

Sun Lakes Village North Specific Plan Amendment No. 5 Draft Environmental Impact Report SCH No. 2020029074



Lead Agency

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Appendices (Separate Attachment)

Appendix A:	Notice of Preparation/Initial Study.
Appendix B:	Urban Crossroads Inc., <i>Sun Lakes North Specific Plan Amendment No. 6, Air Quality and Greenhouse Gas Evaluation</i> , July 9, 2020
Appendix C:	Urban Crossroads Inc., <i>Sun Lakes North Specific Plan Amendment No. 6 Emissions from Alternatives</i> , July 9, 2020
Appendix D:	L&L Environmental Inc., <i>Habitat Assessment for APN 419-140-057 Sun Lakes Boulevard, City of Banning, Riverside County, California</i> , March 30, 2020.
Appendix E:	L&L Environmental Inc., <i>Cultural Resources Records Search Results and Recommendations for the Sun Lakes Boulevard Project (APN 419-140-057), City of Banning, County of Riverside, California</i> , February 27, 2020.
Appendix F:	L&L Environmental Inc., <i>Phase I Cultural Resources Assessment for the Sun Lakes Boulevard Project (APN 419-140-057), City of Banning, County of Riverside, California</i> , August 26,2020.
Appendix G:	Urban Crossroads Inc., <i>Sun Lakes Village North Specific Plan Noise Monitoring</i> , July 9, 2020.
Appendix H:	Urban Crossroads Inc., <i>Sun Lakes Village North Specific Plan Amendment No. 5 Traffic Analysis</i> , City of Banning, July29,2020.
Appendix I:	Urban Crossroads Inc., <i>Sun Lakes Village North Specific Plan Amendment No. 5 Vehicle Miles Traveled (VMT) Analysis</i> , September 4,2020.
Appendix J:	Romo Planning Group Inc., <i>Water Supply Assessment for Sun Lakes Village North Specific Plan Amendment No. 5</i> , August 31, 2020.

1. EXECUTIVE SUMMARY

1.1 Introduction

This summary is provided in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15123. As stated in Section 15123(a), “an EIR [environmental impact report] shall contain a brief summary of the proposed action and its consequences. The language of the summary should be as clear and simple as reasonably practical.” As required by the Guidelines, this chapter includes (1) a summary description of the Project, (2) a synopsis of environmental impacts and recommended mitigation measures (Table ES-1), (3) identification of the alternatives evaluated and of the environmentally superior alternative, and (4) a discussion of the areas of controversy associated with the Project.

1.2 Summary Description of The Project

The Sun Lakes Village Specific Plan (“Specific Plan”) was originally approved by the City of Banning on February 28, 1983. The Specific Plan consisted of 4,131 dwelling units, a 150-acre golf course, 12 acres of commercial use and 144 acres of office/industrial use on approximately 963 acres. The Specific Plan has been amended four (4) times between 1984 and 2006 to accommodate various changes to the land use plan, infrastructure requirements, and the vehicle and pedestrian circulation plan. The Sun Lakes Village North Specific Plan Amendment No .5 (“Project”) updates the existing Specific Plan document to amend the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business Park & Warehouse (BW), Office & Professional (OP), and Retail & Service (RS). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

1.3 Project Location

The Project site is located on approximately 47 gross acres between Sun Lakes Boulevard and Interstate 10 approximately 840 feet east of Highland Springs Avenue. The Project site is also identified as Assessor’s Parcel Number 419-140-057. (See Figures 3-1 and 3-2).

1.4 Project Objectives

The Project Objectives are as follows:

- 1) To efficiently develop an underutilized property with a complementary mix of land uses, including business park, light industrial, commercial, office and professional, and optional residential land uses.
- 2) Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities and expansion of the tax base.
- 3) Provide local employment for residents of the City to improve the jobs-housing balance within the City.
- 4) To provide Development Standards and Design Guidelines that establish general provisions for site design, circulation, architecture, landscape, walls, fences, screening, and buffers that would ensure that the Project is developed in a manner that is aesthetically pleasing.

1.5 Potential Approvals and Permits Required

The Project consists of amendments to the Sun Lakes Village North Specific Plan Land Use Plan Map and regulations relating to permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions to guide future development. There are plans to develop the property at present. Therefore, no other permits or approvals from other agencies are required at this time.

1.6 Summary of Alternatives

No Project/No Development Alternative

This Alternative considers no development/disturbance on the Project site beyond that which occurs under existing conditions. As such, the approximately 47-acre Project site would continue to consist of vacant land that has been subject to regular discing as part of on-going fire abatement activities. Under this Alternative, no improvements would be made to the Project site and none of the Project's roadway, drainage, utility, and other infrastructure improvements would occur. This Alternative was selected by the City to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition.

No Project/General Plan Land Use Alternative

This Alternative considers development of the Project site in accordance with the site's existing General Plan land use designations of Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). Under this Alternative, the site would be developed with up to 25-acres of auto dealerships and 18 acres of commercial retail uses.

This Alternative was selected by the City to compare the environmental effects of the Project with an alternative that would develop the Project site in accordance with the General Plan land use designations of Business Park (with Specific Plan Overlay) General Commercial (with Specific Plan Overlay).

Reduced Development Alternative

This Alternative considers a 20% reduction in the amount of building square footage allowed by the Project from 966,552 square feet to 773,242 square feet. This Alternative was selected by the City because a 20% reduction in building square footage would reduce air emissions of nitrogen oxides (NOx) caused by vehicle traffic to less than significant levels. However, volatile organic compound (VOC) emissions from painting and the amount of vehicle miles traveled will remain significant.

1.7 Areas of Controversy and Issues to be Resolved

To determine the scope of this EIR, the City prepared and distributed a Notice of Preparation (NOP) for the Project on February 21, 2020 to the Office of Planning and Research, each responsible and trustee agency, and filed with the Riverside County clerk. Table ES-1 summarizes the comments received regarding the NOP issued for this EIR and identifies the location in this EIR document where the comments are addressed.

Table ES 1- Summary of NOP Comments

Agency/Organization/Individual	Date	Comments	Location in this EIR where Comment is Addressed
South Coast Air Quality Management District	3/17/20	Address health risks from diesel trucks if development is reasonably foreseeable; require mitigation measures if necessary; consider alternatives if impacts are significant	Section 4.2 Air Quality
Riverside County Flood Control and Water Conservation District	3/23/20	Project would not be impacted by District master Drainage Plan facilities; identified general information with respect to permits that may be required by regulatory agencies.	Section 4.8 Hydrology and Water Quality

All NOP comment letters are included in Technical Appendix A of this Draft EIR.

In addition, as part of the EIR scoping process, a public scoping meeting was held by the City on Monday, March 2, 2020 at 5:30 pm at the Sun Lakes Village Community Center/Country Club. Verbal and written comments regarding the scope and content of the EIR were accepted during the meeting. Primary issues raised at the meeting included traffic, noise, and the types of commercial uses that are planned for the site.

Areas of controversy that fall within the scope of CEQA are addressed in this Draft EIR. Issues that fall outside the scope of CEQA are not evaluated in this Draft EIR; however, the City will continue to respond to these issues through the project planning process. All of the substantive environmental issues raised in the NOP comment letters have been addressed or otherwise considered during preparation of this EIR.

Table ES 2- Summary of Impacts and Mitigation Measures

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
NI = No Impact LTS= Less Than Significant PS = Potentially Significant SU = Significant and Unavoidable			
4.1- Aesthetics- Would the Project:			
Impact 4.1.5 (a) - Conflict with applicable zoning and other regulations governing scenic quality?	LTS	No mitigation is required for this impact.	LTS
4.1.5 (b) -Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	LTS	No mitigation is required for this impact.	LTS
4.2- Air Quality-Would the Project:			
4.2.5 (a) Conflict with or obstruct implementation of the applicable air quality plan.	PS	Mitigation Measures AQ-1 through AQ-7 are applicable.	SU
4.2.5 (b) 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?	PS	<p><u>AQ 1- Use Low VOC Paint:</u> To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize "Super Compliant" VOC paints, which are defined in SCAQMD's Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Banning's Building and Safety Division for compliance with this mitigation measure prior to issuance of a building permit.</p> <p><u>AQ-2: Grading Limitations.</u> During the City's review process for applications under the Specific Plan, the applicant shall conduct or shall have conducted modeling of the regional and the localized emissions (NOx,</p>	SU

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>CO, PM10, and PM2.5) associated with the maximum daily grading activities estimated for the proposed individual developments one acre or larger. If the modeling shows that emissions would exceed the SCAQMD's significance thresholds for those emissions, the maximum daily grading activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD's significance thresholds for those emissions. For implementing projects within the Specific Plan, the applicant shall be responsible for submitting a focused project-level air quality assessment that includes the modeling of localized on-site emissions associated with daily grading activities anticipated for the proposed development.</p> <p><u>AQ 3-Electrical Hookups for Loading Docks:</u> Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading docks, and to reduce/replace APU use while trucks are parked along the docks, to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when TRUs are in use to reduce diesel fuel consumption and resulting NOx emissions. The City shall verify electrical hookups have been installed prior to occupancy.</p> <p><u>AQ 4-Idling Limits:</u> All facilities shall post signs informing users of requirements limiting idling to five minutes or less pursuant to Title 13 of the California Code of Regulations, Section 2485 in order to reduce diesel fuel consumption and resulting NOx emissions. No overnight/long-term parking will be allowed. The City shall verify signage has been installed prior to occupancy.</p> <p><u>AQ 5-Electric or Natural Gas Service Equipment:</u> Service equipment (i.e., yard hostlers and forklifts) used within the site</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>shall be electric or compressed natural gas-powered to reduce diesel fuel consumption and resulting NOx emissions.</p> <p><u>AQ-6-Electric Vehicle Charging Stations:</u> Prior to approval of implementing commercial plot plan(s) within the Project the City of Banning Planning Division shall ensure that the plot plan(s) include a minimum of three (3) electric-vehicle charging stations. The electric vehicle charging stations also shall be depicted on building plans for implementing development within Project site. Prior to issuance of occupancy permits for the proposed commercial land uses within the Project site, the City of Banning Building and Safety Department shall ensure that a minimum of three electric vehicle charging stations have been installed on-site.</p>	
4.2.5(c) Expose sensitive receptors to substantial pollutant concentrations?	PS	<p>In addition to MM AQ-1 through MMAQ-6 above, MM AQ-7 is required.</p> <p><u>AQ-7-Health Risk Assessment:</u> During the City's review process for any future development applications under the Specific Plan that proposes a warehouse or distribution project, the applicant shall submit a Health Risk Assessment for that is prepared pursuant to the "Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis." If the modeling shows that emissions would exceed the SCAQMD's significance thresholds for those emissions, the following performance-based measures shall be required in order reduce emissions to less than significant levels. The measures shall include the following:</p> <ol style="list-style-type: none"> 1) Prior to the issuance of any grading permits, the applicant and/or building operators shall submit construction plans and a construction vehicle management plan to the City of Banning denoting 	SU

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>the proposed schedule and projected equipment use. The construction vehicle management plan shall include such things as: idling time requirements; requiring hour meters on equipment; and documenting the serial number, horsepower, age, and fuel of all onsite equipment. The plan shall include that California state law requires equipment fleets to limit idling to no more than 5 minutes. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized or that their use was investigated and found to be infeasible for the project as determined by the City.</p> <p>2) Prior to issuance of an occupancy permit, the operator of a warehouse/distribution center use shall place signs that identify CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.</p> <p>3) Prior to the issuance of an occupancy permit for a warehouse/distribution center use, the City shall require operators of the proposed facilities to encourage the vendor trucks to incorporate energy efficiency improvement features through the Carl Moyer Program—including truck modernization, retrofits, and/or aerodynamic kits and low rolling</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>resistance tires—to reduce fuel consumption.</p> <p>Prior to the issuance of a building permit for a warehouse/distribution center use, the building shall be designed to provide infrastructure to support use of electric-powered forklifts and/or other on-site equipment.</p>	
4.2.5 (d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	LTS	No mitigation is required for this impact.	LTS
4.3- Biological Resources-Would the Project:			
4.3.5 (a) 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 Game or U.S. Fish and Wildlife Service.	PS	<p>BIO-1: Pre-Construction Burrowing Owl Survey. Within 30 calendar days prior to the issuance of a grading permit, a qualified biologist shall conduct a survey of the proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted by the City of Banning Planning Department prior to the issuance of a grading permit and subject to the following provisions:</p> <ul style="list-style-type: none"> a. In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction. b. In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing 	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall confirm in writing to the Planning Department that the species has fledged or been relocated prior to the issuance of a grading permit.</p> <p>BIO-2- Nesting Bird Survey. Prior to the issuance of a grading permit, the City of Banning Planning Department shall ensure vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (February 1 through August 31), unless a migratory bird nesting survey is completed in accordance with the following requirements:</p> <ol style="list-style-type: none"> A migratory nesting bird survey of the Project's impact footprint shall be conducted by a qualified biologist within three business (3) days prior to initiating vegetation clearing or ground disturbance. A copy of the migratory nesting bird survey results report shall be provided to the City of Banning Planning Department. If the survey identifies the presence of active nests, then the qualified biologist shall provide the Planning Department with a copy of maps showing the location of all active nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones as determined by a qualified biologist, 	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		shall be subject to review and approval by the Planning Department. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and Planning Department verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.	
4.3.5 (b) 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 Game or US Fish and Wildlife Service?	NI	No mitigation is required for this impact.	NI
4.3.5(c) 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?	NI	No mitigation is required for this impact.	NI
4.3.5 (d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	NI	No mitigation is required for this impact.	NI
4.3.5 (e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	PS	BIO-3- Native Tree Removal. Native trees to be impacted by development of projects pursuant to the Specific Plan shall be assessed by a certified arborist as to the viability and value of the trees to determine if mitigation and replacement are required. Removal of healthy, shade-providing, and	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		aesthetically valuable trees shall be strongly discouraged and shall conform with the policies and programs of the City of Banning General Plan. A tree removal and replacement plan shall be required for the removal and replacement of all trees more than 50 years of age unless their removal is required to protect the public health and safety. Each identified tree removed shall be replaced with at least one 36-inch box specimen tree, in addition to any other required landscaping.	
4.3.5 (f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	PS	MM BIO-1 and BIO-2 are applicable.	LTS
4.4 -Cultural Resources-Would the Project:			
4.4.5 (a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	LTS	No mitigation is required for this impact.	LTS
4.4.5 (b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	LTS	No mitigation is required for this impact.	LTS
4.4.5(c) Disturb any human remains, including those interred outside of formal cemeteries?	LTS	No mitigation is required for this impact.	LTS
4.5- Energy-Would the Project:			
4.5.5 (a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	LTS	No mitigation is required for this impact.	LTS
4.5.5 (b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	LTS	No mitigation is required for this impact.	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.6- Geology and Soils-Would the Project:			
4.6.5 (a) Directly or indirectly destroy a unique paleontological resource?	PS	<p>GEO - 1: Paleontological Resource Impact Mitigation Program. Prior to the issuance of a grading permit, the Project Proponent shall prepare a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phase of the Project, including both on- and off-site activities. The PRIMP shall be submitted for review and approval to the City of Banning Community Development Department and shall conform to the guidelines of the Society of Vertebrate Paleontology; including the following:</p> <ul style="list-style-type: none"> a) A trained paleontological monitor shall be present during initial mass grading or deep trenching activities within the Project in sediment areas determined likely to contain paleontological resources. If paleontological resources are located within excavation, the monitoring program will change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains. b) Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted in accordance with modern paleontological techniques. 	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>c) All fossils collected during the Project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens.</p> <p>d) A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared. All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.</p> <p>e) All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.</p>	
4.7- Greenhouse Gas Emissions-Would the Project:			
4.7.5 (a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.	PS	<p><u>GHG-1: GHG Reduction Documentation.</u></p> <p>Prior to the issuance of a building permit, documentation that the following GHG reduction measures shall be implemented by future development projects is required. Documentation may consist of a letter stating how the project will comply and identify the verification mechanism for each measure required below (e.g. shown on building plans, landscaping plans, etc.)</p> <p>1. The project shall devise a comprehensive water conservation strategy to reduce water use during project operation. The strategy will include the following:</p> <ul style="list-style-type: none"> • Install drought-tolerant plants for landscaping. • Install water-efficient irrigation systems, such as weather-based and soil-moisture-based irrigation 	SU

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>controllers and sensors, for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.</p> <ul style="list-style-type: none"> • Ensure that all landscape and irrigation measures follow the City of Banning's Landscaping and Water Conservation requirements. <p>GHG-2: Building Design. The project will design building shells, building components, such as windows, roof systems and electrical systems to meet 2016 Title 24 Standards (or applicable requirements in effect at the time a building permit is applied for).</p> <p>GHG-3: LEED Features. Buildings will be designed to provide CALGreen Standards with Leadership in Energy and Environmental Design (LEED) features for potential certification and will employ energy and water conservation measures in accordance with such standards. This includes design considerations related to the building envelope, HVAC, lighting, and power systems. Additionally, the architectural expression such as roofs and windows in the buildings will relate to conserving energy.</p> <p>GHG-4. Energy Efficient Lighting. Prior to the issuance of a building permit, building plans shall require that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed within buildings on-site.</p> <p>GHG-5. Efficient Building Materials/Equipment. The project will utilize building materials/methods and heating equipment that are efficient and reduce emissions that may include, but not limited to, high-efficiency heat pumps; thin insulating materials; windows and building surfaces with tunable optical properties; high efficiency lighting devices; improved software for optimizing building design and</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		operation; low cost, easy to install, energy harvesting sensors and controls; interoperable building communication systems; and optimized control strategies. <u>GHG-6. Reduce Indoor Water Demand.</u> Prior to the issuance of a building permit, building plans shall require that all faucets, toilets, and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20% per CalGreen Standards.	
4.7.5 (b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	PS	MM GHG-1 through MM-GHG-6 above are applicable.	SU
4.8- Hydrology and Water Quality-Would the Project:			
4.8.5 (a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	LTS	No mitigation is required for this impact.	LTS
4.8.5 (b) 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: (i) Result in substantial erosion or siltation on- or off-site? (ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems	LTS	No mitigation is required for this impact.	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
or provide substantial additional sources of polluted runoff?			
(iv) Impede or redirect flood flows?			
4.8.5 (c) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	LTS	No mitigation is required for this impact.	LTS
4.8.5 (d) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	LTS	No mitigation is required for this impact.	LTS
4.9- Land Use and Planning-Would the Project:			
4.9 (a) 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?	PS	MM AQ-1 through AQ-7 and MM GEO-1 are applicable.	SU
4.10- Noise-Would the Project:			
4.10.5 (a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	PS	<p><u>NOI-1-Construction Noise Mitigation Plan.</u> Prior to issuance of grading and/or building permits, a note shall be provided on grading and building plans indicating that ongoing during grading and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:</p> <ol style="list-style-type: none"> 1. The project applicant shall limit construction activities to the daytime hours between 7 AM to 6 PM, as prescribed in Section 8.44.090(E) of the City's Municipal Code. 2. For all project construction zones, all internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers 	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>consistent with manufacturer's standards.</p> <p>3. For all project construction zones, stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses. If such stationary equipment produces noise emissions that are directional, said equipment shall be oriented to direct noise emissions away from sensitive receptors.</p> <p>4. For all project construction zones, stockpiling and staging should be located as far as feasible from nearby noise-sensitive receptors.</p> <p>5. For construction activity within 50 feet of any noise-sensitive receptors, a temporary noise barrier shall be installed by the applicant/developer. This temporary noise barrier shall be installed prior to the onset of construction and be located between the single-family residences, senior apartments/assisted living/memory care residential facility and the construction zone and all sensitive receptors. The temporary sound barrier shall provide a reduction in noise that will meet the City's construction noise threshold of 55 dBA. The noise barrier shall be a minimum height of 8 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be either (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density or at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of 0.7 or higher.</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
4.10.5 (b) Generate excessive ground borne vibration or ground borne noise levels?	PS	NOI-2-Final Acoustical Report: Prior to issuance of the first building permit for any project, the property owner/developer shall submit a final acoustical report prepared to the satisfaction of the Planning Director to address potential noise impacts to nearby residences. The report shall demonstrate that the project incorporates sufficient noise-attenuation features if needed so that the City's exterior and interior standards in Municipal Code Sections 8.44.070 and 8.44.090(E) and in the City's Noise Element are maintained at nearby residences. Compliance can be achieved with (a) sufficient buffering distances so that nearby sensitive receptors are not significantly impacted by future commercial development OR (b) sufficiently high and long sound barrier wall(s) that are placed between commercial noise sources and receptors (for example, in the case of garbage compactor equipment) OR (c) other adequate noise reduction methods that are approved by the Planning Director or their designee. In all cases, the noise reduction measures shall be technically demonstrated to achieve the appropriate target noise level(s) for both exterior and interior environments for nearby residences, as appropriate (e.g., sufficient wall or berm height, sufficient buffering distance, appropriate sound encapsulation/insulation methods, etc.). The individual project owner/developer shall submit the noise mitigation report to the Planning Director for review and approval. Upon approval by the City, the project acoustical design features shall be incorporated into the future development.	LTS
4.10-5 (c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing	NI	No mitigation is required for this impact.	NI

