integrity to be considered eligible for the CRHR. Specifically, it must retain sufficient character or appearance to be recognizable as a historical resource and convey reasons of significance. Integrity is evaluated with regard to retention of such factors as location, design, setting, materials, workmanship, feeling, and association. Cultural sites that have been affected by ground-disturbing activities, such as agricultural activities and off-road vehicle use (both of which occur within the warehouse site), often lack integrity because they have been directly damaged or removed from their original location, among other changes.

Typically, a prehistoric archaeological site in California is recommended eligible for listing in the CRHR based on its potential to yield information important in prehistory or history (Criterion 4). Important information includes chronological markers such as projectile point styles or obsidian artifacts that can be subjected to dating methods or undisturbed deposits that retain their stratigraphic integrity. Sites such as these have the ability to address research questions.

CRHR Criteria

For purposes of CEQA, a historical resource is any object, building, structure, site, area, place, record, or manuscript listed in or eligible for listing in the CRHR (California Public Resources Code [PRC] §21084.1). A resource is eligible for listing in the CRHR if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

The California Code of Regulations (CCR) further provides that cultural resources of local significance are CRHR-eligible (Title 14 CCR, §4852).

California Government Codes (Related to Native American Heritage)

Section 6254(r) of the Government Codes (GC) exempts from disclosure public records of Native American graves, cemeteries and sacred places maintained by the Native American Heritage Commission (NAHC). Pursuant to Senate Bill 18, GC §65351 specifies how local planning agencies should provide opportunities for involvement of California Native American tribes to consult on the preparation or amendment of general plans. In particular, GC §65352 requires local planning agencies to refer proposed actions of general plan adoption or amendment to California Native American tribes on the contact list maintained by the NAHC and others, with a 45-day opportunity for comments. In regard to historical properties, GC §25373 and 37361 allows city and county legislative bodies to acquire property for the preservation or development of a historical landmark. It also allows local legislative bodies to enact ordinances to provide special conditions or regulations for the protection or enhancement of places or objects of special historical or aesthetic interest or values. Lastly, GC §50280-50290 implement the Mills Act which allows the negotiation of historical property contracts between a private property owner of a “qualified historical property” and provides additional guidelines for such contracts.

California Health and Safety Code (§§7050.5, 7051, and 7054)

Sections 7050.5, 7051, and 7054 of the California Health and Safety Code collectively address the illegality of interference with human burial remains (except as allowed under applicable sections of the Public Resources Code), as well as the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, treatment of the remains prior to, during and after evaluation, and reburial procedures.

Public Resources Code §5097 (Related to Cultural Resources)

California PRC §5097 addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establishes the California NAHC to resolve disputes regarding the disposition of such remains. It has been incorporated into §15064.5(e) of the *CEQA Guidelines*.

The NAHC, created in statute in 1976 (Chapter 1332, Statutes of 1976), is a nine-member body whose members are appointed by the Governor. The NAHC identifies, catalogs, and protects Native American cultural resources -- ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes’ accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties.

PRC §5097.9 through 5097.991 establish that no public agency or private party using or occupying public property (or operating on under a public license, permit, grant, lease or contract made after July 1, 1977) shall in any manner interfere with the free expression or exercise of Native American religion as provided in the U.S. Constitution and the California Constitution. It also prohibits such agencies and parties from causing severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require it.

These sections also establish the state's NAHC. The NAHC is tasked with working to ensure the preservation and protection of Native American human remains, associated grave goods and cultural resources. Towards this end, the NAHC has a strategic plan for assisting the public, development communities, local and federal agencies, educational institutions and California Native Americans to better understand problems relating to the protection and preservation of cultural resources and to serve as a tool to resolve these problems. In 2006, PRC §5097.91 and 5097.98 were amended by Assembly Bill 2641 to authorize the NAHC to bring legal action when necessary to prevent damage to Native American burial grounds or places of worship. It also established more specific procedures to be implemented in the event that Native American remains are discovered.

Human Remains

According to §15064.5 of the *CEQA Guidelines*, all human remains are a significant resource. This section also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are discussed within PRC §5097.

Native American Heritage Commission

The NAHC, created in statute in 1976, is a nine-member body, appointed by the Governor, to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is charged with the duty of preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintain an inventory of Native American sacred sites located on public lands (i.e., Sacred Lands File), and review current administrative and statutory protections related to these sacred sites.

Public Resources Code §5097.91 established the NAHC, the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. Public Resources Code §5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

State Historic Preservation Office

SHPO (or Office of Historic Preservation ("OHP")) is a state governmental function created by the federal government in 1966 under §101 of the NHPA. SHPO administers the NRHP, the CRHR, CHLs, and the California PHI programs. The purposes of a SHPO include surveying and recognizing historic properties, reviewing nominations for properties to be included in the NRHP, reviewing undertakings for the impact on the properties as well as supporting federal organizations, state and local governments, and private

sector. SHPO maintains the California Historical Resources Information System (CHRIS), which includes the statewide Historical Resources Inventory database.

California State Historical Landmarks

CHLs are buildings, structures, sites, or places that have been determined to have statewide historical significance and meet specific criteria. The resource must also be approved for designation by the county or local jurisdiction, be recommended by the SHRC, and be officially designated by California State Parks. CHLs are automatically listed in the CRHR.

California Points of Historical Interest

California PHI are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific, technical, religious, experimental, or other value.

California Public Records Act

Sections 6254(r) and 6254.10 of the California Public Records Act (Government Code §6250 et seq.) were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects...maintained by, ..., the Native American Heritage Commission....”. Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the SHRC, the State Lands Commission, the [NAHC], another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.”

Senate Bill 18

In order to aid in the protection of traditional tribal cultural places (“cultural places”) through local land use planning, Senate Bill (SB) 18, effective September 2004, requires local government to notify and consult with California Native American tribes when the local government is considering adoption or amendment of a general or specific plan.

Assembly Bill 52

The legislature added new requirements regarding tribal cultural resources in Assembly Bill 52 (AB) 52. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process.

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant

effect on the environment.” (Pub. Resources Code, §21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, §21080.3.1.)

Local

City of Banning General Plan

Archaeological and Cultural Resources Element

Cultural resources are an important part of the City and provide residents with a meaningful sense of history and heritage. The Archaeological and Cultural Resources Element describes the documented pre-history and history of the City of Banning, including its 20th century development. It sets forth goals, policies and programs which preserve the City’s cultural heritage and help perpetuate it for future generations.

Goal **Documentation, maintenance, preservation, conservation and enhancement of archaeological and historic sites, artifacts, traditions, and other elements of the City’s cultural heritage.**

Policy 1 The City shall exercise its responsibility to identify, document and evaluate archaeological, historical and cultural resources that may be affected by proposed development projects and other activities.

4.13.4 Impact Thresholds and Significance Criteria

The City of Banning relies upon the Environmental Checklist Form included in Appendix G of the State CEQA Guidelines to determine the significance of environmental impacts. As it applies to the Project, the Project would have a significant impact Tribal Cultural Resources if it would:

- (a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §
- (b) 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 cultural value to a California Native American Tribe, and that is:
 - (I) 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 §5020.1(k) or
 - (II) 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 Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.13.5 Impacts and Mitigation Measures

Impact 4.13-1 *Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §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 cultural value to a California Native American tribe, and that is:*

- i) 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 §5020.1(k), or*
- ii) 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.*

Level of Significance: Less than Significant with Mitigation Incorporated

Construction and Operations

Implementation of the Project would result in construction and operational activities upon a currently undeveloped, vacant site. Such activities could potentially uncover Native American historical or archaeological resources. However, the Project area appears to have low sensitivity for prehistoric archaeological resources, and it is unlikely that intact, subsurface prehistoric archaeological deposits would be uncovered during Project construction. As previously discussed in **Section 4.4: Cultural Resources**, no sites or isolates of prehistoric origin were reported within the Project area.

On October 13, 2021, CRM TECH submitted a written request to the State of California NAHC for a records search in the commission's Sacred Lands File. In response to CRM TECH's inquiry, the NAHC states in a letter dated November 19, 2021, that the Sacred Lands File (SLF) search did not return any information of Native American cultural resources (e.g., traditional use or gathering area, place of religious or sacred activity, etc.) within the immediate vicinity of the Project.

Furthermore, the Morongo Band of Mission Indians participated in the field survey of the Project area that was completed by CRM TECH. Neither the Morongo Band of Mission Indians nor the Agua Caliente Band of Cahuilla Indians, who did not participate in the field survey but were contacted along with the Morongo, provided additional input after the field survey took place.

The Planning Department notified the following California Native American Tribes per the requirements of AB 52 on September 14, 2022 to initiate Tribal Consultation. Under AB 52, tribes have 30 days to notify the City if consultation is requested. The following tribes were contacted for consultation: Cahuilla Band of Indians, Morongo Band of Mission Indians (MBMI), Ramona Band of Cahuilla Mission Indians, Santa Rosa Band of Mission Indians, Serrano Nation of Indians, and the Yuhaaviatam of San Manuel Nation (YSMN).

During the 30-day consultation period, only the YSMN responded. YSMN sent a response by email on October 11, 2022. YSMN indicated that the Project was located outside of their ancestral territory and did not wish to consult. MBMI provided a response after the 30-day consultation period on September 3, 2023. MBMI requested a formal consultation and provided mitigation measures they wished to have included as part of consultation. While consultation with MBMI fell outside the 30-day consultation period, the City wished to maintain good faith relations with the MBMI and as such, MBMI requested that mitigation measures are included in this Draft EIR. Specifically, MBMI requested that the Project developer retain a Tribal Monitor during ground disturbing activities (described below) and that the developer would initiate a Native American Treatment Agreement (see **MM TCR-1**). Additionally, the City of Banning through continued good-faith consultation with several Tribal Governments have established a suite of mitigation measures to be implemented in Projects that may have the opportunity to impact tribal cultural resources, which includes tribal monitoring. These mitigation measures, including those provided by MBMI, are provided below as **MM TCR-1** through **MM TCR-8**.

As a result of Tribal Consultation, pursuant to AB 52, the following mitigation measures shall be incorporated into the Project.

Mitigation Measures

- MM TCR-1** **Native American Treatment Agreement:** Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor shall have the authority to temporarily divert, redirect or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources.
- MM TCR-2** **Retention of Archaeologist:** Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind) and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO) and/or designated Tribal Representative. The training session will focus on what the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities, and the procedures to be followed in such an event.
- MM TCR-3** **Cultural Resource Management Plan:** Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details,

timing and responsibility of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

MM TCR-4 **Pre-Grade Meeting:** The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

MM TCR-5 **On-site Monitoring:** During all ground-disturbing activities the qualified archaeologist and the Native American monitor shall be on site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code §21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Native American monitor, shall be responsible for determining the duration and frequency of monitoring.

MM TCR-6 **Inadvertent Discovery of Cultural Resources:** In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Native American monitor shall have the authority to temporarily divert and/or temporarily halt ground disturbance operation in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within 60-feet of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the consulting Tribe[s] and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the Tribal Cultural Resource's treatment and disposition shall be made by the qualified archaeologist in consultation with the Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatment and dispositions of significant cultural resources in order of CEQAs preference:

- Full avoidance.
- If avoidance is not feasible, Preservation in place.

- If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.
- If all other options have been proven to be infeasible, data recovery through excavation and curated in a Curation Facility that meets the Federal Curation Standards (CFR s79.1)

MM TCR-7

Inadvertent Discovery of Human Remains: The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].

Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within 100-feet of the discovery. The area shall be protected, project personnel/observers restricted. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to come to his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) §5097.98.

In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.

The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make their recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98

If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance and reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code §6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribes Most Likely Descendant (MLD), the landowner, and the City Planning Department.

MM TCR-8

Final Report: The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval from all

parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].

4.13.6 Cumulative Impacts

The cumulative area for tribal cultural resources is the City boundaries, but can also vary depending on which tribe is being consulted with. Other cumulative developments that are not exempt from CEQA would be subject to the provisions of AB 52 and potentially SB 18 (should those individual projects require an amendment to the relevant General Plan) and would be required to apply mitigation measures as necessary to mitigate impacts. Further, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. As the Project and other cumulative developments would be required to comply with AB 52 and SB 18, and because the Project will implement **MM TCR-1** through **MM TCR-8** to preclude impacts, cumulatively-considerable impacts would be less than significant. It should be noted that SB 18 is not applicable to the Project as the Project does not propose a general plan amendment.

4.13.7 Significant Unavoidable Impacts

No significant and unavoidable impacts have been identified.

4.13.8 References

CRM TECH. 2022. *Historical/Archaeological Resources Survey Report*.

4.14 UTILITIES AND SERVICE SYSTEMS

4.14.1 Introduction

The purpose of this section is to describe the existing regulatory and environmental conditions related to utilities and service systems serving the Banning Commerce Center Project (Project) site within the City of Banning (City). This section identifies potential impacts that could result from Project implementation and recommends mitigation measures to reduce potentially significant impacts as necessary. The issues addressed in this section are impacts associated with new or expanded utilities necessitated by Project implementation, insufficient water supplies, inadequate wastewater treatment capacity, excess generation of solid waste, and compliance with federal, state, and local management and reduction statutes related to solid waste.

- West and Associates Engineering, Inc. 2023. *Water Supply Assessment Banning Commerce Center Development* (**Appendix K**)

The environmental setting discussion is based largely on review of aerial photographs and maps of the Project site and its surroundings. Other information in this section, such as regulatory framework, is derived from the various planning documents including the City of Banning General Plan (GP), Urban Water Management Plan (UWMP), Sewer System Management Plan (SSMP), and pertinent State of California building codes.

4.14.2 Environmental Setting

The Project applicant proposes the development of an approximately 1,320,000 square-foot (SF) tilt-up industrial building consisting of 39,600 SF of office space and 1,280,400 SF of warehousing on 30 net acres (ac) generally located at the southeast corner of the intersection of Wilson Street and O'Donnell Street.¹ The Project would include the construction of one concrete tilt-up building, driveways, parking areas, landscaping, other appurtenant infrastructure, and roadway improvements including the extension of Wilson Street and Nicolet Street. The Project will also consist of parking and landscaping improvements within the overall lot. The total acreage of the building is approximately 30 acres.² Anticipated utility providers for the Project are listed in **Table 4.14-1: Service Providers**.

Table 4.14-1: Service Providers

Service	Provider
Domestic Water	City of Banning Public Works and Utilities Department
Wastewater	City of Banning Public Works – Wastewater Division
Electric Service	City of Banning Public Works – Electric Division
Natural Gas	The Gas Company
Telecommunications	Time Warner Cable Verizon
Solid Waste Disposal/Recycling	Waste Management Inland Empire
Source: City of Banning. 2006. <i>City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element</i> . http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId= (accessed January 2024).	

¹ West and Associates Engineering, Inc. 2024. *Water Supply Assessment Banning Commerce Center Development*, page 1-1.

² Ibid. Page 2-1.

Domestic Water Facilities

The City of Banning Public Works and Utilities Department supplies water to the entire City, except for a small portion of the City within Banning Canyon. The City obtains water from three sources: groundwater from the San Gorgonio Pass subbasin of the Coachella Valley Groundwater Basin; recycled water; and water imported from northern California via the State Water Project. Imported water is used to recharge the groundwater subbasin; thus, the City's entire potable water supply enters the City's distribution system from groundwater wells. The City's water is obtained entirely from local groundwater basins through nineteen (19) potable groundwater wells, one (1) non-potable groundwater well, and three (3) co-owned wells within the Beaumont-Cherry Valley Water District (BCVWD).³ Surface water naturally recharges the underground water basin across the region, and most directly by the San Gorgonio River and the Whitewater River diversion. Surface water is not considered a separate water supply source as it only recharges basin storage unit pumping production. The City of Banning prepared an Urban Water Management Plan (UMWP) to analyze water demands and project future water supply capacity and water demands through 2045. The UMWP also analyzes the effects of water quality, drought, and emergencies on the City's water supply reliability.⁴

Hathaway Street is located approximately 0.76 miles northeast of the Project site. The City of Banning is within the boundaries of the Coachella Valley Hydrologic Unit, which encompasses several groundwater basins, including the Coachella Valley Groundwater Basin, within which the City is located.⁵ The Basin is underlain by several large subbasins, the boundaries of which are mostly defined by fault lines that restrict the lateral flow of water. The Basin extends from Banning easterly to the Salton Sea. The City is underlain by the San Gorgonio Pass Subbasin portion of the Basin, which is further divided into water storage units.⁶ For storage needs, the City maintains operating reservoirs with a combined storage capacity of about 23 million gallons (MG) amongst ten (10) reservoirs.⁷ Additionally, the City is underlain by alluvial sediments, with bedrock occurring to the north in the San Bernardino Mountains. In addition, the City currently operates four groundwater production wells within the West Banning Storage Unit, namely C5, M7, M10, and M11. The Cabazon Storage Unit is located near the eastern boundary of the City, which encompasses a surface area of approximately 17,215 acres. The City currently operates one (1) groundwater production well in the Cabazon Storage Units, namely Well C6, with a nominal pumping capacity of 900 gallons per minute (gpm).⁸

The San Gorgonio Pass groundwater subbasin is the main source of drinking water for the City of Banning. Currently, the City does not utilize the entire capacity of all of its storage units (subbasins). Therefore, the City intends to establish new groundwater resources to meet projected demands by locating and drilling new wells. **Table 4.14-2, Quantities of Available Water Supplies (AFY)** below shows the City's projected water supplies.

³ Ibid. Page 1-3.

⁴ Ibid. Page 1-3 and 1-4.

⁵ Ibid. Page 2-1.

⁶ Ibid. Page 3-3.

⁷ Ibid. Page 1-6.

⁸ Ibid. Page 3-5.

Table 4.14-2: Quantities of Available Water Supplies (AFY)

Basin Name	2025	2030	2035	2040	2045
Beaumont Basin	6,700	6,700	6,700	6,700	6,700
West Banning Basin	1,430	1,430	1,430	1,430	1,430
Cabazon Basin	---	---	---	---	---
Banning Bench	1,330	1,330	1,330	1,330	1,330
Banning Water Canyon	3,730	3,730	3,730	3,730	3,730
Imported Recharge	250	500	1,000	1,750	2,500
Banning WWTP Recharge (Recycled Water)	1,067	1,107	2,491	2,491	2,491
Additional Supply from Storage	999	2,126	3,156	4,128	4,991
Total Available Supply	63,098	59,351	51,220	40,439	28,551
Total Net Storage	47,169	43,422	35,291	24,510	12,622

Source: City of Banning. 2020. *Urban Water Management Plan Table 3.4 Projected Water Supply Availability (AF)*.
http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId=
 (accessed January 2024).

Additionally, the City intends to offset dependency of the groundwater supplies (listed above) by using recycled water within the next 10 years, as described in more detail below.⁹

Water Supply Assessment

A Water Supply Assessment (WSA) was prepared by West and Associates Engineering, Inc. for the Project in January 2024 to evaluate the existing and future demands on the water supply needed to be supplied from the City of Banning Public Works and Utilities Department. As mentioned above, the City's water is obtained entirely from local groundwater basins. The WSA analyzed and evaluates the City's past and projected water supplies, water rights, and the 2020 Urban Water Management Plan (UWMP) developed by the City of Banning.

Wastewater Facilities

The City of Banning Public Works – Wastewater Division provides sanitary wastewater services to the City of Banning. The City's wastewater collection system drains primarily from west to east. The wastewater generated in the City is collected from a network of 112 miles of gravity sewer mains. The local collector sewers discharge into larger "trunk" sewers in Westward Avenue and Porter Street. The trunk mains then carry the wastewater along an unpaved access road to the Banning Wastewater Treatment Plant (WWTP), located in the southeast corner of the City. The plant could accommodate a future expansion to a capacity of approximately 5.8 MGD. As noted in the 2020 UWMP, total average wastewater treated at the Banning WWTP is about 2,200 AFY (about 2 MGD). The Banning WWTP currently has a design capacity of 3.6 million gallons per day (MGD) and is designed to treat wastewater to secondary standards. The secondary-treated wastewater is discharged to percolation ponds which recharge the Cabazon Groundwater Basin (storage unit).¹⁰

Collected wastewater is conveyed via sewer main lines of 8, 10, 15, and 18 inches in diameter which are connected to trunk lines. The trunk lines range in diameter from 24 to 30 inches and convey wastewater

⁹ City of Banning. 2020. *2020 Urban Water Management Plan*, page 3-18 and 3-20.
http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId=, (accessed January 2024).

¹⁰ Ibid. Page 4-1 and 4-3.

to the plant. These trunk lines are located within the City major rights-of-way. Sewer services are provided to the entire City limits as well as unincorporated Riverside County on the southeasterly portion of the City. Areas not served by the City sewer system utilize septic systems for wastewater treatment and disposal.¹¹ In 2020, 2,185 acre-feet of wastewater flows were collected in the City.¹²

Solid Waste/Recycling Facilities

The City of Banning contracts with Waste Management Inland Empire for solid waste and disposal services. Trash collected from the City is taken to the Lamb Canyon Sanitary Landfill, El Sobrante Landfill, and the Badlands Landfill for disposal. Lamb Canyon Sanitary Landfill is located in the City of Beaumont, approximately three miles southwest of the City of Banning. It is owned and operated by the Riverside County Waste Management Department and accepts solid waste collected from the communities of Banning, Beaumont, Hemet and San Jacinto. It may also accept solid waste generated from anywhere within Riverside County.¹³ **Table 4.14-3: Landfill Capacities Serving the City of Banning** summarizes each landfill's remaining capacity and allowed daily throughout.

Table 4.14-3: Landfill Capacities Serving the City of Banning

Landfill	Location	Maximum Capacity (cubic yards)	Remaining Capacity (cubic yards)	Daily Throughput (tons/day)	Closure Date
Lamb Canyon Sanitary Landfill	16411 Lamb Canyon Road, Beaumont, CA	39,681,513	19,242,950	5,000	4/1/2032
El Sobrante Landfill	10910 Dawson Canyon Road, Corona, CA	209,910,000	143,977,170	16,054	1/1/2051
Badlands Sanitary Landfill	31125 Ironwood Avenue, Moreno Valley, CA	82,300,000	7,800,000	5,000	1/1/2059
Total			171,020,120	26,054	
Sources: CalRecycle. 2015. <i>SWIS Facility/Site Activity Details: Lamb Canyon Sanitary Landfill (33-AA-0007)</i> . https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2246?siteID=2368 (accessed January 2024). CalRecycle. 2018. <i>SWIS Facility/Site Activity Details: El Sobrante Landfill (33-AA-0217)</i> . https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2280?siteID=2402 (accessed January 2024); CalRecycle. 2018. <i>SWIS Facility/Site Activity Details: Badlands Sanitary Landfill (33-AA-0006)</i> . https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2245?siteID=2367 (accessed January 2024).					

Electric Power Facilities

The City of Banning Public Works – Electric Division provides electric services and facilities to the City and the Project site. The City Electric Division contracts with the Southern California Public Power Authority (SCPPA) for most of the City's power needs. SCPPA is a joint power that acquires energy from out of state sources. In addition, the City contracts with both public and private entities for the provision of specialized services. The City's electricity is conveyed to the City through a series of transmission lines including several owned by Southern California Edison (SCE). SCE delivers power to the City through a 115 kV

¹¹ City of Banning. 2006. *City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element*, page VI-2. <http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId=>, (accessed January 2024).

¹² City of Banning. 2020. *2020 Urban Water Management Plan*, page 4-2. <http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning-May-2021?bidId=>, (accessed January 2024).

¹³ City of Banning. 2006. *City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element* page VI-4. <http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId=>, (accessed January 2024).

transmission lines to a substation located on East Ramsey Street.¹⁴ The Project site would receive electricity from the City of Banning Electric Utility, and electric utility lines over 33 kV shall be undergrounded, pursuant to the City's Municipal Code (City MC) Section 17.24.170.

