

Mitigation Monitoring and Reporting Program

Banning Commerce Center Project

Section 1: Authority

This environmental Mitigation Monitoring and Reporting Program (Program) has been prepared pursuant to Section 21081.6 of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) Sections 15091(d) and 15097, to ensure implementation of and provide for the monitoring of mitigation measures required of the Banning Commerce Center (Project), as set forth in the Environmental Impact Report (EIR) prepared for the Project. This report will be kept on file in the office of the CEQA Lead Agency, the City of Banning (City).

As noted in the EIR, the Project has been designed to avoid sensitive resources. The EIR also addresses the potential environmental impacts of the Project, and, where appropriate, recommends mitigation measures to avoid or substantially lessen significant environmental impacts. The Program, detailed in the matrix table below, is designed to monitor and ensure implementation of all mitigation measures that are adopted for the Project.

The City is the Lead Agency for the Project and assumes ultimate enforcement responsibilities for implementation of all mitigation measures listed in this Program. The City may assign responsibility for implementation or monitoring to appropriate designees such as a construction manager or third-party monitor. However, as the Lead Agency, the City remains responsible for ensuring that implementation of the mitigation measures occurs in accordance with this Program. In some cases, the City is required to secure permits or approvals from third-party agencies in order to implement a mitigation measure. In these cases, the City is responsible for verifying that such permits or approvals have been obtained in accordance with the conditions stipulated in the mitigation measure. The City's existing planning, engineering, operations, and procurement review and inspection processes will be used as the basic foundation for the Program procedures and will also serve to provide the documentation for the reporting program.

Section 2: Monitoring Schedule

Prior to construction, while detailed design plans are being prepared by City staff or its agents, City staff will be responsible for ensuring compliance with mitigation monitoring applicable to the Project construction, development, and design phases. Once construction has begun and is underway, monitoring of the mitigation measures associated with construction will be included in the responsibilities of City staff, who shall prepare or cause to be prepared periodic monitoring reports, as appropriate. Regulatory agencies will have to harmonize CEQA mitigation with regulatory permit conditions and monitoring/reporting as part of the regulatory permitting process and will likely require submittal of formal monitoring reports. Once construction has been completed, the City will monitor the Project as specified in the mitigation measures.

Section 3: Support Documentation

Findings and related documentation supporting the findings involving modifications to mitigation measures shall be maintained in the Project file with the Program and shall be made available to the public upon request.

Section 4: Format of Mitigation Monitoring Matrix

The mitigation monitoring matrix on the following pages identifies the environmental issue areas for which monitoring is required, the required mitigation measures, the time frame for monitoring, and the responsible implementing and monitoring agencies.

Section 5: Definitions

The following list provides definitions for acronyms used in the mitigation monitoring and reporting program.

Acronyms/Abbreviation	Description
AQ	Air Quality
AMTP	Archaeological Monitoring and Treatment Plan
APU	Auxiliary Power Unit
BESS	Battery Energy Storage System
BIO	Biological Resources
CALGreen	California Green Building Standards Code
CARB	California Air Resources Board
CDFG	California Department of Fish and Game
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
COA	Conditions of Approval
CRMP	Cultural Resource Management Plan
CTR	Commute Trip Reduction
CUL	Cultural Resources
DBESP	Determination of Biologically Equivalent or Superior Preservation
EIR	Environmental Impact Report
ESA	Environmentally Sensitive Area
EV	Electric Vehicle
FIRE	Wildfire
GEO	Geology and Soils
GHG	Greenhouse Gas
HSC	Health and Safety Code
LEED	Leadership in Energy and Environmental Design
MLD	Most Likely Descendant
MM	Mitigation Measure
MSHCP	Multiple Species Habitat Conservation Plan
NAHC	Native American Heritage Commission
PRC	Public Resources Code
PRIMP	Paleontological Resources Impact Mitigation Program
PV	Photovoltaic
RWQCB	Regional Water Quality Control Board

SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SOI	Secretary of the Interior Standards
TDM	Transportation Demand Management
THPO	Tribal Historic Preservation Officer
TRANS	Traffic and Transportation
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
VOC	Volatile Organic Chemical
WAIRE	Warehouse Actions and Investments to Reduce Emissions
WDR	Wastewater Discharge Requirement
WEAP	Worker Education and Awareness Program

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
AIR QUALITY				
<p>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:</p> <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. 	Project Applicant	Prior to issuance of building permit	City of Banning, Community Development Department, Building and Safety Division	