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
or working in the project area to excessive noise levels?			
4.11- Transportation-Would the Project:			
4.11.5 (a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, considering all modes of transportation including transit, roadway, bicycle, and pedestrian facilities?	LTS	No mitigation is required for this impact.	LTS
4.11.5 (b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	PS	<u>VMT-1: Pedestrian Network Improvements.</u> Prior to the issuance of a building permit, site plans for future development shall provide a pedestrian access network to link areas of the Project site internally and to Sun Lakes Boulevard.	SU
4.11.5 (c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	LTS	No mitigation is required for this impact.	LTS
4.11.5 (d) Result in inadequate emergency access?	LTS	No mitigation is required for this impact.	LTS
4.12- Tribal Cultural Resources-Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:			
4.12.5 (a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	LTS	No mitigation is required for this impact.	LTS
4.12-5 (b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section	PS	<u>TCR-1-Retain Qualified Professional Archaeological Monitor:</u> Prior to the issuance of a grading permit, the Applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior Standards (SOI). The monitor shall be present during all ground disturbing activities to identify any known or	LTS

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
<p>5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?</p>		<p>suspected archaeological and/or cultural resources. The monitor will conduct an Archaeological Sensitivity Training, in conjunction with the Tribes Tribal Historic Preservation Officer (THPO). The training session will focus on what the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.</p> <p><u>TCR-2- Archaeological Monitoring and Treatment Plan:</u> Prior to the issuance of a grading permit, the qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing and responsibility of all archaeological and cultural resource activities that occur on the project site, in coordination with Tribe.</p> <p><u>TCR-3- Tribal Monitoring Agreement:</u> 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 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. The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.</p> <p><u>TCR-4-Specific Conditions:</u> The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Tribal cultural, and/or archaeological resources within the project area. This includes cultural materials both on the surface and buried. Should human remains be encountered on the surface or during any and all ground-disturbing activity (i.e. grubbing, tree and bush removal,</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases, excavation of any kind), work in the immediate vicinity of the discovery shall immediately stop (within 100-foot buffer of the discovery), the area shall be protected, project personnel/observers restricted, and the County Coroner to be contacted pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed. No photographs are to be taken except by the Coroner.</p> <p>A. In the event that Tribal Cultural Resources or other cultural resources are discovered during project development and construction, all work in the immediate vicinity of the discovery shall stop (within 60-foot buffer of the discovery) and the area protected by fencing and guarding until a qualified archaeologist (i.e. meeting Secretary of the Interior standards) assesses the discovery. Overall project work may continue during this period of assessment.</p> <p>B. If archaeological assessment indicates that significant Native American cultural resources or other cultural resources are present, a Treatment Plan must be prepared in consultation with the Tribe. The developer will notify the Lead Agency and contract with qualified Cultural Resources Management (CRM) firm to develop the Treatment Plan.</p> <p>C. If requested by the Tribe, the developer or the project archaeologist shall, in good faith, immediately initiate consultation with the Morongo Band of Mission Indians regarding further actions to be taken including, but not limited to, avoidance, preservation in place, removal, and disposition.</p> <p><u>TCR-5-Imadvert Discovery During Grading:</u> In the event that archaeological or tribal cultural resources are unearthed during</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		<p>ground-disturbing activities, ground-disturbing activities shall stop (within 60-foot buffer of the discovery) or shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified Archaeologist. A treatment plan shall be developed by a qualified Archaeologist (meeting SOI standards) in consultation with the Tribe and the City Planning Department to include relinquishment of all artifacts through one of the following methods:</p> <p>A. This reburial area of cultural resource items shall be away from any future impacts and reside in perpetuity. Reburial shall not occur until all cataloguing; analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report and shall remain as confidential.</p> <p>B. The Tribes Most Likely Descendant (MLD) may wish to rebury the human remains and/or associated funerary objects, as close to the place of their discovery, in an area that will not be subject to future disturbances 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 will be determined by the landowner, City Planning Department, in consultation with the Tribes Most Likely Descendant (MLD).</p> <p>C. Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.</p>	

Threshold	Significance before Mitigation	Mitigation Measures	Significance after Mitigation
		TCR-6-Documents: Any and all cultural documents created as a part of the project (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to consulting Tribe.	
4.13- Utilities and Service Systems			
4.13.5 (a) 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?	PS	Mitigation Measures AQ-2, BIO-1 through BIO-3, GEO-1, NOI-1 and NOI-2, TCR-1 through TCR-6 are applicable.	LTS
4.13.5 (b). Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?	LTS	No mitigation is required for this impact.	LTS
4.13.5 (c) Result in a determination by the wastewater 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?	LTS	No mitigation is required for this impact.	
4.13.5 (d). Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	LTS	No mitigation is required for this impact.	

2. INTRODUCTION

2.1 Purpose and Intent

According to Section 15121 of the State CEQA Guidelines, an Environmental Impact Report (“EIR”) is an informational document that is written to inform public agency decision-makers and the public of the significant environmental effects of a proposed Project. The purpose of an EIR is to:

- Analyze the environmental effects of a proposed project.
- Indicate mitigation measures to avoid or minimize the potentially significant environmental effects of a project; and
- Identify alternatives to a project that would avoid or substantially lessen the significant effects.

The purpose of this Draft EIR for the Sun Lakes Village North Specific Plan Amendment No. 6 (“Project”) is to review the existing conditions of the Project site; identify and analyze the potential environmental impacts, and then suggest feasible mitigation measures to reduce significant adverse environmental effects, as described in Section 4.0, Environmental Analysis. The environmental impacts of the Project are analyzed in the EIR to the degree of specificity appropriate in accordance with Section 15146 of the State CEQA Guidelines.

It is the intent of this Draft EIR to enable the City of Banning and other responsible agencies and interested parties to evaluate the environmental impacts of the Project. This Draft EIR will provide the City of Banning with the information required to consider approval of the Project.

Pursuant to CEQA § 21067 and CEQA Guidelines Article 4 and § 15367, the City of Banning is the Lead Agency under whose authority this Draft EIR has been prepared. “Lead Agency” refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City of Banning has the obligations to: (1) ensure that this Draft EIR has been completed in accordance with CEQA; (2) review and consider the information contained in this Draft EIR as part of its decision making process; (3) make a statement that this Draft EIR reflects the City of Banning’s independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this Draft EIR are infeasible and citing the specific benefits of the Project that outweigh its unavoidable adverse effects (CEQA Guidelines §§ 15090 through 15093).

Pursuant to CEQA Guidelines § 15040 through § 15043, and upon completion of the CEQA review process, the City of Banning will have the legal authority to do any of the following:

- Approve the Project.
- Require feasible changes in any or all activities involved in the Project to substantially lessen or avoid significant effects on the environment.
- Disapprove the Project, if necessary, to avoid one or more significant effects on the environment that would occur if the Project were approved as proposed; or
- Approve the Project even though the Project would cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code § 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, § 15000 et seq.) in order to address the environmental impacts of the Project.

2.2 Project Overview

The Sun Lakes Village Specific Plan ("Specific Plan") was originally approved by the City of Banning on February 28, 1983. The Specific Plan consisted of 4,131 dwelling units, a 150-acre golf course, 12 acres of commercial use and 144 acres of office/industrial use on approximately 963 acres. The Project site is located on approximately 47 gross acres between Sun Lakes Boulevard and Interstate 10 approximately 840 feet east of Highland Springs Avenue as shown in Figure 3-2 – Project Location Map/Aerial Photo. The Project site is also identified as APN 419-140-057.

The Specific Plan has been amended five (5) times between 1984 and 2006 to accommodate various changes to the land use plan, infrastructure requirements, and the vehicle and pedestrian circulation plan. The Sun Lakes Village North Specific Plan Amendment No .6 ("Project") updates the existing Specific Plan document to amend the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business Park & Warehouse (BW), Office & Professional (OP), and Retail & Service (RS). (See Figure 3-3 - Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

2.3 Scope of the Draft EIR

As part of the Notice of Preparation (NOP), pursuant to Section 15063 (c) of the State CEQA Guidelines, an Initial Study was prepared for the purpose of assisting in the preparation of an EIR per Section 15063 (c) (3), by:

- Focusing the EIR on the effects determined to be significant,
- Identifying the effects determined not to be significant,
- Explaining the reasons for determining that potentially significant effects would not be significant, and
- Identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects.

Pursuant to Section 15143 of the State CEQA Guidelines, *"The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed."* The Initial Study for this project is included in Appendix A of this Draft EIR.

2.3.1 Topics Not Addressed in Detail in this Draft EIR

The information and analysis presented in the Initial Study (Appendix A) of this Draft EIR provides substantial evidence for the conclusion that certain issues identified in each environmental topic section of this EIR that are not addressed were not analyzed further for the following reasons:

- 1) CEQA standards triggering preparation of further environmental review do not exist for those issues; and
- 2) Impacts under these topics would be less than significant, in compliance with mandatory regulatory requirements or the incorporation of feasible mitigation measures.

2.3.2 Focus of the Draft EIR

As a first step in the CEQA compliance process, the City of Banning completed an Initial Study (Draft EIR *Technical Appendix A*) pursuant to CEQA Guidelines § 15063 to determine if the Project could have a significant effect on the environment. The following list identifies the environmental issues that, pursuant to the findings of the Initial Study, have been determined to have a potentially significant or a significant impact that will be evaluated in the EIR.

Table 2. 1- Summary of Environmental Impacts to be Addressed in the EIR

Environmental Topic Section	Threshold
4.1 Aesthetics	4.1 (c) Conflict with applicable zoning and other regulations governing scenic quality.
4.2 Air Quality	4.2 (a-c) Conflict with or obstruct implementation of the applicable air quality plan; violate any air quality standard or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase of any criteria.
4.3 Biological Resources	4.3 (a-c) Adversely affect candidate, sensitive, or special status species, riparian habitat, wetlands; and consistency with habitat conservation plan.
4.4 Cultural Resources	4.4 (a-b) Adversely affect historic and archaeological resources.
4.5 Energy	4.5 (a-b) Wasteful, inefficient, or unnecessary consumption of energy resources and consistency with energy plans.
4.6 Geology and Soils	4.6 (a) Directly or indirectly destroy a unique paleontological resource.
4.7 Greenhouse Gas Emissions (GHG)	4.8 (a-b) Generate GHG emission in excess of screening threshold and conflict with GHG reduction plan(s)
4.8 Hydrology and Water Quality	4.8 (a-b) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality or substantially alter the existing drainage pattern of the site or area.
4.9 Land Use and Planning	4.9 (a) Conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.
4.10 Noise	4.10 (a-b) Generation of a substantial temporary or permanent increase in ambient noise levels or groundborne vibration.
4. 11 Transportation	4.11 (a-d) Conflict with a program, plan, ordinance, or policy addressing the circulation system, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), increase hazards, inadequate emergency vehicle access.
4.12 Tribal Cultural Resources	4.18 (a-b) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources; and/or a resource determined to be significant to a California Native American tribe.
4.13 Utilities and Service Systems	4.13 (a-d) 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 effect, have sufficient water supplies, wastewater treatment capacity, solid waste capacity.

2.4 Document Format

This Draft EIR contains all the information required to be included in an EIR as specified by the CEQA Statutes and Guidelines (California Public Resources Code, § 21000 et. seq. and California Code of Regulations, Title 14, Division 6, Chapter 3). CEQA requires that an EIR contain, at a

minimum, certain specified content. In summary, the content and format of this Draft EIR is as follows:

Section 1.0, Executive Summary, includes a Project introduction, a brief description of the proposed Project, a summary of areas of controversy/issues to be resolved, a description of the Notice of Preparation (NOP) comments received, as well as a description of the Project alternatives and a summary of impacts, mitigation measures, and level of impacts following mitigation.

Section 2.0, Introduction and Purpose, provides introductory information about the CEQA process and the responsibilities of the City of Banning, serving as the Lead Agency of this EIR. This section also includes a description of the document format as well as the purpose of CEQA and this EIR.

Section 3.0, Project Description, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines § 15123.

Section 4.0, Environmental Analysis, provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the Project. A conclusion concerning significance is reached for each discussion; mitigation measures are presented as warranted. The environmental topics in Section 4.0 are evaluated under the following framework:

Section 5.0, Additional Topics Required by CEQA, includes specific topics that are required by CEQA. These include a summary of the Project's significant and unavoidable environmental effects, a discussion of the significant environmental effects which cannot be avoided if the Project is implemented, significant environmental changes, potential growth-inducing impacts of the proposed Project.

Section 6.0, Project Alternatives, describes and evaluates alternatives to the proposed Project that could reduce or avoid the Project's adverse environmental effects. A range of three (3) alternatives in addition to the No Project Alternative are presented in Section 6.0, *Alternatives*.

Section 7.0, List of Preparers, lists the persons who authored or participated in preparing this Draft EIR, including agencies and persons consulted.

Technical 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.

The Technical Appendices are available for review at the City of Banning Planning Department, 909 E. Ramsey Street, Banning, California 92220, during the City's regular business hours or can be accessed at the following link:

<http://banning.ca.us/64/Planning>

2.5 Incorporated Documents

CEQA Guidelines § 15150 permits the incorporation by reference of all or portions of other documents that are generally available to the public. Any document incorporated by reference shall be made available to the public for inspection at a public place or public building and requires that the Initial Study state where the incorporated documents will be made available for public inspection.

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.

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.

2.6 Public Review of the EIR

This Draft EIR was distributed to responsible and trustee agencies, other affected agencies, and interested parties. Additionally, in accordance with Public Resources Code § 21092(b) (3), the Draft EIR was provided to all parties who previously requested copies. The Notice of Completion (NOC) and Notice of Availability (NOA) of the Draft EIR were distributed as required by CEQA.

During the 45-day public review period, the Draft EIR and technical appendices were made available for review.

Written comments regarding this Draft EIR should be addressed to:

Adam Rush, M.A., AICP
Community Development Director
 99 E. Ramsey Street Banning, CA 92220
 951-922-3190
arush@banningca.gov

The City of Banning Planning Commission has the authority to recommend, conditionally recommend, or not recommend the Project for approval. The City of Banning City Council has exclusive authority to approve, conditionally approve, or deny the Project.

Following the close of the 45-day public review period, a Final EIR will be prepared to respond to all substantive comments related to environmental issues surrounding the proposed Project. The Final EIR will be available prior to Planning Commission and City Council public hearings to consider the Final EIR and the proposed Project.

If the proposed Project is approved, the City Council may impose mitigation measures specified in the Final EIR as conditions of Project approval. Alternatively, the City Council could require other mitigation measures deemed to be effective mitigations for the identified impacts, or it could find that the mitigation measures cannot be feasibly implemented. For any identified significant impacts for which no mitigation measure is feasible, or where mitigation would not reduce the impact to a less than significant level, the City Council will be required to adopt a Statement of Overriding Considerations finding that the impacts are considered acceptable because specific overriding considerations indicate that the proposed Project's benefits outweigh the impacts in question.

2.7 Notice of Preparation

To determine the scope of this EIR, the City prepared and distributed a Notice of Preparation (NOP) for the Project on February 21, 2020 to the Office of Planning and Research, each responsible and trustee agency, and filed with the Riverside County clerk. Table 2-1 summarizes the comments received regarding the NOP issued for this EIR and identifies the location in this EIR document where the comments are addressed.

Table 2. 2 - Summary of NOP Comments

Agency/ Organization/ Individual	Date	Comments	Location in this EIR where Comment is Addressed
South Coast Air Quality Management District	3/17/20	Address health risks from diesel trucks if development is reasonably foreseeable; require mitigation measures if necessary; consider alternatives if impacts are significant.	Section 4.2 Air Quality

Riverside County Flood Control and Water Conservation District	3/23/20	Project would not be impacted by District master Drainage Plan facilities; identified general information with respect to permits that may be required by regulatory agencies.	Section 4.8 Hydrology and Water Quality
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All NOP comment letters are included in Technical Appendix A of this Draft EIR.

In addition, as part of the EIR scoping process, a public scoping meeting was held by the City on Monday, March 2, 2020 at 5:30 pm at the Sun Lakes Village Community Center/Country Club. Verbal and written comments regarding the scope and content of the EIR were accepted during the meeting. Primary issues raised at the meeting included traffic, noise, and the types of commercial uses that are planned for the site.

3. PROJECT DESCRIPTION

3.1 Background

The Sun Lakes Village Specific Plan (“Specific Plan”) was originally approved by the City of Banning on February 28, 1983. The Specific Plan consisted of 4,131 dwelling units, a 150-acre golf course, 12 acres of commercial use and 144 acres of office/industrial use on approximately 963 acres. The Specific Plan has been amended five (5) times between 1984 and 2006 to accommodate various changes to the land use plan, infrastructure requirements, and the vehicle and pedestrian circulation plan.

3.2 Proposed Project

The Project proposes a Specific Plan Amendment to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business & Warehouse, Office and Professional, and Retail & Service. (See Figure 3-2- Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions. At this time there are no land use development entitlements being sought (i.e. site plan, parcel map, etc.).

3.3 Project Location

3.3.1 Regional Location

The City of Banning covers approximately 23 square miles within the County of Riverside. The City of Banning is within Riverside County and the San Geronio Pass area, an east-west trending valley situated between the San Bernardino and San Jacinto Mountains. The City is bordered by the unincorporated areas in the County of Riverside to the north, south, and east, and the City of Beaumont to the west. (Refer to *Figure 3-1 Regional Location Map*).

3.3.2 Project Site Location

The Project site is located on approximately 47 gross acres between Sun Lakes Boulevard and Interstate 10 approximately 840 feet east of Highland Springs Avenue as shown in Figures 3-1, *Project Location Map/Aerial Photo*. The Project site is also identified as Assessor’s Parcel Number 419-140-057.

Figure 3.1 -Regional Location



Figure 3.2-Project Location Map/ Aerial Photo

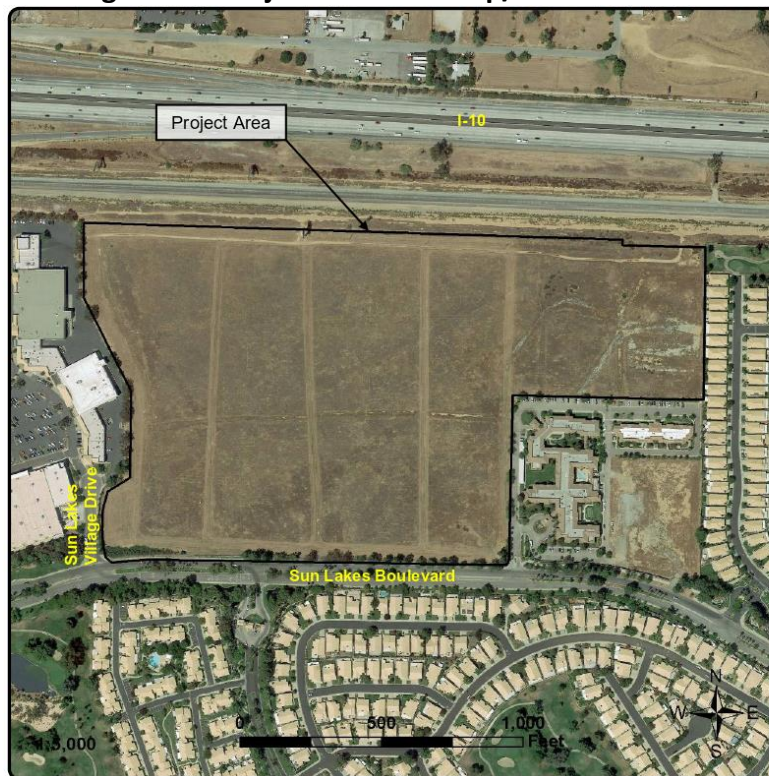


Figure 1-3 - Land Use Plan



Figure 3.3 Circulation Plan



3.4 Environmental Setting/Existing Conditions

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “...*the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced...*” (CEQA Guidelines §15125[a](1)). In the case of the proposed Project, a Notice of Preparation (NOP) was issued on February 21, 2020. Thus, the baseline environmental setting for the Project is February 21, 2020.

3.4.1 Existing Conditions

As of February 21, 2020, the site is a disturbed vacant lot and appears to be regularly disked or mown. Most of the site is non-native grassland. A small area of riparian vegetation is present in the southwest corner of the site. Ornamental trees are present along the southern and western boundaries and part of the eastern boundary. These trees are either on adjacent properties or along Sun Lakes Boulevard. Two sets of active railroad tracks run east-west just north of the site, with the I-10 freeway beyond. A large advertising sign is present along the north-central boundary of the site.

Topographically, the site is generally flat with elevation increasing gradually from southeast to northwest. Elevation onsite ranges from 2,546 to 2,565 feet above mean sea level. Soils onsite are mapped as Greenfield sandy loam (2-8% slopes, eroded), Hanford coarse sandy loam (28% slopes), and Ramona sandy loam (2-5% slopes, eroded) (NRCS 2020) (Figure 4). A gravel surface layer (from past disturbance) is present in some areas, particularly in the northeastern portion of the site.