Natural Gas Facilities

Natural gas services and facilities are supplied to the City. Natural gas supplies originate from out of the State of California, transported by two major east-west trending gas pipelines. These high-pressured gas lines, of varying sizes, traverse through the eastern desert areas to the western end of Riverside County. There are existing transmission gas pipelines traversing the Project site in an east-west fashion on the northern portion of the Project site, along Wilson and Lincoln Streets. Adjacent to the two major east-west trending gas lines is a pipeline designed to carry liquid fuels. The pipeline has been used to transport crude oil, diesel fuel, and gasoline and is not currently in use. Additionally, natural gas services and facilities are not available in some areas of the City of Banning. As a result, propane is utilized as the alternative source of fuel.¹⁵

Telecommunication Facilities

The City of Banning's telephone service provider is Verizon. A wide variety of telecommunication products and services are available to Verizon residential and business customers, including local and long distance calling, DSL and internet, wireless communication, conference services, and online courses. There is currently no local Verizon customer service center located in the Banning area. However, Verizon online account management is available to Banning customers. Verizon facilities located in the Banning area include one central switching office, which connects telephone and data transmissions. The central switching office is located at 160 West Hayes.¹⁶

Storm Water Drainage Facilities

The City of Banning Public Works Department is responsible for maintaining the City's storm drain system. Storm water infrastructure within the City is typically characterized by curb and gutter, storm drains, catch basins, underground storm water conveyance infrastructure and sewer, stormwater basins, and other appurtenant infrastructure. The City's wastewater collection system drains primarily from west to east. The wastewater discharged from the City is collected from a network of 112 miles of gravity sewer mains. The local collector sewers discharge into larger sewer trunk mains along Westward Avenue and Porter Street. The trunk mains then carry the wastewater along an unpaved access road to the Banning Wastewater Treatment Plant (BWTP), located in the southwest corner of the City.¹⁷ The site is broken into three primary drainage areas (A, B, C) and four above ground basins (Basin A, Basin B, Basin C, and Basin D). All stormwater is directed south of the site. Furthermore, the basins were designed to ensure that the basins are adequately sized to handle 100-year rain event peak flows.¹⁸

¹⁴ Ibid. Page VI-2 and VI-3.

¹⁵ Ibid. VI-3.

¹⁶ Ibid. Page VI-3.

¹⁷ City of Banning. 2020. *2020 Urban Water Management Plan*, page 4-2. http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId=. (accessed January 2024).

¹⁸ Kimley-Horn. 2024. *Banning Commerce Center Preliminary Drainage Report*, page 2-2.

The City's Public Work Department is responsible for maintaining the City's National Pollutant Discharge Elimination System (NPDES) Annual Storm Water Permit, inspecting, monitoring, and reporting storm water activity.¹⁹ The NPDES program emphasizes pollution prevention, control measure activities, utilization of existing resources and programs, and coordination with regional and state compliance activities.²⁰

The existing site is currently undeveloped land that is bounded to the north, east, and west of the Project site. Interstate 10 (I-10) resides south of the Project site. The existing drainage patterns flow from northwest to southeast, with runoff flowing onto adjacent properties and to the Caltrans right-of-way. An existing box culvert south of the Project site accepts flows from the property to the west and outlets outside the Project site boundaries.²¹

4.14.3 Regulatory Setting

Federal

Clean Water Act

In 1972, the Federal Water Pollution Control Act Amendments were enacted to address water pollution problems. After an additional amendment in 1977, this law was re-named the Clean Water Act (CWA). Thereafter, it established the regulation of discharges of pollutants into waters of the United States by the U.S. EPA. Under the CWA, the U.S. EPA can implement pollution control programs and set water quality standards. Additionally, the CWA makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained pursuant to its provisions.

Safe Drinking Water Act

The U.S. Environmental Protection Agency (U.S. EPA) administers the Safe Drinking Water Act (SDWA), the primary federal law that regulates the quality of drinking water and establishes standards to protect public health and safety. The Department of Health Services (DHS) implements the SDWA and oversees public water system quality statewide. DHS establishes legal drinking water standards for contaminants that could threaten public health.

State

California Porter-Cologne Water Quality Control Act

Under the Porter-Cologne Water Quality Control Act, which was passed in California in 1969 and amended in 2013, the State Water Resources Control Board (SWRCB) has authority over State water rights and water quality policy. This Act divided the state into nine regional basins, each under the jurisdiction of a Regional Water Quality Control Board (RWQCB) to oversee water quality on a day-to-day basis at the local and regional level. RWQCBs engage in a number of water quality functions in their respective regions. RWQCBs regulate all pollutant or nuisance discharges that may affect either surface water or

¹⁹ City of Banning. (n.d.). Storm Water Information. <http://banning.ca.us/362/Storm-Water-Information>, (accessed January 2024).

²⁰ City of Banning. 2006. *City of Banning General Plan Chapter V. Environmental Hazards: Geotechnical Element*, page V-36. <http://banning.ca.us/DocumentCenter/View/665/GP-Ch-V-Environmental-Hazards?bidId=>, (accessed January 2024).

²¹ Kimley-Horn. 2024. *Banning Commerce Center Preliminary Drainage Report*, page 2-1.

groundwater. The City of Banning is within the jurisdiction of the Colorado River Basin RWQCB (Region 7).²²

State Water Resources Control Board

The SWRCB is the California (State) agency focused on providing and ensuring clean sustainable water for all state residents. This state agency works alongside other federal programs like the CWA to regulate water sources and uses. The SWRCB regulates water consumption for irrigation and drinking, as well as water discharges from construction, municipal uses, storm water, and other sources.

Municipal Separate Storm Sewer System Permit/NPDES Permit

The National Pollutant Discharge Elimination System (NPDES) permit program, created in 1972 by the Clean Water Act (CWA), helps address water pollution by regulating point sources that discharge pollutants to waters of the United States. Under the CWA, EPA authorizes the NPDES permit program to state, tribal, and territorial governments, enabling them to perform many of the permitting, administrative, and enforcement aspects of the NPDES program. California is authorized to implement CWA programs, but EPA retains oversight responsibilities.

The CWA prohibits anybody from discharging "pollutants" through a "point source" into a "water of the United States" unless they have an NPDES permit. The permit will contain limits on what can be discharged, monitoring and reporting requirements, and other provisions to ensure that the discharge does not hurt water quality or people's health. The permit translates general requirements of the Clean Water Act into specific provisions tailored to the operations of each project discharging pollutants.

Urban Water Management Planning Act

In 1983, the California legislature enacted the Urban Water Management Planning Act (CWC §§ 10610–10656), which requires specified urban water suppliers within the state to prepare an UWMP and update it every five years. Specifically, § 10610.04 et seq. as amended, of the California Urban Water Management Planning Act specifies that "Urban Water Suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies." As such, UWMPs serve as an important element in documenting water supply availability and reliability for purposes of compliance with Senate Bills (SB) 610 and 221, which link water supply sufficiency to large land-use development project approvals. Urban water suppliers also must prepare UWMPs, pursuant to the Urban Water Management Planning Act, in order to be eligible for state funding and drought assistance.

In November of 2009, the California Legislature passed Senate Bill (SB) 7 as part of the Seventh Extraordinary Session, referred to as SBX7-7 or the Water Conservation Act of 2009. SBX7-7 set the goal of achieving a 20 percent reduction in urban per capita water use statewide by 2020. Retail water agencies were required to set targets and track progress toward decreasing daily per capita urban water use in their service areas, in order to assist the State in meeting its 20 percent reduction goal by 2020. This law

²² State Water Resources Control Board. 2022. *State and Regional Water Boards*. https://www.waterboards.ca.gov/waterboards_map.html, (accessed February 2023).

required that every UWMP include baseline per capita water use; Urban water use target for 2020; and compliance daily per capita water use.

The City of Banning's 2020 Urban Water Management Plan (UWMP), which received approval from the Department of Water Resources (DWR) as meeting the requirements of the California Water Code. The 2020 UWMP, has been prepared to comply with the Urban Water Management Planning Act and SBX7-7. In addition to meeting the requirements of the Act, the UWMP will be used to support water supply assessments and written verifications of water supply required by SB 610 and SB 221 of 2001. These bills require that water supply information be provided to counties and cities for projects of a certain size, prior to discretionary project approval. Both bills allow a UWMP to be used as a source document to fulfill these legislative requirements. Given that the reliability of the City's groundwater supplies and water rights to the San Geronio Pass Water Agency (SGPWA) recharge supplies have remained unchanged from the 2020 UWMP, the projections used in the 2020 UWMP were used as a basis for the WSA.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA) consists of three legislative bills, SB 1168 (Pavley), Assembly Bill (AB) 1739 (Dickinson), and SB 1319 (Pavley). The legislation provides a framework for long-term sustainable groundwater management across California. Under the roadmap laid out by the legislation, local and regional authorities in medium and high priority groundwater basins will form Groundwater Sustainability Agencies that oversee the preparation and implementation of a local Groundwater Sustainability Plan. Groundwater Sustainability Plans will have to be in place and implementation will begin between 2020 and 2022. Groundwater Sustainability Agencies will have until 2040 to achieve groundwater sustainability.

California Senate Bills 610 and 221

SB 610 and SB 221 amended State law to (1) ensure better coordination between local water supply and land use decisions and (2) confirm that there is an adequate water supply for new development. Both statutes require city and county decision-makers to receive detailed information regarding water availability prior to approval of large development projects. SB 610 requires the preparation of a Water Supply Assessment (WSA) for certain types of projects subject to the California Environmental Quality Act (CEQA). Projects that would be required to prepare a WSA include, but are not limited to, residential developments of more than 500 dwelling units; shopping centers or business establishments employing more than 1,000 persons or having more than 500,000 square feet of floor area; and a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.

Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881)

The Water Conservation in Landscaping Act of 2006 (AB 1881) required the State Department of Water Resources (DWR) to update the State Model Water Efficient Landscape Ordinance (WELO) by 2009. The State's model ordinance was issued on October 8, 2009. Under AB 1881, cities and counties were required to adopt a state updated model landscape water conservation ordinance by January 31, 2010, or to adopt

a different ordinance that is at least as effective in conserving water as the updated Model Ordinance (MO).

The State Model WELO was adopted and incorporated in the City MC as the “Water Efficient Landscape Ordinance” of the City of Banning. The provisions of City MC Section 17.32 apply in addition to the applicable provisions of the Water Efficient Landscape Ordinance of the City of Banning.

2015 Update of the State Model Water Efficient Landscape Ordinance (per Governor’s Executive Order B-29-15)

To improve water savings in the landscaping sector, the DWR, updated the MO in 2015 (in accordance with Executive Order [EO] B-29-15). The MO promotes efficient landscapes in new developments and retrofitted landscapes. The EO calls for revising the MO to increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems, greywater usage, and on-site stormwater capture, and by limiting the portion of landscapes that can be covered in turf. New development projects that include landscape areas of 500 square feet or more are subject to the Ordinance. This applies to residential, commercial, industrial, and institutional projects that require a permit, plan check, or design review.

Assembly Bill 1668 and Senate Bill 606 – May 31, 2018

AB 1668 and SB 606 build on Governor Brown’s ongoing efforts to make water conservation a way of life in California and create a new foundation for long-term improvements in water conservation and drought planning. SB 606 and AB 1668 establish guidelines for efficient water use and a framework for the implementation and oversight of the new standards, which must be in place by 2022.

The two bills strengthen the state’s water resiliency in the face of future droughts with provisions that include:

- Establishing water use objectives and long-term standards for efficient water use that apply to urban retail water suppliers; comprised of indoor residential water use, outdoor residential water use, commercial, industrial and institutional (CII) irrigation with dedicated meters, water loss, and other unique local uses.
- Providing incentives for water suppliers to recycle water.
- Identifying small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and provide recommendations for drought planning.
- Requiring both urban and agricultural water suppliers to set annual water budgets and prepare for drought.

Assembly Bill 75

AB 75, approved by the Governor in 1999, took effect on January 1, 2000. This Bill added new provisions to the Public Resources Code (PRC), requiring each state agency to develop and adopt an Integrated Waste Management Plan (IWMP). AB 75 also mandated that community service districts providing solid waste services report disposal and diversion information to the City, county, or regional agency in which the community service district is located.

Integrated Waste Management Act – Assembly Bill 939

The Integrated Waste Management Act (AB 939) mandates that communities reduce their solid waste. AB 939 required local jurisdictions to divert 25 percent of their solid waste by 1995 and 50 percent by 2000, compared to a baseline of 1990. AB 939 also established an integrated framework for program implementation, solid waste planning, and solid waste facility and landfill compliance.

Mandatory Commercial Recycling – Assembly Bill 341

In 2011, AB 341 was passed that sets a state policy goal of not less than 75 percent of solid waste that is generated to be source reduced, recycled, or composted by the year 2020. CalRecycle was required to submit a report to the legislature by January 1, 2014 outlining the strategy that will be used to achieve this policy goal.

California Solid Waste Reuse and Recycling Access Act of 1991

The California Solid Waste Reuse and Recycling Access Act require areas in development projects to be set aside for collecting and loading recyclable materials. The Act required CalRecycle (formerly the California Integrated Waste Management Board) to develop a model ordinance for adoption by any local agency relating to adequate areas for collection and loading of recyclable materials as part of development projects. Local agencies are required to adopt the model, or an ordinance of their own, providing for adequate areas in development projects for the collection and loading of recyclable materials.

Mandatory Commercial Organics Recycling – Assembly Bill 1826

AB 1826 (2014) requires businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate on a weekly basis. Additionally, AB 1826 requires that, after January 1, 2016, all local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses, including multi-family residential dwellings with five or more units. Organic waste includes food waste, green waste, landscape and pruning waste, non-hazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This law phases in the mandatory recycling of commercial organics over time.

Because the minimum threshold of organic waste generation by businesses will be decreased over time (e.g., in 2016, affected businesses were those generating eight cubic yards or more of organic waste per week; in 2019, affected businesses will be those generating four or more cubic yards of organic waste per week), an increasing proportion of the commercial sector will be required to comply. After January 1, 2019, to arrange for organic waste recycling services and, if the department makes a specified determination, would decrease that amount to two cubic yards, on or after January 1, 2020. AB 1826 is part of California's efforts intended to achieve its recycling and GHG emissions reduction goals. Reducing the amount of organic material sent to landfills and increasing the production of compost and mulch are part of the AB 32 Scoping Plan.

Local

The General Plan

The following goals, policies, and programs from the City's General Plan, Public Services and Facilities Element²³ are pertinent to the Project:

Goal	A comprehensive range of water, Wastewater and utility services and facilities that adequately, cost-effectively and safely meet the immediate and long-term needs of the City.
Policy 2	Sewer connection shall be required at the time a lot is developed when service is available.
Policy 9	Utility lines on scenic roadways, major streets and in the downtown shall have primary consideration for undergrounding.
Policy 10	Major utility facilities, including power and other transmission towers, cellular communication towers and other viewshed intrusions shall be designed and sited to ensure minimal environmental and viewsheds impacts and environmental hazards.

City of Banning Municipal Code

The City MC contains regulations pertaining to utilities and service system that are relevant to the Project, including the following.

Section 8.52 (Recycling). Regulates the allocation of adequate space for convenient recycling collection, storage, and loading; assists the City with achieving a 50 percent diversion rate of solid waste through increased recycling and reuse of materials; enables the City to reach waste reduction goals mandated by AB 939.

Section 13.16.030: Water conservation using xeriscape principles specifies that all new developments utilize xeriscape principles such as turf limitations, irrigation techniques, mulching, and water-conserving landscape plans.

Section 15.68.060: Wastewater facilities development impact fee requires that a wastewater facilities development impact fee be paid to provide for an increased need for wastewater facilities.

Section 15.68.070: Water facilities development impact fee requires that a water facilities development impact fee be paid to provide for an increased need for water facilities.

City of Banning Urban Water Management Plan

The City of Banning 2020 Urban Water Management Plan was adopted by the City Council on June 8, 2021. The UWMP meets the requirements of the UWMP Act.

²³ City of Banning. 2006. *City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element*. <http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId=>, (accessed January 2024).

City of Banning Sewer System Management Plan

On May 2, 2006, the California State Water Resources Control Board adopted Waste Discharge Order (WDR) No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems. This Order applies to all federal and state agencies, municipalities, counties, and other public entities that own or operate sanitary sewer systems greater than one mile in length that collect and/or convey untreated or partially treated wastewater to a publicly owned treatment facility in the State of California. Ensuring proper funding, management, and operations of sanitary sewer systems is one means of achieving the state's goal of reducing sanitary sewer overflows. To accomplish this goal, the state is requiring that affected entities develop and implement system-specific Sewer System Management Plans (SSMPs). These plans will describe measures to provide effective management, operation, and maintenance of sanitary sewer systems. They will also detail spill response plans to establish standard procedures for proper and effective spill response and reporting. The City of Banning SSMP describes all planning, management and operational processes and procedures used that ensure effective management of the sewer collection system.²⁴

4.14.4 Impact Thresholds and Significance Criteria

The CEQA Guidelines Appendix G, Environmental Checklist Form, includes questions pertaining to utilities and service systems. The issues presented in the Environmental Checklist Form have been utilized as thresholds of significance in this section. Accordingly, the Project would have a significant adverse environmental impact if it:

- Would require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- Would have insufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years;
- Would result in a determination by the waste water treatment provider, which serves or may serve the Project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Would generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals;
- Would not comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining the impact's level of significance concerning utilities. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce a potentially significant environmental impact. Where significant impacts remain despite compliance with the

²⁴ City of Banning Public Works Department. 2009. *Sewer System Management Plan (SSMP)*. <http://banning.ca.us/DocumentCenter/View/1006/Banning-SSMP-?bidId=>, (accessed June 2023).

regulatory framework, feasible mitigation measures are recommended, to avoid or reduce the Project's potentially significant environmental impacts associated with utilities.

Approach to Analysis

This analysis of impacts on utilities examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. Each criterion is discussed in the context of the Project and the surrounding characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on field observations conducted by Kimley-Horn; review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on utilities considers the available policies and regulations established by local and regional agencies and the amount of deviation from these policies in the Project's components.

4.14.5 Impacts and Mitigation Measures

Impact 4.14-1 *Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Level of Significance: Less than Significant

Construction and Operations

The Project will include construction and operational uses that require utilities and services such as domestic water, electric power, natural gas, telecommunications, wastewater, stormwater, and solid waste disposal. Given the vacant, undeveloped nature of the Project site, Project implementation would result in the extension of dry and wet utilities onto the Project site, as well as new road infrastructure. Therefore, the Project will require the creation or expansion of water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunication facilities. These necessary utilities for operation of the Project site and associated service providers are as follows:

- Electricity – City of Banning Public Works – Electric Division
- Water – City of Banning Public Works and Utilities Department
- Wastewater – City of Banning Public Works – Wastewater Division
- Cable/Internet/Telephone – Time Warner Cable; Verizon
- Gas – The Gas Company

All impacts are discussed and disclosed as part of this Draft EIR, within the various sections of this document. As such, upgrades to existing utilities are already evaluated as part of the overall Project.

Therefore, impacts associated with extension of services in these areas and within the site, are less than significant. Services provided by each utility are discussed in additional detail below.

Water

Potable water to the Project site would be provided by the City of Banning Public Works and Utilities Department. As described in **Section 4.14-2: Environmental Setting**, the City of Banning Public Works and Utilities Department provides water to its service area primarily via groundwater. Impacts of required water facilities are addressed throughout this EIR in the respective EIR section(s). The majority of Project water facilities would be installed below ground and installed within existing or future road rights-of-way, and as such the only physical impacts would be associated with temporary impacts during construction (refer to **Section 4.10: Noise** for a discussion of significant short-term noise impacts during construction). Impacts related to above-ground facilities are addressed in respective EIR section(s), (addressed in **Section 4.1: Aesthetics**).

As discussed in **Section 4.9: Hydrology and Water Quality**, compliance with the NPDES permit, WDRs, BMPs, and the Municipal Code would ensure the Project meets all mandatory construction storm water management requirements. All Project water facilities would be constructed and operated in accordance with applicable guidelines and regulations in the City. This includes the stipulation that a Project-specific WQMP be prepared that identifies BMPs that would be implemented during operation that would treat for common surface water pollutants, including silts. In consideration of existing requirements, no significant impacts are anticipated with respect to Project water facilities.

Wastewater

The Project would utilize the City of Banning Public Works – Wastewater Division’s existing wastewater infrastructure along with new proposed infrastructure meant to serve the Project area. The wastewater collection system to the Banning WWTP includes 115 miles of gravity sewer mains, 5 miles of force mains, and 4 sewer lift stations.²⁵ A sanitary sewer lift station would be required to be constructed in order to serve the Project. However, this sanitary lift station would serve all other projects in the vicinity to the Project. As this area of the City has been identified by the City for development and was analyzed within the General Plan EIR, this new infrastructure would not have been previously unknown. Further, the lift station, and associated force main and gravity main would be constructed within already established ROW or within easements to be dedicated to the City on land previously disturbed. As the expansion of these services would have previously been analyzed and the areas in which the infrastructure would be installed would be in previously disturbed areas, there would not be significant impacts related to the expansion of these services and less than significant impacts would occur in this regard. The Banning WWTP, located in the southeastern portion of the City at 2242 Charles Street, is the only wastewater treatment facility for the City. The Banning WWTP currently provides only secondary treatment, and the treated wastewater does not meet Title 22 Standards. According to the 2020 UWMP, the City has ongoing plans to upgrade and expand the existing Banning WWTP to allow for expanded treatment capacity when it becomes necessary. The proposed Banning WWTP upgrade is projected to enhance secondary treatment, add t

²⁵ City of Banning Public Works Department. 2009. *Sewer System Management Plan (SSMP)*, page E-1.
<http://banning.ca.us/DocumentCenter/View/1006/Banning-SSMP-?bidId=>, (accessed June 2023).

ertiary treatment in the near-term (2025), and construct a recycled water distribution system. However, since the Project site is located north of the I-10, recycled water is not likely to be available for the Project site. Therefore, impacts associated with the proposed Banning WWTP upgrade would not be addressed in this Draft EIR.

To provide a conservative estimate of wastewater generation, it is assumed that the Project would generate the same amount of wastewater as water demanded. Therefore, it should be assumed that the Project would generate 67,500 gpd of wastewater, or 76 AFY, which can be accommodated by the City's existing wastewater treatment facilities.²⁶ Using this conservative estimate, the Project's wastewater generation would be approximately 1.08 percent of the Banning WWTP daily capacity. Therefore, no new wastewater treatment facilities would need to be constructed for the Project. Further discussion regarding Project wastewater generation is discussed below in Impact 4.19-3. The estimated wastewater generation for the Project, based on the City's average rate of wastewater generation for industrial land uses, the Project would result in 51,000 gpd of wastewater, or approximately 1.42 percent of the Banning WWTP daily capacity of 3.6 million gallons per day.²⁷ Therefore, the above estimate of 67,500 gpd provided above is considered conservative and should be equal to or exceed the final sewer generation ultimately anticipated for the Project. Therefore, the Project would not require or result in the relocation or construction of new or expanded wastewater facilities, the construction or relocation of which could cause significant environmental effects.

Stormwater and Drainage

Refer to **Section 4.9, Hydrology and Water Quality**, regarding existing conditions and Project impacts with respect to stormwater and drainage facilities. Storm drain infrastructure to be constructed by the Project would include infrastructure installed as part of the roadway improvements of Wilson Street and O'Donnell Street along the Project frontages. These storm drains would be conveyed into existing City of Banning storm conveyance infrastructure. In addition, on-site storm sewer infrastructure, including detention basins located on the southern portion of the Project site, would be constructed to intercept and store the 100-yr 3-hour stormwater flows pursuant to the City MC Section 13.24.110. Additionally, a Project-specific WQMP was prepared for the Project that identifies BMPs that would be implemented during operation that would treat for common surface water pollutants, including silts.