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<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>Tenant/ facility operator</p>	<p>Prior to issuance of tenant occupancy permits</p>	<p>City of Banning, Community Development Department, Building and Safety Division</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 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 	<p>Project applicant</p>	<p>Prior to issuance of building permit</p>	<p>City of Banning, Community Development Department, Building and Safety Division</p>	

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<p>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 shall 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 two 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>Tenant/ facility operator</p>	<p>Prior to issuance of tenant occupancy permit and periodically after development</p>	<p>City of Banning, Community Development Department, Building and Safety Department</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>	<p>Tenant/ facility operator</p>	<p>Prior to issuance of tenant occupancy permit and periodically after development</p>	<p>City of Banning, Community Development Department, Building and Safety Department</p>	

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<p>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.</p>	<p>Tenant/ facility operator</p>	<p>Prior to issuance of tenant occupancy permit and periodically after development</p>	<p>City of Banning, Community Development Department, Building and Safety Department</p>	
<p>BIOLOGICAL RESOURCES</p>				
<p>MM BIO-1: MSHCP Burrowing Owl 30-Day Preconstruction Surveys In order to avoid Project-related impacts to burrowing owls potentially occurring on or in the vicinity of the Project site and violation of the Burrowing Owl Protocol and the California Fish and Game Code 3503, 3503.5, and 3513, a 30-day preconstruction survey presence/absence survey for burrowing owl within the Impact Site (and 500-foot survey buffer) in accordance with the March 2006 Burrowing Owl Survey Instructions for the Western Riverside County MSHCP Area shall be conducted by a qualified 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. In addition, a preconstruction survey for burrowing owl shall be conducted within 3 days prior to initiation of Project activities and reported to CDFW.</p> <p>If no burrowing owls are observed during the survey, site preparation and construction activities may begin. If burrowing owls have colonized the project site prior to the initiation of ground-disturbing activities, the project proponent will immediately stop work and inform the City of Banning and the Wildlife Agencies (California Department of Fish and Wildlife [CDFW] and US Fish and Wildlife Service [USFWS]). In consultation with the Wildlife Agencies additional avoidance and minimization measures shall be undertaken</p>	<p>Project applicant Qualified Biologist</p>	<p>30 days prior to issuance of a Grading Permit or other construction-related vegetation removal, and ground disturbance</p>	<p>City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified biologist approved by the City and retained by the Project Applicant</p>	

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<p>including the possibility of preparing a Burrowing Owl Protecting and Relocation Plan, prior to initiating ground disturbance. CDFW shall be sent written notification within 48 hours of detection of burrowing owls. If active nests are identified on an implementing Project site during the pre-construction survey, the Project applicant shall not commence activities until no sign is present that the burrows are being used by adult or juvenile owls or following CDFW approval of a Burrowing Owl Plan as described below. If owl presence is difficult to determine, a qualified biologist shall monitor the burrows with motion-activated trail cameras for at least 24 hours to evaluate burrow occupancy. The on-site qualified biologist will verify the nesting effort has finished according to methods identified in the Burrowing Owl Plan.</p> <p>The qualified biologist and Project Applicant shall coordinate with the City, CDFW, and USFWS to develop a Burrowing Owl Plan to be approved by the City, CDFW, and USFWS prior to commencing Project activities. The Burrowing Owl Plan shall describe proposed avoidance, relocation, monitoring, minimization, and/or mitigation actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites and details on proposed buffers if avoiding the burrowing owls or information on the adjacent or nearby suitable habitat available to owls for relocation. If no suitable habitat is available nearby for relocation, details regarding the creation and funding of artificial burrows (numbers, location, and type of burrows) and management activities for relocated owls shall also be included in the Burrowing Owl Plan. The City will implement the Burrowing Owl Plan following CDFW and USFWS review and approval.</p> <p>If active burrowing owl burrows are detected within Impact Site(s) during Project implementation and construction, the Project applicant shall notify CDFW immediately in writing within 48 hours of detection. A Burrowing Owl Plan will be submitted to CDFW for review and approval within two weeks of detection and no Project activity will continue within 1,000 feet of the burrowing owls until CDFW approves the Burrowing Owl Plan. The City shall be responsible</p>				