There are no USGS mapped blue-line streams onsite. A shallow trench is present along the site’s southern boundary along Sun Lakes Boulevard and trends from west to east. A double culvert is present at the southeast corner of the site. Another shallow trench is present within the central portion of the site and trends from west to east. The trenches appear to be remnants of past disturbance and do not have connectivity with any natural waterway. A dirt access road is present near the northern site boundary. Other past disturbance onsite includes a grid of dirt roads or graded areas, remnants of which are still visible.

3.4.2 Surrounding Land Uses

Existing and surrounding land uses are shown in Table 3-1.

Table 3.1 - Existing and Surrounding Land Uses

Location	Existing Use
Site	Vacant land
North	Railroad tracks Interstate 10
South	Sun Lakes Boulevard followed by single-family residential homes
East	Senior apartments Assisted living/memory care residential facility single-family residential homes
West	Shopping center

Source: Field Inspection, December 2019.

3.4.3 Existing General Plan Land Use Designations and Zoning Classifications

A summary of the existing General Plan land use designations and zoning classifications for the Project site and surrounding properties are shown on Table 3-2.

Table 3. 2 - Existing General Plan Designations and Zoning Classifications

Location	General Plan Designation	Specific Plan Designation
Site	Business Park (with Specific Plan Overlay) General Commercial (with Specific Plan Overlay)	Retail Commercial (Auto Dealer)
North	Public Facilities - Railroad/Interstate	N/A
South	Medium Density Residential (0-10 du/ac) (with Specific Plan Overlay)	Sun Lakes Specific Plan
East	Medium Density Residential (0-10 du/ac) High Density Residential (11-18 du/ac) High Density Residential-20/Affordable Housing Opportunity (20-24 du/ac) (all with Specific Plan Overlay)	N/A
West	General Commercial (with Specific Plan Overlay)	Retail Commercial

Source: Banning General Plan/Zoning Map.

3.5 Project Objectives

Per Section 15124 (b) of the CEQA Guidelines, an EIR needs to include a statement of the objectives of a project which help the City develop a reasonable range of alternatives. The Objectives need to outline the general purpose of the Project. The purpose of the proposed Project is the adoption of Specific Plan Amendment No. 6 to the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business Park & Warehouse (BW), Office & Professional (OP), and Retail & Service (RS). (See Figure 3-2- Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

The Project Objectives are as follows:

- 1) To efficiently develop an underutilized property with a complementary mix of land uses, including business park, light industrial, commercial, office and professional, and optional residential land uses.
- 2) Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities and expansion of the tax base.
- 3) Provide local employment for residents of the City to improve the jobs-housing balance within the City.
- 4) To provide Development Standards and Design Guidelines that establish general provisions for site design, circulation, architecture, landscape, walls, fences, screening, and buffers that would ensure that the Project is developed in a manner that is aesthetically pleasing.

4. ENVIRONMENTAL ANALYSIS

The Project proposes a Specific Plan Amendment to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business & Warehouse, Office and Professional, and Retail & Service. (See Figure 3-2 – Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

At this time there are no land use development entitlements being sought (i.e. site plan, parcel map, etc.). In order to provide a more robust analysis of those environmental topics that more level of detail than is shown on a land use plan level, the impacts for Air Quality, Greenhouse Gas Emissions, Noise, Transportation, and some Utility and Service Systems components, the following building square footage assumptions are made. These assumptions are provided for analytical purposes only and do not imply that the Project must be developed to these precise square footages.

- 877,298 square feet (sf) of Industrial Park;
- 52,065 sf of Medical Office, and
- 37,189 sf of Retail Use.

Serving as the CEQA Lead Agency for this Draft EIR, the City of Banning is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City of Banning, taking into consideration CEQA Guidelines Appendix G, the City of Banning’s General Plan and Municipal Code, the judgment of the technical experts that prepared this Draft EIR’s Technical Appendices, performance standards adopted, implemented, and monitored by regulatory agencies, significance standards recommended by regulatory agencies, and the standards in CEQA that trigger the preparation of an EIR.

As required by CEQA Guidelines § 15126.2(a), this Draft EIR identifies direct, indirect, cumulative, short-term, long-term, on-site, and/or off-site impacts of the Project. A summarized “impact statement” is provided in each subsection following the analysis. The following terms are used in this Draft EIR to describe the level of significance related to the physical conditions within the area affected by the proposed Project:

- **No Impact:** An adverse change in the physical environment would not occur.
- **Less than Significant Impact:** An adverse change in the physical environment would occur but the change would not be substantial or potentially substantial and would not exceed the threshold(s) of significance presented in this Draft EIR.

- **Less than Significant Impact with Mitigation:** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this Draft EIR; however, the impact can be avoided or reduced to a less than significant level through the application of feasible mitigation measures.
- **Significant and Unavoidable Impact:** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this Draft EIR. Feasible and enforceable mitigation measures that have a proportional nexus to the Project's impact are either not available or would not be fully effective in avoiding or reducing the impact to below a level of significance. For any impact identified as significant and unavoidable, the City of Banning would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines § 15093 to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

Baseline and Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as "*...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced...*" (CEQA Guidelines §15125[a][1]). The environmental analysis provided in Subsections 4.1 through 4.13 focuses on changes in the existing physical environment at the approximate time the Notice of Preparation was issued on February 21, 2020.

Basis for the Cumulative Impacts Analysis

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a proposed project. As noted in CEQA Guidelines § 15130(a), "a Draft EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." A cumulative impact consists of an impact which is created because of the combination of the project evaluated in the Draft EIR together with other projects creating related impacts" (CEQA Guidelines § 15130(a)(1)).

CEQA Guidelines § 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include:

- 1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency (commonly referred to as the 'the list of projects approach'), or
- 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact (commonly referred to as the 'summary of projections approach').

The summary of projections approach is used in this EIR, except for the evaluation of near-term traffic and vehicular-related air quality, greenhouse gas, and noise impacts. The prior environmental documents which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact and are used in the cumulative impact analysis for this EIR are described below. All of the CEQA compliance documents listed below are herein incorporated by reference pursuant to CEQA Guidelines § 15150 are available at the City of Banning Community Development Department, 99 E. Ramsey Street, Banning, CA 92110 or on the internet at the links below.

- Butterfield Ranch Specific Plan, Final Environmental Impact Report, December 2011. (Available at: <https://banningca.gov/399/Butterfield-Specific-Plan-Documentation>).
- Rancho San Gorgonio Specific Plan, Environmental Impact Report. June 2016. (Available at: <file:///C:/Users/ernes/Desktop/Banning%20Sun%20Lakes/Banning%20Distribution%20Center%20DEIR%201.pdf>)
- Banning Distribution Center, Environmental Impact Report, June 2018. (Available at: <http://banning.ca.us/archive.aspx>)

4.1 AESTHETICS

This section describes the aesthetic qualities and visual resources present on the Project site and in the site's vicinity and evaluates the potential effects that the Project may have on these resources. Descriptions of existing visual characteristics, both on-site and in the vicinity of the Project site, and the analysis of potential impacts to aesthetic resources are based, in part, on field observations and analysis of aerial photography (Google Earth Pro, 2020).

The following questions in the Initial Study related to Aesthetics were screened out or removed from more detailed analysis in this EIR (i.e., they were determined to have "no impact", a "less than significant impact", or be "less than significant with mitigation incorporated" in the Initial Study and are not addressed further in the EIR). These questions are described below:

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?*

This section examines the potential environmental impacts of the proposed Project relative to Aesthetics for the following questions:

Would the Project:

- *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?*

4.1.1 Environmental Setting

The site is a disturbed vacant lot and appears to be regularly disked or mown. Most of the site is non-native grassland. A small area of riparian vegetation is present in the southwest corner of the site. Ornamental trees are present along the southern and western boundaries and part of the eastern boundary. These trees are either on adjacent properties or along Sun Lakes Boulevard. Two sets of active railroad tracks run east-west just north of the site, with the I-10 freeway beyond. A large advertising sign is present along the north-central boundary of the site.

Topographically, the site is generally flat with elevation increasing gradually from southeast to northwest. Elevation onsite ranges from 2,546 to 2,565 feet above mean sea level. Soils onsite are mapped as Greenfield sandy loam (2-8% slopes, eroded), Hanford coarse sandy loam (28% slopes), and Ramona sandy loam (2-5% slopes, eroded) (NRCS 2020) (Figure 4). A gravel surface layer (from past disturbance) is present in some areas, particularly in the northeastern portion of the site.

There are no USGS mapped blue-line streams onsite. A shallow trench is present along the site's southern boundary along Sun Lakes Boulevard and trends from west to east. A double culvert is present at the southeast corner of the site. Another shallow trench is present within the central portion of the site and trends from west to east. The trenches appear to be remnants of past disturbance and do not have connectivity with any natural waterway. A dirt access road is present near the northern site boundary. Other past disturbance onsite includes a grid of dirt roads or graded areas, remnants of which are still visible.

Figure 4.1.1 - Looking North from Sun Lakes Boulevard

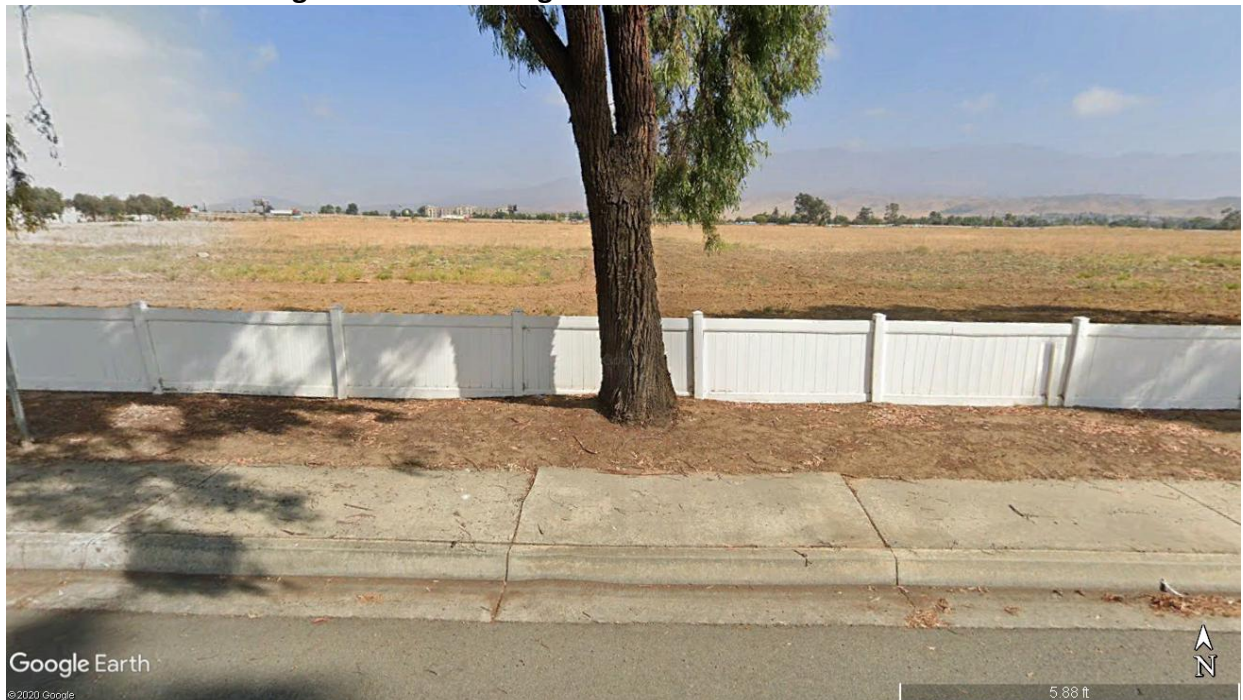


Figure 4.1.2- Looking South from I-10



Figure 4.1.3- Looking East from Shopping Center



Figure 4.1.4 - Looking West from Assisted Living Facility

4.1.2 NOP/ Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Aesthetics.

4.1.3 Regulatory Framework

The applicable regulatory requirements addressing this issue are summarized below:

Local Regulations

City of Banning General Plan:

- Policy 3 Development in all land use categories shall be of the highest quality.
- Program 3.A The Zoning Ordinance shall include design standards and guidelines which assist the development community in developing high quality projects.

City of Banning Municipal Code

17.04.030(B) - Authority and General Plan Consistency.

No land shall be subdivided and/or developed for any purpose which is not in conformity with the General Plan, and any applicable Specific Plan, Development Agreement, and permitted by this Zoning Ordinance, or other applicable provisions of the Banning Municipal Code.

17.24.100 - Lighting

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.

4.1.4 Thresholds of Significance

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 visual character if it would:

“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.”

4.1.5 Impact Analysis

4.1.5 (a) - If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

According to the Census 2010 Urbanized Area Outline Maps, the Project site is in the Riverside-San Bernardino, CA Urbanized Area. As such, the threshold applicable to the Project is to determine if the Project is in conflict with the General Plan and zoning regulations governing scenic quality.

The Project site is located within the boundaries of the Sun Lakes Village North Specific Plan (“Specific Plan.”). The Specific Plan was adopted pursuant to California Government Code Article 8, Sections 65450-65457, Specific Plans and serves as the zoning requirements applicable to the Project site and serves to implement the goals and policies of the General Plan. The Specific Plan contains detailed development standards, distribution of land uses, infrastructure requirements, and implementation measures for the development of a specific geographic area.

The Project proposes an amendment to the Sun Lakes Village North Specific Plan that will allow development of business park, industrial, office, commercial, and residential uses on a vacant site. As such, the construction and operation of future development allowed by the Specific Plan has the potential to result in impacts to the existing visual character or quality of public views of the site and its surroundings. The Specific Plan Development Standards and Design Guidelines chapter specifies the Development Standards and Design Guidelines for the Specific Plan area consistent with the intent for the Specific Plan area consistent with the intent and purpose discussed.

The proposed amendments to the Development Standards and Design Guidelines section of the Specific Plan establish general provisions for site design, circulation, architecture, landscape, walls, fences, screening, and buffers. They also contain detailed provisions for design within the three Specific Plan Land Use Districts: Business & Warehouse, Office & Professional, and Retail & Service, which reflect the distinct characteristics of the development concepts and allowable uses for these districts. Future development allowed by the Specific Plan will be reviewed to ensure consistency with the Development Standards and Design Guidelines section of the Specific Plan.

Level of Significance: Less Than Significant Impact.

4.1.5 (b) - Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Under existing conditions, the Project site consists of undeveloped land and does not contain any sources of artificial lighting, although streetlights do occur along Sun Lakes Boulevard adjacent to the southern boundary of the site. With implementation of the Project, the site would be developed with land uses that would generate sources of artificial light. Implementation of the Project would result in new sources of light in the Project area as compared to existing conditions.

Lighting

All outdoor lighting is required to be designed and installed to comply with California Green Building Standards Code Section 5.106 or with a local ordinance lawfully enacted pursuant to California Green Building Standards Code Section 101.7, whichever is more stringent.

Mandatory compliance with the California Green Building Code will ensure that impacts relating to lighting will be less than significant.

Glare

The type of development proposed on the Project site includes business park, commercial, and residential (optional use). The Specific Plan includes the following architectural design guidelines which will minimize reflective surfaces that create glare:

- Avoid blank walls, especially on tilt-up buildings, by providing articulation on all building elevations through elements such as cornices, parapets, expression lines, openings, and/or changes in materials/colors.
- Employ a minimum of four different colors, materials, and/or textures on each building.
- Locate and design windows to complement the building architecture, mass, and proportions.

Level of Significance: With implementation of the Development Standards and Design Guidelines chapter of the Specific Plan, Design Guidelines chapter, impacts associated with glare would be less than significant.

4.1.6 Cumulative Impacts

The incremental amount of light and glare generated from the Project site would make a minimal contribution to the cumulative light and glare impacts of other development projects in the area. All new development projects in the City are required to be designed and installed to comply with California Green Building Standards Code Section 5.106 or with a local ordinance lawfully enacted pursuant to California Green Building Standards Code Section 101.7, whichever is more stringent.

In addition, as required by Municipal Code, Title 17 (Zoning), all development in the City (not within a specific plan that has its own regulations regulating glare) buildings should not include reflective surfaces.

Level of Significance: Less than significant.

4.1.7 References

United States Census Bureau, *2010 Census Urban Area Reference Maps*. Available at: <https://www.census.gov/geographies/reference-maps/2010/geo/2010-census-urban-areas.html>, accessed August 12, 2020.

Building Standards Commission, *2019 California Green Building Standards Code, Effective January 1, 2020*. Available at: <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreen>, accessed August 12, 2020.

City of Banning, *Municipal Code, Title 17, Zoning*. Available at: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO, accessed August 12, 2020.

4.2 AIR QUALITY

This section evaluates the potential for the Project to impact air quality in a local and regional context. The analysis in this section is based in part on the following technical information:

- *Sun Lakes North Specific Plan Amendment No. 5 Air Quality and Greenhouse Gas Evaluation*, Urban Crossroads Inc., June 3, 2020. (Appendix B).
- *Sun Lakes North Specific Plan Amendment No. 5 Emissions from Alternatives, Air Quality and Greenhouse Gas Evaluation*, Urban Crossroads Inc., July 90, 2020. (Appendix C).

4.2.1 Environmental Setting

The City of Banning is located within the South Coast Air Basin (Basin), a geographic area regulated by the South Coast Air Quality Management District (SCAQMD). The South Coast Air Basin includes Orange County, and portions of Los Angeles, San Bernardino, and Riverside Counties. The Basin is bordered on the west by the Pacific Ocean, and on the north and east by the San Gabriel, San Bernardino, and San Jacinto Mountains.

Air Pollutants

Air Pollutants are the amounts of foreign and/or natural substances occurring in the atmosphere that may result in adverse effects to humans, animals, vegetation and/or materials. The Air Pollutants regulated by the SCAQMD are described below.

- **Carbon Monoxide (CO).** A colorless, odorless gas resulting from the incomplete combustion of hydrocarbon fuels. Over 80 percent of the CO emitted in urban areas is contributed by motor vehicles.
- **Nitrogen Dioxide.** Nitrogen dioxide (NO₂) is a byproduct of fuel combustion. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts quickly to form NO₂, creating the mixture of NO and NO₂ commonly called NO_x.
- **Particulate Matter (PM 2.5 and PM10):** One type of particulate matter is the soot seen in vehicle exhaust. Fine particles — less than one-tenth the diameter of a human hair — pose a serious threat to human health, as they can penetrate deep into the lungs. PM can be a primary pollutant or a secondary pollutant from hydrocarbons, nitrogen oxides, and sulfur dioxides. Diesel exhaust is a major contributor to PM pollution.

- **Sulfur Dioxide (SO₂).** A strong smelling, colorless gas that is formed by the combustion of fossil fuels. Power plants, which may use coal or oil high in sulfur content, can be major sources of SO₂.
- **Ozone:** Ozone is formed when several gaseous pollutants react in the presence of sunlight. Most of these gases are emitted from vehicle tailpipe emissions.
- **Volatile Organic Compounds (VOCs):** VOCs contribute to the formation of smog and/or may themselves be toxic. VOCs often have an odor and some examples include gasoline, alcohol and the solvents used in paints.
- **Toxic Air Contaminants (TACs):** Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). More than 90% of DPM is less than 1 µm in diameter (about 1/70th the diameter of a human hair) and thus is a subset of particulate matter less than 2.5 microns in diameter (PM_{2.5}). Most PM_{2.5} derives from combustion, such as use of gasoline and diesel fuels by motor vehicles.

Attainment Status

The EPA has established national ambient air quality standards NAAQS for the six criteria pollutants described above to protect human health, with an adequate margin of safety. Likewise, the California EPA (CalEPA) has developed statewide standards for each of the criteria pollutants. If the concentration of one or more criteria pollutants within a geographic area is found to exceed the established statewide or NAAQS threshold level for one of the criteria pollutants, the area is in nonattainment for that pollutant. Table 4.2-1 summarizes the attainment status of these criteria Pollutants in the Basin.

Table 4.2.1- Attainment Status of Criteria Pollutants in the South Coast Air Basin

Criteria Pollutant	State Designation	Federal Designation
Ozone – 1-hour standard	Nonattainment	No Standard
Ozone – 8-hour standard	Nonattainment	Nonattainment
Suspended Particulate Matter (PM ₁₀)	Nonattainment	Attainment
Fine Particulate Matter (PM _{2.5})	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO _x)	Attainment	Attainment
Sulfur Dioxide (SO ₂)	Attainment	Attainment

Source: California Air Resources Board

Project Site Conditions

The air quality on site is primarily affected by adjacent sources of pollution which include, exhaust from I-10 freeway traffic and diesel from train engines traveling on the railroad tracks to the north of the site.