The proposed drainage site is broken into three primary drainage areas (A, B, C) and four above ground basins (Basin A, Basin B, Basin C, and Basin D). All stormwater would be directed south of the Project site. In the event of a 100-year rain event peak flow, Basin A would store 133,546 cubic feet of stormwater, and excess flows would be routed into the larger basins (Basin B, Basin C, and Basin D) which are connected in sequence. Drainage area B collects water via grate inlets from the northeast, east, and southeast portions of the site and eventually conveys the flows into Basin B, Basin C, and Basin D. Additionally, drainage area C produces runoff that will naturally flow into Basin B, Basin C, and Basin D. Drainage Area C was also considered to ensure that the basins are adequately sized to handle 100-year

²⁶ West and Associates Engineering, Inc. 2024. *Water Supply Assessment Banning Commerce Center Development*, page 2-3.

²⁷ City of Banning. 2006. *City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element*, page VI-2. <http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId=>, (accessed January 2024).

rain event peak flows.²⁸ Furthermore, Project storm water and drainage facilities would be constructed and operated in accordance with applicable guidelines and regulations of the CVWD, CWA, and City.

Therefore, the Project would not require or result in the relocation or construction of new or expanded stormwater and drainage facilities, the construction or relocation of which could cause significant environmental effects. Therefore, in consideration of existing requirements, impacts would be less than significant.

Electricity

Existing on-site SCE transmission lines would be relocated to accommodate the Project. These transmission lines would be rerouted and installed underground within the rights-of-way of Nicole Street, O'Donnell Street, and Wilson Street as part of the off-site roadway improvements along the Project frontages. Furthermore, this new infrastructure would be completely undergrounded, pursuant to City MC Section 17.24.170 – Undergrounding of utilities. Therefore, the Project would not require or result in the relocation or construction of new or expanded electricity facilities, the construction or relocation of which could cause significant environmental effects.

Impact 4.14-2 *Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?*

Level of Significance: Less than Significant

Construction and Operations

The Project would construct new public roads, utilities, and infrastructure. Buildout of the Project will necessitate new domestic water delivery infrastructure as well as increase demands on domestic water and, therefore, regional groundwater resources. Additionally, the Project is consistent with the City's current land use and zoning designations of Business Park for the site, and thus would have been accounted for in the City's General Plan and UWMP.

The WSA created for the Project calculated total Project water demand by multiplying the planned Project site area by a water use rate of 2,250 gallons per day (gpd) per acre, a value derived from average recorded water use data for the industrial sector within the City of Banning's service area. The WSA concluded that potable water demand for the Project would be approximately 76 AFY (67,500 gpd). Given that the Project site should remain unchanged for the duration of this WSA's planning period (25 years), 67,500 gpd or 76 AFY will be included within the City's water demand projections through the next 25 years.²⁹

Table 4.14-4: Project Water Demand vs. Projected Water Demand by Sector shows annual Project water demand compared to the projected available water supply of the City and Project.

²⁸ Kimley-Horn. 2024. *Banning Commerce Center Preliminary Drainage Report*, page 2-1 and 2-2.

²⁹ West and Associates Engineering, Inc. 2024. *Water Supply Assessment Banning Commerce Center Development*, page 2-2 and 2-3.

Table 4.14-4: Project Water Demand vs. Projected Water Demand by Sector

Basin Name	2025	2030	2035	2040	2045
Total Available Supply	63,098	59,351	51,220	40,439	28,551
Total Net Storage	47,169	43,422	35,291	24,510	12,622
Total Water Consumption	9,230	10,479	11,511	12,418	13,208
Project Demand	76	76	76	76	76
Project's Percent of Total Available Supply	0.12%	0.13%	0.15%	0.19%	0.27%
Project's Percent of Total Water Consumption	0.82%	0.73%	0.66%	0.61%	0.58%
Source: West and Associates Engineering, Inc. 2024. <i>Water Supply Assessment Banning Commerce Center Development</i> , page 3-9 and 6-8.					

The Project's 76 AFY rate in comparison to the the Project and City's projected water consumption, show the Project's water demand would be less than one percent of the total available water supply and consumption. Furthermore, the WSA would be more conservative than the 2020 UWMP, as there is less supply available and the Project is still only less than one percent of the available supply. Additionally, the consumption rates would decrease due to an increase in efficiencies of water appliances and use of water. Therefore, the increase in the daily water generated by the Project site would be minimal.

The Project, along with other future industrial projects, have been incorporated into the projected water demands for the 2020 UWMP and were reasonably accommodated into future water supplies during normal, dry-, and multiple dry-years. Projections included in the UWMP are based on potential buildout facilitated by land use designations within the service area. The 2020 UWMP therefore included the buildout of the Project area based on its maximum allowable development density. Based on the supply vs demand projections provided by the WSA and in **Table 4.14-4**, the City can expect to meet future demands for all climate conditions through 2045, including the proposed Project. The WSA shall be adopted by City Council via resolution, concurrently with the Project. City staff shall prepare a staff report detailing the efforts made in preparing this WSA. The City will also prepare a "Will Serve Letter," which will declare that the City will provide a water service connection(s) to the proposed Project.. Should the construction of the proposed Project be delayed, it is recommended that this WSA be reviewed every five (5) years prior to construction, to verify that the City will have capacity to serve the Project.³⁰ Since these water demands have been incorporated and accounted for, and do not directly necessitate the further development of water infrastructure, a less than significant impact would occur.

Impact 4.14-3 *Would the Project result in a determination by the waste water treatment provider, which serves or may serve the Project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Level of Significance: Less than Significant

³⁰ Ibid, page 7-1.

Construction and Operations

In 2020, 2,185 acre-feet of wastewater flows were collected in the City and treated at the Banning Wastewater Treatment Plant.³¹ The quantities of wastewater generated are proportional to the City's population and the water used by its residents. In addition to industrial warehouse and office uses, the Project would construct new public roads, utilities, and infrastructure. However, the Project does not include new residential development and would thus not directly contribute to population growth within the City which would in turn create new demands on the wastewater infrastructure within the City. The Project would not induce an increase in population within the City beyond what was previously anticipated in the City's General Plan, as such, the increase of demand on wastewater infrastructure would be resultant of what would physically be constructed within the Project site. Further, the Project is consistent with the City's current land use and zoning designations of Business Park for the site, and thus would have been accounted for in the City's General Plan and UWMP.

As previously mentioned, the Banning WWTP currently has a design capacity of 3.6 MGD and the total average wastewater treated at the WWTP is about 2,200 AFY (about 2 MGD). Additionally, the Banning WWTP has an average daily flow of 2.4 MGD.³² According to the General Plan EIR, Public Services and Utilities section, the Banning WWTP could accommodate a future expansion to a capacity of approximately 5.8 MGD.³³ According to the City's Integrated Master Plan, the average industrial wastewater generation in 2018 was calculated to be 750 gallons per acre per day (gpd).³⁴ As mentioned, the Project would consist of 1,320,000 square feet (approximately 30.3 acres of building area) tilt-up industrial building which includes 39,600 SF of office space and 1,280,400 SF of warehousing for a total of roughly 30 acres of building/warehouse on land in the southeast portion of the City.³⁵ The Project would be comprised exclusively of nonresidential uses totaling 1,320,000 square feet of industrial development. With the average daily wastewater generation rate from 2018 applied, the Project would generate approximately 22,727 gallons per day (gpd), or approximately 0.023 MGD for the 1,280,400 square foot building area of the Project; see **Table 4.14-5: Projected Wastewater Generation**. The Project's estimated wastewater flows represent 1.78% of the treatment plant's capacity in 2025 and 1.16% in 2040.³⁶

Table 4.14-5: Projected Wastewater Generation

Projected Level Development at Buildout	Wastewater Factor by Land Use (gpd/acre) ¹	Projected Wastewater Generation at Buildout (gpd)
1,320,000 sq. ft., or 30.3 acres industrial space	750	22,727
Source: City of Banning. 2018. <i>Integrated Master Plan</i> ; Table 3.19 http://www.banning.ca.us/DocumentCenter/View/10541/2018-Integrated-Master-Plan (accessed January 2024).		

³¹ City of Banning. 2020. *Urban Water Management Plan*, page VI-2. http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId=, (accessed January 2024).

³² City of Banning Public Works Department. 2009. *Sewer System Management Plan (SSMP)*, page 3-1. <http://banning.ca.us/DocumentCenter/View/1006/Banning-SSMP-?bidId=>, (accessed January 2024).

³³ City of Banning. 2006. *City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element*, page VI-2. <http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId=> (accessed January 2024).

³⁴ City of Banning. 2018. *Integrated Master Plan*, page 3-28. <http://www.banning.ca.us/DocumentCenter/View/10541/2018-Integrated-Master-Plan>, (accessed January 2024).

³⁵ West and Associates Engineering, Inc. 2024. *Water Supply Assessment Banning Commerce Center Development*, page 1-1.

³⁶ City of Banning. 2006. *Comprehensive General Plan and Zoning Ordinance Final Environmental Impact Report*. <http://banning.ca.us/DocumentCenter/View/778/GP-FEIR?bidId=>, (accessed January 2024).

To provide a conservative estimate of wastewater generation, it is assumed that the Project would generate the same amount of wastewater as water demanded. Therefore, it should be assumed that the Project would generate 22,727 gpd of wastewater. Using this conservative estimate, the Project's wastewater generation would be approximately 1.7 percent of the Banning WWTP daily capacity. Therefore, the increase in the daily wastewater generated by the Project site would be minimal. Therefore, impacts to wastewater treatment flows would be less than significant with no mitigation required.

Impact 4.14-4 *Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Level of Significance: Less than Significant

Construction and Operations

The Project is anticipated to generate solid waste during the temporary, short-term construction phase, as well as the operational phase, but it is not anticipated to result in inadequate landfill capacity. The Project would comply with applicable local, state, and federal regulations regarding solid waste. All solid wastes within the City would be deposited at the Lamb Canyon Sanitary Landfill, El Sobrante Landfill, and the Badlands Landfill for disposal. As shown in **Table 4.14-3: Landfill Capacities Serving the City of Banning**, the Lamb Canyon Sanitary Landfill has a remaining capacity of 19,242,950 cubic yards with a daily throughput of 5,000 tons per day.³⁷ The El Sobrante Landfill has a remaining capacity of 143,977,170 cubic yards with a daily throughput of 16,054 tons per day.³⁸ The Badlands Sanitary Landfill has a remaining capacity of 7,800,000 cubic yards with a daily throughput of 5,000 tons per day.³⁹ Combined, the three landfills have a remaining capacity of 171,020,120 cubic yards with a daily throughput of 26,054 tons per day. The Project would generate approximately 7,920 pounds per day, or approximately 3.96 tons per day for the 1,320,000 square foot building area of the Project; see **Table 4.14-6: Projected Solid Waste Generation**.

Table 4.14-6: Projected Solid Waste Generation

Projected Level Development at Buildout	Annual Waste Generation Factor ¹	Projected Annual Waste Generation at Buildout (lbs/year)
1,280,400 sq. ft. industrial space	2.19 lbs/ sq. ft /year	2,804,076
39,600 sq. ft. office space	0.006 lb/ sq. ft /day	237.6
Total (lbs/year)		2,804,31.6
Total (lbs/day)		7,683.1
Total (tons/day)		3.84
Source: CalRecycle. ND. <i>Estimated Solid Waste Generation Rates</i> . https://www2.calrecycle.ca.gov/wastecharacterization/general/rates (January 2024).		

³⁷ CalRecycle. 2015. SWIS Facility/Site Activity Details: Lamb Canyon Sanitary Landfill (33-AA-0007).

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2246?siteID=2368>, (accessed January 2024).

³⁸ CalRecycle. 2018. SWIS Facility/Site Activity Details: El Sobrante Landfill (33-AA-0217).

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2280?siteID=2402>, (accessed January 2024).

³⁹ CalRecycle. 2018. SWIS Facility/Site Activity Details: Badlands Sanitary Landfill (33-AA-0006).

<https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2245?siteID=2367>, (accessed January 2024).

The Project's waste generation would be 0.08 percent of the Lamb Canyon Sanitary Landfill's daily throughput, 0.02 percent of the El Sobrante Landfill daily throughput, and 0.08 percent of the Badlands Sanitary Landfill daily throughput, but only 0.02 percent of the combined daily throughput of both landfills. The Project would comply with state and local solid waste standards and reduction goals as discussed in Impact 4.19-5, above. The Project would therefore pose a less than significant increase to the landfills' capacities and a less than significant impact would occur.

Mitigation Measures

No mitigation measures are required.

Impact 4.14-5 Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Level of Significance: Less than Significant

The Project would comply with applicable local, state, and federal regulations regarding solid waste, including those of the County. All solid wastes would be collected by Waste Management Inland Empire and deposited at the Lamb Canyon Sanitary Landfill, El Sobrante Landfill, or the Badlands Sanitary Landfill for disposal. The Lamb Canyon Sanitary Landfill and Badlands Sanitary Landfill are operated by the Riverside County Department of Waste Resources, and the El Sobrante Landfill is operated by the USA Waste Services of California, Inc. The Project is anticipated to generate solid waste during the temporary, short-term construction phase, as well as the operational phase, but it is not anticipated to result in inadequate landfill capacity; refer to Impact 4.19-4, above. Section 5.408 of the 2016 California Green Building Standards Code (CALGreen; Part 11 of Title 24, California Code of Regulations) requires that 65 percent of construction/demolition waste be diverted from landfills, and 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing be reused or recycled. The Project would comply with local measures such as City MC Section 8.28.160 – Compliance with CALGreen recycling requirements, as applicable. Through compliance with applicable regulations, the Project would result in a less than significant impact.

4.14.6 Cumulative Impacts

For purposes of utilities and service systems, cumulative impacts are considered for projects located within the County. As discussed above, all Project impacts to utilities and service systems would be less than significant in consideration of compliance with existing laws, ordinances, regulations, and standards. Therefore, impacts are not anticipated to be cumulatively considerable. Additionally, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR. Other past, present, and reasonably foreseeable projects would be anticipated to implement similar measures, comply with existing laws, ordinances, regulations, and standards, or implement mitigation to fully mitigate their contribution to cumulative impacts. Therefore, there are no significant cumulative impacts anticipated relative to public utility and service systems, and the Project's contribution toward potential future utility and service system impacts in the County is not cumulatively considerable.

4.14.7 Significant Unavoidable Impacts

No significant unavoidable impacts concerning utilities have been identified.

4.14.8 References

- CalRecycle. 2015. *SWIS Facility/Site Activity Details: Lamb Canyon Sanitary Landfill (33-AA-0007)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2246?siteID=2368>, (February 2023).
- CalRecycle. 2018. *SWIS Facility/Site Activity Details: Badlands Sanitary Landfill (33-AA-0006)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2245?siteID=2367>, (February 2023).
- CalRecycle. 2018. *SWIS Facility/Site Activity Details: El Sobrante Landfill (33-AA-0217)*. <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2280?siteID=2402>, (February 2023).
- CalRecycle. ND. Estimated Solid Waste Generation Rates. <https://www2.calrecycle.ca.gov/wastecharacterization/general/rates>, (January 2024).
- City of Banning Public Works Department. 2009. *Sewer System Management Plan (SSMP)*. <http://banning.ca.us/DocumentCenter/View/1006/Banning-SSMP-?bidId=>, (June 2023).
- City of Banning. 2006. *City of Banning General Plan Chapter VI. Public Services and Facilities: Water, Wastewater, and Utilities Element*. <http://banning.ca.us/DocumentCenter/View/666/GP-Ch-VI-Public-Services?bidId=>, (January 2024).
- City of Banning. 2006. *City of Banning General Plan Chapter V. Environmental Hazards: Geotechnical Element*. <http://banning.ca.us/DocumentCenter/View/665/GP-Ch-V-Environmental-Hazards?bidId=>, (accessed January 2024).
- City of Banning. 2006. *Comprehensive General Plan and Zoning Ordinance Final Environmental Impact Report*. <http://banning.ca.us/DocumentCenter/View/778/GP-FEIR?bidId=>, (accessed January 2024).
- City of Banning. 2018. *Integrated Master Plan*. <http://www.banning.ca.us/DocumentCenter/View/10541/2018-Integrated-Master-Plan>, (January 2024).
- City of Banning. 2020. *2020 Urban Water Management Plan*. http://www.banning.ca.us/DocumentCenter/View/8877/Final-Draft-Revised-2020-UWMP---Banning_May-2021?bidId=, (January 2024).
- Kimley-Horn and Associates, Inc. 2024. *Banning Commerce Center Preliminary Drainage Report*.

State Water Resources Control Board. 2022. *State and Regional Water Boards*.
https://www.waterboards.ca.gov/waterboards_map.html, (February 2023).

West and Associates Engineering, Inc. 2024. *Water Supply Assessment Banning Commerce Center Development*.

4.15 WILDFIRE

4.15.1 Introduction

The purpose of this section is to describe the potential wildfire hazards impacts that may result from the implementation of the Banning Commerce Center Project (Project) within the City of Banning (City) by identifying any existing wildfire hazard conditions of the Project site and surrounding area; considering applicable federal, state, and local goals and policies; identifying and analyzing environmental impacts; and recommending measures to minimize or avoid any potentially adverse impacts. The analysis in this section is based, in part, upon the following information:

- Dudek. 2024. *Fire Protection Plan, Banning Commerce Center Project, County of Riverside (Appendix M1)*
- Dudek. 2024. *Wildfire Evacuation Plan, Banning Commerce Center Project, County of Riverside (Appendix M2).*

4.15.2 Environmental Setting

Wildfires can potentially occur where developments are adjacent to open space or proximate to wildland fuels such as grass, leaf litter, trees, or shrubs that can ignite when exposed to a natural occurrence (e.g., lighting) or by an unplanned, unauthorized, or accidental human-caused activity. Wildfire hazards are also based on factors such as topography and climatic conditions, including slope, winds, humidity, droughts, and extreme temperatures. These areas are designated as fire hazard severity zones (FHSZs).

Wildfires may originate in undeveloped areas and spread to developed or urban areas where landscape and structures are not designed and maintained to be fire-resistant. Areas where residential developments are built or located among lands prone to wildfires are characterized as Wildland-Urban Interface (WUI) areas. In general, a WUI is an area where structures and other human developments meet or intermingle with wildland vegetative fuels, including shrubs, trees, and grasses.

The California Department of Forestry and Fire Prevention (CAL FIRE) is mandated by Public Resources Code (PRC) §§4201-4204 and California Government Code (CGC) §§51175-89 to identify FHSZs statewide. These are areas of significant fire hazard based on fuels, terrain, weather, and other relevant factors where the state has financial responsibility for wildland fire protection. These areas are also known as State Responsibility Areas (SRAs). Areas where local fire protection agencies are responsible for wildfire protection are classified as Local Responsibility Areas (LRAs). These classifications influence where development occurs and how a city will respond to future wildfire emergencies.

As required by the State Code, CAL FIRE, through its Fire and Resources Assessment Program (FRAP), has mapped FHSZs. The FRAP ranks WUI areas into one of the three different severity zones—Moderate FHSZ, High FHSZ, and Very High FHSZ (VHFHSZ). All other areas are labeled as “non-VHFHSZ.” In LRAs, state law only requires identification of VHFHSZs. According to CAL FIRE, the Project site is not located within an

SRA, however it is located within an LRA. Within the LRA designation, the Project site is designated as a VHFHSZ, as identified on the latest FHSZ maps prepared by CAL FIRE.¹

In February 2020, the Western Riverside Council of Governments (WRCOG) published the City's Community Vulnerability Profile. The report includes City-specific hazard information including key hazards which may affect the City. Wildfires were noted as a Key Hazard in the report due to the City's sensitivity to drought conditions, extreme heat, and extreme wind events. It was noted that every part of the City is susceptible to experience wildfire severity, although neighborhoods along the northern edge of the City face the greatest risk.²

The Project site is located within the Riverside County Fire Department (RCFD) response area, which includes the City's corporate limits and the County areas within the City's sphere of influence. The City contracts with RCFD for emergency and administrative services. The two nearest RCFD fire stations to the Project are the RCFD Station 89 and RCFD Station 20. RCFD Station 89 is approximately 1.8 miles from the Project site and is staffed 24/7 with career firefighters, and is located at 172 N. Banning Street. RCFD Station 89 has one staffed Type 1 engine, one Type I engine (unstaffed reserve), and one squad unit (also not staffed), and would be capable of responding in approximately 3.71 minutes to the proposed entrance of the Project.³ Secondary response would be provided from RCFD Station 20, which is located at 1550 E. 6th Street in the City of Beaumont. RCFD Station 20 has one staffed Type 1 engine, two staffed Type 3 engines, and a state-owned dozer and dozer tender, and would be capable of responding in approximately 11 minutes to the proposed entrance of the Project.⁴

Within the area's emergency services system, fire and emergency medical services are also provided by other RCFD Fire Stations. Generally, each agency is responsible for structural fire protection and wildland fire protection within their area of responsibility. However, mutual aid agreements enable non-lead fire agencies to respond to fire emergencies outside their district boundaries. In the Project area, fire agencies cooperate under a statewide master mutual aid agreement for wildland fires.

The primary department providing mutual aid for all call types in the City is the Morongo Fire Department. The nearest station is Station 1, located 2.61 miles from the Project site at 11581 Potrero Rd. in the City of Banning. Station 1 is staffed 24/7 with 8 career firefighters who have several apparatuses available for use depending on call type, including two Type 1 engines, a brush engine, a ladder truck, a Type 6 engine, and 2 ambulances. A second Morongo Fire Department is planned for and may be complete around the completion of the Project, further bolstering response capabilities to the Project site.

Based upon a desktop review of the WRCOG/SBCTA Sustainability Toolkit Evacuation Routes map viewer, the following roadways in the Cities of Banning and Beaumont are designated as evacuation routes⁵:

¹ CAL FIRE. 2007. FHSZ Viewer. Retrieved from: <https://egis.fire.ca.gov/FHSZ/>. (accessed January 2023).

² Western Riverside Council of Governments. 2020. *Community Vulnerability Profile*, Page 1. Retrieved from: <https://wrcog.us/DocumentCenter/View/8020/WRCOG-Member-Community-Vulnerability-Profiles>. (accessed January 2023).

³ Dudek. (2024). Fire Protection Plan. Page 35. (**Appendix M1**).

⁴ Ibid.

⁵ WRCOG/SBCTA. 2012. *WRCOG/SBCTA Sustainability Toolkit Evacuation Routes Map Viewer*. Retrieved from: <https://www.arcgis.com/apps/webappviewer/index.html?id=4168a1efbdca40f889ea9dba43e04b4e&extent=-13138981.0556%2C4022288.1589%2C-12669351.9538%2C4239369.3193%2C102100>. (accessed May 2024).

- Interstate 10 (I-10)
- North San Geronio Avenue
- West Wilson Street
- Hargrave Street
- West Lincoln Street
- North 8th Street
- Sun Lakes Boulevard
- West 1st Street (Beaumont)
- East 12th Street (Beaumont)
- Beaumont Avenue (Beaumont)
- Cherry Valley Boulevard (Beaumont)
- State Route 60 (SR-60) (Beaumont)
- Ramsey Street (East/West)
- North 22nd Street
- Sunrise Avenue
- Sunset Avenue
- East Lincoln Street
- Highland Home Road
- State Route 243 (SR-243)
- East 1st Street (Beaumont)
- Veile Avenue (Beaumont)
- East Oak Valley Parkway (Beaumont)
- Brookside Avenue (Beaumont)
- Oak Glen Road (Beaumont)

The outbreak and spread of wildfires within the Project area are a potential danger, particularly during the hot, dry summer and windy fall months. The buildup of dry brush provides fuel to result in potentially larger, more intense wildland fires. Various factors contribute to the intensity and spread of wildland fires including topography, climate, vegetation, and vegetation dynamics.

Topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread upslope and slower fire spread down-slope in the absence of wind. Flat terrain tends to have little effect on fire spread, resulting in fires that are driven by wind.⁶

Variations in vegetative cover type and species composition have a direct effect on fire behavior. Some plant communities and their associated plant species have increased flammability based on plant physiology (resin content), biological function (flowering, retention of dead plant material), physical structure (bark thickness, leaf size, branching patterns), and overall fuel loading. For example, non-native grass dominated plant communities become seasonally prone to ignition and produce lower intensity, higher spread rate fires. In comparison, sage scrub can produce higher heat intensity and higher flame lengths under strong, dry wind patterns, but does not typically ignite or spread as quickly as light, flashy grass fuels. The Project property and surrounding areas primarily support sage scrub plant community, non-native grasslands and disturbed habitat. Vegetation types were derived from an on-site field assessment of the Project site. The vegetation cover types were assigned corresponding fuel models for use during Project site fire behavior modeling. The fuel modification zones (FMZs) on the Project site will consist of irrigated and maintained landscapes as well as thinned native fuel zones that will be subject to regular “disturbance” in the form of maintenance and will not be allowed to accumulate excessive biomass (live or dead) over time, which results in reduced fire ignition, spread rates, and intensity. Conditions adjacent to the Project’s footprint (outside the FMZs), where the wildfire threat will exist post-development, are classified as low to medium fuel loads due to the dominance of sage scrub-grass fuels.⁷

⁶ Dudek. (2024). Fire Protection Plan. Page 12. (**Appendix M1**).

⁷ Ibid.

Since 1900, approximately 170 fires within five miles of the Project site were recorded by fire agencies; see Appendix B – Project Vicinity Fire History exhibit, of Draft EIR **Appendix M1**. Based on an analysis of the fire history data set, specifically the years in which the fires burned, the average interval between wildfires in the area (includes areas up to roughly 5 miles from the Project site) was calculated to be eight months with intervals ranging between zero and seven years. Based on this analysis, it is expected that wildfire that could impact the Project may occur, if weather conditions coincide, roughly every year with the realistic possibility of shorter or longer interval occurrences, as observed in the fire history records.⁸

4.15.3 Regulatory Setting

Federal

International Fire Code

The International Fire Code establishes minimum requirements for fire prevention and fire protection systems using prescriptive and performance-related provisions. This model code regulates minimum fire safety requirements for new and existing buildings, facilities, storage, and processes. The International Fire Code includes general and specialized technical fire and life safety regulations addressing fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, use and storage of hazardous materials, protection of emergency responders, industrial processes, and many other topics. The International Fire Code is issued by the International Code Council, an international organization of building officials.

Federal Emergency Management Act

The Federal Emergency Management Agency (FEMA) is an agency of the U.S. Department of Homeland Security, initially created by Presidential Reorganization Plan No. 3 of 1978 and implemented by two Executive Orders on April 1, 1979. The agency's primary purpose is to coordinate the response to a disaster that has occurred in the United States and that overwhelms the resources of local and state authorities. The governor of the state in which the disaster occurs must declare a state of emergency and formally request from the president that FEMA and the federal government respond to the disaster.

Disaster Mitigation Act of 2000

This Act (42 United States Code [USC] §5121) was signed into law to amend the Robert T. Stafford Disaster Relief Act of 1988 (42 USC §§5121-5207). Among other things, this legislation reinforces the importance of pre-disaster infrastructure mitigation planning to reduce disaster losses nationwide and is aimed primarily at the control and streamlining of the administration of federal disaster relief and programs to promote mitigation activities. Some of the major provisions of this Act include:

- i) Funding pre-disaster mitigation activities;
- ii) Developing experimental multi-hazard maps to better understand risk;
- iii) Establishing state and local government infrastructure mitigation planning requirements;

⁸ Dudek. (2024). Fire Protection Plan. Page 13 and 14. (**Appendix M1**).

- iv) Defining how states can assume more responsibility in managing the hazard mitigation grant program; and
- v) Adjusting ways in which management costs for projects are funded.

National Incident Management System (NIMS)

The NIMS guides all levels of government, nongovernmental organizations and the private sector to work together to prevent, protect against, mitigate, respond to and recover from incidents. NIMS provides community members with a shared vocabulary, systems and processes to successfully deliver the capabilities described in the National Preparedness System. The National Preparedness System is a Presidential Policy Directive establishing a common goal to create a secure and resilient nation associated with prevention, protection, mitigation, response and recovery to address the greatest risks to the nation. One core area is fire management and suppression.

NIMS defines operational systems that guide how personnel work together during incidents.

State

California Department of Forestry and Fire Protection

CAL FIRE protects the State from fires and wildlands fires, responds to emergencies, and protects and enhances forest, range, and watershed values providing social, economic, and environmental benefits to rural and urban citizens.

The Office of the State Fire Marshal supports CAL FIRE's mission by focusing on fire prevention. It provides support through a variety of fire safety responsibilities including regulating buildings in which people live, congregate, or are confined; controlling substances and products that may, in and of themselves, or by their misuse, cause injuries, death, and destruction by fire; providing Statewide direction for fire prevention in wildland areas; regulating hazardous liquid pipelines; reviewing regulations and building standards; and providing training and education in fire protection methods and responsibilities.

PRC §§4201-4204 and CGC §§51175-51189 mandate CAL FIRE to map areas of substantial fire hazards (i.e., FHSZs) Statewide. Areas where the State has the primary financial responsibility for wildfire prevention and suppression are classified as SRAs and areas where a local fire protection agency has the primary responsibility are classified as LRAs. Also, areas administered or controlled by the Federal Government for which the Federal Agencies have administrative and protection responsibility are classified Federal Responsibility Areas (FRAs). These classifications influence where development occurs and how an agency will respond to future wildfire emergencies.

California Code of Regulations Title 8 §1270 and §6773

In accordance with California Code of Regulations (CCR) Title 8 §1270 "Fire Prevention" and §6773 "Fire Protection and Fire Equipment," the California Occupational Safety and Health Administration (Cal-OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing

requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all firefighting and emergency medical equipment.

California Code of Regulations Title 24 (California Building Standards Code)

CCR Title 24, also known as the California Building Standards Code (CBSC), includes regulations for how buildings are designed and constructed, and are intended to ensure the maximum structural integrity and safety of private and public buildings. The CBSC, which applies to all applications for building permits, consists of 12 parts that contain CBSC administrative regulations for all State agencies that implement or enforce building standards. Local agencies must ensure the development complies with the CBSC standards. Cities and counties can adopt additional standards beyond the CBSC including CBSC Part 2, named the California Building Code (CBC).

California Code of Regulations Title 24 Part 2 - California Building Code

The CBC contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. CBC provisions provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment.

CBC Chapter 7A, (CBC, Title 24, Part 2) primarily focuses on preventing ember penetration into homes, a leading cause of structure loss from wildfires. Fire hazard designations are based on topography, vegetation, and weather, amongst other factors with more hazardous sites including steep terrain, unmaintained fuels/vegetation, and urbanized areas adjacent to wilderness. Developments situated in VHFHSZ require fire hazard analysis and application of fire protection measures that have been developed to specifically result in defensible communities.

California Code of Regulations Title 24 Part 9 - California Fire Code

The California Fire Code (CFC) contains regulations consistent with nationally recognized accepted practices for safeguarding, to a reasonable degree, life and property from various hazards, including fire and explosion, among others. The CFC also contains provisions to assist emergency response personnel. The CFC is pre-assembled with the International Fire Code with necessary California amendments. The CFC contains fire safety-related building standards that are referenced in other parts of CCR Title 24. The CFC is updated once every three years; the 2022 CFC took effect on January 1, 2023. The CFC sets forth regulations regarding building standards, fire protection and notification systems, fire protection devices such as fire extinguishers and smoke alarms, high-rise building standards, and fire suppression training. The CFC provides minimum standards to increase the ability of a building or structure to resist the intrusion of flame or burning embers being projected by a vegetation fire and contributes to a systematic reduction in fire losses through the use of performance and prescriptive requirements.

California Health and Safety Code

State fire regulations are set forth in California Health and Safety Code (HSC) §13000 et seq., and include provisions concerning building standards, fire protection and notification systems, fire protection devices, and fire suppression training, as also set forth in the 2022 CBC and related updated codes.

Emergency Mutual Aid Agreements

The Emergency Mutual Aid Agreements (EMAA) system is a collaborative effort between city and county emergency managers in the California Governor's Office of Emergency Services (Cal OES) in the coastal, southern, and inland regions of the state. EMMA provides service in the emergency response and recovery efforts at the Southern Regional Emergency Operations Center, local Emergency Operations Centers, the Disaster Field Office, and community service centers. The purpose of EMMA is to support disaster operations in affected jurisdictions by providing professional emergency management personnel. In accordance with the EMMA, local and state emergency managers have responded in support of each other under a variety of plans and procedures.

California Governor's Office of Emergency Services

In 2009, the State passed legislation creating the California Governor's Office of Emergency Management Agency (Cal-EMA) and authorizing it to prepare a Standardized Emergency Management System program (Title 19 CCR §2400 et seq.), that sets forth measures by which a jurisdiction should handle emergency disasters. Non-compliance with the Standardized Emergency Management System could result in the State withholding disaster relief from the non-complying jurisdiction in the event of an emergency disaster. The Standardized Emergency Management System provides the mechanism by which the local government requests assistance.

Cal-EMA serves as the lead agency for emergency management, mobilizing the State's resources, and obtaining federal resources in the State. Cal-EMA coordinates the State response to major emergencies in support of local government. The primary responsibility for emergency management resides with the local government. Local jurisdictions first use their own resources and, as these are exhausted, obtain more from neighboring cities and special districts, the county in which they are located, and other counties throughout the State through the Statewide mutual aid system. Cal-EMA also maintains oversight of the state's mutual aid system.

Assembly Bill 2911

Approved by former Governor Brown on September 21, 2018, Assembly Bill (AB) 2911 requires a local agency to designate, by ordinance, VHFHSZs in its jurisdiction within 120 days of receiving recommendations from the Director of Forestry and Fire Protection and requires a local agency to transmit a copy of any ordinance adopted pursuant to these provisions to the State Board of Forestry and Fire Protection within 30 days of adoption. No later than January 31, 2020, AB 2911 requires the State Fire Marshal, in consultation with the Director of Forestry and Fire Protection and the Director of Housing and Community Development, to recommend updated building standards that provide for comprehensive site and structure fire risk reduction to protect structures from fires spreading, as

specified, based on lessons learned from the wildfires of 2017 and to develop a list of low-cost retrofits that provide for comprehensive site and structure fire risk reduction, as provided.

This bill requires that on or before July 1, 2021, and every five years thereafter, the State Board of Forestry and Fire Protection, in consultation with the State Fire Marshal, survey local governments and fire districts to identify existing subdivisions, as defined, in either an SRA or a VHFHSZ, without secondary egress routes, that are at significant fire risk. The bill requires the State Board of Forestry and Fire Protection, in consultation with the State Fire Marshal and the local governments identified above, to develop recommendations to improve the subdivision's fire safety, as provided. The bill requires the board to provide final recommendations to the identified local governments.

Regional

Riverside County Fire Department⁹

The RCFD, in coordination with CAL FIRE, provides fire and emergency services to all unincorporated areas of Riverside County and 20 partner cities within the County. RCFD is equipped for fire prevention and detention support from both the ground through its 101 stations, but also from the air through the Ryan Air Attack Base at the Hemet Ryan Airport. Through the County Fire Marshall, RCFD also analyzes and inspects construction development both in their planning and construction phases.

County of Riverside Multi-Jurisdictional Local Hazard Mitigation Plan¹⁰

The Local Hazard Mitigation Plan (LHMP) aims to lessen the effect of a disaster by recognizing hazards and developing ways to reduce their impact. Risk assessments rate hazards with the highest potential impact to the community. In addition, long-term prevention or protection steps are developed to lessen the impact of the hazard. The LHMP creates awareness of hazards, threats, and susceptibilities within the community, and paves a path forward for jurisdictions to prepare for local disasters. Plan objectives include:

- Reduce loss of life and injuries.
- Reduce hazard-related property losses.
- Protect the environment.
- Coordinate disaster planning and integrate public policy.
- Improve community and agency knowledge and education of hazards.

Local

City of Banning General Plan

The Banning General Plan (GP), adopted in 2006, includes 20 GP elements which contain specific long-range planning goals and policies designed to guide growth and development in the City. The GP's relevant goals and policies are described below.

⁹ Riverside County Fire. 2024. Home Page. Retrieved from: <https://www.rvcfire.org/>, (accessed January 2024).

¹⁰ Riverside County. 2024. Local Hazard Mitigation Plan. Retrieved from: <https://rivcoready.org/about-emd/plans/local-hazard-mitigation-plan>, (accessed January 2024).

Police and Fire Protection Element

- Goal 1** **The highest possible quality and level of service for fire and police protection to preserve and protect the health, welfare and property of residents, business owners, visitors and property owners.**
- Policy 2** The City shall review all proposals for new or significant remodeling projects for potential impacts concerning public safety.
- Policy 3** The City shall strictly enforce fire standards and regulations in the course of reviewing development and building plans and conducting building inspections of large multiple family projects, community buildings, commercial structures and motel structures.
- Policy 4** All proposed development projects shall demonstrate the availability of adequate fire flows prior to approval.

Emergency Preparedness Element

- Goal** **A detailed, integrated and comprehensive emergency preparedness plan for the City, ensuring a high level of readiness and responsiveness to man-made and natural disasters of any scope, and which maximizes response capabilities of the City, County, State and Federal governments.**
- Policy 3** The City shall identify and establish emergency evacuation and supply routes and plans to preserve or reestablish the use of Highland Springs Avenue, San Geronio Avenue, Wilson Street, Ramsey Street, Interstate-10 and other essential transportation routes.
- Policy 5** The City shall cooperate and coordinate with Riverside County Emergency Services, local utility purveyors and other agencies and utilities in the preparation of public information materials to assist residents, visitors and business owners in responding to local disasters and emergencies.
- Policy 6** The City shall thoroughly consider and assess vulnerability to natural and manmade disasters or emergencies when reviewing proposals for the siting and development of critical and essential public/quasi-public facilities.

Wildland Fire Hazards Element

- Goal** **Protect human life, land, and property from the effects of wildland fire hazards.**
- Policy 3** Continue to identify wildfire hazard areas, and to enforce special standards for construction in wildland fire hazard areas.
- Program 3.A** New and substantially remodeled structures or developments shall incorporate wildfire prevention design techniques, such as the use of “defensible space,” fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards. Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department; Schedule: Ongoing

- Program 3.B** Require that adequate emergency vehicle access and evacuation routes be available with approval of any new development. Responsible Agency: Building and Safety Department, Planning Department, Police Department, Fire Department; Schedule: Ongoing
- Program 3.C** The City shall adopt standard requirements for all development proposal in High Fire Hazard Areas, including requirements for the preparation of Fire Protection Plans prior to the approval of Tentative Tract Maps, Tentative Parcel Maps, or other land use permits. Responsible Agency: Fire Marshal; Schedule: 2005-2006

Local Hazard Mitigation Plan

The 2017 City of Banning Local Hazard Mitigation Plan (LHMP) helps to ensure the City is less vulnerable to future hazard events. The purpose of this LHMP is to identify the City's hazards, review and assess past disaster occurrences, estimate the probability of future occurrences, and set goals to mitigate potential risks to reduce or eliminate long-term risk to people and property from natural and man-made hazards. The plan was prepared pursuant to the requirements of the Disaster Mitigation Act of 2000 to achieve eligibility and potentially secure mitigation funding through FEMA Flood Mitigation Assistance, Pre-Disaster Mitigation, and Hazard Mitigation Grant Programs. In order to achieve a comprehensive hazard mitigation plan, the City utilized a planning process that included engaging various Departments within the City of Banning, neighboring local jurisdictions, special districts and input from the community. The process included the following phases: Hazards and Risk Identification, Community Outreach and Partnerships, Preparedness Training, Policy and Plan Review, and Mitigation Strategies and Goals.

City of Banning Code of Ordinances¹¹

Chapter 8.16 – Fire Protection Code

The following provision from the City's Municipal Code includes the adopted and amended 2022 California Fire Code. The intent of this chapter is to help reduce and mitigate against wildfire threats.

4.15.4 Impact Thresholds and Significance Criteria

State CEQA Guidelines Appendix G has been utilized as significance criteria in this section. Accordingly, the development of the Project site would have a significant environmental impact if it would:

- Substantially impair an adopted emergency response plan or emergency evacuation plan;
- 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;
- 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; or

¹¹ Municode. 2023. *City of Banning Code of Ordinances*. Retrieved from: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT13PUSE_CH13.24STMASY (accessed January 2023)

- 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.

Methodology and Assumptions

The Project is evaluated against the aforementioned significance criteria/thresholds, as the basis for determining whether the Project will cause any potentially significant impacts concerning wildfire hazards. This analysis considers the existing regulatory framework (i.e., laws, ordinances, regulations, and standards) that avoid or reduce the potentially significant environmental impact. As applicable, feasible mitigation measures are recommended to avoid or reduce the Project's potentially significant environmental impacts.

Approach to Analysis

This analysis of impacts from wildfire hazards examines the Project's temporary (i.e., construction) and permanent (i.e., operational) effects based on application of the significance criteria/thresholds outlined above. For each criterion, the analyses are generally divided into two main categories: (1) temporary impacts; and (2) permanent impacts. Each criterion is discussed in the context of Project components that share similar characteristics/geography. The impact conclusions consider the potential for changes in environmental conditions, as well as compliance with the regulatory framework enacted to protect the environment.

The baseline conditions and impact analyses are based on review of Project maps and drawings; analysis of aerial and ground-level photographs; and review of various data available in public records, including local planning documents. The determination that a Project component would or would not result in "substantial" adverse effects on wildfire hazards considers the available policies and regulations established by local and regional agencies and any deviation from these policies in the Project's components.

Project Design Features

The following Project features are required for new development in fire hazard areas and would form the basis of the system to provide adequate access by emergency responders and provide the protection necessary to minimize structural ignitions:

- The Project will include fuel modification zones to create defensible space and reduce risks associated with wildfire. Fuel Modification will be provided as needed around the perimeter of the Project site as required by RCFD and will be a minimum of 100 feet wide. At least 100 feet is provided between the perimeter of the structure and the property line allowing this minimum 100-foot fuel modification to be obtainable on property owned by the owners of the structure. Further, all portions of the 100-foot perimeter are either paved or landscaped, and any landscaping will comply with the applicable fuel modification zone requirements (see Figure 5, Fuel Modification Plan of **Appendix M1**).
 - If the square footage or footprint of the Project has been modified from that described in the FPP, the applicant shall submit and the RCFD shall have approved the revised FPP.

- Should future iterations of the Project's site plan result in buildings that do not achieve a minimum of 100 feet of defensible space, then alternative means, materials and methods may be proposed to provide the functional equivalency of a full 100 feet of defensible space. Alternative materials and methods will be to the satisfaction of the RCFD and may include structural hardening enhancements or landscape features, like non-combustible walls.
- Landscape plantings will not utilize prohibited plants that have been found to be highly flammable. All highly flammable native vegetation, especially found on the Prohibited Plant List (Appendix E of **Appendix M1**) shall be removed except for species approved by the fire marshal. This area will largely be paved with some irrigated landscaping. The Project's plant palette will be approved by the fire department. A permanent, automatic irrigation system will be installed throughout the Project to maintain hydrated plants.
- Fire apparatus access roads (i.e., public and private streets) will be provided throughout the commercial development and will vary in width and configuration but will all provide at least the minimum required unobstructed travel lanes, lengths, turnouts, turnarounds, and clearances required by applicable codes. Primary access and internal circulation will comply with the requirements of the RCFD.
- The Project shall demonstrate provision of water capacity and delivery to ensure a reliable water source for operations and during emergencies which may require extended fire flow.
- The Project will be constructed of ignition resistant construction materials and include automatic fire sprinkler systems based on the latest adopted Building and Fire Codes for occupancy types.
- Application of the latest adopted ignition-resistant building codes;
 - Non-flammable roofs, which would be Class "C" listed and fire-rated roof assembly, installed per manufacturer's instructions, to approval of the City. Roofs would be made tight with no gaps or openings on ends or in valleys, or elsewhere between roof covering and decking, in order to prevent intrusion of flame and embers. Any openings on ends of roof tiles would be enclosed to prevent intrusion of burning debris. When provided, roof valley flashings would not be less than 0.019-inch (No. 26 gage galvanized sheet) corrosion-resistant metal installed over a minimum 36-inch-wide underlayment consisting of one layer of 72-pound ASTM 3909 cap sheet running the full length of the valley.
- Exterior wall coverings are to be non-combustible form in place concrete;
- Multipaned glazing with a minimum of one tempered pane;
- Ember-resistant vents (recommend BrandGuard, O'Hagin, or similar vents);
- Interior, automatic fire sprinklers to code for occupancy type;
- No eaves or soffits;
- There would be no use of paper-faced insulation or combustible installation in attics or other ventilated areas;

- There would be no use of plastic, vinyl (with the exception of vinyl windows with metal reinforcement and welded corners), or light wood on the exterior;
 - Any vinyl frames to have welded corners and metal reinforcement in the interlock area to maintain integrity of the frame certified to ANSI/AAMA/NWWDA 101/I.S 2 97 requirements;
- Skylights to be tempered glass;
- Rain gutters and downspouts to be non-combustible. They would be designed to prevent the accumulation of leaf litter or debris, which can ignite roof edges;
- Doors to be of approved noncombustible construction or would be solid core wood having stiles and rails not less than 1 3/8 inches thick or have a 20-minute fire rating. Doors to comply with City Building Code;
- There would be no combustible awnings, canopies, or similar combustible overhangs;
- No combustible fences to be allowed within 5 feet of structures;
- All chimneys and other vents on heating appliances using solid or liquid fuel, including outdoor fireplaces and permanent barbeques and grills, to have spark arrestors that comply with the City Fire Code. The code requires that openings would not exceed 1/4-inch. Arrestors would be visible from the ground;
- Modern infrastructure, access roads, and water delivery system; and
- Maintained FMZs

Notably, interior fire sprinklers, which will be provided, have an extremely high reliability track record of controlling fire in 96 percent of reported fires, and statistics indicate that fires in structures with sprinklers resulted in 82 percent lower property damage and 68, percent lower loss of life. NFPA 13 fire sprinklers are designed for structure protection and life safety. For wildland fire defense, should embers succeed in entering a structure, sprinklers provide an additional layer of life safety and structure protection.

4.15.5 Project Impacts and Mitigation

Impact 4.15-1 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

Level of Significance: Less Than Significant

According to CAL FIRE's Fire and Resource Assessment Program, FHSZ Viewer, the Project site is not located in or near an SRA; the nearest SRA to the development site is located approximately 1.5 miles east of the Project site. The Project site is located in an LRA. Within the LRA designation, the Project site is designated as a VHFHSZ, as identified on the latest FHSZ maps prepared by CAL FIRE.¹² According to the Banning General Plan, there are large areas of the City susceptible to damage from wildland fire. Portions of the Banning region and surrounding areas consist of brush covered hillsides with significant topographic relief that facilitate the rapid spread of fire, especially if fanned by Santa Ana winds. The Project site is a

¹² CAL FIRE. 2007. *FHSZ Viewer*. Retrieved from: <https://egis.fire.ca.gov/FHSZ/>. (accessed January 2023).

adjacent to vacant land that extends to the base of the San Bernardino Mountains. Additionally, these areas are periodically subject to high wind conditions that have the potential to dramatically spread wildland fires. The Project would involve the development of an approximately 1,320,284 square feet speculative industrial warehouse building and associated road, parking, and utility infrastructure. The proposed parking areas and Wilson Street extension within the northern portion of the Project site would provide buffer between vacant lands to the north and the proposed structure in a way that could reduce wildfire risk to structures. In accordance with the Banning General Plan Program 3.A, the Project would be required to incorporate wildfire prevention design techniques, such as the use of “defensible space,” fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards.