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<p>for implementing appropriate avoidance and mitigation measures, including burrow avoidance, passive or active relocation, or other appropriate mitigation measures as identified in the Burrowing Owl Plan.</p> <p>A final report shall be prepared by a qualified biologist documenting the results of the burrowing owl surveys and detailing avoidance, minimization, and mitigation measures. The final report will be provided to City of Banning and CDFW within 30 days of completion of the survey and burrow monitoring for mitigation monitoring compliance record keeping.</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 Migratory Bird Treaty Act and California Fish and Game (CDFG) Code Section 3503, 3503.5, and 3513. Site preparation activities (such as ground disturbance, construction activities, and/or removal of trees and vegetation) should be conducted, to the greatest extent possible, outside of the peak nesting season. Regardless of the time of year, a qualified biologist shall conduct a nesting bird survey within three days prior to any disturbance of the site, including disking, vegetation grubbing, and grading.</p> <p>The survey(s) will focus on identifying any bird nests that would be directly or indirectly affected by construction activities. The survey area will include the Project impact footprint and a 500-foot buffer where legal access is granted around the disturbance footprint. Within 72 hours of the nesting bird survey, all areas surveyed by the biologist will be cleared by the Contractor or a supplemental nesting bird survey is required. The survey results shall be provided to the City’s Planning Department. The Project Applicant shall adhere to the following:</p> <ol style="list-style-type: none"> 1. Applicant shall designate a biologist (Designated Biologist) experienced in: identifying local and migratory bird species of special concern; conducting bird surveys using appropriate survey methodology; nesting surveying techniques, recognizing 	<p>Project Applicant Qualified Biologist</p>	<p>Three days prior to grading or other construction-related vegetation removal, and ground disturbance, if these activities occur between January 15th and September 15th</p>	<p>City of Banning, Community Development Department, Planning Division in conjunction with construction contractor and qualified biologist approved by the City and retained by the Project Applicant</p>	

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<p>breeding and nesting behaviors, locating nests and breeding territories, and identifying nesting stages and nest success; determining/establishing appropriate avoidance and minimization measures; and monitoring the efficacy of implemented avoidance and minimization measures.</p> <p>2. Pre-activity field surveys shall be conducted at the appropriate time of day/night, during appropriate weather conditions, no more than 3 days prior to the initiation of Project activities. Surveys shall encompass all suitable areas including trees, shrubs, bare ground, burrows, cavities, and structures. Survey duration shall take into consideration the size of the Project site; density, and complexity of the habitat; number of survey participants; survey techniques employed; and shall be sufficient to ensure the data collected is complete and accurate. The qualified avian biologist will make every effort to avoid potential nest predation as a result of survey and monitoring efforts.</p> <p>If no nesting birds are observed during the survey, site preparation and construction activities may begin. If active nests or nesting birds (including nesting raptors) are identified during the nesting bird survey, avoidance buffers shall be implemented as determined by a qualified biologist and approved by the City of Banning, based on their best professional judgement and experience. The buffer areas shall be avoided until the Project biologist determines the young have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The buffer shall be of a distance to ensure avoidance of adverse effects to the nesting bird by accounting for topography, ambient conditions, species, nest location, and activity type. All nests shall be monitored as determined by the qualified biologist until nestlings have fledged and dispersed or it is confirmed that the nest has been unsuccessful or abandoned. The Designated Biologist shall monitor the nest at the onset of Project activities, and at the onset of any changes in such Project activities (e.g., increase in number or type of equipment, change in equipment usage, etc.) to determine the efficacy of the buffer. The qualified biologist will serve as a construction monitor during those periods when construction activities occur near active nest areas to ensure</p>				

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<p>that no inadvertent impacts on these nests occur. The qualified biologist shall halt all construction activities within proximity to an active nest if it is determined that the activities are disturbing the nest and may result in nest abandonment or take. The qualified biologist shall also have the authority to require implementation of avoidance measures related to noise, vibration, or light pollution if indirect impacts are resulting in harassment of the nest. Work can resume within these avoidance areas when no other active nests are found. Upon completion of the survey and nesting bird monitoring, 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.</p>				
<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. The Applicant shall notify the California Department of Fish and Wildlife (CDFW) for impacts to Fish and Game Code section 1602 resources and obtain a CDFW-executed Lake and Streambed Alteration (LSA) Agreement authorizing impacts to Fish and Game Code section 1602 resources associated with the Project.</p> <p>The notification to CDFW should provide the following information:</p> <ol style="list-style-type: none"> 1. A stream delineation including the bed, bank, and channel; 2. Linear feet and/or acreage of streams and associated natural communities that would be permanently and/or temporarily impacted by the Project. This includes impacts as a result of routine maintenance and fuel modification. Plant community names should be provided based on vegetation association and/or alliance per the Manual of California Vegetation (Sawyer et al 2009); 3. A discussion as to whether impacts on streams within the Project site would impact those streams immediately outside of the Project site where there is hydrologic connectivity. 	<p>Project applicant</p>	<p>Prior to issuance of grading permit</p>	<p>City of Banning, Community Development Department, Planning Division in coordination with the Public Works Department, Engineering Divisions and the California Department Fish and Wildlife and Regional Water Quality Control Board</p>	