Sensitive Receptors

Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by the SCAQMD, may include children, the elderly, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors may include residences, schools, playgrounds, athletic facilities, childcare centers, long-term healthcare facilities, rehabilitation centers, convalescent centers, and retirement homes. Sensitive receptors in the Project vicinity primarily include existing residences to the east and south of the Project site and the senior apartments/assisted living/memory care residential facility located to the east of the Project site.

Monitored Air Quality

The Project site is located within SCAQMD Source Receptor Area (SRA) 29. The most recent published data for SRA 29 is summarized in Table 4.2-2, 2019 Air Quality. This data indicates that the baseline air quality conditions in the Project area include occasional events of very unhealthy air. However, the frequency of smog alerts has dropped significantly in the last decade. Atmospheric concentrations of ozone and particulate matter are the two most significant air quality concerns in the Project area.

Table 4.2.2- 2019 Air Quality

Pollutant	Highest Number of Days Exceeded
Carbon Monoxide	0
Ozone	59
Nitrogen Dioxide	56
Sulphur Dioxide	0
Suspended Particulate Matter (PM10)	63
Fine Particulate Matter (PM2.5)	0

Source: <http://www.aqmd.gov/docs/default-source/air-quality/historical-data-by-year/2019-air-quality-data-tables.pdf?sfvrsn=8>

4.2.2 NOP/ Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. The South Coast Air Quality Management District submitted a letter dated March 17, 2020 requesting that the EIR address health risks from diesel trucks if development is reasonably foreseeable; require mitigation

measures if necessary; and consider alternatives if impacts are significant. This issue is addressed in Section 4.2.7 below.

4.2.3 Regulatory Framework

The primary regulations applicable to the Project are described as follows:

Federal Regulations

Federal Clean Air Act

The U.S. EPA enforces the federal Clean Air Act (CAA), which was last amended in 1990, and is intended to ensure that all Americans have the same basic health and environmental protections regarding air quality. The CAA establishes minimum air pollution standards that must be met; however, it allows states to enact and enforce more stringent standards, and delegates much of the responsibility for carrying out the CAA to state air pollution control agencies. For areas in non-compliance with federal standards, State Implementation Plans (SIPs) are developed that are designed to meet ambient air quality standards and deadlines specified in the Clean Air Act, as well as emission reduction targets set forth in the California Clean Air Act (CCCA), both further discussed below. The severity of the region's air pollution determines required emission reductions and attainment deadlines.

State Regulations

California Clean Air Act

The State Legislature enacted Assembly Bill 2595, which became known as the California Clean Air Act, in 1988, and amended it in 1992. The CCAA was intended to protect the future health and welfare of the citizens of California; it was also aimed at protecting the State's environment and economy, independent of federal government actions or policy directions. Ambient air quality standards established in the CCAA, as well as deadlines for achieving those standards, are generally more stringent than those established by the federal CAA. The California Air Resources Board (CARB) has been assigned oversight of the CCAA. The CARB advises and evaluates regional air pollution control agencies' and districts' efforts regarding compliance with the CCAA requirements.

Regional Regulations

South Coast Air Quality Management District

The South Coast Air Quality Management District (SCAQMD) is responsible for development of the regional Air Quality Management Plan (AQMP), which is a multi-tier effort to regulate pollutant emissions from a variety of sources. SCAQMD prepared the 2016 Revision to the AQMP for the

South Coast Air Basin to provide a comprehensive program for compliance with all federal and state air quality planning requirements. Once approved by the SCAQMD Board and CARB, the 2003 AQMD will be submitted to U.S. EPA as a revision to the SIP. Banning is also involved in regional management of air quality through various actions taken by the Southern California Association of Governments.

Local Regulations

City of Banning General Plan

The Air Quality Element of the General Plan is intended to identify goals, policies, and programs meant to balance the City's actions regarding land use, circulation and other regulatory actions and their associated potential effects on local and regional air quality. The Element, along with local and regional air quality planning efforts, is intended to address ambient air quality standards set forth by the Federal Environmental Protection Agency (EPA) and the California Air Resources Board (CARB).

The relevant policies and programs applicable to the Project are:

- 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.
 - *Program- 4.A Projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible. All proposed mitigation measures shall be reviewed and approved by the City prior to the issuance of grading or demolition permits.*
- Policy 6 The City shall support the development of facilities and projects that facilitate and enhance the use of alternative modes of transportation, including pedestrian-oriented retail and activity centers, dedicated bicycle paths and lanes, and community-wide multi-use trails.
 - *Program 6.A The City shall pursue a balance of employment and housing opportunities that encourage pedestrian and other non-motorized transportation and minimize vehicle miles traveled.*

4.2.4 Thresholds of Significance

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 air quality if it would:

(a) Conflict with or obstruct implementation of the applicable air quality plan.

(b) 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.

(c) Expose sensitive receptors to substantial pollutant concentrations.

(d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

4.2.5 Impact Analysis

Threshold 4.2.5 (a)- Conflict with or obstruct implementation of the applicable air quality plan (South Coast Air Quality Management District)?

Federal Air Quality Standards

Under the Federal Clean Air Act, the Federal Environmental Protection Agency establishes health-based air quality standards that California must achieve. These are called “national (or federal) ambient air quality standards” and they apply to what are called “criteria pollutants.” Ambient (i.e. surrounding) air quality standard establish a concentration above which a criteria pollutant is known to cause adverse health effects to people. The national ambient air quality standards apply to the following criteria pollutants:

- Ozone (8-hour standard)
- Respirable Particulate Matter (PM10)
- Fine Particulate Matter (PM2.5)
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NOx)
- Sulphur Dioxide (SO2), and
- Lead.

State Air Quality Standards

Under the California Clean Air Act, the California Air Resources Board also establishes health-based air quality standards that cities and counties must meet. These are called “state ambient air quality standards” and they apply to the following criteria pollutants:

- Ozone (1-hour standard)
- Ozone (8-hour standard)
- Respirable Particulate Matter (PM₁₀)
- Fine Particulate Matter (PM_{2.5})
- Carbon Monoxide (CO)
- Nitrogen Dioxide (NO_x)
- Sulphur Dioxide (SO₂), and
- Lead

Regional Air Quality Standards

The City of Banning is located within the South Coast Air Basin which is under the jurisdiction of the South Coast Air Quality Management District. The District develops plans and regulations designed to achieve these both the national and state ambient air quality standards described above.

Attainment Designation

An “attainment” designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a “nonattainment” designation indicates that a criteria pollutant concentration has exceeded the established standard.

Table 4.2-3 shows the attainment status of criteria pollutants in the South Coast Air Basin.

Table 4.2.3- Attainment Status of Criteria Pollutants in the South Coast Air Basin

Criteria Pollutant	State Designation	Federal Designation
Ozone – 1-hour standard	Nonattainment	No Standard
Ozone – 8-hour standard	Nonattainment	Nonattainment
Respirable Particulate Matter (PM ₁₀)	Nonattainment	Attainment
Fine Particulate Matter (PM _{2.5})	Nonattainment	Nonattainment
Carbon Monoxide (CO)	Attainment	Attainment
Nitrogen Dioxide (NO _x)	Attainment	Attainment

Criteria Pollutant	State Designation	Federal Designation
Sulfur Dioxide (SO ₂)	Attainment	Attainment
Lead	Attainment	Attainment

Source: California Air Resources Board, 2015

Air Quality Management Plan

The South Coast Air Quality Management District is required to produce air quality management plans directing how the South Coast Air Basin's air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is the 2016 Air Quality Management Plan (AQMP) and it is applicable to City of Banning. The purpose of the AQMP is to achieve and maintain both the national and state ambient air quality standards described above.

In order to determine if a project is consistent with the AQMP, the South Coast Air Quality Management District has established consistency criterion which are defined in Chapter 12, Sections 12.2 and 12.3 of the South Coast Air Quality Management District's *CEQA Air Quality Handbook* and are discussed below.

Consistency Criterion No. 1: *The proposed 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 2016 Air Quality Management Plan.*

Consistency Criterion No. 1 refers to violations of the California Ambient Air Quality Standards and National Ambient Air Quality Standards. As evaluated under Issues 4.2.6 (b), (c), and (d) below, the air emissions from construction or operation would not exceed regional or localized significance thresholds for any criteria pollutant. Accordingly, the Project's regional and localized emissions would not contribute substantially to an existing or potential future air quality violation or delay the attainment of air quality standards.

Consistency Criterion No. 2: *The proposed project will not exceed the assumptions in the 2016 Air Quality Management Plan.*

Growth projections from local general plans adopted by cities in the district are provided to the Southern California Association of Governments (SCAG), which develops regional growth forecasts, which are then used to develop future air quality forecasts for the AQMP.

The future emission forecasts contained in the AQMP are primarily based on demographic and economic growth projections provided by the Southern California Association of Governments.

The General Plan Land Use Designations currently assigned to the Project site are Business Park (Specific Plan Overlay) and General Commercial (Specific Plan Overlay) and was planned for business park and commercial development at the time the AQMP was adopted.

The Project is not proposing to amend the existing General Plan Land Use Designations. However, the Project is proposing Specific Plan Amendment No. 6 to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan designations from Retail Commercial to Business & Warehouse, Office and Professional, and Retail & Service. The amendment to the Specific Plan Land Use designations are in effect an amendment to the zoning classifications as they do not change the underlying General Plan Land Use designations used to prepare the 2016 AQMP.

The General Plan EIR concluded that impacts to air quality were significant and unavoidable. The Project will result in exceedances of VOC during construction and NO_x emissions during construction and operation. There is no feasible mitigation to reduce these significant impacts. Since the Project does not change the underlying General Plan Land Use designations, impacts remain significant and unavoidable as determined in the General Plan EIR.

Level of Significance: Significant and Unavoidable.

Threshold 4.2.5 (b) *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?*

As shown in Table 4.2-1 above, the South Coast Air Basin, in which the Project site is located, is in “non-attainment” status for several criteria pollutants. The South Coast Air Quality Management District has developed regional and localized significance thresholds for regulated pollutants. Any project in the South Coast Air Basin with daily emissions that exceed any of the indicated regional or localized significance thresholds would be considered to contribute to a projected air quality violation. The Project’s regional and localized air quality impacts are discussed below.

Regional Impact Analysis

The Project has the potential to generate pollutant concentrations during both construction activities and long-term operation. The following provides an analysis based on the applicable regional significance thresholds established by the South Coast Air Quality Management District (SCAQMD) to meet national and state air quality standards which are shown in Table 5.2 below.

Table 4.2.4- SCAQMD Air Quality Regional Significance Thresholds

Pollutant	Emissions (Construction) (pounds/day)	Emissions (Operational) (pounds/day)
NO _x	100	55
VOC	75	55
PM ₁₀	150	150
PM _{2.5}	55	55
SO _x	150	150
CO	550	550

Source: South Coast Air Quality Management District CEQA Air Quality Significance Thresholds (April 2019).

Both construction and operational emissions for the Project were estimated by using the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District.

Construction-Related Impacts

Short-term criteria pollutant emissions will occur during site grading, building construction, paving, and architectural coating activities. Emissions will occur from use of equipment, worker, vendor, and hauling trips, and disturbance of onsite soils (fugitive dust). At this time, there is no site plan proposed that identifies the duration of construction, potential for overlap between various construction phases and operational activities or the construction equipment used.

The following assumptions relevant to construction were used to model short-term construction emissions:

- 1) Construction is anticipated to occur over a 15-month period once construction commences (anticipated June 2021).
- 2) The equipment to be used for each activity is shown below based on CalEEMod defaults. Each piece of equipment is assumed to operate 8 hours per day.

It is a mandatory requirement for all construction activities to comply with several South Coast Air Quality Management District Rules, including Rule 403 for controlling fugitive dust, PM₁₀, and

PM_{2.5} emissions from construction activities. Rule 403 requirements include, but are not limited to, applying water in sufficient quantities to prevent the generation of visible dust plumes, applying soil binders to uncovered areas, reestablishing ground cover as quickly as possible, utilizing a wheel washing system to remove bulk material from tires and vehicle undercarriages before vehicles exit the Project site, covering all trucks hauling soil with a fabric cover and maintaining a freeboard height of 12 inches, and maintaining effective cover over exposed areas.

Implementation of South Coast Air Quality Management District Rule 1113 governing the content in architectural coating, paint, thinners, and solvents, was accounted for in the construction emissions modeling. Implementation of South Coast Air Quality Management District Rule 1186 to reduce the amount of particulate matter entrained in the ambient air because of vehicular travel on paved and unpaved public roads was also accounted for in the construction emissions modeling.

Table 4.2.5 identifies the typical construction equipment that is expected to be used by the Project

Table 4.2.5- Construction Equipment

Construction Activity	Off-Road Equipment	Unit Amount
Grading	Excavators	2
	Graders	1
	Rubber Tired Dozers	1
	Scrapers	2
	Tractors/Loaders/Backhoes	2
Building Construction	Cranes	1
	Forklifts	3
	Generator Sets	1
	Tractors/Loaders/Backhoes	3
	Welders	1
Paving	Pavers	2
	Paving Equipment	2
	Rollers	2
Architectural Coatings	Air Compressors	2

Source: Banning Distribution Center Draft EIR, June 2018.

The estimated maximum daily construction emissions are summarized in Table 4.2.6 below.

Table 4.2.6 - Proposed Project Construction Emissions

Construction Activities	Emissions (lbs/day)					
	VOC	NOx	CO	SOx	PM10	PM2.5
Summer						
2020	4.55	50.26	32.76	0.06	9.45	5.9
2021	4.29	46.45	33.86	0.11	6.46	3.2
2022	3.81	30.38	32.33	0.11	6.31	2.2
2023	3.49	25.63	30.88	0.11	6.18	2.1
2024	163.40	24.55	29.95	0.10	6.10	2.0
Total Maximum Daily Emissions	163.40	50.26	33.86	0.11	9.45	5.9
Exceeds Regional Threshold?	YES	NO	NO	NO	NO	NO
Winter						
2020	4.55	50.26	32.61	0.06	9.45	5.9
2021	4.28	46.46	31.51	0.10	6.46	3.2
2022	3.80	30.27	30.16	0.10	6.31	2.2
2023	3.48	25.52	28.77	0.10	6.18	2.1
2024	163.40	24.44	27.96	0.10	6.10	2.0
Total Maximum Daily Emissions	163.40	50.26	32.61	0.10	9.45	5.9
Regional Threshold	75	100	550	150	150	55
Exceeds Regional Threshold?	YES	NO	NO	NO	NO	NO

Source: Sun Lakes Village North Specific Plan Amendment No. 6, Air Quality and Greenhouse Gas Evaluation (Appendix B).

As shown in Table 4.2.6, VOC emissions from architectural coatings would exceed numerical thresholds established by the SCAQMD so the following mitigation measure is required:

AQ 1- Use Low VOC Paint: To reduce VOC emissions associated with architectural coating, the project designer and contractor shall reduce the use of paints and solvents by utilizing pre-coated materials (e.g. bathroom stall dividers, metal awnings), materials that do not require painting, and require coatings and solvents with a VOC content lower than required under Rule 1113 to be utilized. The construction contractor shall be required to utilize “Super Compliant” VOC paints, which are defined in SCAQMD’s Rule 1113. Construction specifications shall be included in building specifications that assure these requirements are implemented. The specifications for each implementing development project shall be reviewed by the City of Banning’s Building and Safety Division for compliance with this mitigation measure prior to issuance of a building permit.

Although implementation of mitigation measures MM AQ 1 will reduce construction emissions of NOx, however, does not have quantitative reductions associated with them available in CalEEMod. Consequently, construction emissions of NOx will still exceed the SCAQMD threshold.

The following Mitigation Measure is required to reduce potential impacts to less than significant.

AQ-2: Grading Limitations. *During the City’s review process for applications under the Specific Plan, the applicant shall conduct or shall have conducted modeling of the regional and the localized emissions (NOx, CO, PM10, and PM2.5) associated with the maximum daily grading activities estimated for the proposed individual developments one acre or larger. If the modeling shows that emissions would exceed the SCAQMD’s significance thresholds for those emissions, the maximum daily grading activities of the proposed development shall be limited to the extent that could occur without resulting in emissions in excess of SCAQMD’s significance thresholds for those emissions. For implementing projects within the Specific Plan, the applicant shall be responsible for submitting a focused project-level air quality assessment that includes the modeling of localized on-site emissions associated with daily grading activities anticipated for the proposed development.*

Long-Term Regional Operation Related Impacts

Long-term criteria air pollutant emissions will result from daily vehicle trips to and from the Project site, use of outdoor landscape maintenance equipment, and energy demand emissions result from use of electricity and natural gas.

The results of the CalEEMod model for operation of the Project site are summarized in Table 4.2-7 below (Maximum Operational Daily Emissions). Based on the results of the model, operational emissions associated with operation of the commercial facility portion of the Project site will not exceed the thresholds established by SCAQMD.

Table 4.2.7 - Operational Emissions

Maximum Daily Emissions	Emissions (pounds per day)					
	NOx	VOC	CO	SOx	PM10	PM2.5
Summer						
Project Emissions	63.28	17.03	164.41	0.54	42.94	12.15
Winter						
Project Emissions	65.76	38.93	153.62	0.52	42.93	12.15
Regional Threshold	55	55	550	150	150	55
Exceeds Regional Threshold?	YES	NO	NO	NO	NO	NO

Source: Sun Lakes Village North Specific Plan Amendment No. 6, Air Quality and Greenhouse Gas Evaluation (Appendix B).

As shown in Table 4.2-7, long-term operational emissions will only exceed the daily regional threshold set by SCAQMD for NOx because of the amount of vehicle traffic generated by the Project. The following mitigation measures are recommended to reduce NOx emissions from Project operation:

AQ 3-Electrical Hookups for Loading Docks: *Although the Project does not include refrigerated warehouse space, trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be installed at all loading*

docks, and to reduce/replace APU use while trucks are parked along the docks, to allow trucks with APU and/or TRUs with electric standby capabilities to plug in when TRUs are in use to reduce diesel fuel consumption and resulting NOx emissions. The City shall verify electrical hookups have been installed prior to occupancy.

AQ 4-Idling Limits: All facilities shall post signs informing users of requirements limiting idling to five minutes or less pursuant to Title 13 of the California Code of Regulations, Section 2485 in order to reduce diesel fuel consumption and resulting NOx emissions. No overnight/long-term parking will be allowed. The City shall verify signage has been installed prior to occupancy.

AQ 5-Electric or Natural Gas Service Equipment: Service equipment (i.e., yard hostlers and forklifts) used within the site shall be electric or compressed natural gas-powered to reduce diesel fuel consumption and resulting NOx emissions.

AQ-6-Electric Vehicle Charging Stations: Prior to approval of implementing commercial plot plan(s) within the Project the City of Banning Planning Division shall ensure that the plot plan(s) include a minimum of three (3) electric-vehicle charging stations. The electric vehicle charging stations also shall be depicted on building plans for implementing development within Project site. Prior to issuance of occupancy permits for the proposed commercial land uses within the Project site, the City of Banning Building and Safety Department shall ensure that a minimum of three electric vehicle charging stations have been installed on-site.

Implementation of mitigation measures AQ 2 through AQ 5 will reduce operational emissions of NOx from vehicle emissions to some extent; however, they do not have quantitative reductions associated with them available in CalEEMod. Consequently, operational emissions of NOx will exceed the SCAQMD threshold, even after implementation of mitigation measures.

Additionally, a majority of the Project's NOx emissions are derived from vehicle usage. Since the Project does not have regulatory authority to control tailpipe emissions, no feasible mitigation measures exist that would reduce NOx emissions to levels that are less than significant.

Localized Impact Analysis

The SCAQMD established Localized Significance Thresholds in response to the SCAQMD Governing Board's Environmental Justice Initiative I-4. These thresholds represent the maximum emissions from a project that will not cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest residence or sensitive receptor. However, consistent with SCAQMD guidance an LST analysis can only be conducted at a *project level*, and quantification of LSTs is not applicable for this specific plan-level environmental analysis.

Level of Significance: Even with implementation of Mitigation Measures AQ-1 through AQ-6, Project emissions of NO_x during operation and VOC during construction exceed thresholds. Impacts are **significant and unavoidable**.

Threshold 4.2.5 (c)- Expose Sensitive Receptors to Pollutant Concentrations?

CO Hot Spots

CO Hot Spots are typically associated with idling vehicles at extremely busy intersections (i.e., intersections with an excess of 100,000 vehicle trips per day). There are no intersections in the vicinity of the Project site which exceed the 100,000 vehicle per day threshold typically associated with CO Hot Spots. In addition, the South Coast Air Basin has been designated as an attainment area for CO since 2007. Therefore, Project-related vehicular emissions would not create a Hot Spot and would not substantially contribute to an existing or projected CO Hot Spot.

Toxic Air Contaminants

On-Site Impacts

The Project site is located adjacent to I-10 and will be subjected to toxic air contaminants (TACs) from vehicle traffic. TACs are defined as substances that may cause or contribute to an increase in deaths or in serious illness, or that may pose a present or potential hazard to human health.