In addition, it is important that existing roadways and emergency routes are maintained in support of emergency vehicles and that the Project provides adequate site access for emergency vehicles during both the construction and operational phases. The Project site would comply with Banning General Plan Program 3.B and would provide adequate emergency vehicle access and evacuation routes through multiple points of ingress/egress. The Project would not alter or impact any existing emergency access roads or evacuation routes as identified in the WRCOG Community Vulnerability Profile Map 1: Banning’s Regional Evacuation Route. Approximately seven miles (16 percent of the City’s network) are evacuation routes and are located within a Fire Hazard Zone. The Project site would provide access to the identified evacuation routes through street and access improvements.

Additionally, a Wildfire Fire Evacuation Plan (WEP) (**Appendix M2**) was prepared specifically for the Project and focuses on wildland fire evacuations, although many of the concepts and protocols will be applicable to other emergency situations. Ultimately, the WEP will be utilized to educate the evacuation approach during wildfires and other similar emergencies, and links to important citizen preparedness information. Preparation of the WEP was based on standard operational evacuation planning procedures. Large-scale evacuations are complex, multi-jurisdictional efforts that require coordination between many agencies and organizations. Emergency services and other public safety organizations play key roles in ensuring that an evacuation is effective, efficient, and safe. At the time of the preparation of the WEP, there are no existing approved evacuation plans in the area; however, there is at least one proposed project in the area. The WEP is consistent with standard evacuation planning and can be integrated into a regional evacuation plan when and if the area officials and stakeholders complete one. This WEP would be implemented and available at the Project site for all occupants and will be a primary source during wildfires and evacuations.

Evacuation during a wildfire is not necessarily directed by the fire agency, except in specific areas where fire personnel may enact evacuations on-scene. The City of Banning Police Department would be the primary law enforcement agency responsible for evacuations within the City’s jurisdiction. As detailed in the City’s EOP, BPD would staff the Law Enforcement Branch, which manages the Evacuation & Reentry Unit. If the evacuation requires coordination with other jurisdictions, or BPD need additional support to conduct an evacuation, the Riverside County Sheriff’s Department Operations Center (DOC) will coordinate evacuation and re-entry activities and overall Riverside County Sheriff’s Department emergency response. During any evacuation event that exceeds normal Riverside County Sheriff’s

Department capacity, the County's Operational Area (OA) 's Emergency Operations Center (EOC) will be activated. In the event the EOC is activated, the EOC Law Enforcement Branch will activate the Evacuation Re-Entry Unit to coordinate the countywide evacuation and re-entry functions. Incident information and resource needs will be communicated from the Sheriff's DOC to the OA EOC Law Enforcement Branch.

The County Sheriff's DOC works closely with other organizations including RCFD, with the DOC being in charge of coordinating RCFD activities. Additionally, the Law Enforcement branch will link the OA EOC to many resources including the Sheriff's DOC, IC for incidents under the management of law enforcement services, as appropriate, Evacuation teams, Shelters, Transportation agencies, and other Supporting agencies. Because no encompassing emergency evacuation plan for the greater region was identified and the WEP is consistent with standard evacuation planning and can be integrated into a regional evacuation plan, when prepared, impacts would be less than significant.

Furthermore, the City contracts for fire protection with the Riverside County Fire Department/CalFire. The City and County Fire Department's review of all future permits for development would include review of access for emergency vehicles during construction and operation, in accordance with the California Fire Code. Compliance with the requirements for emergency lane width, vertical clearance, and distance would ensure that adequate emergency access is available for all new development and redevelopment projects. The proposed construction, along with the removal of any brush, trees, and grasses would limit the potential for wildfire spreading by removal of source materials. Due to multiple points of ingress/egress, building designs compliant with state, regional, and local codes; buildout of the Project would not interfere with emergency response and evacuation plans of the City. Lastly, in accordance with Banning General Plan Program 3.C, the City shall adopt standard requirements for all development proposal in High Fire Hazard Areas, including requirements for the preparation of Fire Protection Plans prior to the approval of Tentative Tract Maps, Tentative Parcel Maps, or other land use permits. Therefore, a less than significant impact associated with the substantial impairment of an adopted emergency response plan would occur.

Evacuation Routes

As discussed above, evacuation is a procedure by which people are moved from a place where there is immediate or anticipated danger, to a safer place, and offered temporary shelter facilities. When the threat passes, evacuees can return to their normal activities, or make suitable alternative arrangements.

Figure 1 of **Appendix M2** illustrates the Emergency Evacuation Routes available to the Project site. The exhibit highlights the community's backbone interior roads along with primary access points and off-site roads and major traffic corridors leading to designated evacuation areas. Generally, all evacuations routes for this portion of the City and the Project site would require vehicle traffic to utilize local roads to travel toward I-10 for egress east or west from the City, or wherever the evacuation is planned.

Evacuation Analysis

The WEP analyzed five evacuation scenarios for the Project for the four different study areas, refer to **Appendix M2** for an explanation and description of the methodology of the WEP. They are as follows:

- **Scenario 1 – Existing Land Uses:** This scenario estimates the evacuation time for the existing land uses within the study area (Area A through D) and would direct evacuating vehicles toward North Alessandro Street.
- **Scenario 2 – Proposed Project Only:** This scenario assumed full evacuation of the proposed Project and would direct evacuating vehicles toward North Alessandro Street.
- **Scenario 3 – Existing Land Uses with the proposed Project:** This scenario is similar to Scenario 1 (Area A through D), with the addition of the proposed Project traffic.
- **Scenario 4 – Existing Land Uses with Cumulative Growth:** This scenario is similar to Scenario 1, with an ambient growth of 5% to represent potential cumulative growth in the area. It's important to note that upon examining the City of Banning General Plan, Development Projects website, and the Major Residential Projects Map, the Project team didn't identify any other cumulative projects except for the First Hathaway Logistics project. Therefore, as a conservative approach, a 5% growth factor was applied across the entire study area and the First Hathaway Logistics Project was included in Area D.
- **Scenario 5 – Existing Land Uses with Cumulative Projects with the proposed Project:** This scenario is similar to Scenario 4, with the addition of the proposed Project traffic.

Each of these scenarios would result in different numbers of vehicles being evacuated along the City's roadways. Scenario 1 would see 2,391 vehicles. Scenario 2 would see 515 vehicles. Scenario 3 would see 2,906 vehicles. Scenario 4 would see 3,067 vehicles. Scenario 5 would see 3,582 vehicles.

Review of Table 3 in **Appendix M2** shows that the Project with cumulative projects in the vicinity would result in an increase in time required to evacuate the study area. This increase would range from a 9-minute increase to a 22-minute increase in evacuation times for different portions of the City. Based on the evacuation simulations completed in the WEP, evacuation traffic generated by the Project would not significantly increase the average evacuation travel time or result in unsafe evacuation timeframes. Although there is a potential increase in evacuation times of up to 9 minutes with the addition of the Project and 22 minutes under the cumulative scenario for some existing populations, it is anticipated that the longest evacuation times would be associated with the Project vehicles. In a likely evacuation scenario, existing residents west of the Project site would be located downstream of Project traffic because they are closer to the evacuation routes and destinations and would be able to evacuate prior to Project traffic reaching the same location.

Wildfire Behavior

Under existing pre-construction conditions, wildfire behavior through the low-to-moderate load non-maintained grass/grass-shrub dominated fuels throughout and adjacent to the development footprint being fanned by 14 mph sustained winds, from the west/northwest and pushed by on-shore ocean breezes typically exhibit less severe fire behavior due to lower wind speeds and higher humidity. Under typical onshore weather conditions, a surface vegetation fire could have flame lengths between approximately 4 feet and 7 feet in height and spread rates between 0.1 and 0.4 mph. Spotting distances, where airborne embers can ignite new fires downwind of the initial fire, range from 0.1 to 0.3 mile.

A worst-case fire under gusty Santa Ana winds and low fuel moistures adjacent to the Project site is expected to be primarily of low to moderate intensity through the non-maintained surface grass/grass-shrub dominated fuels throughout and adjacent to the development site. Worst-case fire behavior under peak weather conditions is anticipated to be a wind-driven fire from the east/northeast during the fall. Under such conditions, expected surface flame length are expected to reach approximately 21 feet with wind speeds of 50+ mph. Under this scenario, fireline intensities reach 4,040 BTU/feet/second with spread rates up to 4.2 mph and could have a spotting distance up to 1.4 miles away.

For post-development conditions, modeling of the Project site was conducted for post-Project fuel conditions. The fuel modification would include fire friendly and maintained landscaping with non-combustible parking areas on the periphery of the Project, as well as Interstate 10 directly to the south. For modeling the post-Project conditions, fuel model assignments were re-classified for the landscaping. Fuel model assignments for all other areas remained the same as those classified for the existing condition.

A worst-case fire under gusty Santa Ana winds and low fuel moistures is expected to be reduced to approximately 0.3 mph. Flame length values were reduced from up to 21 feet to approximately 4 feet; spotting is projected to be reduced to between 0.2 and 0.5 miles from the flaming front. For onshore wind conditions, the worst-case fire is expected to be moving reduced from approximately 0.4 mph to approximately 0.3 mph with flame lengths are anticipated to be reduced from approximately 6.3 feet to 2.3 feet. For detailed information regarding fire behavior modeling see the Section 3 of the FPP in **Appendix M1**.

Emergency Response

The following estimated annual emergency call volume generated by the Project (Commercial-Industrial products) is based upon per capita data for 2021 from RCFD calls within their jurisdiction.

- Total population served by: 30,273 (as of 2021, US Census Bureau)
- Total annual calls: 5,189. Per capita call generation: 0.17
- Total annual fire calls, including structure, vegetation, vehicle fires, and other fire calls (4.10% of total calls): 213. Per capita call generation: 0.007
- Total annual Emergency Medical Services (79% of total calls): 4,110. Per capita call generation: 0.135
- Total other calls (Rescue, Traffic Collisions, Hazardous Materials, Public Service, etc.; 16.7% of total calls): 866. Per capita call generation: 0.029

Using the data above, the estimated annual emergency call volume for the Project site was calculated. In order to provide this conceptual estimate, assumptions regarding industrial/mixed-use populations within Project were made. The Project estimates the total number of permanent jobs to be 2,841. The number on-site at any given time may vary by time of day due to employee shift work, estimated transient population and operating hours of individual businesses. Based on this information, the total maximum estimated total population (which includes employees and transient use) of the Project site at any given

time, is conservatively projected to be 947 persons within approximately 634 vehicles (ride sharing and public transportation reduce vehicle load).

As mentioned, the new industrial/commercial development will increase the call volume at a rate of a conservatively calculated up to 162 calls per year (3.1 calls per week or 13.5 calls per month). Fire Stations 89 and 20 combined emergency responses in 2021 totaled 5,189 calls per year, or 5 and 8 calls per day per station respectively. The level of service demand for the Project raises overall call volume but is not anticipated to impact the existing fire stations to a point that they cannot meet the demand. For perspective, five calls per day are typical in an urban or suburban area. A busy fire station company would be one with 10 to 15 or more calls per day. When the Project site is built out, Fire Station 89 could potentially respond to an additional 3 calls per week, although the number will likely be lower than that based on the conservative nature of the population and calls per capita data used in this estimate.

The Project is not anticipated to have a negative impact on response capacity. Further, the on-site roads would be able to provide sufficient access for fire apparatus in a high-risk area. The Project also provides water supply and fire flow which are critical resources in firefighting. The Project defensible space areas would allow firefighters to safely position themselves at the development edge and begin tactical protection efforts. This allows firefighters to not only readily protect structures and reduce the likelihood of building ignition but also gives them a safe position to respond to offsite wildfires. Using the Project's fire protection features firefighters would be able to use the Project as a tactical resource for protecting open space areas, whether it be from an on-site or off-site fires. The Project would create additional access for fire apparatuses that were not previously existing. Enhancing firefighters' ability to respond to an incident increases their ability to suppress a fire whether both on-site and off-site. The presence of on-site fire resources increases response capacity and could be the difference between a small fire or a full conflagration.

Based on the above discussion, it is not anticipated that the Project will impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Additionally, supplemental fire protection and wildfire evacuation planning has been completed by the Project which would aid operations and enforce safe practices during emergencies for Project occupants. Impacts in this regard will be less than significant.

Mitigation Measures

No mitigation is necessary.

Impact 4.15-2 *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project, due to slope, prevailing winds, and other factors, exacerbate wildlife risks, and thereby expose Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

Level of Significance: Less Than Significant

Refer to **Impact 4.15-1** above. Fires in the Banning area typically start in the mountains or foothills. If the prevailing winds fan a fire so that it moves into the WUI, then evacuation of the potentially affected communities may be required. In general, evacuees would take roads leading toward the more developed

areas of the City. The Project site does not currently have direct access to the roadway network of the City. Wilson Street and Nicolet Street east of Hathaway Street and O'Donnell Street are platted roadway rights-of-way within the City that will be constructed to serve the Project. Therefore, with improved development to the City's roadway network as part of the Project, access to the City's evacuation routes will be provided. The addition of these new and improved roadways would also act as fuel breaks, further preventing the uncontrolled spread of wildfire.

As discussed in Section 2 of the FPP (**Appendix M1**), topography influences fire risk by affecting fire spread rates. Typically, steep terrain results in faster fire spread upslope and slower fire spread down-slope in the absence of wind. Flat terrain tends to have little effect on fire spread, resulting in fires that are driven by wind. Conversely, flat terrain tends to have little effect on fire spread, resulting in fires that are driven by vegetation and/or wind.

The Project site is primarily flat with a slight downhill slope averaging 1.8 percent from the Morongo Reservation to the north to I-10 to the south. The open area to the east and the open area to the west both follow this slight natural slope. The slight north to south slope continues for about 1.25 miles to the north before transitioning into the foothills that lead to San Geronio and the mountain communities of the San Bernardino National Forest. On-site elevations range from approximately 2,325 feet above mean sea level (amsl) in the northwest portion of the Project site to approximately 2,152 feet amsl in the southeast portion of the Project site.¹³

In southwestern Riverside County and the Project area, fires can be a significant issue during summer and fall, before the rainy period, especially during dry Santa Ana wind events. The seasonal Santa Ana winds can be particularly strong in the Project area as warm and dry air is channeled through the San Geronio Pass from the dry, desert land to the east. Although Santa Ana events can occur anytime of the year, they generally occur during the autumn months, although the last few years have resulted in spring (April - May) and summer events. Santa Ana winds may gust up to 75 miles per hour (mph) or higher. This phenomenon markedly increases the wildfire danger and intensity in the Project area by drying out and preheating vegetation (fuel moisture of less than 5 percent for 1-hour fuels is possible) as well as accelerating oxygen supply, and thereby, making possible the burning of fuels that otherwise might not burn under cooler, moister conditions.¹⁴

As discussed in Section 2.2.3 of the FPP (**Appendix M1**), the Project property and surrounding areas primarily support sage scrub plant community, non-native grasslands and disturbed habitat. The majority of the area adjacent to the Project site are vegetated with sage scrub interspersed with grasses. non-native grass dominated plant communities become seasonally prone to ignition and produce lower intensity, higher spread rate fires. In comparison, sage scrub can produce higher heat intensity and higher flame lengths under strong, dry wind patterns, but does not typically ignite or spread as quickly as light, flashy grass fuels.

The FMZ on the Project site will consist of irrigated and maintained landscapes as well as thinned native fuel zones that will be subject to regular "disturbance" in the form of maintenance and will not be allowed

¹³ Dudek. 2024. Fire Protection Plan. Page 12. (**Appendix M1**).

¹⁴ Ibid.

to accumulate excessive biomass (live or dead) over time. This maintenance results in reduced fire ignition, spread rates, and intensity. Conditions adjacent to the Project's footprint (outside the FMZ), where the wildfire threat will exist post-development, are classified as low to medium fuel loads due to the dominance of sage scrub-grass fuels.

When modeling anticipated fire behavior, the above characteristics were considered. The results indicated no change for the untreated open space areas with regard to fire intensity and flame lengths. The FMZ treated areas on the Project site experienced significant reduction in flame length and intensity.

In summary, wildfires may occur in wildland areas that surround the Project site, but would not be meaningfully increased in frequency, duration, or size with the construction of the Project. The Project's on-site fire potential will be much lower than its current condition due to conversion of wildland fuels to buildings, parking areas, managed landscapes, fuel modification areas, improved accessibility for fire personnel, and structures built to the latest ignition and ember resistant fire codes. Additionally, the Project would comply with applicable City policies mitigating or minimizing wildfire hazard risks. In accordance with the Banning General Plan Program 3.A, the Project would be required to incorporate wildfire prevention design techniques, such as the use of "defensible space," fire retardant sidings, optimal site planning and building orientation, landscaping orientation, and other design approaches to reduce wildfire hazards. The Project would also build all structures consistent with the latest CBC which also includes features to minimize fire hazards. Due to the presence of area roadways, lack of steep slopes, and concrete construction of the Project, it is not likely to be affected by a wildfire during construction or operations. As such, the Project would not exacerbate wildfire risks or expose Project occupants to pollutant concentrations or the uncontrolled spread of a wildfire. Therefore, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

Impact 4.15-3 If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

Level of Significance: Less Than Significant with Mitigation Incorporated

The Project consists of the construction of one industrial facility, with associated parking and landscaping. Construction and operation of the Project would not increase the risk of fire, nor would it require the installation/maintenance of infrastructure that would exacerbate fire risk. Currently, the Project site is composed of vacant land. The vacant land does not have any special infrastructure such as fuel breaks or emergency water sources. Additionally, as noted above, the Project related uses would be industrial in nature. No practices that could exacerbate fire risks are anticipated. In addition, as part of the Project site development, adjacent roadways would be improved which would serve to provide emergency ingress and egress to the site in the event of an emergency. Vegetation management requirements shall be

implemented at Project commencement and throughout the construction phase. Vegetation management shall be performed pursuant to the FPP prior to the start of work and prior to any import of combustible construction materials. Adequate fuel breaks shall be created around all grading, site work, and other construction activities in areas where there is flammable vegetation. Landscape plantings will not utilize prohibited plants that have been found to be highly flammable.¹⁵ Overall, the combination of adherence to relevant fire/building codes and implementation of Project PDFs and mitigation measures would result in a less than significant impact with mitigation incorporated.

Mitigation Measures

MM FIRE-1 **Fire Safety Requirements.** The Project shall be required to comply with all Fire Safety Requirements as identified in Section 5 of the Fire Protection Plan prepared for the Project (**Appendix M1**). Conformance with these requirements shall be verified by the City of Banning Community Development Department during design review prior to the issuance of building and grading permits.

Impact 4.15-4 If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the Project 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?

Level of Significance: Less Than Significant

The Project site is on relatively flat ground and not adjacent to any steep slopes. The Project site is surrounded by suburban development and vacant land on relatively flat land. The Project site is partially located within a 100-year flood hazard area. According to FEMA's National Flood Hazard Layer (NFHL), much of the Project site exists within Zone X, indicative of areas of minimal flood hazard. However, the northeast portion of the Project site, an area encompassing approximately 47.5 acres, is designated as Zone A, a hazard area with a 1 percent annual chance of flooding (100-year flood hazard area). However, the water quality management plan (WQMP) and Preliminary Hydrology Calculations Reports concluded that proposed drainage improvements would adequately convey flows to the proposed basins and would also capture runoff adequately. As such, the Project is not anticipated to expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Potential impacts regarding flooding, landslides, and drainage are further discussed in **Section 4.7: Geology and Soils** and **Section 4.10: Hydrology and Water Quality**. Therefore, a less than significant impact would occur.

Mitigation Measures

No mitigation is necessary.

4.15.6 Cumulative Impacts

According to the City's General Plan, **Sections 4.8: Hazards and Hazardous Materials** and **Section 4.11: Public Services**, in this EIR; Hazards and Hazardous Materials, and Wildfire, and the City's development code, the Project would result in a less than significant impact from wildfire hazards following adherence

¹⁵ Dudek. 2024. Fire Protection Plan. Page 46 (**Appendix M1**).

to and/or compliance with existing federal, State, and local regulatory framework. Projects have the potential to be cumulatively considerable, when evaluated in the context of other past, present or reasonably foreseeable projects that make a cumulative contribution to impacts. Similar to the Project, cumulative development occurring within the vicinity and similar FHSZs would be subject to risk of wildfire hazards. Cumulative Projects would also be subject to comply with existing federal, State, and local regulatory framework as well as the latest CBC and California Fire Code regulations and standards for fire safety. Further, development of the Project site consistent with the general plan land use designation would have been analyzed within the City's GP Draft EIR document as well as the County of Riverside's GP Draft EIR.

Development occurring within the City, or those future projects annexed from the County lands adjacent to and near the Project site would be subject to review by the City to ensure cumulative development is designed to provide a minimum of fire safety and support fire suppression activities including fire sprinklers, fire hydrant systems, paved access, and secondary emergency access routes. Implementation of these policies in addition to compliance with the fire Code and existing regulatory framework, cumulative impacts concerning wildfire hazards would be considered less than significant.

4.15.7 Significant Unavoidable Impacts

No significant unavoidable impacts were identified.

4.15.8 References

- California Department of Forestry and Fire Protection. 2007. *Fire Hazard Severity Zone (FHSZ) Viewer*. Retrieved from: <https://egis.fire.ca.gov/FHSZ/>, (accessed January 2023).
- City of Banning. 2006. *City of Banning General Plan*. Retrieved from: <http://banning.ca.us/468/General-Plan-Amendments>, (accessed January 2023).
- City of Banning. *City of Banning General Plan Final Environmental Impact Report*. Retrieved from: <http://www.ci.banning.ca.us/DocumentCenter/View/2260/Response-to-Comments?bidId=>.
- City of Banning. 2017. *Local Hazard Mitigation Plan*. Retrieved from: <http://www.ci.banning.ca.us/DocumentCenter/View/5100/2017-LHMP-FINAL?bidId=>, (accessed June 2022).
- Dudek. 2024. Fire Protection Plan. **Appendix M1**
- Dude. 2024. Wildfire Evacuation Plan. **Appendix M2**
- Riverside County Fire. 2024. Home Page. Retrieved from: <https://www.rvcfire.org/>, (accessed January 2024).
- Riverside County. 2024. Local Hazard Mitigation Plan. Retrieved from: <https://rivcoready.org/about-emd/plans/local-hazard-mitigation-plan>, (accessed January 2024).
- Western Riverside Council of Governments. 2020. *Community Vulnerability Profiles*. Retrieved from: <https://wrcog.us/DocumentCenter/View/8020/WRCOG-Member-Community-Vulnerability-Profiles>, (accessed January 2023).

WRCOG/SBCTA. 2012. *WRCOG/SBCTA Sustainability Toolkit Evacuation Routes Map Viewer*. Retrieved from:

<https://www.arcgis.com/apps/webappviewer/index.html?id=4168a1efbdca40f889ea9dba43e04b4e&extent=-13138981.0556%2C4022288.1589%2C-12669351.9538%2C4239369.3193%2C102100>, (accessed May 2024).

5.0 OTHER CEQA CONSIDERATIONS

This section of the Draft Environmental Impact Report (EIR) provides a discussion of additional California Environmental Quality Act (CEQA) impact considerations, including Significant Irreversible Environmental Changes and Growth-inducing Impacts.

5.1 Significant and Irreversible Environmental Changes

Section 15126.2(d) of the State CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by a proposed project. Generally, the section states that a project will result in significant irreversible environmental changes if the following occurs:

- The project would involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely;
- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; and
- The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The project would involve a large commitment of nonrenewable resources in a way that would make their nonuse or removal unlikely.

The Project would not involve the utilization of nonrenewable resources in a manner that would make their nonuse or removal unlikely. Nonrenewable resources associated with Project development would include fossil fuels. Fossil fuels would serve as energy sources during both Project construction and operations and would act as transportation energy sources for construction vehicles and heavy equipment during the construction period and by vehicles and equipment used during proposed Project operations. Though the Project would endeavor to utilize fossil fuels efficiently, their use would be vital for construction and operations activities, making their nonuse unlikely. However, the Project would not require the continued use of fossil fuels at the end of its operational life.