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<p>Potential impacts such as changes to drainage pattern, runoff, and sedimentation should be discussed; and</p> <p>4. A hydrological evaluation of the 100-year storm event to provide information on how water and sediment is conveyed through the Project site.</p> <p>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, at minimum 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 at minimum 2.67-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, including 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 a minimum 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 a minimum of 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 on-site along the eastern and northern most Project boundary. If it is determined that on-site 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. 				

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<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 prior to the issuance of grading permits. 				
CULTURAL RESOURCES				
<p>MM CUL-1: Prior to the issuance of a grading permit, an archaeological resource monitoring plan shall be developed by a U.S Department of Interior-qualified archaeologist retained for the project, as outlined in MM TCR-2 and MM TCR-3. This plan shall include a grading observation schedule, to be maintained when initial mass grading occurs in upper soils, and a process by which to identify and further evaluate any cultural resources that may be discovered in the Project area, as well as treatment for resources, that is reflective of MMs CUL-2, CUL-3, TCR-3, TCR-6, TCR-7, and TCR-8. A qualified archaeologist and/or Native American monitor(s) from Consulting Tribe(s) shall be retained to attend pre-grading meetings and to monitor all 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 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>Project applicant</p> <p>U.S. Department of the Interior- Qualified Archaeologist</p> <p>Native American Monitor</p>	<p>Prior to issuance of grading permit</p>	<p>City of Banning, Community Development Department, Planning Division; and qualified archaeologist, and tribal representative</p>	

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<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>Project Applicant</p> <p>U.S. Department of the Interior- Qualified Archaeologist</p> <p>Native American Monitor</p>	<p>During project ground disturbing activities</p>	<p>City of Banning, Community Development Department, Planning Division; and qualified archaeologist, and tribal representative</p>	
<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. As noted in MM TCR-7, if human remains are encountered, an Environmentally Sensitivity Area (ESA) shall be established around the find plus a 100-ft buffer in the presence of the archaeologist and/or Native American monitor(s) from Consulting Tribe(s). 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. Disposition of human remains will be agreed upon between the MLD and the landowner. If an agreement is not reached, both parties may utilize the NAHC for mediation. Should mediation be unsuccessful, the law required the remains be reburied on site with appropriate dignity. No photographs shall be taken of the discovered human remains except by the Coroner by those individuals with the express written permission of the consulting Tribe(s).</p>	<p>Project applicant</p> <p>U.S. Department of the Interior- Qualified archaeologist</p> <p>Native American Monitor</p>	<p>During project ground disturbing activities</p>	<p>Project Contractor, County Coroner, Native American Heritage Commission, City of Banning, Community Development Department, Planning Division; and qualified archaeologist, and tribal representative</p>	

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GEOLOGY AND SOILS				
<p>MM GEO-1: The Project would comply with the grading guidelines and all recommendations provided in the Geotechnical Investigation prepared for the Project.</p>	Project developer	Prior to issuance of grading permit	City of Banning, Community Development Department, Building and Safety Division	
<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 to reduce impacts to sensitive paleontological resources during construction activities, and all other surface-disturbance activities. The PRIMP would include the following:</p> <ul style="list-style-type: none"> • 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. 	Project applicant Qualified paleontologist	Prior to issuance of grading permit	City of Banning, Community Development Department, Planning Division	
<p>MM GEO-3: A qualified paleontologist will attend preconstruction meetings to consult with the grading and excavation contractors</p>	Project applicant	Prior to commencement of	City of Banning, Community	