In *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369 (CBIA), the California Supreme Court determined that CEQA does not generally require an environmental document to analyze impacts of the existing environmental conditions on the future residents of a proposed project and generally only requires an analysis of the proposed project's impact on the environment. However, the CBIA case also stated that when a proposed project brings development and people into an area already subject to specific hazards and the new development/people exacerbate the existing hazards, then CEQA requires an analysis of the hazards and the proposed project's effect in terms of increasing the risks related to those hazards. Therefore, if a proposed project would not exacerbate pre-existing hazards (e.g., TAC health risks) then an analysis of those hazards and the proposed Project's effect on increasing those hazards is not required. *Note: Since CEQA is not the mechanism to evaluate TAC impacts from I-10, this issue is addressed separately in the Staff report and Conditions of Approval for the Project.*

Construction Emissions

During construction, diesel particulate matter emissions would be emitted from heavy equipment use. Heavy-duty construction equipment is subject to a CARB Airborne Toxics Control Measure for in-use diesel construction equipment to reduce diesel particulate emissions.

The nearest sensitive receptors to the Project site are residences located adjacent to the eastern boundary of the Project site. According to OEHHA, health risks should be based on a 70-year exposure period for the maximally exposed individual resident; however, such assessments should be limited to the period/duration of activities associated with the project. Given the size of the site (47 acres), grading activities will be staggered over time. Typically, a maximum of 5 acres of grading per day may occur per day. Because of this staggered grading, the exposure of any proximate individual sensitive receptor to TACs would be limited. Due to the relatively temporary nature of construction activities, exposure at any individual sensitive receptor and minimal particulate emissions generated on-site, TACs generated during construction would not be expected to result in concentrations causing significant health risks.

Operational Emissions

Operation of the proposed project would not result in any non-permitted direct emissions (e.g., those from a point source such as diesel generators). However, the proposed Project could result in exposure of sensitive receptors in the vicinity of the Project site (i.e., the residences to the east of the Project site) to potential TAC emissions from diesel trucks from (a) future warehouse project(s).

If the Proposed Project generates or attracts vehicular trips, especially heavy-duty diesel-fueled vehicles, the City will require the Project proponent to perform a mobile source health risk assessment per Mitigation Measure AQ-7 below. Guidance for performing a mobile source health risk assessment (“Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis”). This document provides technical guidance for analyzing cancer risks from potential diesel particulate emissions impacts from truck idling and movement (such as warehouse and distribution centers).

Because the Project consists of a specific plan amendment (which in essence is a zoning level document), there is not sufficient detailed information available such as a site plan, the number of trucks visiting the facility per day, on-site travel distance (in miles), composite DPM emission factor (in grams per mile) based on project year and vehicle speed, average idling time per truck, composite idling emission factor (grams per minute) based on project year, in order to prepare a Health Risk Assessment.

The following measure is required to reduce potential impacts to the extent feasible.

AQ-7-Health Risk Assessment: *During the City’s review process for any future development applications under the Specific Plan that proposes a warehouse or distribution project, the applicant shall submit a Health Risk Assessment for that is prepared pursuant to the “Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis.” If the modeling shows that emissions would exceed the SCAQMD’s*

significance thresholds for those emissions, the following performance-based measures shall be required in order reduce emissions to less than significant levels.

The measures shall include the following:

- 1) Prior to the issuance of any grading permits, the applicant and/or building operators shall submit construction plans and a construction vehicle management plan to the City of Banning denoting the proposed schedule and projected equipment use. The construction vehicle management plan shall include such things as: idling time requirements; requiring hour meters on equipment; and documenting the serial number, horsepower, age, and fuel of all onsite equipment. The plan shall include that California state law requires equipment fleets to limit idling to no more than 5 minutes. Construction contractors shall provide evidence that low emission mobile construction equipment will be utilized or that their use was investigated and found to be infeasible for the project as determined by the City.*
- 2) Prior to issuance of an occupancy permit, the operator of a warehouse/distribution center use shall place signs that identify CARB anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for trucks drivers to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to “neutral” or “park”, and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and CARB to report violations.*
- 3) Prior to the issuance of an occupancy permit for a warehouse/distribution center use, the City shall require operators of the proposed facilities to encourage the vendor trucks to incorporate 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.*
- 4) Prior to the issuance of a building permit for a warehouse/distribution center use, the building shall be designed to provide infrastructure to support use of electric-powered forklifts and/or other on-site equipment.*

Level of Significance: Even with the implementation of Mitigation Measure AQ-1 through AQ-5, construction and operation emissions of VOC exceed SCAQMD thresholds and impacts are considered significant and unavoidable.

Threshold 4.2.5 (c) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

According to the South Coast Air Quality Management District CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The Project does not propose any of the above described uses.

Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant.

The uses allowed by the Specific Plan do not include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding or any manufacturing uses that could create objectionable odors. Therefore, the Project has a less than significant impact with respect to creating objectionable odors affecting a substantial number of people.

Level of Significance: Less than significant.

4.2.6 Cumulative Impacts

Air Quality Plan Consistency

As indicated under the analysis of Threshold 4.2.5 (a), the Project's construction and operational related emissions would exceed the SCAQMD regional thresholds for VOC. As such, the Project would conflict with AQMP Consistency Criterion No. 1, and would, therefore, conflict with the SCAQMD 2016 AQMP. Other projects within the SCAB also have the potential to conflict with the AQMP; therefore, the Project's impacts due to a conflict with the AQMP would be cumulatively considerable.

Construction Emissions and Operational Emissions

For operational activities, emissions resulting from Project operations would exceed the numerical thresholds established by the SCAQMD for NO_x. Thus, Project operational emissions would result in a significant impact due to a violation of the applicable air quality standards for NO_x. Additionally, the Project's emissions of NO, which is a precursor to ozone, would contribute to the region's non-attainment status under both state and federal designations for ozone and would result in a cumulatively considerable net increase of this pollutant.

Sensitive Receptors

The Project could result in exposure of sensitive receptors in the vicinity of the Project site (i.e., the residences to the east of the Project site) to potential TAC emissions from diesel trucks from a future warehouse project(s) exceeding a cancer risk of 10 per million and a hazard risk factor greater than 1.0. In addition, emissions of NO₂, CO, PM₁₀, and PM_{2.5} generated at a project site (offsite mobile-source emissions are not included in the LST analysis) could potentially expose sensitive receptors to substantial concentrations of criteria air pollutants. However, as noted above, consistent with SCAQMD guidance a localized significance threshold applied at a *project level*, and identification of the applicable threshold is not applicable for this specific plan-level environmental analysis.

In any event, with implementation of Mitigation Measures AQ-1 through AQ-6, impacts would be less than significant.

Odors

As discussed in Threshold 4.2.5 (c), potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities; however, construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. Although it is possible other construction activities could occur in proximity concurrent with Project construction, due to the short duration and intermittent nature of construction-related odors, impacts would be less-than-cumulatively considerable.

For long-term operation, the Project does not contain land uses typically associated with emitting objectionable odors. The Project and other cumulative developments would be required to comply with SCAQMD Rule 402 to prevent occurrences of public nuisances and would be required to store refuse within covered containers. Therefore, odors associated with the Project operations would be less-than-cumulatively considerable.

Level of Significance:

- Air Quality Plan Consistency: **Significant and unavoidable.**
- Construction and Operational Emissions: **Significant and unavoidable** for NO_x emissions.
- Sensitive Receptors- Less than significant.
- Odors: Less than significant.

4.2.7 References

Urban Crossroads, *Sun Lakes North Specific Plan Amendment No. 5 Air Quality and Greenhouse Gas Evaluation* June 3, 2020. (AQ-GHG Study, included as Appendix B.)

California Air Resources Board, *Air Quality and Land Use Handbook: A Community Perspective*, April 2005. Available at www.arb.ca.gov/ch/landuse.htm, accessed June 12, 2017.

City of Banning, *City of Banning General Plan*, January 2006. Available at: <http://www.ci.banning.ca.us/54/Community-Development>, accessed February 2, 2020.

City of Banning, *City of Banning Municipal Code, Title 17 Zoning Division III Development Standards*, January 2006 Available at: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TI17ZO_DIVIIIIDEST_CH17.24GEST, accessed on January 25, 2020.

South Coast Air Quality Management District, *Final 2016 AQMP*, March 3, 2017. Available at: <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>. Accessed on February 2, 2020.

South Coast Air Quality Management District, *Final Localized Significance Threshold Methodology*, Revised July 2008. Available at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/final-lst-methodology-document.pdf>, accessed on February 2, 2020.

U.S. Environmental Protection Agency, *Criteria Air Pollutants*. Available at: <https://www.epa.gov/criteria-air-pollutants>, accessed February 2, 2020.

4.3 BIOLOGICAL RESOURCES

This section evaluates the potential for the Project to impact biological resources in a local and regional context. The analysis in this section is based in part on the following technical information:

- *Habitat Assessment for APN 419-140-057 Sun Lakes Boulevard, City of Banning, Riverside County, California*, L&L Environmental Inc., March 30, 2020.(Appendix D).

4.3.1 Environmental Setting

The site is a disturbed vacant lot and appears to be regularly disked or mown. Most of the site is non-native grassland. A small area of riparian vegetation is present in the southwest corner of the site. Ornamental trees are present along the southern and western boundaries and part of the eastern boundary. These trees are either on adjacent properties or along Sun Lakes Boulevard. Two sets of active railroad tracks run east-west just north of the site, with the I-10 freeway beyond. A large advertising sign is present along the north-central boundary of the site.

Topographically, the site is generally flat with elevation increasing gradually from southeast to northwest. Elevation onsite ranges from 2,546 to 2,565 feet above mean sea level. Soils onsite are mapped as Greenfield sandy loam (2-8% slopes, eroded), Hanford coarse sandy loam (28% slopes), and Ramona sandy loam (2-5% slopes, eroded) (NRCS 2020) (Figure 4). A gravel surface layer (from past disturbance) is present in some areas, particularly in the northeastern portion of the site.

There are no USGS mapped blue-line streams onsite. A shallow trench is present along the site's southern boundary along Sun Lakes Boulevard and trends from west to east. A double culvert is present at the southeast corner of the site. Another shallow trench is present within the central portion of the site and trends from west to east. The trenches appear to be remnants of past disturbance and do not have connectivity with any natural waterway. A dirt access road is present near the northern site boundary. Other past disturbance onsite includes a grid of dirt roads or graded areas, the remnants of which are still visible.

4.3.2 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of cultural resources.

4.3.3 Regulatory Framework

The primary regulations applicable to the Project are described as follows:

Federal Regulations

Federal Endangered Species Act

Administered by the United States Fish and Wildlife Services (USFWS), the Federal Endangered Species Act (ESA) provides the legal framework for the listing and protection of species (and their habitats) that are identified as being endangered or threatened with extinction. Actions that jeopardize endangered or threatened species and the habitats upon which they rely are considered a “take” under the ESA. Section 9(a) of the ESA defines take as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” “Harm” and “harass” are further defined in Federal regulations and case law to include actions that adversely impair or disrupt a listed species’ behavioral patterns.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) provides authority to the Department of the Interior to regulate the pursuit, taking, or killing of any migratory bird, or any part, nest, or egg of any such bird. Migratory birds are protected from both direct and indirect acts. However, harassment and habitat modification are not included in the protections, unless those actions result in direct loss of birds, nests, or eggs. The MBTA includes several hundred species and nearly all native birds on its list of protected species. The take of non-game birds may be permitted for specific uses, such as rehabilitation, propagation, scientific collecting, education, taxidermy, and protection of human health and safety and personal property.

State Regulations

California Endangered Species Act

The California Endangered Species Act (CESA) is a California environmental law that conserves and protects plant and animal species at risk of extinction. Plant and animal species may be designated threatened or endangered under CESA after a formal listing process by the California Fish and Game Commission. Approximately 250 species are currently listed under CESA. A CESA-listed species, or any part or product of the plant or animal, may not be imported into the state,

exported out of the state, “taken” (i.e., killed), possessed, purchased, or sold without proper authorization.

Local Regulations

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

The Project site is located within the Pass Area Plan portion of the Western Riverside County MSHCP, which is a comprehensive habitat conservation/planning program for Western Riverside County. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to special-status species and associated native habitats.

City of Banning General Plan

- 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.

City of Banning Municipal Code

The City of Banning Municipal Code identifies land use categories, development standards, and other general provisions that ensure consistency between the City’s general plan and proposed development projects. The following provisions address biological resources:

- Section 15.72.080 (MSHCP Mitigation Fees). Requires payment of MSHCP mitigation fees by development projects in the City before the City issues grading permits.
- Section 17.32.020 (Application). Concept landscaping plans shall be submitted as part of a planning permit application. The plan is required to have a clear landscaping program and must consider the preservation of natural features (e.g., hills, topography, trees, shrubs, wildlife habitat, etc.). Landscaping plans should also rely on indigenous plant and tree species suitable to the local climate and soil types.
- Section 17.32.060 (Removal or destruction of trees). A tree removal and replacement plan must be prepared for the removal and replacement of all trees more than 50 years of age unless their removal is required to protect the public health and safety. Each tree removed in a new subdivision shall be replaced with at least one 36-inch box specimen tree, in addition to any other required landscaping.

4.3.4 Thresholds of Significance

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 Biological Resources if it would:

- a) *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 Game or U.S. Fish and Wildlife Service.*
- b) *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 Game or US Fish and Wildlife Service.*
- c) *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.*
- d) *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

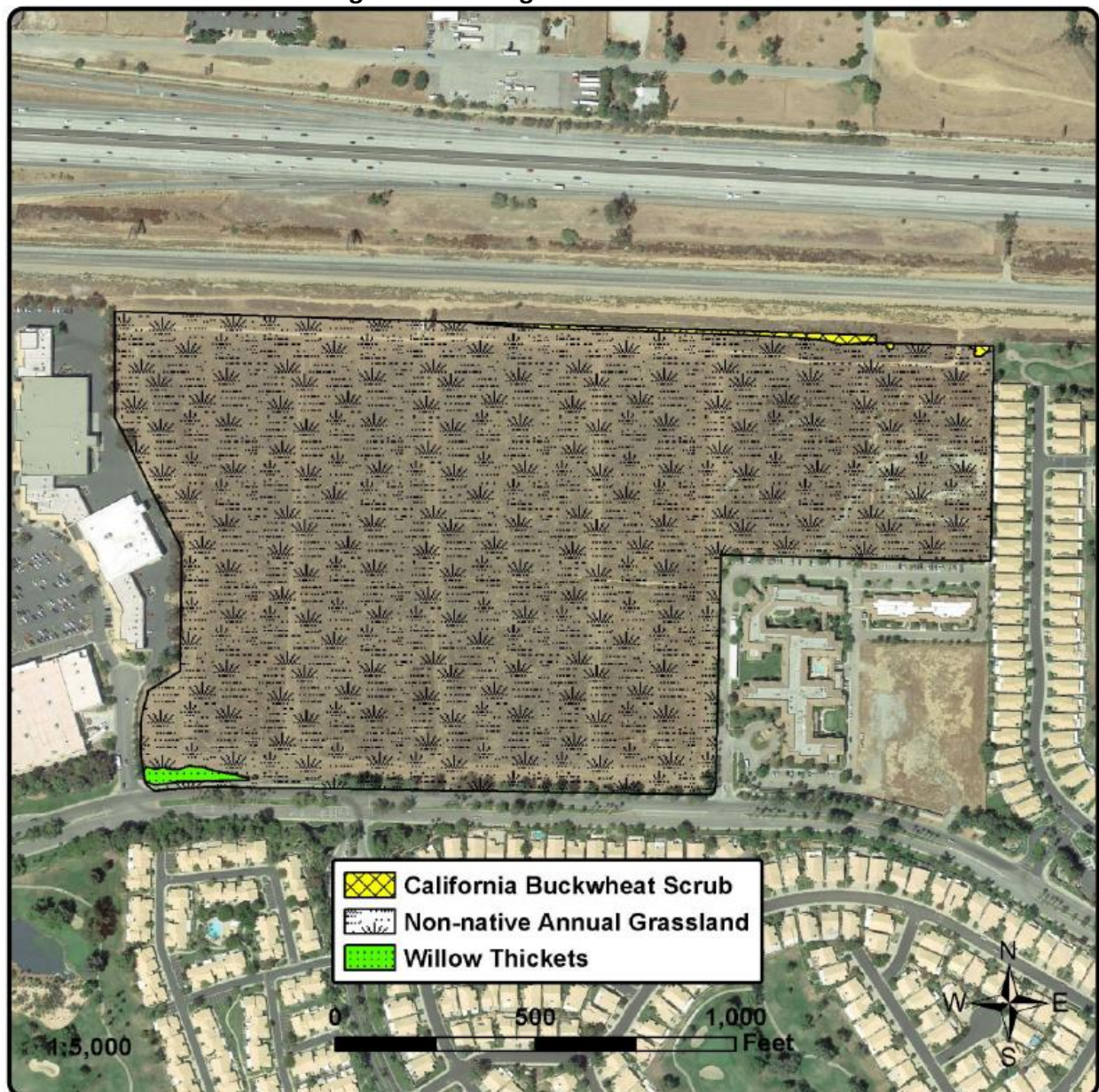
4.3.5 Impact Analysis

Threshold 4.3.5 (a)-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 Game or U.S. Fish and Wildlife Service.

Vegetation Communities

Most of the site is non-native annual grassland, with a small patch of southern willow scrub at the southwest corner and a narrow strip of California buckwheat scrub along the northeastern site boundary. Ornamental trees line the southern and western boundaries and part of the eastern boundary. These trees are either on adjacent properties or along Sun Lakes Boulevard.

Figure 4.3.1 - Vegetation Communities



Sensitive Plant Species

A total of 36 plant species were identified during the survey. Of the 36 species, 19 (53 percent) are non-native. Additional annual plant species may occur but were not detected due to timing of the survey. No federal or state-listed plants or special status plants were observed. The site is not within U. S. Fish and Wildlife Service (USFWS) designated critical habitat for any listed plant species. Listed and special status plants known from the region are either absent, not expected to occur, or have low potential for occurrence onsite.

Special Status Plants

No special status plant species were identified during the survey, but the survey was not conducted during the flowering season for most species. The site has long-term and ongoing anthropogenic disturbance and undisturbed natural habitat capable of supporting special status plants is not present. Most special status plants known from the region are either absent or not expected to occur onsite. A few have low potential for occurrence. No special status plants have moderate or high potential to occur onsite.

Sensitive Wildlife Species

A total of 15 wildlife species (mostly birds) were detected during the survey. No federal or state-listed endangered or threatened species were observed. The site is not within USFWS designated critical habitat for any listed wildlife species. No special status wildlife species were observed. Most listed or special status species are not expected to occur or have low potential for occurrence except as described below.

Burrowing Owl

Burrowing owl (*Athene cunicularia*) is protected under the federal Migratory Bird Treaty Act and California Fish and Game Code and is a CDFW Species of Special Concern. It is a small, ground-dwelling owl found in open dry grassland, desert, or shrubland areas and in uncultivated agricultural areas, rangelands, and other open areas with low-growing vegetation.

Potentially suitable habitat and small mammal burrows are present onsite and within the buffer area to the north, between the site and the I-10 freeway. No burrowing owls, occupied burrows, or owl sign was observed during the survey. However, because burrowing owls can occupy the site in the future, Mitigation Measure BIO-1 is required:

BIO-1: Pre-Construction Burrowing Owl Survey. Within 30 calendar days prior to the issuance of a grading permit, a qualified biologist shall conduct a survey of the proposed impact footprint and make a determination regarding the presence or absence of the burrowing owl. The determination shall be documented in a report and shall be submitted, reviewed, and accepted

by the City of Banning Planning Department prior to the issuance of a grading permit and subject to the following provisions:

a) In the event that the pre-construction survey identifies no burrowing owls in the impact area, a grading permit may be issued without restriction.

b) In the event that the pre-construction survey identifies the presence of at least one individual but less than three (3) mating pairs of burrowing owl, then prior to the issuance of a grading permit and prior to the commencement of ground-disturbing activities on the property, the qualified biologist shall passively or actively relocate any burrowing owls. Passive relocation, including the required use of one-way doors to exclude owls from the site and the collapsing of burrows, will occur if the biologist determines that the proximity and availability of alternate habitat is suitable for successful passive relocation. Passive relocation shall follow California Department of Fish and Wildlife relocation protocol. If proximate alternate habitat is not present as determined by the biologist, active relocation shall follow California Department of Fish and Wildlife relocation protocol. The biologist shall confirm in writing to the Planning Department that the species has fledged or been relocated prior to the issuance of a grading permit.

Nesting Birds

There is suitable habitat for nesting birds on and adjacent to the site. Nesting birds may utilize trees and other vegetation, structures, idle vehicles/equipment, and open ground. However, given the level of ongoing disturbance on and adjacent to the site, nesting is likely to be limited to more common species that are tolerant of human presence. Ornamental trees are present along the western, southern, and parts of the eastern boundaries of the parcel and surrounding areas and provide potential raptor nesting sites. Although some of the trees are of adequate height for nesting raptors, no raptor nests were observed.