By nature of being a nonrenewable resource, fossil fuels, once consumed, cannot be replaced. Once utilized, fossil fuels may be transformed into another form of matter such as exhaust or smoke. Standard vehicles and equipment used by the Project in both construction and operational phases would likely utilize fossil fuels. Some construction and operational equipment may be electrified and therefore not rely on fossil fuels. Energy-efficient equipment would be utilized per the laws, ordinances, and regulations identified within **Section 4.2: Air Quality**. Additionally, **MM AQ-3** requires the buildings to be designed to accommodate electric vehicle (EV) infrastructure, and **MM AQ-4** requires signs be posted that prohibit idling when engines are not in use. **MM AQ-5** requires tenants to include fuel efficiency improvements to reduce fuel consumption through the Carl Moyer Program. **MM AQ-6** requires all outdoor cargo handling equipment to be zero emission/powered by electricity. Additionally, the Project operator would directly reduce NOx and particulate matter emissions to otherwise facilitate emission and exposure reductions of these pollutants in nearby communities in accordance with Rule 2305. Alternatively, warehouse operators

can choose to pay a mitigation fee. Funds from the mitigation fee will be used to incentivize the purchase of cleaner trucks and charging/fueling infrastructure in communities nearby.

In addition, the Project does not propose any fueling stations that would necessitate the storage of fossil fuels on the site. No infrastructure is proposed to store fossil fuels in large amounts or without the ability of removal.

The Project would also require the commitment of land on which the Project would be developed for industrial use. Land is another finite resource in that once developed and in active use it removes the ability for that land to be used for other uses and developments. However, land developments associated with the Project would not remove the possibility of redevelopment or removal in the future. The land development would not, therefore, make the nonuse of the land unlikely.

The primary and secondary impacts would generally commit future generations to similar uses.

The Project's development is anticipated to produce some significant and unavoidable impacts based on analyses conducted in **Sections 4.2: Air Quality, 4.7: Greenhouse Gas Emissions, and Section 4.12: Transportation**. These impacts would also affect the surrounding environment and would commit future generations to similar uses throughout the operations of the Project. However, the uses associated with the Project would not modify the land in a way that would prevent the possibility of redevelopment.

Hazardous waste usage during the Project's construction and operational phase would comply with federal, state, and local regulations to ensure that the usage and storage of any hazardous materials and waste would be completed in the safest and most efficient manner. Similarly, the Project would comply with any federal, state, and local air quality and water quality regulations to further ensure the least amount of environmental impact. The industrial land uses are unlikely to lead to impacts that would relegate future generations and developments to similar uses.

The Project would be developed in a portion of the City of Banning (City) classified with a Business Park land use designation and zoning. The Project would be consistent with the current land use designation and zoning. According to the City's General Plan, Business Park allows for light industrial manufacturing, office/warehouse buildings, restaurants and retail uses ancillary to a primary use, and professional offices. Commercial development, such as large-scale retail and mixed-use projects are conditionally permitted. The Project does not propose any changes to the General Plan land use designation or zoning, nor does the Project propose any disallowed uses or require a conditional use permit. Therefore, the Project would not influence future development in that the existing land use designation and zoning in the area would not be changed.

The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project.

The Project is intended to develop an industrial building with included office space and warehousing. The Project is not anticipated to release hazardous materials into the environment. Construction and operation of the Project would utilize chemical substances common with typical construction and warehousing activities and do not generally pose a significant hazard to the public or environment.

However, in the event that hazardous materials are either used or stored on the Project site, the Project would store hazardous materials in compliance with any applicable federal, state, and local policy.

The proposed consumption of resources is not justified (e.g., the project involves the wasteful use of energy).

The Project would comply with any applicable federal, state, and local regulation and law regarding the use of resources during both construction and operations. As established in **Section 4.14: Utilities and Service Systems**, development of the Project would not significantly impact water, electricity, solid waste, and telecommunications resources. It was found that the City, has adequate water supplies to serve the Project's expanded demand. As discussed in **Section 4.5: Energy**, construction and operations associated with implementation of the Project would result in the use of energy, but not in an inefficient or wasteful manner. The primary source of energy would be from the required solar PV panels and would therefore not cause any extra demand on the energy grid. The use of energy would not be substantial in comparison to statewide electricity, natural gas, gasoline, and diesel demand; refer to **Table 4.5-2: Energy Use During Construction** and **Table 4.5-3: Project Annual Energy Use During Operations**. Further, the Project includes mitigation measures that would require Project development to include the use of energy-efficient vehicles and equipment in accordance with the most recent federal, state, and local regulations. As stated previously, **MM AQ-3** requires the buildings to be designed to accommodate EV infrastructure; **MM AQ-4** requires signs be posted that prohibit idling when engines are not in use; **MM AQ-5** requires tenants to include fuel efficiency improvements to reduce fuel consumption through the Carl Moyer Program; and **MM AQ-6** requires all outdoor cargo handling equipment to be zero emission/powered by electricity. Therefore, resources used for the Project, including energy, would be done in an efficient, justifiable manner.

5.2 Growth Inducing Impacts

State CEQA Guidelines §15126.2(e) requires that EIRs include a discussion of ways in which a project could induce growth. The State CEQA Guidelines identify a project as "growth-inducing" if it fosters economic or population growth or if it encourages the construction of additional housing either directly or indirectly in the surrounding environment. New employees from commercial or industrial development and new population from residential development represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area. The proposed Project would therefore have a growth-inducing impact if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing;
- Remove obstacles to population growth;
- Require the construction of new or expanded facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

A project's potential to induce growth does not automatically result in growth. Growth can only happen through capital investment in new economic opportunities by the private or public sectors. Under CEQA, the potential for growth inducement is not considered necessarily detrimental nor necessarily beneficial, and neither is it automatically considered to be of little significance to the environment. This issue is presented to provide additional information on ways in which the proposed Project could contribute to significant changes in the environment, beyond the direct consequences of implementing the proposed Project examined in the preceding sections of this Draft EIR.

Direct Growth-Inducing Impacts in the Surrounding Environment

Potential growth-inducing impacts are examined through analysis of the following questions:

The project would directly or indirectly foster economic or population growth, or the construction of additional housing.

As discussed in **Section 7.0: Effects Found Not To Be Significant**, the Project would have a beneficial effect on the City's employment base by developing a site that is largely vacant with a new industrial/warehouse facility with ancillary office space. Given that the current unemployment rate for Riverside County is approximately 4.4 percent (as of May 2023),¹ it is reasonably assured that the jobs would be filled by people living in the City, unincorporated County area, and surrounding communities. Additionally, the Project does not propose housing that would induce population growth. As a result, the Project would not significantly foster economic or population growth beyond what is planned for the City and County.

Would the project remove obstacles to population growth?

The Project site consists of vacant, mostly undeveloped land that contains non-ornamental vegetation. Development and disturbances within the Project site are limited to an existing Southern California Edison (SCE) 112-kilovolt (kV) transmission line that bisects the Project site in a southwest-northeast manner (see **Section 3.0: Project Description** for more information). Therefore, the Project would not create or remove an obstacle for growth.

Additionally, the proposed Project's development is localized to the Project site. The construction of the new infrastructure would not amend the land uses or increase density on the parcels adjacent of the Project site. The development of the Project would involve the expansion and updating of utility facilities such as electricity and water connections in conjunction with planned utility growth in the City. The Project would also involve the improvement of existing roadways near the Project site, including the extension of Wilson Street, which would serve the surrounding community and improve services to these facilities and City connectivity. Roadway improvements included in the Project are discussed in **Section 4.12: Transportation**, and analyzed in the Traffic Impact Analysis (TIA) (see **Appendix K1**). Substantial upgrades to the roadway system outside of the general Project area, which would promote further development are not included as components of the Project.

¹ State of California Employment Development Department. 2023. *Local Area Unemployment Statistics (LAUS) - Riverside County*. Retrieved from: <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-Riverside-/f6zd-dtm5> (accessed February 2023).

Would the project require the construction of new or expanded facilities that could cause significant environmental effects?

The Project site is predominately vacant. The Project would include infrastructure improvements and connections to allow for the efficient use of resources such as natural gas, electricity, and water. Improvements to the Project adjacent streets would also include underground dry utility facilities (e.g., cable, electric, telephone, natural gas, television and fiber optics) along the Project's frontage streets. The environmental impacts associated with the facility improvements associated with the Project have been analyzed in **Section 4.1: Aesthetics** through **Section 4.15: Wildfire** of this EIR. In the presence of potentially significant impacts which were not minimized by the Project design features, mitigation measures have been proposed which, when implemented, would reduce potential impacts stemming from the proposed Project's development to less than significant levels, with the exception of impacts associated with air quality, greenhouse gas emissions, and traffic and transportation, which would remain significant and unavoidable. Furthermore, the Project would not require the expansion of utility facilities such as water or wastewater treatment plants, or landfills. **Section 4.14: Utilities and Service Systems** determined that there is adequate capacity of those facilities to serve the Project site.

Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Refer to **Section 4.1: Aesthetics** through **Section 4.15: Wildfire** of this EIR. No significant cumulative impacts were determined during the analysis of the Project, with the exception of cumulative impacts concerning air quality, greenhouse gases, and transportation. Operational emissions associated with the Project would result in a cumulatively considerable contribution to significant cumulative air quality impacts. Additionally, the Project-related GHG emissions would exceed the City's 3,000 MTCO₂e threshold of significance despite implementation of **MM AQ-2** through **MM AQ-6** from the Air Quality Assessment and **MM GHG-1** through **MM GHG-5** and could impede statewide 2030 and 2050 GHG emission reduction targets. As such, the Project would result in a potentially significant cumulative GHG impact. Lastly, the VMT analysis concludes that Citywide VMT increases with the Project resulting in a significant and unavoidable cumulative VMT impact. Even with implementation of reasonable and feasible VMT reduction measures, the VMT analysis concludes that Citywide VMT increases from the Project would result in a significant and unavoidable cumulative VMT impact.

5.3 Mandatory Findings of Significance

CEQA requires preparation of an EIR when certain specified impacts may result from construction or implementation of a project. An EIR has been prepared for the Project, which fully addresses all of the Mandatory Findings of Significant, as described below.

Degradation of the Environment

Section 15065(a)(1)-(4) of the CEQA Guidelines requires a finding of significance if a project "has the potential to substantially degrade the quality of the environment." In practice, this is the same standard as a significant effect on the environment, which is defined in Section 15382 of the CEQA Guidelines as "a substantial or potentially adverse change in any of the physical conditions within the area affected by

the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.”

This EIR in its entirety addresses and discloses all known potential environmental effects associated with the development of the Project both on- and off-site including direct, indirect, and cumulative impacts in the following resource areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise
- Public Services
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

A summary of all potential environmental impacts, level of significance, and mitigation measures is provided in **Section 1.0: Executive Summary**.

Impacts on Habitat or Species

Section 15065(a)(1) of the CEQA Guidelines states that “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: (1) substantially degrade the quality of the environment; (2) substantially reduce the habitat of a fish or wildlife species; (3) cause a fish or wildlife population to drop below self-sustaining levels; (4) threaten to eliminate a plant or animal community; (5) substantially reduce the number or restrict the range of an endangered, rare, or threatened species; (6) or eliminate important examples of the major periods of California history or prehistory.” The Project would have significant impacts to biological resources, although these impacts are mitigated to less than significant levels with the implementation and incorporation of **MM BIO-1** through **MM BIO-4**. **Section 4.3: Biological Resources**, of this EIR fully addresses any impacts that might relate to the reduction of fish or wildlife habitat or populations and the reduction or restriction of the range of special status species as a result of Project implementation. Additionally, the Project would have significant impacts to historical and archaeological resources, although these impacts are mitigated to less than significant levels with the implementation and incorporation of **MM CUL-1** through **MM CUL-2** and **MM TCR-1** through **MM TCR-8**. **Section 4.4: Cultural Resources** and **Section 4.13: Tribal Cultural Resources** of this EIR fully addresses any impacts that might related to the elimination of important examples of major period of California history or prehistory as a result of Project implementation.

Short-Term vs. Long-Term Goals

Section 15065(a)(2) of the CEQA Guidelines states that “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where

there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.” The Project would consist of approximately 1,320,284 sf of warehousing and ancillary uses. **Section 5.1: Significant and Irreversible Environmental Changes**, discussed above addresses the short-term and irretrievable commitment of natural resources to ensure that the consumption is justified on a long-term basis. In addition, **Section 1.0: Executive Summary**, identifies all significant and unavoidable impacts that could occur that would result in a long-term impact on the environment. Lastly, **Section 5.2: Growth-Inducing Impacts**, identifies any long-term environmental impacts associated with economic and population growth that are associated with the Project.

Cumulatively Considerable Impacts

Section 15065(a)(3) of the CEQA Guidelines states that “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the Project has potential environmental effects that are individually limited but cumulatively considerable. “Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.” This EIR provides a cumulative impact analysis only for the thresholds that result in a less than significant impact, a potentially significant impact unless mitigated, or a significant and unavoidable impact. Cumulative impacts are addressed for each of the environmental topics listed above and are provided in **Sections 4.1** through **4.15** of this EIR.

Substantial Adverse Effects on Human Beings

As required by Section 15065(a)(4) of the CEQA Guidelines, “A lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur: the environmental effects of a project will cause substantial adverse effect on human beings, either directly or indirectly.” Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This standard relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could directly or indirectly affect human beings would be possible in all of the CEQA issue areas previously listed, those that could directly affect human beings include aesthetics, air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, land use and planning, public services, utilizes, transportation, water resources, wildfire hazards, and climate change, all of which are addressed in the appropriate sections of this EIR; refer to the Table of Contents for specific section numbers. The following topic areas were determined to be significant and unavoidable with respect to adverse effects on human beings:

Project Related Emissions

The Project would not directly conflict with the 2022 AQMP and Southern California Association of Governments’ goals and policies. The Project’s of regional criteria pollutant thresholds would potentially result in a long-term impact on the region’s ability to meet state and federal air

quality standards. Additionally, despite implementation of mitigation measures, the Project's criteria pollutant emissions would remain above SCAQMD thresholds resulting in a significant and unavoidable impact (see **Section 4.2: Air Quality, Impact 4.2-2**). However, localized impacts would be less than significant (see **Section 4.2: Air Quality, Impact 4.2-3**). Implementation of **MM AQ-1** through **MM AQ-9** would reduce impacts; however, a significant and unavoidable impact would remain.

The Project would be consistent with the County's GHG Reduction Plan and compliance with various California Air Resources Board and SCAQMD emissions reduction programs. However, the Project's emissions would be considered significant unavoidable despite the implementation of PDF's, Standard Conditions, and Mitigation Measures.

Transportation

Buildout of the Project is estimated to exceed the City's adopted VMT threshold. Regardless of potential reductions in VMT through feasible reduction measures, reductions in VMT cannot be accurately estimated or guaranteed. Even with implementation of regulatory requirements, and consideration of mitigation, PDFs, and standard conditions, the Project would result in significant and unavoidable impacts.

5.4 References

State of California Employment Development Department. 2023. *Local Area Unemployment Statistics (LAUS) - Riverside County*. Retrieved from: <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-Riverside-/f6zd-dtm5>. (accessed February 2023).

6.0 ALTERNATIVES

6.1 Introduction

The California Environmental Quality Act (CEQA) requires that Environmental Impact Reports (EIR) “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” (State CEQA Guidelines §15126.6). The State CEQA Guidelines require that the EIR include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative must be discussed, but these effects may be discussed in less detail than the significant effects of the project as proposed (California Code of Regulations [CCR] §15126.6[d]). The EIR is not required to consider every conceivable alternative to a project but is guided by a rule of reason. An EIR is not required to consider alternatives which are infeasible. Section 15126.6[d]) states that the EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. Key provisions of the State CEQA Guidelines on alternatives (§15126.6(a) through (f)) are summarized below to explain the foundation and legal requirements for the alternative’s analysis in the Draft EIR.

- “The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly” (§15126.6(b)).
- “The specific alternative of ‘no project’ shall also be evaluated along with its impact” (§15126.6(e)(1)). “The no project analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation was published, at the time the environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the ‘no project’ alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives” (§15126.6(e)(2)).
- “The range of alternatives required in an EIR is governed by a ‘rule of reason’ that requires an EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the Project” (§15126.6(f)).
- “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)” (§15126.6(f)(1)).

- For alternative locations, “only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR” (§15126.6(f)(2)(A)).
- “An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative” (§15126.6(f)(3)).

Range of Alternatives

The lead agency is responsible for selecting this range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Among the factors that may be taken into account when addressing the feasibility of alternatives, as described in §15126.6(f)(1) of the CEQA Guidelines, are environmental impacts, site suitability, economic viability, availability of infrastructure, general plan consistency, regulatory limitations, jurisdictional boundaries, and whether the project proponent could reasonably acquire, control, or otherwise have access to an alternative site. An EIR need not consider an alternative whose effects could not be reasonably identified, whose implementation is remote or speculative, and that would not achieve the basic Project objectives. The alternatives that were selected represent a reasonable range of alternatives, are feasible, and will encourage discussion in a manner to foster meaningful public participation and informed decision making.

This Chapter describes three Alternatives to the Banning Commerce Center project (Project) selected for further evaluation. These alternatives include the No Project Alternative (existing condition of the Project site and surrounding roadways), a Reduced Building Intensity Alternative (1,122,000-square foot warehouse), and a Two Building Alternative (includes two warehouse buildings totaling 1,320,000-square feet). Alternatives selected were developed based on information provided by the Project applicant, the City of Banning (City), and comments on the Notice of Preparation (NOP). Comments received during the scoping period for the Project helped identify alternatives to analyze, however no specific or suggested alternatives were provided by commenters on the NOP. An alternate site alternative was conceptualized but removed from further consideration due to it not meeting most of the Project objectives, and not of sufficient size, or being reasonably acquired, controlled, or otherwise accessible by the Applicant. The three alternatives considered and evaluated are discussed in more detail below.

One of the main purposes of developing a range of alternatives is to discuss different projects that are capable of avoiding or substantially lessening significant effects, especially effects of the Project that are found to be significant and unavoidable. In the case of the Project, significant impacts were identified with respect to air quality, greenhouse gas emissions, and transportation. With regard to air quality, nitrous oxide (NO_x) emissions exceeded the thresholds of the South Coast Air Quality Management District (during operation). For greenhouse gas emissions (GHG) mobile emissions would exceed the 3,000 Metric Tons of Carbon Dioxide equivalents (MTCO_{2e}) threshold in the operation phase of the Project. Transportation impacts were found to be significant and unavoidable due to the Project’s projected Vehicular Miles Traveled (VMT) and trips exceeding the City’s thresholds with no feasible mitigation to reduce the level of impacts. For this reason, the alternatives analyzed were selected to evaluate the potential to further reduce impacts on air quality, GHG, and transportation.

6.2 Project Objectives

As discussed above, one of the evaluation criteria for the alternative discussion is the ability of a specific alternative to attain most of the basic Project objectives. The basic Project objectives are listed in **Section 3.0: Project Description** are as follows:

- Objective 1:** Develop an industrial project that conforms to the City’s General Plan and Municipal Code.
- Objective 2:** Provide a new development that will generate a positive fiscal balance for the City moving forward.
- Objective 3:** Design and build a Class-A institutional quality industrial project that will attract high end tenants and increase the City’s tax base.
- Objective 4:** Generate employment opportunities within the City while improving the local balance of housing to job ratio.
- Objective 5:** Facilitate the movement of goods and services for the benefit of local and regional economic growth.
- Objective 6:** Develop a warehouse project adjacent to transportation corridors, truck routes, local amenities, and the nearby Interstate 10 Freeway for employee convenience and efficiencies of transporting goods.
- Objective 7:** Develop a warehouse project which efficiently uses the property, while conforming with all City regulatory policies.
- Objective 8:** Improve public safety and traffic flow in eastern Banning with roadway and infrastructure improvements.
- Objective 9:** Provide enhanced landscaping along City designated corridors with the construction of wide streets and landscaped setbacks.
- Objective 10:** Provide the backbone infrastructure for future growth and prosperity of the surrounding benefit area that will serve the immediate and long term needs of the community.

6.3 Alternatives to the Project

The Alternatives listed below present a reasonable range of alternatives to the Project. The analysis in this section focuses on the Alternative’s avoidance of significant, or significant and unavoidable impacts associated with the Project as proposed, and the ability of each Alternative to meet most of the project objectives. As previously stated, no suggested alternatives were provided by commenters on the Notice of Preparation or during the Scoping Meeting for the Project.

Alternative 1: “No Project” Alternative – The “No Project” Alternative allows decision-makers the ability to compare the impacts of approving the Project with impacts of not approving the Project by leaving the proposed Project site in its existing condition.

Alternative 2: “Reduced Building Intensity” Alternative – The “Reduced Building Intensity” Alternative presents a project variation in which the proposed warehouse building would be developed at a smaller scale (1,122,000 square feet, or a 15% reduction in square footage when compared to the proposed Project) and would therefore create a less intense usage of the land area. Other components of the Project would remain.

Alternative 3: “Two Building” Alternative – The “Two Building” Alternative proposes two buildings (Building #1: 1,000,000-square-foot and Building #2: 293,600-square-foot) totaling 1,293,600-square-foot of warehouse (a 2 percent reduction in square footage when compared to the 1,320,000 square foot proposed Project). This alternative represents an early design and configuration developed for the Project, however, a single building layout was eventually chosen for the Project.

6.4 Alternatives Removed from Further Consideration

State CEQA Guidelines section 15126.6(c) states that an EIR should identify any alternatives that were considered by the lead agency but rejected because the Alternative would be infeasible, fail to meet most of the basic project objectives, or unable to avoid significant environmental impacts. Furthermore, an EIR may consider an alternative location for the proposed Project but is only required to do so if significant project effects would be avoided or substantially lessened by moving the Project to another site and if the Project proponent can reasonably acquire, control, or otherwise have access to the alternative site.

In developing the Project and alternatives, consideration was given to the density of development that could meet Project objectives and reduce significant impacts. The anticipated significant impacts would result from the intensity of the development proposed. In developing a reasonable range of alternatives, an alternative site alternative was considered but removed from consideration for a variety of reasons. These alternatives and the reasons are discussed briefly below:

Alternative Site Alternative

The analysis of alternatives to the proposed Project must also address “whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location” (CEQA Guidelines, §15126.6(f)(2)(A)). Only those locations that would avoid or substantially lessen any of the significant effects of the Project need be considered. If no feasible alternative locations exist, the agency must disclose the reasons for this conclusion (CEQA §15126.6(f)(2)(B)). In this case, while it is feasible that an alternative site could be selected for the Project, an alternative site would entail either the same or new significant environmental effects as the Project site. For example, development of the proposed Project on any suitable alternative site in or around the City may not avoid or substantially lessen the proposed Project’s impacts. This generally applies to impacts such as air quality impacts, greenhouse gas emissions, or transportation impacts that occur over a wider area than generally site-specific impacts such as those to aesthetic or biological resources. Additionally, impacts like these could be greater if the alternative site is located further away from a major transportation corridor or in areas with existing unacceptable traffic levels. Moreover, an alternative site that is located away from the developed portion of the City could result in increased impacts on aesthetics and utilities, than a site, such as the Project site that is surrounded by existing development and located in proximity to the developed

portions of the City. The aesthetic impacts from a removed site would involve the development of a structure that is not in similar character to the surrounding area. The impacts to utilities would require services to be expanded and extended such that regional infrastructure would potentially need to be developed to serve the Project.

Furthermore, viable alternative locations for the Project are limited to those that would feasibly attain most of the Project objectives. There are no other properties of sufficient size and owned or reasonably acquired by the Project applicant that are located in the City, and along a major transportation corridor that would satisfy the Project objectives and eliminate or reduce impacts from the Project.