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<p>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>Qualified Paleontologist</p>	<p>grading and excavation</p>	<p>Development Department, Planning Division</p>	
<p>MM GEO-4: Fossil remains collected during the monitoring and salvage portion of the program will be cleaned, repaired, sorted, and catalogued.</p> <p>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>	<p>Qualified Paleontologist</p>	<p>During excavation</p>	<p>City of Banning, Community Development Department, Planning Division</p>	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
GREENHOUSE GAS EMISSIONS				
<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>	Tenant/ facility operator	Prior to issuance of tenant occupancy permit	City of Banning, Community Development Department, Building and Safety Division	
<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>	Project applicant/successor in interest	Prior to the issuance of a building permit	City of Banning, Community Development Department, Building and Safety Division	
<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 Loading Areas, and the facility’s operator shall be required to provide</p>	Tenant/ facility operator Project developer	Prior to issuance of tenant occupancy permit	City of Banning Public Works Department	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>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>	Project applicant	Prior to issuance of tenant occupancy permit	City of Banning, Community Development Department, Planning Division	
<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>	Project applicant	Prior to issuance of building permit	City of Banning, Community Development Department, Building and Safety Division	
TRANSPORTATION				
<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>Potential VMT Reduction Strategies</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. • 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. 	Tenant/ facility operator	Prior to issuance of tenant occupancy permit	<p>City of Banning, Community Development Department, Planning Division</p> <p>City of Banning, Public Works Department, Engineering Division</p>	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<ul style="list-style-type: none"> 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. 				
TRIBAL CULTURAL RESOURCES				
<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>	Project applicant	Prior to issuance of grading permit	Morongo Band of Mission Indians City of Banning Community Development Department, Planning Division Qualified archaeologist	
<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</p>	Project applicant U.S. Department of the Interior- Qualified Archaeologist	Prior to issuance of grading permit and prior to any ground disturbance	THPO and/or Tribal representative(s) City of Banning Community Development Department, Planning Division	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>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.</p>			<p>Qualified Archaeologist</p>	
<p>MM TCR-3: Cultural Resource Management Plan: As noted in MM CUL-1, 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. The plan shall detail and establish the process to be followed when an inadvertent discovery is made that is reflective of MM TCR-6 and MM TCR-7</p> <p>Additionally, the plan shall include requirements and provisions for the disposition of any cultural or tribal cultural items, including but not limited to reburial of any items within the Project site where they will not be disturbed in perpetuity, arrangement for curation in perpetuity with a Federally approved repository, or transfer of pre-contact items to the consulting Tribe[s] by mutual agreement between the Project applicant and consulting Tribe[s].</p>	<p>Project applicant U.S. Department of the Interior- Qualified Archaeologist</p>	<p>Prior to any ground disturbance</p>	<p>Tribal representative(s) City of Banning Community Development Department, Planning Division Qualified Archaeologist</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>Project developer U.S. Department of the Interior- Qualified Archaeologist</p>	<p>Prior to commencement of ground disturbing activity</p>	<p>Tribal representative(s) City of Banning Community Development</p>	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
			Department, Planning Division Qualified Archaeologist Grading Contractor	
<p>MM TCR-5: On-site Monitoring: As noted in MM CUL-1, 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>	U.S. Department of the Interior- Qualified Archaeologist Native American Monitor Project applicant	During all ground-disturbing activities	Tribal representative(s) City of Banning Community Development Department, Planning Division Qualified Archaeologist	
<p>MM TCR-6: Inadvertent Discovery of Cultural Resources: As noted in MM CUL-2, 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.</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</p>	U.S. Department of the Interior- Qualified Archaeologist	During all ground-disturbing activities	Tribal representative(s) City of Banning Community Development Department, Planning Division Qualified Archaeologist	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<p>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:</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, 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 and 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 Section 7050.5. and Public Resources Code (PRC) Section 5097.98. No photographs shall be taken of the discovered human remains except by the Coroner by those individuals with the express written permission of the consulting Tribe(s).</p>	<p>Project applicant</p> <p>Morongo Band of Mission Indians</p> <p>U.S. Department of the Interior- Qualified Archaeologist</p>	<p>Upon discovery of Human remains</p>	<p>Project Contractor, County Coroner, Native American Heritage Commission, City of Banning, Community Development Department, Planning Division, Tribal Representative(s)</p>	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
<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 Section 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 Section 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 Section 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 South Coast Information Center, and the Consulting Tribe[s].</p>	<p>Project applicant U.S. Department of the Interior- Qualified Archaeologist</p>	<p>Upon cessation of ground disturbing activities</p>	<p>City of Banning, Community Development Department, Planning Division</p>	
WILDFIRE				
<p>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.</p>	<p>Project applicant</p>	<p>Prior to the issuance of building and grading permits</p>	<p>City of Banning, Community Development Department, Planning Division</p>	

Mitigation Measures	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
			City of Banning, Community Development Department, Building and Safety Division	