A large advertising sign is present along the north-central border of the site. The upper portion of the sign has either been removed or fallen into disrepair and the interior structure, as well as the exterior surfaces, of the sign are accessible to nesting birds. The sign was inspected from the ground with binoculars and no evidence of raptor nesting was observed. Although no raptor nesting was observed during the period of time the surveys were conducted, there is suitable habitat for nesting birds on and adjacent to the site that can be occupied in the future, Therefore, Mitigation Measure BIO-2 is required.

BIO-2- Nesting Bird Survey. *Prior to the issuance of a grading permit, the City of Banning Planning Department shall ensure vegetation clearing and ground disturbance shall be prohibited during the migratory bird nesting season (February 1 through August 31), unless a migratory bird nesting survey is completed in accordance with the following requirements:*

- a) *A migratory nesting bird survey of the Project's impact footprint shall be conducted by a qualified biologist within three business (3) days prior to initiating vegetation clearing or ground disturbance.*
- b) *A copy of the migratory nesting bird survey results report shall be provided to the City of Banning Planning Department. If the survey identifies the presence of active nests, then the qualified biologist shall provide the Planning Department with a copy of maps showing the location of all active nests and an appropriate buffer zone around each nest sufficient to protect the nest from direct and indirect impact. The size and location of all buffer zones as determined by a qualified biologist, shall be subject to review and approval by the Planning Department. The nests and buffer zones shall be field checked weekly by a qualified biological monitor. The approved buffer zone shall be marked in the field with construction fencing, within which no vegetation clearing or ground disturbance shall commence until the qualified biologist and Planning Department verify that the nests are no longer occupied and the juvenile birds can survive independently from the nests.*

Other Special Status Wildlife

No federal or state-listed endangered or threatened wildlife species or special status wildlife species were observed during the survey. Due to long-term and ongoing anthropogenic disturbance, undisturbed natural habitat capable of supporting most special status wildlife is generally lacking onsite. Most special status wildlife known from the region are either absent, not expected to occur, or have low potential for occurrence onsite, except as described below.

Cooper's hawk (Accipiter cooperii)

(CDFW Watch List Species) This species forages in various habitats including open areas and scrublands. It has one (1) CNDDDB documented occurrence of nesting about 3.7 miles west of the site. According to the Cornell Lab of Ornithology, there are multiple records of this species in the region, including one (1) in the golf course just south of the site¹. There is potentially suitable foraging habitat onsite. Based on available evidence, Cooper's hawk has low to moderate potential to forage onsite. It is a covered species under the MSHCP and considered adequately conserved.

Ferruginous hawk (Buteo regalis)

(CDFW Watch List Species) This species forages in various habitats including open grasslands. It has one (1) CNDDDB documented occurrence about 4.3 miles south of the site. There are some eBird records in the vicinity, including one (1) within a residential development along Potrero Creek about 0.8 mile southwest. Based on available evidence, ferruginous hawk has low to moderate potential to forage onsite.

¹ Cornell Lab of Ornithology, eBird, available at: <https://ebird.org/home>

Costa's hummingbird (Calypte costae)

(USFWS Bird of Conservation Concern) This species is found in desert scrub, coastal scrub, chaparral, and adjacent meadows and gardens. There are no CNDDDB documented occurrences of nesting within five (5) miles. There are multiple eBird records in the vicinity, including two (2) immediately adjacent to the site. There is limited potentially suitable native habitat on the Project site, but this species may also utilize ornamental plants for foraging and nesting. Based on available evidence, Costa's hummingbird has low to moderate potential to forage and nest onsite.

California horned lark (Eremophila alpestris actia)

(CDFW Watch List Species) This species forages and nests in open grassland habitats. There is one (1) CNDDDB documented occurrence of nesting about four (4) miles west of the site and several eBird records in the area. There is potentially suitable foraging habitat onsite, but ongoing disturbance reduces the potential for nesting. Based on available evidence, California horned lark has moderate potential to forage onsite. It is a covered species under the MSHCP and considered adequately conserved.

Loggerhead shrike (Lanius ludovicianus)

(USFWS Bird of Conservation Concern) This species forages in open areas with fences or shrubs for perching. There are several eBird records from the Project vicinity and two (2) CNDDDB documented occurrences of nesting in the Badlands to the south and southwest. The closest is about 2.5 miles from the site. There is potentially suitable foraging habitat and this species has low to moderate potential to forage onsite. It is a covered species under the MSHCP and considered adequately conserved.

Dulzura pocket mouse (Chaetodipus californicus femoralis)

(CDFW Species of Special Concern) This species is found in a variety of habitats, including coastal scrub and grassland. There is one (1) CNDDDB documented occurrence about 2.9 miles to the southeast. Data on this species from the trapping survey in 2005 is not available. Based on available evidence, it has low to moderate potential for occurrence on the Project site.

Northwestern San Diego pocket mouse (Chaetodipus fallax fallax)

(CDFW Species of Special Concern) This species is found in coastal scrub, chaparral, and grasslands in sandy, herbaceous areas, usually in association with rocks or coarse gravel. It has multiple CNDDDB documented occurrences within five (5) miles of the Project site. There is potentially suitable habitat on the Project site. Data on this species from the trapping survey in

2005 is not available. Based on available evidence, this species has moderate potential for occurrence. It is a covered species under the MSHCP and considered adequately conserved.

Los Angeles pocket mouse (Perognathus longimembris brevinasus)

(CDFW Species of Special Concern) This species is found in grassland, sage scrub, and alluvial sage scrub habitats. It has multiple CNDDDB documented occurrences within five (5) miles of the Project site; the closest is 2.3 miles to the east. There is potentially marginal habitat on the Project site. Data on this species from the trapping survey in 2005 is not available. Based on available evidence, this species has moderate potential for occurrence. It is a covered species under the MSHCP and considered adequately conserved.

Level of Significance: Less than significant with implementation of Mitigation Measures BIO-1 and BIO-2.

Threshold 4.3.5 (b)- 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 Game or US Fish and Wildlife Service?

Under MSHCP Volume 1 Section 6.1.2 areas associated with wetland and streambed systems must be evaluated for consideration as riparian/riverine or vernal pool habitat. Riparian/riverine areas are defined within the MSHCP as:

“... lands which contain Habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or which depend upon soil moisture from a nearby fresh water source; or areas with fresh water flow during all or a portion of the year.” MSHCP Vol. 1, Section 6.1.2.

Vernal pools are defined within the MSHCP as:

“... seasonal wetlands that occur in depression areas that have wetlands indicators of all three parameters (soils, vegetation and hydrology) during the wetter portion of the growing season but normally lack wetlands indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season. . .” MSHCP Vol. 1, Section 6.1.2.

There is no vernal pool habitat onsite. Soil types mapped (and observed) onsite are not consistent with an alkali playa or vernal pool complex. Pools or depressions characteristic of vernal pool habitat were not observed onsite. No MSHCP species listed for protection associated with riparian/riverine areas or vernal pools were observed. No evidence of ponding was observed onsite. Tire ruts are present on an access road along the northern site boundary, but the ruts

were dry at the time of the survey and soils onsite are sandy to coarse sandy loam (i.e., well drained).

Level of Significance: No impact.

Threshold 4.3.5 (c) - 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?

There are no USGS mapped blue-line streams onsite. A shallow trench is present along the site's southern boundary (along Sun Lakes Boulevard) and trends from west to east. A double culvert is present at the southeast corner of the site. A small area of willow thicket is present in the southwest corner of the site in association with a trench. Another shallow trench is present within the central portion of the site and trends from west to east. No water or evidence of flow was observed in these trenches during the survey. The trenches appear to be remnants of past disturbance involving water quality or flood control measures and do not have connectivity with any natural waterway.

Level of Significance: No impact.

Threshold 4.3.5 (d) - Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife corridors link together areas of suitable wildlife habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbance. The fragmentation of open space areas by urbanization creates isolated "islands" of wildlife habitat. In the absence of habitat linkages that allow movement to adjoining open space areas, various studies have concluded that some wildlife species, especially larger and more mobile mammals, will not likely persist over time in fragmented or isolated habitat areas, because movement barriers prohibit the infusion of new individuals and genetic information.

Wildlife movement activities usually fall into one of three movement categories: dispersal (e.g., juvenile animals dispersing from natal areas or individuals extending their range), seasonal migration, and movements related to home range activities (e.g., foraging for food or water, defending territories, or searching for mates, breeding areas, or cover). The site is surrounded by major roadways and residential developments and does not function as part of a wildlife corridor.

Level of Significance: No impact.

Threshold 4.3.5 (e) - Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Tree removals are strongly discouraged and require replacement under City of Banning Municipal Code Section 17.32.060. Ornamental trees are present along the western, southern, and parts of the eastern boundaries of the parcel. At this time, it is unknown if these trees will be removed as part of future development. However, the following Mitigation Measure is required in the event the trees are removed.

BIO-3- Native Tree Removal. *Native trees to be impacted by development of projects pursuant to the Specific Plan shall be assessed by a certified arborist as to the viability and value of the trees to determine if mitigation and replacement are required. Removal of healthy, shade-providing, and aesthetically valuable trees shall be strongly discouraged and shall conform with the policies and programs of the City of Banning General Plan. A tree removal and replacement plan shall be required for the removal and replacement of all trees more than 50 years of age unless their removal is required to protect the public health and safety. Each identified tree removed shall be replaced with at least one 36-inch box specimen tree, in addition to any other required landscaping.*

Level of Significance: Less than significant with implementation of Mitigation Measure BIO-3.

Threshold 4.3.5 (f) - Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The Project site is located within the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP). The MSHCP, a regional Habitat Conservation Plan was adopted on June 17, 2003. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to sensitive species. Based on the Habitat Assessment (Appendix C):

- 1) The site is not mapped within any MSHCP Criteria Cell or subunit.
- 2) The site is not mapped within an area where additional surveys are required for any Amphibian, Mammal, or other Criteria Area Species.
- 3) The project will not impact any Riparian/Riverine or Vernal Pool areas.

- 4) The site is not within or adjacent to any MSHCP Conservation Areas and therefore does not require mitigation measures pursuant Section 6.1.4 (pertaining to Urban/ Wildlands Interface) of the MSHCP, which presents guidelines to minimize indirect effects of Projects in proximity to the MSCHP Conservation Areas.
- 5) The site is mapped within a Burrowing Owl (BUOW) required habitat suitability assessment survey area. Therefore, to be thorough, a habitat suitability assessment for BUOW was conducted during site visit. The result of the assessment was that no BUOW habitat or BUOW sign was detected on site, and this species is currently considered absent from the Project area. However, because BUOW have been known to occupy disturbed sites, Mitigation Measure BIO-1 is required.\
- 6) The site is mapped within a Narrow Endemic Plant Species required habitat suitability assessment survey area. Therefore, to be thorough, a habitat suitability assessment for the three listed Narrow Endemic Plant Species was conducted during site visit. Based on habitat requirements for specific species, availability and quality of habitats needed by the three Narrow Endemic Plant Species, it was determined that the project site does not provide suitable habitat for Narrow Endemic Plant species San Diego ambrosia, Brand's phacelia, and San Miguel Savory.

Level of Significance: Less than significant with implementation of Mitigation Measure BIO-1 and BIO-2.

4.3.6 Cumulative Impacts

An evaluation of whether an impact on biological resources would be substantial must consider both the resource itself and how that resource fits into a regional or local context. Substantial impacts would be those that substantially diminish or result in the loss of an important biological resource, or those that would conflict with local, state, and/or federal resource conservation plans, goals, or regulations. Impacts can be locally adverse but not significant because, although they would result in an adverse alteration of existing conditions, they would not substantially diminish or result in the permanent loss of an important resource on a population- or region-wide basis.

The Project and other projects in the vicinity are located within the jurisdictional boundaries of the MSHCP. As described in the Regulatory Framework of this section, the MSHCP is a comprehensive, multi-jurisdictional Habitat Conservation Plan that addresses biological impacts for the "take" of covered species through establishment and implementation of a regional conservation strategy and other measures, such as mitigation fees.

The MSHCP provides programs and policies for the review of projects in areas where habitat must be conserved and for the collection and development of mitigation fees. All discretionary development projects are to be reviewed for compliance with the MSHCP. Additionally, the

Project has undergone a habitat assessment which determined that the Project would have a less than significant impact with the implementation of Mitigations Measures BIO-1 and BIO-2.

Because cumulative projects in the Project vicinity are also subject to the MSHCP and would also have to complete habitat assessments and surveys as part of the environmental review process, the cumulative impacts to biological resources are determined to be less than significant.

Level of Significance: Less than significant with implementation of Mitigation Measures BIO-1 through BIO-3.

4.3.7 References

L&L Environmental, Inc., *Habitat Assessment for APN 419-140-057 Sun Lakes Boulevard, City of Banning, County of Riverside, California*, February 27, 2020. (Included herein as Appendix D).

City of Banning, *City of Banning General Plan, Chapter IV. Environmental Resources*, January 31, 2006. Available at <http://www.ci.banning.ca.us/DocumentCenter/View/664>, accessed May 13, 2020.

4.4 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. This section of the EIR evaluates the potential for implementation of the Project to impact cultural resources. The analysis in this section is based, in part, upon the following information:

- *Cultural Resources Records Search Results and Recommendations for the Sun Lakes Boulevard Project (APN 419-140-057), City of Banning, County of Riverside, California, L&L Environmental Inc., February 27, 2020. (Appendix E).*
- *Phase I Cultural Resources Assessment for the Sun Lakes Boulevard Project (APN 419-140-057), City of Banning, County of Riverside, California, L&L Environmental Inc., August 30, 2020.(Appendix F).*

4.4.1 Environmental Setting

Existing Conditions

The Project area is in the San Gorgonio Pass, or Banning Pass, which lies along the border between the Peninsular Ranges and Transverse Ranges Geomorphic Provinces. 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. Land surrounding the Project area is generally characterized as mixed residential and commercial, with a few vacant lots as well as major transportation corridors (i.e., Interstate 10 and the Union Pacific Railroad). Topographically, much of the Project area is flat, but gradually increases in elevation as it trends southeast to northwest. Elevation onsite ranges from 2,546 to 2,565 feet above mean sea level (AMSL). The Project area is within a disturbed vacant lot and appears to be regularly disked or mown. A large advertising sign is present along the north-central boundary of the site. A gravel surface layer (from past disturbance) is present in some areas, particularly in the northeastern portion of the site. A dirt access road is present near the northern site boundary. Other past disturbance onsite includes a grid of dirt roads or graded areas, remnants of which are still visible.

Records Search

The California Historical Resources Information System (CHRIS) records search was completed at the EIC on February 5, 2020 by L&L Archaeologist William R. Gillean, B.S., working under the supervision of L&L Principal Investigator Jennifer M. Sanka, M.A., RPA. The records search included a review of previously recorded cultural resource sites and isolates, recorded built-environment resources, and previous cultural resources studies on or within a one-mile radius of the project area. In addition, the records search included a review of the National Register of Historic Places (NRHP), Archaeological Determinations of Eligibility (ADOE), and the Built Environment Resources Directory (BERD) for the City of Banning. The results indicate that no previously recorded cultural resources are in the project area while three (3) cultural resources were recorded in the one-mile search radius. Of these previously recorded resources, one (1) is within 0.25 mile, one (1) is within 0.50 mile, and one (1) is between 0.50 and one mile of the project area. All the previously recorded resources are historic age and they consist of the Union Pacific Railroad (UPRR)/Southern Pacific Railroad (SPR) and two (2) sites comprised of water conveyance systems. These previously recorded resources and their locations relative to the project area are outlined below in Table 4.4-1.

Table 4.4.1 - Previously Recorded Cultural Resources

Resource Number	Recorder Name and Date	Resource Description	Within ~One to 0.50 Mile Radius	Within ~0.50 to 0.25 Mile Radius	Within ~0.25 Mile Radius	Within Project Area?
33-9498/ CA-RIV- 6381H/CA-IMP- 3424H	Originally recorded by S. Ashkar of Jones & Stokes, 1999 Segments of this linear resource were updated by C. Chasteen of Myra L. Frank & Associates, 2003; C. Taniguchi of Galvin and Associates, 2005; S. Wilson and K. Chimel of ICF Jones & Stokes, 2009; S. Kremkau, 2012; T. Baurley and J. Sanka of L&L, 2015; D. Leonard of HDR, 2016; and P. Moloney, R. Elder, and W. Blodgett of	Historic: The UPRR/SPR. This resource consists of a segment of the UPRR (historically the SPR) that extends across California. The alignment includes several smaller railroad lines that were acquired and consolidated into the SPR in 1884. The lines were later acquired by the UPRR in the 1990s.	●	●	●	No; however, this resource is located to the north of the project area.

Resource Number	Recorder Name and Date	Resource Description	Within ~One to 0.50 Mile Radius	Within ~0.50 to 0.25 Mile Radius	Within ~0.25 Mile Radius	Within Project Area?
	Applied Earth Works, 2017					
33-13779/CA-RIV-7544	P. Messick and M. Dice of Michael Brandman Associates (MBA), 2004	<p>Historic: A series of water conveyance features.</p> <p>The site was recommended not eligible for inclusion in the NRHP or the California Register of Historical Resources (CRHR).</p>	●			No
33-15033/CA-RIV-7997	<p>Originally recorded by D. Brunzell of LSA Associates, Inc. (LSA), 2006</p> <p>Updated by J. Miller, C. Morgan, R. Goodwin, and J. Hall, 2013; S. Justus, B. Wilson, A. Giacinto of ASM Affiliates (ASM), 2010; A. Williams of Southern California Edison (SCE), 2014; and M. DeCarlo of ASM and Doug Mengers of PanGIS, 2018</p>	<p>Historic: A water conveyance system consisting of a channelized ditch created from Smith Creek.</p> <p>This resource was recommended not eligible for inclusion in the NRHP and the CRHR in 2014 and the State Historic Preservation Officer (SHPO) concurred with this recommendation in 2016.</p>	●	●		No

Source: Cultural Resources Records Search Results and Recommendations (Appendix D.)

The EIC records search also indicated that 27 area-specific cultural resource reports are on file for the project area and the one-mile search radius. Two (2) of these studies addressed the project area in 1981 and 2004 (RI-1434/SRS 1981; RI-8449/CRM Tech 2004). The 1981 survey encompassed a total of 900 acres and reported no known cultural resources within current project area. However, information regarding field survey transect spacing or the percentage of land covered during the survey was not provided in the report so the level of survey coverage within the current project area is unknown. Cultural resources were identified about 0.15 mile to the southwest of the project area. Specifically, the survey detected numerous buildings, structures, and features, including a residence, agricultural outbuildings, barns, a well, and a

refuse dump associated with the Old Stewart Ranch. While these resources were not recorded as a site, they do reflect patterns of historic age land use in the immediate vicinity of the project area (RI-1434/SRS 1981).

The 2004 study was conducted in support of the City of Banning General Plan. This study included an inventory of cultural resources located in the City and the sphere of influence, as well as a reconnaissance style survey that visited previously recorded sites and addressed areas with a high potential for containing resources. This work resulted in the assessment of a project area that measured approximately 37 square miles. While this study addressed the current project area and the surrounding acreage via research and a records search, it did not include an intensive pedestrian survey for the subject property (RI-8449/CRM Tech 2004). As such, the EIC results indicate that the project area has been previously surveyed once for the presence or absence of cultural resources in 1981 (RI-1434/SRS 1981).

Collectively, the 27 previous studies cover approximately 90 percent of total surface area within the records search radius via research and field surveys. The report coverage is generally similar throughout the search radius with the lands within 0.25 mile, between 0.25 and 0.50 mile, and between 0.50 and one mile exhibiting about 90 percent coverage. The details of these reports are summarized below in Table 4.4-2.