6.5 Comparison of Alternatives

Per the State CEQA Guidelines §15126.6(d), additional significant effects of the alternatives are discussed in less detail than the significant effects of the Project as proposed. For each Alternative, the analysis below describes each Alternative, analyzes the potential impacts of the Alternative as compared to the Project, identifies significant impacts of the Project that would be avoided or lessened by the Alternative, assesses the Alternative's ability to meet most of the Project objectives, and evaluates the comparative merits of the Alternative and the Project.

Alternative 1: No Project Alternative (No Warehouse Development Or Off-Site Improvements)

State CEQA Guidelines §15126.6, requires an evaluation of the "No Project" alternative for decision-makers to compare the impacts of approving a project with the impacts of not approving it. Alternative 1: No Project Alternative (Alternative 1) assumes that the Project would not be developed, which means there would be no roadway improvements, stormwater improvements, warehousing facility, landscape improvements, or surface lot improvements developed on the Project site or off-site.

Although this Alternative assumes "No Development" (as required by CEQA), this is considered a speculative assumption as the land is assumed to remain in private ownership (as there are no offers to purchase the land for public open space use). It is more likely that, eventually, the land would be developed with some form of light industrial manufacturing, office/warehouse development in keeping with the City's General Plan land use and zoning designations of Business Park.

Alternative 1 Impact Comparison to the Project

Alternative 1 would avoid all potential significant impacts that could occur from Project construction and operation as, by definition, it assumes that no development would occur and therefore no grading, construction or operational traffic and related impacts such as air quality, GHG, and transportation would occur. The lack of significant impacts associated with Alternative 1 would also remove the significant and unavoidable impacts associated with proposed Project implementation. Significant and Unavoidable Impacts associated with development of the proposed Project were identified in the **Section 4.2: Air Quality**, **Section 4.7: Greenhouse Gas Emissions**, and **Section 4.12: Transportation** environmental analyses.

Aesthetics

Under the No Project Alternative, the Project site would remain in its current undeveloped state. However, as previously discussed, the land use designation and zoning for the Project site is Business Park, and as such, those uses could be developed on the site in the future. Until such time though, this Alternative assumes that the Project site would remain in its current undeveloped state. Therefore, under this Alternative, there would be no impacts regarding aesthetics, light, and glare and would be environmentally superior when compared to the Project.

Air Quality

Significant and Unavoidable Impacts were anticipated in **Section 4.2: Air Quality** in association with the Project's ability to comply with established air quality plans for the region and pollutant generation. The Project was found to exceed thresholds established for NO_x emissions in both the unmitigated and mitigated operational phase of the Project. NO_x emissions were the only emissions anticipated to be generated at levels that would exceed acceptable thresholds.

No Project Alternative would result in no construction or operational emissions from the Project as it would not be developed and would presumably continue the existing uses (vacant land) in the Project site. The continued use of the Project site in its current state would lead to no change in anticipated emissions and would therefore remain at the current level of emissions generated. Therefore, under this Alternative, there would be no impact regarding air quality would be less than significant; this alternative would be environmentally superior when compared to the Project.

Biological Resources

The Project would result in a less than significant environmental impacts to special-status species, riparian habitats, and wetlands with mitigation measures implemented. Under this Alternative, none of the Project's impacts would occur, and no habitat modification would occur. Therefore, under this Alternative, there would be no impact regarding biological resources as no habitat, or plant or wildlife species would be impacted. Impacts would be reduced compared to the proposed Project. This alternative is environmentally superior when compared to the Project.

Cultural Resources

The Project would result in less than significant impact to archeological resources and human remains with mitigation incorporated. Under the No Project Alternative, these potential Project impacts would be avoided, as no ground disturbing activities would occur. This Alternative would also avoid the Project's potential for disturbing human remains, which is concluded to be less than significant through compliance with the established regulatory framework as outlined in MM CUL-3. Therefore, under this Alternative, there would be no impact regarding cultural resources; this alternative is environmentally superior when compared to the Project.

Energy

Under the No Project Alternative, the proposed Project would not be developed. The Project site is currently undeveloped, and as such, would not require or consume energy. Therefore, when compared

to the proposed Project, no energy impacts associated with the No Project Alternative would occur. Therefore, under this Alternative, impacts regarding energy would be less than that of the proposed Project. This alternative is environmentally superior when compared to the Project.

Geology and Soils

The Project would result in a less than significant impact regarding the loss of topsoil, strong seismic activity, development on an unstable soil, and paleontological resources with mitigation measures implemented. Mitigation measures apply to the inadvertent find of previously unknown paleontological resources. However, under the No Project Alternative, there would be no impact regarding geology and soils; reduced compared to the proposed Project.

The Project site is not within an Alquist-Priolo Earthquake Fault Zone but is located in a region prone to strong seismicity, and is susceptible to seismic, geologic, and soils hazards. Implementation of the Project would not introduce potential hazards from significant geologic conditions that could result in the damage or loss of property and people. While there is a low Project construction has the potential to impact unknown paleontological resources and would require mitigation to reduce significance levels. Under the No Project Alternative, impacts as described above would be fully avoided, with the exception being located in an area of strong seismic ground shaking.

The No Project Alternative would be environmentally superior to the Project regarding geological, soils, and paleontological resources. The exposure of people to seismic, geologic, and soil hazards under the No Project Alternative would be non-existent as there would be no development under this alternative, whereas the Project would expose people and structures to geologic hazards.

Greenhouse Gas Emissions

The Project's significant and unavoidable GHG impacts were associated with the potential to generate harmful emissions at levels that would exceed established thresholds and conflict with GHG regulations. The Project would exceed the City's allowable threshold of MTCO₂e. The primary source of the Project's MTCO₂e emissions would stem from mobile source emissions. Although mitigation is proposed to minimize the potential emissions impacts associated with Project implementation, emissions are still anticipated to exceed the City's 3,000 MTCO₂e maximum threshold. Because emissions are anticipated to exceed allowable levels, the Project's emissions would also conflict with air quality goals in a manner that would be significant and unavoidable.

The No Project Alternative would result in no operations emissions as a result of the Project since the Project would not be developed in this Alternative and would be environmentally superior when compared to the Project. Under existing conditions, no emissions occur. Therefore, under this Alternative, impacts regarding GHG would be less than the proposed Project.

Hazards

Hazardous and Hazardous Materials impacts that include 1) increased safety risk to workers due to the transport, handling, and disposal of hazardous materials and waste 2) foreseeable or accidental release of hazardous materials 3) emissions of hazardous emissions to nearby schools 4) location on Cortese List

of known hazardous material sites and 5) location near a nearby airport would all be mitigated to a less than significant level associated with the proposed Project.

Under this Alternative, all Project impacts would be avoided since short-term construction, and long-term operations associated with the Project would not be implemented. No warehouse, landscape improvements, and other associated on-site and off-site improvements would occur which would eliminate any potential for release of hazardous materials off-site. Therefore, the “No Project” Alternative would be environmentally superior to the Project regarding hazards and hazardous materials, since no ground disturbing activities would occur, and no buildings or structures would be constructed or operated. Therefore, under this Alternative, impacts regarding hazards would be less than the proposed Project.

Hydrology and Water Quality

The No Project Alternative would eliminate both short-term and long-term impacts to water quality, since there would be no grading, excavation, or construction activities associated with the project.

This Alternative would not alter or substantially change current hydrologic conditions compared to the development of the Project, nor increase the rate of stormwater runoff that would adversely affect the water quality. This Alternative would be environmentally superior to the Project regarding hydrology and water quality, since no increase in stormwater capacity would occur, impervious surfaces would not increase, and land uses would not be added. Therefore, under the No Project Alternative, impacts regarding hydrology and water quality would be less than the proposed Project.

Noise

The proposed Project would implement mitigation measures to reduce excess noise levels from construction machinery, demolition, site preparation, grading, and building construction, as well as operational noise. Additionally, the Project would have less than significant impacts regarding vibration from construction or operational uses largely in part due to the Project’s distance to existing structures or sensitive receptors. Further, the activities to occur on-site would not require operations that would produce large amounts of vibration.

Under the No Project Alternative on-site noise levels would be eliminated since no short-term construction activity or Project operations would occur. Therefore, the No Project Alternative would be environmentally superior to the Project regarding noise and vibration during short-term construction activity.

Public Services

Under the No Project Alternative, no warehouse or associated improvements would be developed, and no employment activity or visitors would be generated resulting in the need for fire or police services. In addition, no Development Impact Fees would be paid to the City for various City services. Although the proposed Project’s impacts related to fire and police services were determined to be less than significant, the public services impacts would be reduced under this alternative compared to the proposed Project. The No Project Alternative would be environmentally superior when compared to the Project.

Transportation

Under No Project Alternative, no new employees or industrial warehouse uses would be introduced on the Project site, and existing VMT would be maintained. Therefore, there would be no impacts under this alternative, and the significant and unavoidable traffic impacts that would occur from the proposed Project would be avoided. Impacts under this alternative would be less compared to the proposed Project. The No Project Alternative is environmentally superior when compared to the Project.

Tribal Cultural Resources

The proposed Project would require mitigation measures, including on-site monitoring during ground disturbance, to reduce impacts to tribal cultural resources. The No Project Alternative would not involve the construction of uses that could potentially disturb tribal cultural resources. Therefore, under this Alternative, impacts regarding tribal cultural resources would be reduced compared to the proposed Project. The No Project Alternative would be environmentally superior when compared to the Project.

Utilities and Service Systems

The No Project Alternative would avoid the Project's temporary increased demand upon utilities and service systems during construction and permanent demands during operations. Given the Project's scope and nature (i.e., warehouse construction and landscape maintenance), Project operations would create a demand for water, and increase wastewater or solid or waste generation. This Alternative would maintain the existing demand for all utilities, which is none. The No Project Alternative would retain the Project site in its current condition.

Temporary increases in utility demand and construction of utilities would not occur during construction, and neither would increase in services and utilities demand resulting from operation of the warehouse. Therefore, under this Alternative, impacts regarding utilities and service systems would be less compared to the proposed Project. The No Project Alternative would be environmentally superior when compared to the Project.

Wildfire

The No Project Alternative would not involve the construction of warehouse uses, and rather, keep the vacant Project site in its current state. The Project site is not within a Very High FHSZ zone, nor is it located in a SRA. The Project site is within a LRA zone. The proposed Project would include the development of a warehouse with a fire suppression system and the Project would construct roadway improvements which would serve as fire breaks. This in turn would reduce the potential for fires to occur on-site and then spread off of the Project site. In the Project site's existing conditions and under the No Project Alternative there would be no development of the property or of the roadways. The risks of wildfires would remain with no opportunity, other than fire service response, to control or abate a fire on the Project site. Therefore, the No Project Alternative would be environmentally inferior when compared to the proposed Project.

Ability to Meet Project Objectives

The No Project Alternative would not meet any of the Project objectives, as identified above as the Project site would remain in its current state of development (vacant).

No Project Alternative Summary

As discussed above, the No Project Alternative would avoid all potential significant impacts that could occur from Project construction and operation. “No Project,” by definition, assumes that no development would occur and therefore no grading, construction or operational traffic and related impacts to air quality, greenhouse gas emissions, and noise would occur.

All impact areas which were anticipated to cause a less than significant impact, less than significant with mitigation measures, or a significant and unavoidable impact (air quality, greenhouse gas, and transportation) due to implementation of the Project would be eliminated under the No Project Alternative. For this reason, the No Project Alternative is considered the environmentally superior Alternative. Pursuant to State CEQA Guidelines, where the “No Project” Alternative is identified as environmentally superior to the Project, the EIR needs to identify a separate “environmentally superior” alternative (described further below).

Alternative 2: Reduced Building Intensity

Alternative 2 would entail the development of a single warehouse building at a smaller square footage than what was proposed for the Project. The Alternative would involve the development of a 1,122,000 square foot warehousing building which would include approximately 33,660 square feet of office space (an approximate 198,000 square feet of reduction in the overall Project site square footage). Modifications would occur to multiple on-site features such as parking, landscaping, and setbacks. Under this Alternative, it is assumed that as much of the subject property would be used to support the reduced building footprint, which could include an increase in the amount of parking or other surface lots when compared to that of the Project. A 15 percent reduction in building intensity was selected as it represents the largest decrease in building size that would remain financially and economically feasible for the Applicant considering the current Project site and location. A much larger reduction in size would be required to reduce significant and unavoidable impacts to less than significant. A reduction of more than 80 percent in the building footprint would be required to reduce the significant unavoidable greenhouse gas emissions of the Project to be less than significant with mitigation incorporated. However, this reduction in size would not be financially or economically feasible nor would it meet any of the Project objectives and therefore was not considered.

Alternative 2 Impact Comparison to the Project

Alternative 2 would minimize impacts related to the scale of the Project. Therefore, environmental impact areas such as aesthetics, energy, utilities and service systems, and wildfire hazards may see a nominal improvement regarding potential impact significance. However, these resource areas are anticipated to have a less than significant impact under the Project. The Project was able to achieve a less than significant impact with mitigation incorporated in all environmental impact areas except air quality, greenhouse gas emissions, and transportation. These resources were anticipated to create significant and unavoidable

impacts. An evaluation of the impacts associated with the development of Alternative 2 (Reduced Building Intensity) are described below.

Aesthetics

Under Alternative 2, the building footprint and building elevations would be nominally reduced. The smaller size of the warehouse building proposed in Alternative 2 would create similar impact to aesthetic resources. There would be no overall reduction or increase in the impacts to views scenic vistas. When compared to the proposed Project, aesthetics impacts associated with the Alternative 2 would be nominally reduced. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Air Quality

As previously stated, the Project would conflict with established air quality plans for the region and pollutant generation. Specifically, the Project would exceed NO_x emissions thresholds during its operational phase.

Alternative 2 would propose the same business park land use as the Project although the business park building space would be reduced by 198,000 square feet (15%) for the Alternative. This would reduce potential operational emissions through the reduced building area. However, the majority of operational emissions would result from mobile sources such as vehicles and construction equipment. The vehicular traffic generated from the Project is not anticipated to be significantly reduced in Alternative 2; however, they would be slightly reduced commensurate with the reduction in building footprint. Operations of Alternative 2 are expected to be similar to the Project. The emissions generated from this Alternative would be slightly reduced when compared to the Project; however, it would remain significant and unavoidable. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Biological Resources

Both Alternative 2 and the proposed Project would disturb the same footprint for construction, and as such, would result in similar biological resource impacts. As with the proposed Project, mitigation measures would be required to reduce biological resource impacts to a level of less than significant. As such, similar impacts would occur with implementation of the Reduced Building Intensity Alternative. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Cultural Resources and Tribal Cultural Resources

Both Alternative 2 and the proposed Project would disturb the same footprint for construction, and as such, would result in similar potential impacts to cultural and tribal cultural resources. As with the proposed Project, mitigation measures would be required to reduce cultural resource impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2.

However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Energy

Both Alternative 2 and the proposed Project would require energy during the construction and operations phases of the Project, although Alternative 2 would require approximately 15 percent less energy to build and operate when compared to the proposed Project. When compared to the proposed Project, Alternative 2 would result in fewer energy-related impacts than the proposed Project. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally superior when compared to the Project.

Geology and Soils

Both Alternative 2 and the proposed Project would be located on the same site and disturb the same footprint for construction, and as such, would result in similar geology and soils impacts. As with the proposed Project, mitigation measures would be required to reduce geology and soils, and paleontological impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Greenhouse Gas Emissions

The Project's significant and unavoidable greenhouse gas impacts were associated with the potential to conflict with greenhouse gas emissions regulations through the generation of excess MTCO₂e. The Project's GHG emissions stem largely from mobile source emissions, which would be slightly reduced when compared to the Project. For this impact, mitigation is proposed to reduce potential impacts, however, the Project was still found to exceed thresholds with mitigation.

Alternative 2 would likely reduce emissions impacts through a reduction in energy use due to the reduced building size. Even with a reduction in energy use emissions, the mobile source emissions associated with vehicular travel would slightly reduced, commensurate with the reduction in traffic. While Alternative 2 would result in fewer greenhouse gas emissions, it would be unlikely to reduce emissions such that they would not exceed the City's greenhouse gas emissions thresholds. The impact would be expected to remain a significant and unavoidable impact. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Hazards and Hazardous Materials

Both Alternative 2 and the proposed Project would disturb the same footprint for construction and operation of a landscaped warehouse building, and as such, would result in similar hazards impacts. As with the proposed Project, no mitigation measures would be required to reduce hazards impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2. However, impacts associated with both the proposed Project and Alternative 2 would be less than

significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Hydrology and Water Quality

Both Alternative 2 and the proposed Project would disturb the same footprint for construction and operation of a landscaped warehouse building with implementation of a stormflow detention system, and as such, would result in similar hydrology and water quality impacts. As with the proposed Project, mitigation measures would be required to reduce hydrology and water quality impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Noise

Both Alternative 2 and the proposed Project would generate noise during the construction and operations phases of the Project, although the Reduced Building Intensity Alternative would generate approximately 15 percent less noise when compared to the proposed Project given the reduction in building size. As with the proposed Project and due to a lack of nearby sensitive receptors as well as proximity to I-10, no mitigation measures would be required to reduce noise impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 2. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Public Services

Both Alternative 2 and the proposed Project would require similar public services needs, even with 15% reduction in size. When compared to the proposed Project, the Alternative 2 would result in similar public services impacts related impacts than the proposed Project. However, impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Transportation

The Project was not found to meet any available Vehicle Miles Traveled (VMT) screening criteria and therefore was found to exceed the City's VMT per employee threshold by 9.5 percent. Implementation of feasible VMT reduction measures would not definitively reduce Project VMT or Project VMT impacts to less than significant levels.

Alternative 2 would involve the development of a smaller warehouse building which would utilize a smaller portion of the Project site and the number of dock doors and employees would be reduced under this Alternative. Alternative 2 business park uses would be approximately 15 percent less than the Project. It is anticipated that a 15 percent reduction of projected employment would occur with this Alternative. VMT impacts associated with the proposed Project were found to be significant and unavoidable. While the Reduced Building Intensity Alternative includes buildings at 15 percent smaller, it is anticipated that

this Alternative would still exceed City VMT thresholds and realize a significant and unavoidable impact. As such, the Alternative 2 would result in a lessened impacts but would remain significant and unavoidable. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Utilities and Service Systems

Both Alternative 2 and the proposed Project would require additional utilities and service system infrastructure to be constructed to serve them. While Alternative 2 would require approximately 15 percent less utility needs when compared to the proposed Project given the reduction in size, the proposed Project would not cause significant impacts with respect to utilities and service systems. All utilities would be able to serve the proposed Project after adequate infrastructure would be constructed as part of the proposed Project. Overall, when considering the scale of Alternative 2, Alternative 2 would result in similar utility and service system impacts related impacts than the proposed Project. Impacts associated with both the proposed Project and Alternative 2 would be less than significant. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Wildfire

Under Alternative 2, the development of the Project site would occur similar to the Project, but business park use would be reduced 15 percent. Existing development in the Project area includes roadways, public facilities, and vacant land planned for business park uses. The Project site is not within a Very High FHSZ zone, nor is it located in a SRA. The Project site is within a LRA zone. Similar to the Project, Alternative 2 is with an LRA zone, provision of fire protection services would continue under contract to the Riverside County Fire Department. Similar to the Project, Alternative 2 the warehouse structure would be predominantly concrete which is not typically susceptible to fire.

Neither Alternative 2, nor the Project, would interfere with any emergency plan or evacuation plan. This Alternative also would not exacerbate any existing fire hazards associated with slopes or spreading of wildfire. Lastly, neither the Project nor this Alternative would require construction of any infrastructure that could exacerbate fire hazards. Furthermore, under this Alternative, as with the proposed Project, roadways would be constructed which would serve as fire breaks and help prevent the spread of active wildfires. As such, similar impacts would occur with implementation of Alternative 2. The Reduced Building Intensity Alternative would be environmentally equivalent when compared to the Project.

Ability to Meet Objectives

Alternative 2 would meet all of the objectives of the Project despite the smaller building size. However, Alternative 2 does not maximize the City's benefits realized or achievement of the Project Objectives when compared to the proposed Project.

Implementation of Alternative 2 would achieve the Project objectives, but not to the extent as would be achieved by the proposed Project. Alternative 2 would: develop an industrial project that conforms to the City's General Plan and Municipal Code (Objective 1); provide a new development that will generate a positive fiscal balance for the City moving forward (Objective 2); facilitate the movement of goods and services for the benefit of local and regional economic growth (Objective 5); develop a warehouse project

adjacent to transportation corridors, truck routes, local amenities, and the nearby Interstate 10 Freeway for employee convenience and efficiencies of transporting goods (Objective 6); improve public safety and traffic flow in eastern Banning with roadway and infrastructure improvements (Objective 8); provide enhanced landscaping along City designated corridors with the construction of wide streets and landscaped setbacks (Objective 9); and provide the backbone infrastructure for future growth and prosperity of the surrounding benefit (Objective 10). However, the reduction of 198,000 square feet would lower the City's potential tax revenue (Objective 3) and provide fewer employment opportunities to area residents (Objective 4). Additionally, the Project would not fully or efficiently utilize the entirety of the property in which the Project is situated (Objective 7). This alternative would not meet Objective 3, Objective 4, or Objective 7.

Alternative 2 Summary

While only meeting some of the objectives associated with the Project, Alternative 2 would likely lead to reduced impacts in, energy and utility and service systems. All other resource areas would have similar impacts when compared to the Project, while air quality, greenhouse gas emissions, and transportation would remain significant and unavoidable. The smaller size of the warehouse building proposed in Alternative 2 would include a smaller warehouse building than the Project would, therefore, the demand for employees would be slightly less. Utility demand would be decreased due to the smaller building size as well. Implementation of Alternative 2 would achieve all Project Objectives. However, as previously stated, this Alternative would not achieve Project objectives 3, 4, and 7. The reduction of 198,000 square feet would provide fewer employment opportunities to area residents and less of a potential tax base for the City. As such, impacts under this alternative, including the significant and unavoidable impacts, would not be meaningfully or significantly reduced and the Project objectives would not be fully maximized and this alternative would not be viable or preferable over the Project.

Alternative 3: Two Building Alternative

The "Two Building" Alternative presents a Project variation in which the proposed Project site would be developed at a lower intensity with two warehouse buildings, instead of one. Alternative 3 proposes two warehouse buildings, Building 1 is approximately 1,000,000 square-feet and Building 2 is approximately 293,600 square-feet, a total of 1,293,600 square-feet of combined warehouse building space. This equates to an overall 2% reduction in building size compared to the proposed Project. This would therefore create a less intensive usage of the land area. Other associated components of Alternative 3 would remain such as parking stalls, off-site improvements, and landscaping. However, modifications or reconfiguration of the Project site would occur to multiple on-site features such as parking, landscaping, and setbacks for Alternative 3, compared to the proposed Project. Modifications to these features would be required for the Project site to be able to serve two buildings. These modifications could include grade breaks across the site, reconfiguration of driveways, drive aisles, orientation/alignments of buildings or roadways, etc. It should be noted that this Two Building Alternative was an original design for the Project. The Project as it is, a one building layout, was chosen as it would meet all of the Project Objectives to a larger degree.

Alternative 3 Impact Comparison to the Project

Alternative 3 would maintain similar impacts related to the scale of the proposed Project since Alternative 3 proposes an approximately 2% decrease in warehouse building footprint. Therefore, environmental impact areas such as energy and utilities and service systems may see a nominal impact decrease regarding potential impact significance. However, these resource areas are anticipated to have a less than significant impacts under the Project. The Project was able to achieve a less than significant impact with mitigation incorporated in all environmental impact areas except air quality, greenhouse gas emissions, and transportation. These resources were anticipated to create significant and unavoidable impacts. An evaluation of the impacts associated with the development of Alternative 3 (Two Building Alternative) are described below.