Table 4.4.2- Previous Cultural Resources Studies Within One Mile of the Project Area

Report #	Date	Rsrcs	Report	Author
RI-1432	1986	No	Archaeological Report on Grading Monitoring Activities at Stewart Ranch, Riverside County, California	Scientific Resource Surveys, Inc. (SRS)
RI-1433	1985	No	An Historical Study of Stewart Ranch in Riverside County, California	SRS
RI-1434	1981	Yes	Cultural Resources Report on 900 +/- Acre Parcel (Portion of the Old Stewart Ranch), Located in the Banning-Beaumont Area, Riverside County, California	SRS
RI-1830	1984	No	An Archaeological Assessment of Parcel 18132, Beaumont Area of Riverside County, California	Archaeological Research Unit
RI-2203	1987	No	An Archaeological Assessment of the Hovchild Property, Riverside County, California	C. E. Drover
RI-2350	1988	Yes	MCI Rialto to El Paso Fiber Optics Project - Intensive Cultural Resource Survey - San Bernardino and Riverside Counties, California	Dames & Moore
RI-3039	1990	No	An Archaeological Assessment of the "Sunset Crossing" Project, a 294.8 Acre Parcel as shown on TPM 25541, Located Immediately South of the I-10 Freeway at Sunset Avenue in Banning, Riverside County, California	Archaeological Associates

Report #	Date	Rsrcs	Report	Author
RI-4720	2004	Yes	Phase I Cultural Resource Survey and Historic Site Significance Evaluations for the Sunset Crossing Project Footprint, South Banning Area, County of Riverside, California	MBA
RI-4840	2002	No	Report of Phase I Archaeological Assessment of a 23-Acre Parcel in Beaumont, Riverside County	Archaeological Resource Management Corporation (ARMC)
RI-4841	2002	No	Addendum: Report of Phase I Archaeological Assessment of a 23-Acre Parcel in Beaumont, Riverside County	ARMC
RI-5136	2003	No	Cultural Resource Inventory and Paleontologic Assessment, Hovchild Property, City of Beaumont, County of Riverside, California	The Keith Companies
RI-6722	2006	Yes	Cultural Resources Assessment and Historic Evaluations: Deutsch Property Specific Plan, City of Banning, Riverside County, California	LSA
RI-7052	2006	No	A Cultural Resources Investigation of the Proposed San Gorgonio Village Project Area, Approximately 23 Acres of Land in the City of Beaumont, Riverside County, California	McKenna, et al.
RI-7055	2007	No	Historical/Archaeological Resources Survey Report: Assessor's Parcel Number 419-170-031, in the City of Beaumont, Riverside County, California	CRM Tech
RI-7339	2007	Yes	Identification and Evaluation of Historic Properties: Wastewater Treatment Plant Expansion and Recycled Water System, City of Banning, Riverside, California	CRM Tech
RI-7364	2007	No	Archaeological and Paleontologic Monitoring of a 29.7-Acre Project Area at the Northwest Corner of First Street and Commerce Way, Beaumont, Riverside County, California	Chambers Group
RI-7970	2006	Yes	A Study of the Past in San Timoteo Canyon and San Gorgonio Pass: Cultural Resource Assessment, Oak Valley Substation Project, Riverside County	LSA
RI-8011	2008	No	Final Cultural Resources Assessment, Study of the Past in San Timoteo Canyon and San Gorgonio Pass: Oak Valley Substation Project, Riverside County	LSA
RI-8027	2009	No	Letter Report: Proposed Cellular Tower Project(s) in Riverside County, California, Site Number(s)/Name(s): IE-04965A/Beaumont Health Center TCNS# 47154	Earth Touch
RI-8449	2004	No	Cultural Resources Technical Report: City of Banning General Plan	CRM Tech
RI-9167	2013	Yes	Cultural Resources Assessment and Class III Inventory: Volume I West of Devers Project, San Bernardino and Riverside Counties, California	LSA

Report #	Date	Rsrcs	Report	Author
RI-10157	2014	Yes	Archival Research Evaluation Results of 33 Cultural Resources for Southern California Edison Company's West of Devers Upgrade Project, Riverside and San Bernardino Counties, California, Volume 1	SCE
RI-10219	2015	No	Letter Report: Cultural Resources Summary for the Proposed Verizon Wireless, Inc. Property at the Potrero Site, 81 Highland Springs Avenue, Beaumont, Riverside County, California 92223	Tetra Tech
RI-10461	2015	Yes	Archaeological Investigations and Monitoring for the Construction of the Devers-Palo Verde No. 2 Transmission Line Project, Riverside County, California	ASM
RI-10478	2018	Yes	A Phase I CEQA/Class III NEPA (NHPA Section 106) Investigation for the 6th/Maple Septic Conversion Project in the City of Beaumont, Riverside Co., California	McKenna, et al.
RI-10754	2019	Yes	A Class III Historic Resource Study for Phase 3 of the Atwell Project for Section 106 Compliance, SPL-Banning, California	Brian F. Smith and Associates (BFSA)
RI-10766	2018	Yes	A Class III Historic Resource Study for Phase 2 of the Atwell Project for Section 106 Compliance, SPL-Banning, California	BFSA

Source: Cultural Resources Records Search Results and Recommendations (Appendix D.)

The Native American Heritage Commission was requested to provide a records search of the Sacred Lands File on June 29, 2020. The commission staff responded in writing on June 29, 2020 with a list of local Native American tribes, organizations, and individuals to contact regarding the Project. Tribes, organizations, and individuals were provided a letter which included a description of the Project, identified its location, and requested information regarding Native American resources within or near the Project area.

As a result of the information scoping process, five (5) tribes responded by email and in letters including the Agua Caliente Band of Cahuilla Indians the Cabazon Band of Mission Indians, the Quechan Tribe of the Fort Yuma Reservation, the Rincon Band of Luiseno Indians, and the Santa Rosa Band of Cahuilla Indians. The only request was from the Agua Caliente Band of Cahuilla Indians who asked for a copy of the Phase I Cultural Resources Assessment once it was finalized (August 30, 2020).

(Please see Section 4.12, *Tribal Cultural Resources* for a comprehensive analysis of this issue).

4.4.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of cultural resources.

4.4.3 Regulatory Framework

The primary regulations applicable to the Project are described as follows:

Federal Regulations

National Register of Historic Places

The National Register of Historic Places 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 National Register of Historic Places 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.

State of California Regulations

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).

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 Regulations

City of Banning General Plan

- 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 Thresholds of Significance

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 Cultural Resources if it would:

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

4.4.5 Impact Analysis

Threshold 4.4.5 (a) - Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.

The Project area was once part of Stewart Ranch, owned and operated by Reznor P. Stewart between 1883 and 1933 and by his daughters Laura May and Clara between 1933 and 1967. L&L identified a linear resource (RPGX-1H) in the Project area consisting of an earthen bermed ditch constructed by bulldozer sometime before 1953 and associated with water control/conveyance efforts instituted on the ranch along Portereo Creek and Smith Creek. RPGX-1H was evaluated and recommended not eligible for the CRHR and does not qualify as a historic resource under CEQA.

Level of Significance: No impact.

Threshold 4.4.5 (b) - Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.

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. Sensitivity for encountering historic-age archaeological resources is considered low-to-moderate. The Project area lies within Stewart Ranch; however, the land within the Project area was utilized for grazing, agricultural, and water control/conveyance purposes. This suggests that any historic artifacts and/or deposits that may be present in subsurface context would most likely reflect those activities (e.g., horse shoes, tacks, barbed wire, sparse occurrences of tin cans and glass bottles, other water conveyance/control features, etc.) and would most likely not be considered historically significant. Thus, no mitigation measures are required.

Level of Significance: No impact.

Threshold 4.4.5 (c) - Disturb any human remains, including those interred outside of formal cemeteries.

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. 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 Public Resources Code §5097 et. seq. California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin. Pursuant to California Public Resources Code Section 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 Public Resources Code Section 5097.98.

Level of Significance: Less than significant.

4.4.6 Cumulative Impacts

The cumulative area for cultural resources and human remains is the City of Banning sphere of influence, consistent with the analysis contained in the City’s General Plan EIR. All cumulative development projects within the City will 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 complete the following: 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 appropriate mitigation measures be incorporated into project approvals for projects which have the potential to disturb or destroy sensitive cultural resources (Banning GP,²).

Thus, cultural resource reports will be required for each individual cumulative development project to assess the potential for significant impacts to these resources and to identify mitigation measures if necessary.

Level of Significance: Less than significant.

4.4.7 References

L&L Environmental Inc., *Cultural Resource Records Search Results and Recommendations, Sun Lakes Boulevard Project Assessment of 108 Acres for the Banning Industrial Project (APN 419-140-057), City of Banning, Riverside County, California*, February 27, 2020. (Included herein as Appendix D).

City of Banning, *City of Banning General Plan*, adopted January 31, 2006
(Available at: <https://www.ci.banning.ca.us/468/General-Plan-Amendments>, accessed on January 2, 2020.

² City of Banning General Plan, pp. IV-68–IV-69.

4.5 ENERGY

Energy conservation generally refers to efforts made to reduce energy consumption to preserve resources for the future and reduce environmental pollution. To the extent relevant and applicable to the proposed Project, energy expenditure (use) and conservation are considered herein and in other applicable Draft EIR sections.

4.5.1 Environmental Setting

The California Energy Commission (CEC) provides new forecasts for electricity and natural gas demand every two years as part of the Integrated Energy Policy Report (IEPR) process.

Electricity

California is beginning a transition away from fossil natural gas as a primary fuel source for electric generation. To meet air quality, climate, and other environmental goals, fossil generation is being replaced by resources including renewables, transmission upgrades, energy storage, energy efficiency, and demand response.

Over the last decade, the portfolio of resources in California’s electric system has significantly changed. The amount of generation from fossil natural gas plants has decreased by roughly 22 percent, from 117 gigawatt-hours (GWh) in 2009 to 91 GWh in 2018. Large amounts of renewable generation have been added to the system, driven primarily by California’s Renewables Portfolio Standard and the California Solar Initiative. Installed renewable capacity in the state increased from 9,313 megawatts (MW) in 2009 to 23,313 MW in 2018. Table 4.5-1 shows the amount of electricity consumed by Riverside County in 2018.

Table 4.5.1- Electricity Use by Riverside County in 2018

Sector	Usage Expressed in Millions of kWh (GWh)
Non-Residential	8295.965387
Residential	7960.740053
Total	16256.705441

Source: California Energy Commission Consumption Database, 2020.

Natural Gas

While natural gas demand is growing in most of the United States, California expects a decline because of policies such as Senate Bill 350 (De León, Chapter 547, Statutes of 2015) and SB 100. Decarbonization strategies such as building electrification will reduce retail demand for fossil natural gas. Yet, in 2017 and 2018, natural gas was still the most consumed fuel or energy source

in California. California's five end-use sectors—residential, commercial, industrial, transportation, and electric generation—consumed 1,799,292 MMcf (4,930 MMcfd average) of natural gas in 2018.

However, California's in-state natural gas production, much of which comes from geologic basins in the Central Valley, will continue to decline because of less favorable economics and reservoirs that are less susceptible to increased production via hydraulic fracturing. In 2017, in-state sources provided about 548 MMcfd, or 10 percent, of the natural gas consumed in California, while interstate pipeline shipments satisfied the remaining 90 percent. Table 4.5-2 shows the natural gas use by Riverside County in 2018.

Table 4.5.2 - Electricity Use by Riverside County in 2018

Sector	Usage Expressed in Millions of Therms
Non-Residential	139.193875
Residential	259.344553
Total	398.538428

Source: California Energy Commission Consumption Database, 2020.

Transportation

California is home to roughly 30 million registered cars, trucks, buses, and other motorized on road vehicles. Over the last 60 years, an increase in vehicle ownership and the number of miles driven has made the transportation sector the largest contributor of greenhouse gas (GHG) emissions in the state, as well as a leading cause of air pollution and ozone-forming gas emissions.

The Public Resources Code, Section 25304, requires the California Energy Commission (CEC) to conduct transportation forecasting and assessment, including a forecast of "statewide and regional transportation energy demand" and assessment of "the factors leading to projected demand growth. Forecasting California's transportation sector is challenging given the rapid evolution toward a clean transportation system, and because transportation fuels and vehicles are influenced by developments in the global market.

Gasoline is the dominant fuel within the transportation sector, with diesel and aviation fuels following. Table 4.5-3 shows gasoline and diesel fuel consumption during the peak year vs. current year for the period 2003-2018.

Table 4.5.3 - Fuel Consumption- Peak Year vs. Current Year for 2003-2018

Fuel Type	Billions of Gallons/ Peak Consumption Year	Billions of Gallons/ Current Consumption Year
Gasoline	Year 2005 (15 billion)	Year 2018 (14 billion)
Diesel	Year 2007 (3.75 billion)	Year 2018 (3.25 billion)

Source: California Energy Commission, Final 2019 Integrated Energy Policy Report, Appendix C, 2019.

Petroleum-based fuels continue to represent the largest shares of transportation energy demand, at present and through the forecasted period (2030). The decline in gasoline demand forecast is primarily due to improvements in fuel efficiency and increased electrification.

4.5.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Energy resources.

4.5.3 Regulatory Framework

The proposed Project would be required to directly and indirectly comply with all mandatory regulatory requirements aimed at energy conservation and fuel use that would lessen the energy demands of the proposed Project. There are many such regulatory requirements, with the primary ones discussed briefly below.

State Regulations

Title 24, Part 6, Energy Efficiency Standards

Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. The 2019 Building Energy Efficiency Standards, which were adopted on May 9, 2018, went into effect starting January 1, 2020.

Title 24, Part 11, Green Building Standards

The California Green Building Standards Code (24 CCR Part 11, known as “CALGreen”) was adopted as part of the California Building Standards Code. It includes mandatory requirements for new residential and nonresidential buildings throughout California. CALGreen is intended to (1) reduce GHG emissions from buildings; (2) promote environmentally responsible, cost-effective, healthier places to live and work; (3) reduce energy and water consumption; and (4) respond to the directives by the governor. The code also requires building commissioning, which

is a process for verifying that all building systems (e.g., heating, and cooling equipment and lighting systems) are functioning at their maximum efficiency.

Local Regulations

City of Banning General Plan

- 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.
 - Program 1.C The City shall strive for efficient community land use and transportation planning and design, and shall assure the provision of convenient neighborhood shopping, medical and other services located to minimize travel and facilitate the use of alternative means of transportation.
- 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.

City of Banning Municipal Code

Chapter 15.08 - Construction Codes implements the California Building Standards Code which has the authority to propose CALGreen standards for nonresidential structures that include, but are not limited to, new buildings or portions of new buildings, additions and alterations, and all occupancies where no other state agency has the authority to adopt green building standards applicable to those occupancies.

4.5.4 Thresholds of Significance

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 Energy if it would:

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

4.5.5 Impact Analysis

Threshold 4.5.5 (a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Short-Term Construction

Construction of the proposed Project would result in short-term energy demand generated using construction equipment and from worker and vendor vehicle trips to and from the Project site. There is no aspect of the proposed short-term construction process that would result in the inefficient, wasteful, and unnecessary consumption of energy because all construction equipment operating on the Project would be required to meet applicable regulatory requirements for fuel efficiency.

Long-Term Operations

Fuel Consumption

Energy demand would result from delivery, employee, and visitor vehicle/truck trips to and from the Project site. Energy that would be consumed by Project-generated traffic is a function of total VMT and estimated vehicle fuel economies of vehicles accessing the Project site. Table 4.5-4 shows projected fuel consumption.

Table 4.5.4 - Projected Fuel Consumption

Annual Vehicle Miles Traveled	Average Vehicle Fuel Economy	Estimated Annual Fuel Consumption (Gallons)
12,632,720	26.0	485,837

Source: California Air Resources Board.

Natural Gas and Electricity

Operational use of energy would include heating, cooling, and ventilation of buildings; operation of electrical systems, security functions, use of on-site equipment and appliances; and indoor, outdoor, perimeter, and parking lot lighting. Table 4.5-5 shows the projected energy demand by the Project for natural gas and electricity.

Table 4.5.5- Projected Annual Operational Energy Demand

Energy Source	Metric	Total Demand
Natural Gas	KBTU/year	248,201
Electricity	kWh/year	1,679,221

Source: Sun Lakes Village North Specific Plan Amendment No. 6, Air Quality and Greenhouse Gas Evaluation (Appendix B).

Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building such as in plug-in appliances. In California, the California Building Standards Code Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. Non-building energy use or “plug-in” energy use can be further subdivided by specific end-use (refrigeration, cooking, appliances, etc.).

Operational Energy Efficiency/Conservation Measures

Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards; and enhanced building/utilities energy efficiencies mandated under California building codes (e.g., Title 24, California Green Building Standards Code).

As shown in Table 4.5-5, the Project would create a net increase in electricity demand of approximately 1,679,221 kWh per year. This net increase is well within SCE’s systemwide net increase in electricity supplies of approximately 15,273 GWh annually over the 2012-2024 period (CEC, Electricity Consumption by County, 2020). Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed Project would not require expanded electricity supplies.

As shown in Table 4.5-5, the Project would generate a net increase in natural gas demand of approximately 248,201 KBTU/yr. This net increase is well within the Southern California Gas Company’s systemwide natural gas supplies of approximately 923 million therms during the 2017 period. (CEC, 2020a). Therefore, there are sufficient planned natural gas supplies in the region for the estimated net increase in natural gas demands, and buildout under the proposed Project would not require expanded natural gas supplies.

Further, the energy demands of the Project can be accommodated within the context of available resources and energy delivery systems for natural gas and electricity. The Project would therefore not cause or result in the need for additional energy producing or transmission facilities.

Additionally, plans submitted for building permits of development projects in the Project area would be required to include verification demonstrating compliance with the 2016 Building and Energy Efficiency Standards and are also required to be reviewed. The project would also be required adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. Even though the project would increase the consumption of electricity and natural gas resources, the project would not increase demand such that SoCalGas and SCE would need to plan for new regional electricity or natural gas facilities, the construction of which could cause significant environmental effects.

Based on the above analysis, the proposed Project would not 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.

Threshold 4.5.5 (b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Applicable regulations and requirements, including plans for renewable energy and energy efficiency, are discussed above in subsection 4.5.6 (a). As noted above, plans submitted for building permits of development projects in the Specific Plan would be required to include verification demonstrating compliance with the 2016 Building and Energy Efficiency Standards and are also required to be reviewed. The project would also be required adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency, water conservation, material conservation, and internal air contaminants. As such, impacts are less than significant.

Level of Significance: Less than significant.

4.5.6 Cumulative Impacts

Construction Energy Demand

Based on the preceding analysis, the Project's construction activities would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary

consumption of energy resources. Construction activities associated with the Project would not be more energy-intensive than other similar construction operations throughout the region, and the Project would be subject to applicable regulations designed to reduce energy consumption. Accordingly, the Project's impacts due to construction-related energy consumption would be less than significant.

Operational Energy Demand

Mandatory compliance with the applicable provisions of CALGreen would ensure that the Project uses energy efficiently. Moreover, energy consumed by the Project is calculated to be comparable to, or less than, energy consumed by other individual residential or commercial uses of similar scale and intensity than are currently constructed and operating in California. On this basis, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy. Furthermore, the Project would not cause or result in the need for additional energy facilities or energy delivery systems outside of connection to the existing utilities located in the adjacent roadways.

As indicated under the analysis for Threshold 4.5.6 (b), the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. As such, the Project has no potential to result in cumulatively considerable impacts due to a conflict with or obstruction of such plans.

Level of Significance: Less than significant.

4.5.7 References

City of Banning, City of Banning General Plan, adopted January 1, 2020. Available at: <http://www.ci.banning.ca.us/468/General-Plan-Amendments>, accessed April 1, 2020.

State of California, California Building Standards Code Title, adopted January 31, 2006. Available at: <https://www.dgs.ca.gov/BSC/Resources/Page-Content/Building-Standards-Commission-Resources-List-Folder/CALGreens>, accessed April 1, 2020.) (CalGreen).

State of California, Energy Commission, Electricity Consumption by County, 2018. Available at: <https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data>). Accessed April 1, 2020.

State of California, Energy Commission, Gas Consumption by County, 2018. Available at: <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>). Accessed April 1, 2020.

4.6 GEOLOGY AND SOILS

The following questions in the Initial Study related to Geology and Soils were screened out or removed from more detailed analysis in this EIR (i.e., they were determined to have “no impact”, a “less than significant impact”, or be “less than significant with mitigation incorporated” in the Initial Study and are not addressed further in the EIR). These questions are described below:

Would the Project:

- a) *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?*
 - ii) *Strong seismic ground shaking?*
 - iii) *Seismic-related ground failure, including liquefaction?*
 - iv) *Landslides?*
- b) *Result in substantial soil erosion or the loss of topsoil?*
- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable because of the Project, and potentially result in on-site or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?*
- d) *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?*
- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

This section examines the potential environmental impacts of the proposed Project relative to Geology and Soils for the following question:

Would the Project:

a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

4.6.1 Environmental Setting

Paleontological resources are fossilized remnants of prehistoric plants or animals preserved in soil or rock layers over time. Fossils and trace fossils are typically preserved in sedimentary rock units, typically in fine-to-medium-grained marine lake and stream deposits such as limestone, sandstone, or shale, and in ancient soils. Fossils are also typically found in coarse-grained sediments including coarse alluvium or conglomerates.

The primary geologic units underlying the Project site are shown in Figure 4.6-1, Geologic Map. As shown in Figure 4.6-1, geologic units underlying the Project site include Quaternary old alluvial fan deposits, Quaternary incredibly old alluvial fan deposits, Cretaceous gabbro metasedimentary rock, and Mesozoic metasedimentary rock (undifferentiated rock formations).

4.6.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Paleontological resources.