Aesthetics

Alternative 3 would develop two buildings, compared to the one building under the proposed Project. The development of two buildings would cause lesser visual impacts on the surrounding area, scenic vistas, and the visual character of the site when compared to the proposed Project. As the building footprint would nominally decreased by 2% with this Alternative, the general mass and scale of the site would appear to have a lesser visual impact for two buildings on site as opposed to one. This would be due to the increase green space and landscaping that would be required when taking setbacks, building spacing, and required landscaping areas into account. Furthermore, with a two building alternative, there would be additional site planning criterion to meet and may provide a more flexible layout when considering the amount of earthwork that may be required. Each building final floor elevations could be different and would eliminate the need for grading, this would help ensure that the general visual character would remain. Further, the two building alternative would allow separate screening to occur to prevent views of operations that some individuals may find unappealing. When compared to the proposed Project, aesthetics impacts associated with Alternative 3 would be less when compared to the proposed Project. The Two Building Alternative would be environmentally superior when compared to the Project.

Air Quality

As previously stated, the Project would conflict with established air quality plans for the region and pollutant generation. Specifically, the Project would exceed NO_x thresholds during its operational phase from vehicular trips.

Alternative 3 would propose the same warehousing land use as the proposed Project, although the warehousing building space would be divided into two buildings totaling 1,293,600-square-feet of building. This is a decrease in warehouse footprint by 26,400 square feet from the proposed Project. This would slightly reduce potential operational emissions through the reduced building area. However, the majority of operational emissions stem from mobile sources such as vehicles and construction equipment. The vehicular traffic generated from the Project is not anticipated to be significantly reduced in Alternative 3. Operations of Alternative 3 is expected to be similar to the Project. Because the usage would be similar, the emissions generated from Alternative 3 would be similar to the Project and would also likely create a significant and unavoidable impact. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Biological Resources

Both the Alternative 3 and the proposed Project would disturb similar footprint for construction, and as such, would result in similar biological resource impacts. As with the proposed Project, mitigation measures would be required to reduce biological resource impacts to a level of less than significant. As such, similar impacts would occur with implementation of the Two Building Alternative. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Cultural Resources and Tribal Cultural Resources

Both the Alternative 3 and the proposed Project would disturb similar footprint for construction, and as such, would result in similar cultural resource impacts and tribal cultural resource impacts. As with the proposed Project, mitigation measures would be required to reduce cultural and tribal cultural resource impacts to a level of less than significant. As such, similar impacts would occur with implementation of the Two Building Alternative. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Energy

Both the Alternative 3 and the proposed Project would require energy during both the construction and operations phases of the Project. Construction and operation of two buildings would require similar energy usage compared to the one building proposed under the proposed Project. When compared to the proposed Project, Alternative 3 would result in similar energy-related impacts than the proposed Project. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Geology and Soils

Both Alternative 3 and the proposed Project would disturb a similar footprint for construction of a warehouse facility on the same site, and as such, would result in similar geology and soils impacts. As with the proposed Project, mitigation measures would be required to reduce geology and soils, including paleontological resources, impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 3. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Greenhouse Gas Emissions

The Project's significant and unavoidable greenhouse gas impacts were associated with the potential to conflict with GHG regulations through the generation of excess MTCO₂e. The Project's GHG emissions stem largely from mobile source emissions. For this impact, mitigation was proposed to reduce potential impacts, however, the Project was still found to exceed thresholds with mitigation.

Alternative 3 would likely reduce emissions impacts through a reduction in energy use commiserate with the reduction in building footprint. Additionally, these interior spaces would be more energy efficient in terms of environmental control (HVAC). However, the usage rate of the Project site would remain similar. Even with a reduction in energy use emissions, the mobile source emissions associated with vehicular travel would not be largely reduced, any reduction would be too small to account for it. Therefore,

Alternative 3 would likely remain in excess of the City's GHG thresholds. The impact would be expected to remain a significant and unavoidable impact. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Hazards

Both Alternative 3 and the proposed Project would disturb a similar footprint for construction of a landscaped warehouse facility, and as such, would result in similar hazards impacts. As with the proposed Project, mitigation measures would be required to reduce hazards impacts to a level of less than significant. As such, similar impacts would occur with implementation of Alternative 3. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Hydrology and Water Quality

Both Alternative 3 and the proposed Project would disturb a similar footprint for construction of a landscaped warehouse building with implementation of a stormflow detention system, and as such, would result in similar hydrology and water quality impacts. As with the proposed Project, mitigation measures would be required to reduce hydrology and water quality impacts to a level of less than significant. As such, similar impacts would occur with implementation of the Two Building Alternative. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Noise

Both the Alternative 3 and the proposed Project would generate noise and vibration during both the construction and operations phases of the Project. As this Alternative would consist of construction over the same Project footprint and would result in identical operational uses, the noise and vibration generated from the construction and operation of this Alternative would be similar to that of the Project. While this Alternative does represent a 2 percent reduction in building footprint, it is unlikely that this would result in a meaningful reduction in noise. Therefore, noise impacts would be similar under Alternative 3 compared to the proposed Project. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Public Services

Both Alternative 3 and the proposed Project would require additional public service needs. With the development of two buildings, provision of public services would be required. When compared to the proposed Project, the Alternative 3 would result in similar public services impacts related to the proposed Project. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Transportation

Despite the nominal footprint size reduction, Alternative 3 would likely remain similar to the Project in usage intensity. Further, the number of employees would be largely the same. Alternative 3 would be approximately 2 percent smaller than the Project. A 2 percent reduction of projected employment would lead to nominal decrease in employees. This would not drastically change the projected number of vehicular trips for Alternative 3 especially since large amounts of traffic would come from operations-

based truck transportation which is not proposed to be reduced. As the intensity of development between Alternative 3 and the Project would be similar and the uses would be identical, traffic-based impacts would be similar. Because the vehicular travel would be largely the same between alternatives, a significant and unavoidable impact would occur with either the proposed Project or Alternative 3. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Utilities and Service Systems

Both the Alternative 3 and the proposed Project would require additional utilities and service system needs. Although the Two Building Alternative would require approximately 2 percent less utility needs when compared to the proposed Project given the reduction in size. When compared to the proposed Project, the Two Building Alternative would result in slightly reduced utility and service system related impacts than the proposed Project; however, it is anticipated these reductions would be nominal and impacts would be similar. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Wildfire

Under Alternative 3, the development of the Project site would occur similar to the Project, however, building footprint would be reduced by 2 percent and would result in two buildings rather than one. The Project site is not within a Very High FHSZ zone, nor is it located in a SRA. The Project site is within a LRA zone. Similar to the Project, Alternative 3 is with an LRA zone, provision of fire protection services would continue under contract to the Riverside County Fire Department. Similar to the Project, Alternative 3 the warehouse structure would be predominantly concrete which is not typically susceptible to fire. Both Alternative 3 and the proposed Project would disturb a similar footprint for construction, and as such, would result in similar wildfire impacts. As with the proposed Project, development of Alternative 3 would include fire suppression methods that would reduce the potential for fire. Furthermore, under this Alternative, as with the proposed Project, roadways would be constructed which would serve as fire breaks and help prevent the spread of active wildfires. As such, similar impacts would occur with implementation of the Two Building Alternative. The Two Building Alternative would be environmentally equivalent when compared to the Project.

Ability to Meet Objectives

Implementation of Alternative 3 would achieve each of the Project objectives, but not to the fullest extent as would be achieved by the proposed Project. Alternative 3 would: develop an industrial project that conforms to the City's General Plan and Municipal Code (Objective 1); provide a new development that will generate a positive fiscal balance for the City moving forward (Objective 2); design and build a Class-A institutional quality industrial project that will attract high end tenants and increase the City's tax base (Objective 3); generate employment opportunities within the City while improving the local balance of housing to job ratio (Objective 4); facilitate the movement of goods and services for the benefit of local and regional economic growth (Objective 5); develop a warehouse project adjacent to transportation corridors, truck routes, local amenities, and the nearby Interstate 10 Freeway for employee convenience and efficiencies of transporting goods (Objective 6); develop a warehouse project which efficiently uses the property, while conforming to all City regulatory policies (Objective 7); improve public safety and

traffic flow in eastern Banning with roadway and infrastructure improvements (Objective 8); provide enhanced landscaping along City designated corridors with the construction of wide streets and landscaped setbacks (Objective 9); and provide the backbone infrastructure for future growth and prosperity of the surrounding benefit (Objective 10). While this Alternative would meet all of the Project objectives, developing two cumulatively smaller buildings compared to the one warehouse site would not meet these Project objectives to the fullest extent possible.

Alternative 3 Summary

Along with completing the objectives associated with the Project, Alternative 3 would likely lead to less impacts in aesthetics. All other impacts would be similar to that of the proposed Project. All other resource areas would have similar impacts when compared to the Project, while air quality, greenhouse gas emissions, and transportation would remain significant and unavoidable. As such, impacts under this alternative, including the significant and unavoidable impacts, would not be reduced and the Project objectives would not be fully maximized. While viable, this alternative would not be preferable over the Project.

6.6 Environmentally Superior Alternative

CEQA requires a lead agency to identify the “environmentally-superior alternative” and, in cases where the “No Project” Alternative is environmentally superior to the proposed Project, the environmentally-superior development alternative must be identified. The Two Building Alternative has been identified as “environmentally superior” to the proposed Project.

Two Building Alternative

The Two Building Alternative has been identified as the environmentally-superior alternative because it would result in reduced impacts related to aesthetic resources due to the increase in landscaping on the Project site which would protect the visual character of the City of Banning’s interface with undeveloped areas. However, the Two Building Alternative would still result in significant and unavoidable impacts related to air quality, GHG emissions, and transportation and traffic. Impacts related to biological resources, cultural resources, energy, geology and soils, hazardous and hazardous materials, hydrology and water quality, noise, public services, tribal cultural resources, utilities and service systems, and wildfire would be similar to the proposed Project. Additionally, the Two Building Alternative would meet all of the Project objectives.

CEQA does not require the lead agency (the City of Banning) to choose the environmentally-superior alternative. Instead, CEQA requires the City to consider environmentally-superior alternatives, weigh those considerations against the environmental impacts of the proposed Project, and make findings that the benefits of those considerations outweigh the harm. “Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts” (State CEQA Guidelines Section 15126.6[c]). After the No Project alternative, the environmentally superior Alternative to the proposed Project is the one that would result in the fewest or least significant environmental impacts. Based on the evaluation undertaken, Alternative 3: “Two Building” is the environmentally

superior Alternative. This is an environmentally superior project alternative because it would have the least environmental impacts, because although the impacts would not be entirely avoided, the impacts would be decreased when compared to the Project. While Alternative 3 would satisfy all of the Project objectives, Alternative 3 does not maximize the City's benefits realized or achievement of the Project Objectives when compared to the proposed Project, and it would still cause the same significant and unavoidable impacts as the Project.

Table 6-1: Comparison of Project Alternatives Environmental Impacts with the Project

EIR Chapter	Alternatives			
	Project - Level of Impact After Mitigation	Alternative 1- No Project	Alternative 2- Reduced Building Intensity	Alternative 3 – Two Building Alternative
4.1 – Aesthetics	Less Than Significant	-	=	-
4.2 – Air Quality	Significant and Unavoidable	-	=	=
4.3 – Biological Resources	Less Than Significant	-	=	=
4.4 – Cultural Resources	Less Than Significant	-	=	=
4.5-- Energy	Less Than Significant	-	-	=
4.6 – Geology and Soils	Less Than Significant	-	=	=
4.7 – Greenhouse Gas Emissions	Significant and Unavoidable	-	=	=
4.8 – Hazards and Hazardous Materials	Less Than Significant	-	=	=
4.9 – Hydrology and Water Quality	Less Than Significant	-	=	=
4.10 – Noise	Less Than Significant	-	=	=
4.11 – Public Services	Less Than Significant	-	=	=
4.12 – Transportation	Significant and Unavoidable	-	=	=
4.13 – Tribal Cultural Resources	Less Than Significant	-	=	=
4.14 – Utilities and Service Systems	Less Than Significant	-	=	=
4.15—Wildfire Hazards	Less than Significant	+	=	=
Attainment of Project Objectives	Meets all of the Project Objectives	Meets none of the Project Objectives	Meets some of the Project Objectives	Meets all of the Project Objectives
<p>A plus (+) sign means the Project Alternative has more impacts compared to the proposed Project.</p> <p>A minus (-) sign means the Project Alternative has less impact compared to the proposed Project.</p> <p>An equal sign (=) means the Project Alternative has similar impact compared to the proposed Project.</p>				

7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

7.1 Introduction

Section 15128 of the California Environmental Quality Act (CEQA) Guidelines states that “an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” This section briefly describes effects found to have no impact or a less than significant impact based on the analysis conducted during the Draft Environmental Impact Report (EIR) preparation process.

7.2 Agriculture and Forestry Services

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Impact 7.2-1: *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?*

Level of Significance: *No Impact*

Construction and Operations

Prime farmland is land that has the best combination of physical and chemical attributes that is conducive to sustained agricultural uses and production of the nation’s short and long term needs for food and fiber. Prime farmland is limited and therefore requires conservation when able. Unique farmland is classified as any farmland other than prime farmland that is used to generate high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. Like prime farmland, unique farmland contains an adequate combination of physical and chemical attributes that is conducive to the growth of those high-value crops. Farmland of statewide importance is delineated by individual states and includes land that may not meet the standards of prime or unique farmland but is still able to be an area of significant production for a state.

According to the California Department of Conservation’s California Important Farmland Finder¹, the Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The site is classified as Grazing Land, which is defined as land on which the existing vegetation is suited to t

¹ California Department of Conservation. 2022. *California Important Farmland Finder*. Retrieved from <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed February 2023).

he grazing of livestock. Because implementation of the Project would not involve the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, no impact would occur.

Impact 7.2-2: *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Level of Significance: No Impact

Construction and Operations

According to the City's Land Use and Zoning Map, the Project site has a land use designation and zoning of Business Park.² The Project is consistent with the current General Plan designation and zoning. Furthermore, no properties are zoned for agricultural land uses in the Project's vicinity. Therefore, implementation of the Project has no potential to conflict with existing zoning for agricultural use. Additionally, the Project site and the surrounding areas are not under a Williamson Act Contract. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

Impact 7.2-3: *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))?*

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

Level of Significance: No Impact

Construction and Operations

There are no lands located within the Project site or within the vicinity of the Project site that are zoned for forest land, timberland, or timberland zoned Timberland Production. Therefore, the Project has no potential to conflict with any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands, nor would the Project result in the loss of forest land or the conversion of forest land to non-forest use. Therefore, no impact would occur.

Impact 7.2-4: *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?*

Level of Significance: No Impact

Construction and Operations

Due to the lack of existing active farmland, forest lands, timberlands, or areas zoned for agriculture on the Project site or immediately surrounding areas, development of the Project site would not involve changes

² City of Banning. 2021. *City of Banning General Plan Land Use & Zoning*. Retrieved from https://www.ci.banning.ca.us/DocumentCenter/View/4051/Banning_General-Plan-Map2016?bidId= (accessed February 2023).

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. Therefore, no impact would occur.

7.3 Land Use and Planning

Impact 7.3-1 *Would the project physically divide an established community?*

Level of Significance: Less Than Significant

Construction and Operations

According to the City's General Plan Land Use and Zoning Map, the Project site is designated as Business Park.³ The immediate surrounding area consists of General Plan designations such as Business Park, Public Facilities, and High Density Residential, as well as the Morongo Reservation. The current surrounding land uses include vacant land, a California Highway Patrol Weigh Station, Interstate (I-) 10 with the Banning Municipal Airport beyond, Union Pacific Railway, Caltrans Banning Station, and residential uses. The Project would be constructed on vacant, undeveloped land. Therefore, no established communities exist within the Project site, nor does the Project propose or require elements or operations that would divide an off-site community or a surrounding community. Based on the preceding, the Project would not physically divide an established community. Therefore, a less than significant impact would occur.

Impact 7.3-2 *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

Level of Significance: Less Than Significant Impact

Construction and Operations

The Project site is subject to the City's land use plans, policies, and regulations. The Project conforms with the General Plan Land Use designation of Business Park, which permits light industrial manufacturing and office/warehouse buildings. The development proposed includes approximately 1,320,284 square feet of industrial space with office space, loading docks, tractor-trailer parking stalls, passenger vehicle parking spaces, and landscaping. Additionally, the construction and design of the buildings would comply with the development standards and design guidelines contained in the Banning Municipal Code. Therefore, implementation of the Project would not conflict with any land use plan, policy, or regulation, and a less than significant impact would occur.

7.4 Mineral Resources

Impact 7.4-1: *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?*

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?

Level of Significance: Less Than Significant

³ Ibid.

Construction and Operations

Under direction of the Surface Mining and Reclamation Act (SMARA), the California Department of Conservation Division of Mines and Geology released a report identifying aggregate materials in the San Bernardino Production Consumption Region, which includes the City of Banning and consequently the Project site. Per the City's General Plan, the Project site is identified within MRZ-2 zone (Exhibit IV-18: Mineral Resource Zones).⁴ MRZ-2 zone refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists. The Project site is currently undeveloped and is not utilized for mineral resource extraction and no mineral extraction has occurred on the Project site. In addition, mineral extraction would result in incompatible uses with the Business Park zoning and land use designation on-site and in the immediate surroundings. Therefore, the impacts associated with the loss of availability of a mineral resource would be less than significant.

7.5 Population and Housing

Impact 7.5-1: *Would the project induce substantial unplanned 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)?*

Level of Significance: Less Than Significant

Construction and Operations

The Project does not include new residential development on- or off-site; thus, the Project would not directly contribute to population growth within the City. The Project would remain designated and zoned as Business Park, which allows land uses such as light industrial manufacturing, office/warehouse buildings, professional offices, restaurants, and retail uses ancillary to a primary use. Commercial development, such as large-scale retail (club stores, home improvement, etc.) and mixed-use projects may also be permitted, subject to a conditional use permit.

Approximately 1,320,284 square feet of industrial space with office space, loading docks, tractor-trailer parking stalls, passenger vehicle parking spaces, and landscaping is proposed. The existing personnel pool within the City and the neighboring communities within Riverside County would likely fill Project-related employment demands. As the end-user of the Project is currently unknown and ultimate Project use is speculative, it is currently assumed that the Project would operate 24 hours a day, seven (7) days a week. Likewise, it is assumed that approximately 2,841 employees would be employed on-site across three (3) shifts (947 employees per shift). Given that the current unemployment rate for Riverside County is approximately 4.4 percent (as of May 2023),⁵ it is reasonably assured that the jobs would be filled by people living in the City and surrounding communities. Additionally, according to the State of California E

⁴ City of Banning. 2006. *Chapter IV, Environmental Resources*, page IV-84. Retrieved from <http://banning.ca.us/DocumentCenter/View/664/GP-Ch-IV-Environmental-Resources?bidId=> (accessed February 2023).

⁵ State of California Employment Development Department. 2023. *Local Area Unemployment Statistics (LAUS) - Riverside County*. Retrieved from <https://data.edd.ca.gov/Labor-Force-and-Unemployment-Rates/Local-Area-Unemployment-Statistics-LAUS-Riverside-/f6zd-dtm5> (accessed April 2023).

employment Development Department (EDD), the City's labor force was 11,100 persons in April 2023.⁶ Of the City's labor force, 700 persons were unemployed representing an unemployment rate of approximately 5.9 percent. According to EDD, jobs in the City totaled 10,500. Southern California Association of Governments (SCAG) forecasts that the City's employment will increase to 11,400 jobs by 2045, representing an 8.5 percent increase.⁷ As Project buildout is estimated for 2025, the Project is well within the employment forecasts for the City. Furthermore, permanent employment opportunities are expected to be filled by the local area and surrounding region due to the City's unemployment rate of 5.9 percent and County's unemployment rate of 4.4 percent. Additionally, buildout of the Project would be subject to compliance with all state, regional, and local requirements for minimizing growth-related impacts. Therefore, the Project's population growth due to employment opportunities would be less than significant.

Furthermore, the extension of roadways to serve the Project site would only extend roadways from the existing City of Banning network to the furthest extent needed to serve the Project. For example, Wilson Street would be extended from Hathaway Street only to the easternmost extents of the northern driveways. The Project would not construct roads or provide roadway improvements to areas of the City where there is no current development or no planned projects. As such, the extension of these roadway services would not be growth inducing, nor would they cause unplanned growth of population in the City.

Impact 7.5-2: *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

Level of Significance: No Impact

Construction and Operations

No housing currently exists within the Project site and the Project does not propose uses or activities that would otherwise displace housing assets or persons. Based on the preceding, the Project would have no impact related to displacement of housing or displacement of people.

7.6 Recreation

Impact 7.6-1: *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

Level of Significance: Less Than Significant

Construction and Operations

The closest parks to the Project site include Roosevelt Williams Park located approximately 0.5 mile northwest of the Project site at 3758 Cypress Street; Lions Park located approximately one mile southwest of the Project site at 955 S. Hargrave Street; and Repplier Park located approximately 1.3 mile northwest

⁶ State of California, Employment Development Department. 2023. *Labor Force and Unemployment Rate for Cities and Census Designated Places*. Retrieved from <https://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html#CCD> (accessed April 2023).

⁷ Southern California Association of Governments. 2020. Retrieved from https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579 (accessed April 2023).

of the Project site at 201 W. George Street.⁸ No park facilities currently exist on the Project site and Project development would not conflict with any nearby park facilities or require modification or construction of park facilities. Additionally, the Project does not contain residential uses that would generate population growth requiring park facilities. The Project involves development of 1,320,284 square feet of industrial space and associated improvements. Although the Project would create additional jobs in the area, it is expected that many of these employment positions would be filled by existing residents in the City, Riverside County, and the surrounding area. The Project does not propose residential uses or other land uses that would generate a substantial increase in population. Accordingly, implementation of the Project would not result in the increased use or substantial physical deterioration of an existing neighborhood or regional park. Thus, a less than significant impact would occur.

Impact 7.6-2: *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Level of Significance: Less Than Significant

Construction and Operations

As previously discussed, the Project consists of industrial uses, which do not generally result in significant amounts of park usage. The Project does not propose or require the construction of any new on- or off-site recreational facilities. Additionally, the Project would not require the expansion of any existing off-site recreational facilities. Therefore, environmental effects related to the construction or expansion of recreational facilities would not occur with implementation of the proposed Project. A less than significant impact would occur.

⁸ City of Banning. Parks. Retrieved from <https://www.ci.banning.ca.us/408/City-Parks> (accessed January 6, 2023).

8.0 EIR CONSULTATION AND PREPARATION

This section is consistent with the requirements set forth in §21153 of the PRC and §15129 of the CEQA Guidelines, which states: “The EIR shall identify all federal, state, or local agencies, other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm, or agency preparing the draft EIR, by contract or other authorization.” Refer to **Section 2.4: Notice of Preparation/Early Consultation** for a summary of public notification and consultation.

The NOP and NOP comment letters are provided in **Appendix A: Notice of Preparation & Public Scoping Meeting**. The City provided multiple opportunities for public input, both as part of the CEQA process and as part of Project scoping. In addition to required public notifications under CEQA, the City has engaged in consultation with the Morongo Band of Mission Indians, pursuant to AB 52, as discussed further in **Section 4.13: Tribal Cultural Resources**.

8.1 EIR Consultation

Lead Agency

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Tonya Pace, Contract Planner

Notice of Preparation Commenters

As noted above, the City engaged in public and agency consultation through the NOP and public scoping process. The following entities provided comments on the NOP, which have been considered as part of this EIR preparation process.

County of Riverside Department of Environmental Health, Kristine Kim, REHS

County of Riverside Transportation and Land Management Agency, Kevin Tsang, P.E.

Sierra Club, Pam Nelson

Member of the Public, Kathleen Dale

The Nature Conservancy, Cara Lacey

South Coast Air Quality Management District, Sam Wang

United States Fish and Wildlife Service, Rollie White

California Department of Fish and Wildlife, Kimberly Freeburn

Native American Heritage Commission, Andrew Green

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