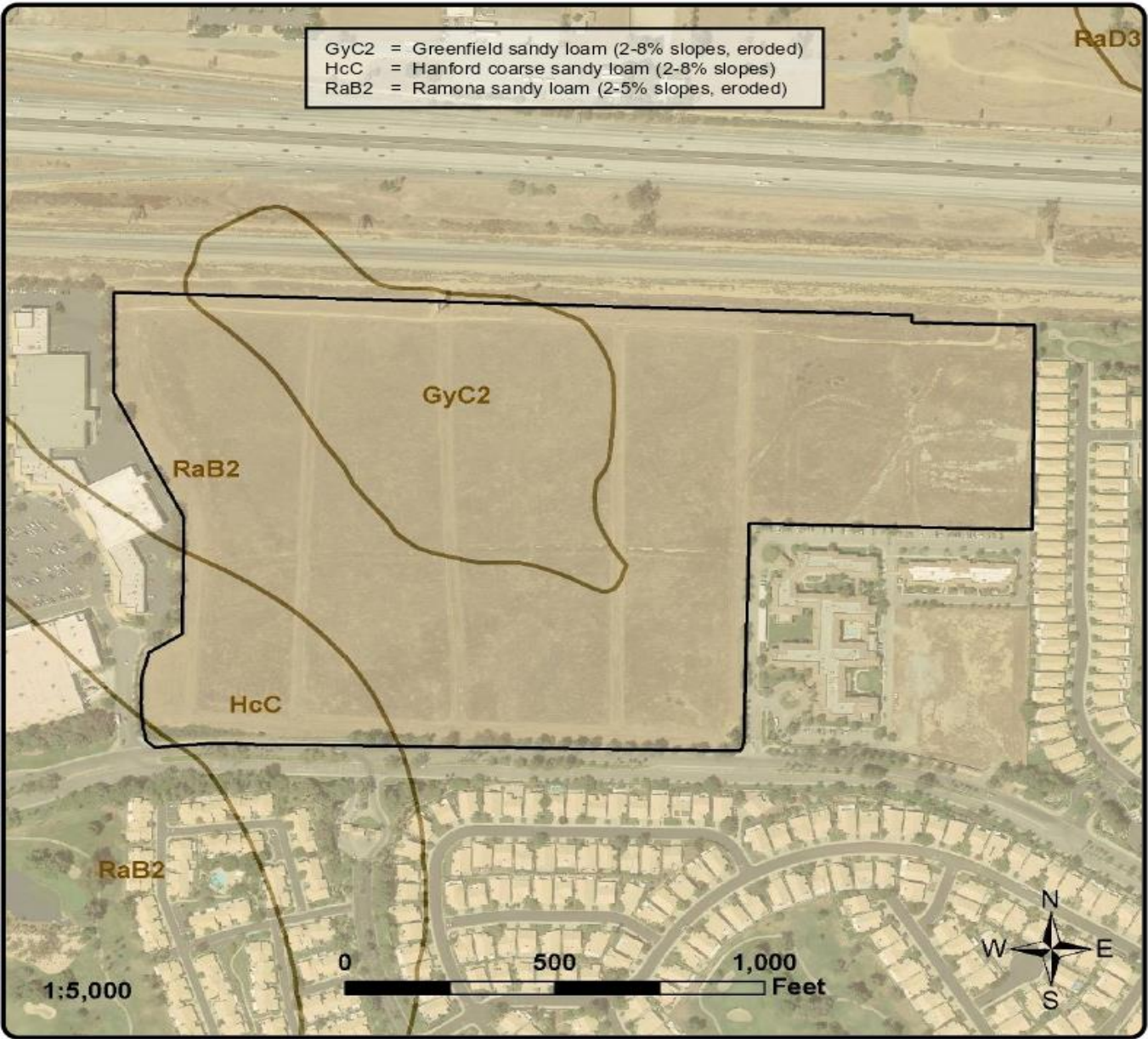
4.6.3 Regulatory Framework

Federal Regulations

Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act was signed into law on March 30, 2009 (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). The act directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to implement comprehensive paleontological resource management programs.

Figure 4.6.1- Soils Map



State

Public Resources Code (PRC) Section 5097.5. PRC Section 5097.5 provides for the protection of cultural and paleontological resources and prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of State or local authorities.

4.6.4 Thresholds of Significance

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 Paleontological Resources if it would:

(a) *Directly or indirectly destroy a unique paleontological resource?*

4.6.5 Impact Analysis

Threshold 4.6.5 (a) - Directly or indirectly destroy a unique paleontological resource?

Guidelines developed by the County of Riverside to determine the likelihood of the presence of paleontological resources at a given site. Following the County's established process, baseline information is used to assign the paleontological sensitivity of a geologic unit(s) (or members thereof) to one of four categories—Low, Undetermined, High A (Ha), and High B (Hb) potential.

The Paleontological Resources Sensitivity Map of Riverside County (MMC, 2020), indicates that paleontological sensitivity for sediments north of the fault where it traverses the Project site is classified as "Undetermined Potential (U)" which is defined as follows:

"Undetermined Potential (U): Areas underlain by sedimentary rocks for which literature and unpublished studies are not available have undermined potential for containing significant paleontological resources. These areas must be inspected by a field survey conducted by a qualified vertebrate paleontologist."

The Project has a possibility of encountering paleontological resources underlying the Pleistocene deposits located on the site during grading activities. Mitigation Measures MM GEO 1 through MM GEO 3. Implementation of MM GEO 1 through MM GEO 3 will ensure impacts to paleontological resources are less than significant with mitigation incorporated.

GEO - 1: Paleontological Resource Impact Mitigation Program. *Prior to the issuance of a grading permit, the Project Proponent shall prepare a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phase of the Project, including both on- and off-site activities. The PRIMP shall be submitted for review and approval to the City of Banning*

Community Development Department and shall conform to the guidelines of the Society of Vertebrate Paleontology; including the following:

- a) *A trained paleontological monitor shall be present during initial mass grading or deep trenching activities within the Project in sediment areas determined likely to contain paleontological resources. If paleontological resources are located within excavation, the monitoring program will change to full-time. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources. The monitor shall be equipped to rapidly remove any large fossil specimens encountered during excavation. During monitoring, samples shall be collected and processed to recover microvertebrate fossils. Processing shall include wet screen washing and microscopic examination of the residual materials to identify small vertebrate remains. Upon encountering a large deposit of bone, salvage of all bone in the area shall be conducted in accordance with modern paleontological techniques. All fossils collected during the Project shall be prepared to a reasonable point of identification. Excess sediment or matrix shall be removed from the specimens to reduce the bulk and cost of storage. Itemized catalogs of all material collected and identified shall be provided to the museum repository along with the specimens. A report documenting the results of the monitoring and salvage activities and the significance of the fossils will be prepared. All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage. All fossils collected during this work, along with the itemized inventory of these specimens, shall be deposited in a museum repository for permanent curation and storage.*

Level of Significance: With implementation of Mitigation Measure GEO-1, impacts on paleontological resources would be less than significant.

4.6.6 Cumulative Impacts

The geographic setting for the analysis of cumulative impacts is the San Geronio Pass region of Riverside County. All subsurface Pleistocene sediments in the San Geronio Pass area have potential to contain significant, nonrenewable paleontological resources. Individual development projects undertaken in the region could, depending upon site conditions, constitute an incremental adverse impact on the region's paleontological resources in the absence of mitigation measures.

Implementation of the proposed Project in conjunction with other planned projects in the region could result in cumulative impacts to paleontological resources. However, other development projects would be required to undergo discretionary review and be subject to the same resource protection requirements and CEQA review as the proposed Project. For example, other development projects may require some degree of ground disturbing monitoring, which would minimize the potential to disturb significant paleontological resources. If paleontological

resources were found, they would be addressed through the necessary testing, archiving, and recovery prior to development of a site.

Level of Significance: With implementation of Mitigation Measure GEO-1, which requires the preparation of a paleontological resource impact mitigation program (PRIMP) for the grading and excavation phase of the Project, the Project would not make a cumulatively considerable contribution to regional paleontological resources and would therefore be cumulatively less than-significant.

4.6.7 References

County of Riverside, Map My County. (Available at:
https://gis.countyofriverside.us/Html5Viewer/?viewer=MMC_Public. Accessed April 21, 2020.

4.7 GREEN HOUSE GAS EMISSIONS

This section of the EIR evaluates the potential for 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:

Sun Lakes North Specific Plan Amendment No.6 Air Quality and Greenhouse Evaluation, Urban Crossroads, July 3, 2020. A complete copy of this report is included in the Technical Appendices to this EIR (Appendix C).

4.7.1 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 greenhouse gases resulting from human activity and industrialization over the past 200 years.

Greenhouse Gases

Gases that trap heat in the atmosphere are called greenhouse gases (GHG). The primary components of GHG are described below.

- **Carbon Dioxide (CO₂):** Carbon dioxide enters the atmosphere through burning fossil fuels (coal, natural gas, and oil), solid waste, trees, and other biological materials, and because of certain chemical reactions (e.g., manufacture of cement). Carbon dioxide is removed from the atmosphere (or "sequestered") when it is absorbed by plants as part of the biological carbon cycle.
- **Methane (CH₄):** Methane is emitted during the production and transport of coal, natural gas, and oil. Methane emissions also result from livestock and other agricultural practices and by the decay of organic waste in municipal solid waste landfills.
- **Nitrous Oxide (N₂O):** Nitrous oxide is emitted during agricultural and industrial activities, combustion of fossil fuels and solid waste, as well as during treatment of wastewater.

Each of these gases can remain in the atmosphere for different amounts of time, ranging from a few years to thousands of years. All these gases remain in the atmosphere long enough to

become well mixed, meaning that the amount that is measured in the atmosphere is roughly the same all over the world, regardless of the source of the emissions.

Effects of Climate Change in California

Public Health

Higher temperatures caused by GHG emissions may increase the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures may increase the frequency, duration, and intensity of conditions conducive to air pollution formation. Higher temperatures could increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

Water Resources

A vast network of man-made reservoirs and aqueducts captures and transports water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, increasing the risk of summer water shortages.

The state's water supplies are also at risk from rising sea levels. An influx of salt water could degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major fresh water supply.

Agriculture

Increased temperatures could cause widespread changes to the agriculture industry, reducing the quantity and quality of agricultural products statewide. First, California farmers could possibly lose as much as 25 percent of the water supply, they need. California's farmers could face greater water demand for crops and a less reliable water supply as temperatures rise. Crop growth and development could change, as could the intensity and frequency of pest and disease outbreaks. Rising temperatures could aggravate ozone (O₃) pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

Forests and Landscapes

Global climate change has the potential to intensify the current threat to forests and landscapes by increasing the risk of wildfire and altering the distribution and character of natural vegetation. The risk of large wildfires in California could increase by as much as 55 percent, which is almost twice the increase expected if temperatures stay in the lower warming range.

In addition, continued global climate change has the potential to alter natural ecosystems and biological diversity within the state. For example, alpine and subalpine ecosystems could decline by as much as 60 to 80 percent by the end of the century because of increasing temperatures. The productivity of the state's forests has the potential to decrease because of global climate change.

Rising Sea Levels

Rising sea levels can contribute to more intense coastal storms, and warmer water temperatures could increasingly threaten the state's coastal regions. Rising sea levels could inundate low-lying coastal areas with salt water, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

4.7.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Greenhouse Gas Emissions.

4.7.3 Regulatory Framework

Climate change and the impact of GHG emissions is a global issue. In California, a series of executive orders and laws have generated policies and actions across State government, among local and regional governments, and within industry. These policies also have encouraged collaboration with federal agencies and spurred partnerships with many jurisdictions beyond California's borders to achieve the goal of reducing GHG emissions.

Emissions reductions are achieved through the efforts of federal, State, and regional programs, in addition to local measures that jurisdictions will implement in their community. State and federal emissions reductions are primarily achieved through regulations, such as efficiency standards for passenger vehicles (e.g., the Corporate Average Fuel Economy standards), reduction in carbon content of transportation fuels (e.g., the Low Carbon Fuel Standard), and minimum renewable energy supply requirements for utilities (e.g., the Renewables Portfolio Standard). Measures regulated and implemented by the State and federal government achieve reductions without additional action by local communities.

Some State and federal programs also require local action within communities. The California Green Building Standards Code (CALGreen) requires, at a minimum, that new buildings and renovations in California meet certain design standards. New residential and commercial buildings must meet certain baseline efficiency and sustainability standards. These baselines are established through locally adopted building codes and will result in GHG reductions.

The regulatory framework described below is targeted to the State of California, County of Riverside, and the City of Banning. Implementation of this regulatory framework will serve to reduce GHG emissions of a national and international level.

State Regulations

California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)]

In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)], which created a comprehensive, multi-year program to reduce greenhouse gas emissions in California. The *2017 Scoping Plan* identifies how the State can reach the 2030 climate target to reduce GHG emissions by 40 percent from 1990 levels, and substantially advance toward the 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels.

From its inception, AB 32 recognized the importance of California's climate leadership and engagement with other jurisdictions, and directed the California Air Resources Board (CARB) to consult with the federal government and other nations to identify the most effective strategies and methods to reduce GHGs, manage GHG control programs, and facilitate the development of integrated and cost-effective regional, national, and international GHG reduction programs.

The 2017 Scoping Plan incorporates, coordinates, and leverages many existing and ongoing efforts and identifies new policies and actions to accomplish the State's climate goals.

SB 375 – Sustainable Communities and Climate Protection Act of 2008

SB 375 builds from AB 32 and aims to reduce GHG emissions by linking transportation funding to land use planning. It requires the state's metropolitan planning organizations (MPO) to create a sustainable communities strategy (SCS) in their regional transportation plans (RTP) for the purpose of reducing urban sprawl. Under SB 375, CARB established regional targets for GHG emissions reductions from passenger vehicle use for each MPO. The regional reduction targets for the Southern California Association of Governments (SCAG) region, which is the MPO with jurisdiction over the WRCOG subregion, are 8% per capita by 2020, and a conditional target of 13% per capita by 2035 from 2005 levels. In April 2012, SCAG adopted its first SCS, which demonstrates how the region will achieve the GHG emissions reduction targets set by CARB.

Regional Regulations

Southern California Association of Governments Regional Transportation Plan and Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is the regional planning agency for Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties, and serves as a

forum for regional issues relating to transportation, the economy, community development, and the environment. SCAG serves as the federally designated MPO for the Southern California region

The *Regional Transportation Plan and Sustainable Communities Strategy* (RTP/SCS) serves as a long-range transportation plan that is developed and updated by SCAG every four years. The RTP provides a vision for the development of transportation facilities throughout the region based on growth forecasts and economic trends that project over a 20-year period. The SCS expands upon transportation strategies in the RTP to analyze growth patterns and establish future land use strategies that aid the region in meeting its GHG reduction targets. The SCS does not mandate future land use policies for local jurisdictions, but rather provides a foundation of regional policy upon which local governments can build. WRCOG and its member jurisdictions partner with SCAG and are active members in the development and implementation of the RTP/SCS.

Western Riverside Council of Governments Subregional Climate Action Plan (2014)

AB 32 directed public agencies in California to support the statewide goal of reducing GHG emissions to 1990 levels by 2020. The Western Riverside Council of Governments (WRCOG) Subregional Climate Action Plan (CAP) Climate Action Plan supports AB 32 at the local level. The CAP provides a policy framework for how the subregion can do its part to reduce emissions. While compliance with AB 32 is not a requirement for local jurisdictions, demonstrating consistency with statewide reduction goals can significantly assist WRCOG jurisdictions in qualifying for incentives such as grant funding.

Local Regulations

City of Banning General Plan

The City of Banning General Plan policies that support the reduction of GHG emissions include the following:

- 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.
- Energy and Mineral Resources 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 regulations that support the reduction of GHG emissions include, but are not limited, to the following:

- The California Building Standards Code, also known as Title 24, is a set of regulations that govern how new (and in some cases significantly remodeled) buildings in the state must be constructed. One section of Title 24 is Part 11, the California Green Building Standards Code (CALGreen), which includes standards for water use, air quality, recycling and waste reduction, and other green building-related items. A related section, Part 6 (the California Energy Code), includes building energy efficiency standards.
- Municipal Code 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).
- Municipal Code Chapter 8.60 is intended to reduce congestion and air pollution caused by vehicle trips and vehicle miles traveled.
- Municipal Code Chapter 17.28 requires that a minimum of 15 percent of the net area of all parking areas shall be landscaped.
- Municipal Code Chapter 13.16 establishes a water conservation plan to reduce water consumption in the landscape environment using xeriscape principles.
- Municipal Code 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.
- Municipal Code Chapter 17.32 implements the California State Model Water Efficient Landscape Ordinance.

4.7.4 Thresholds of Significance

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. Appendix G of the State CEQA Guidelines recognizes the following significance threshold related to greenhouse gas emissions. The Project would have a significant impact on greenhouse gas emissions if it would:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*
- b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD has convened a GHG CEQA Significance Threshold Working Group (Working Group). Based on the last Working Group meeting (Meeting No. 15) in September 2010, SCAQMD is proposing to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency. A proposed project would be evaluated against the tiers and a determination made as to which tier would be the most appropriate for the individual project.

- **Tier 1.** Tier 1 consists of evaluating whether the project qualifies for any applicable exemption under CEQA. If the project qualifies for an exemption, no further action is required.
- **Tier 2.** Tier 2 consists of determining whether the project is consistent with a GHG reduction plan that may be part of a local general plan, for example. The concept embodied in this tier is equivalent to the existing consistency determination requirements in CEQA Guidelines Sections 15064(h)(3), 15125(d), or 15152(a). The GHG reduction plan must, at a minimum, comply with AB 32 GHG reduction goals; include an emissions inventory agreed upon by either the ARB or the SCAQMD, have been analyzed under CEQA and have a certified Final CEQA document, and have monitoring and enforcement components. If the proposed project is consistent with the qualifying local GHG reduction plan, it is not significant for GHG emissions.
- **Tier 3.** Does the project exceed the applicable GHG screening thresholds?
 - Industrial (when SCAQMD is the Lead Agency): 10,000 MTCO₂e/yr
 - Residential: 3,500 MTCO₂e/yr
 - Commercial: 1,400 MTCO₂e/yr
 - Mixed-use: 3,000 MTCO₂e/yr If a project's GHG emissions exceed the GHG screening threshold, the project would be analyzed under Tier 4.
- **Tier 4.** Tier 4 establishes a decision tree approach that includes compliance options for projects that have incorporated design features into the project and/or implement GHG mitigation measures.
 - Efficiency Target (2020 Targets)

- 4.8 MTCO₂e per Service Population (SP) for project level threshold (land use emissions only) and total residual emissions not to exceed 25,000 MMTCO₂e per year
 - 6.6 MT CO₂e per SP for plan level threshold (all sectors)
- Efficiency Target (2035 Targets)
 - 3.0 MT CO₂e per SP for project level threshold .
 - 4.1 MT CO₂e per SP for plan level threshold If the lead agency or project proponent cannot achieve the performance standards on any of the compliance options in Tier 4, the project related GHG emissions would be considered significant.
- **Tier 5.** Tier 5 would require projects to implement on-site and off-site GHG mitigation to include financially supporting net GHG-reducing projects sufficient to reduce GHG emission impacts for the life of the project (30 years) to less than the applicable GHG screening threshold level.

4.7.5 Impact Analysis

Threshold 4.7.5 (a) - Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Both construction and operational emissions for the Project were estimated by using the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential greenhouse gas emissions from a variety of land use projects. The model can be used for a variety of situations where a greenhouse gas emissions analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents and is authorized for use by the South Coast Air Quality Management District.

Construction Emissions

Construction activities associated with the project would result in emissions of CO₂ and CH₄ from construction activities. For construction phase Project emissions, GHGs are quantified and amortized over the life of the project. To amortize the emissions over the life of the project, the SCAQMD recommends calculating the total greenhouse gas emissions for the construction activities, dividing it by a 30-year project life then adding that number to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions.

Operational Emissions

Operational activities associated with the Project would result in emissions of CO₂, CH₄, and N₂O from the following primary sources: Area Source Emissions; Energy Source Emissions (combustion emissions associated with natural gas and electricity); Mobile Source Emissions; Water Supply, Treatment, and Distribution; and Solid Waste. Each is discussed below.

- **Area Source Emissions:** Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the project.
- **Energy Source Emissions Combustion Emissions Associated with Natural Gas and Electricity:** GHGs are emitted from buildings because of activities for which electricity and natural gas are typically used as energy sources.
- **Mobile Source Emissions:** Vehicles GHG emissions also would result from mobile sources associated with the project. Project mobile source emissions are dependent on both overall daily vehicle trip generation and the effect of the project on peak hour traffic volumes and traffic operations in the vicinity of the project.
- **Water Supply, Treatment and Distribution:** Indirect GHG emissions result from the production of electricity used to convey, treat, and distribute water and wastewater. The amount of electricity required to convey, treat, and distribute water depends on the volume of water as well as the sources of the water.

Table 4.7-1 below summarizes the total amount of GHG emissions that will be generated at buildout of the Project.

Table 4.7.1 - Total Greenhouse Gas Emissions

Emission Source	Emissions (MT/yr)			
	CO2	CH4	N2O	Total CO2e
Construction (amortized over 30 years)	128.61	2.00E-05	0	6.58E-03
Area	0.024	6.00E-05	0	0.0256
Energy	2,457.91	0.0987	0.0222	2,467.00
Mobile	7,330.65	0.3031	0	7,338.23
Waste	342.8822	20.2638	0	849,4761
Water Usage	957,9059	6.9501	0.1709	1,182.57
Total CO2e (All Sources)	11,966.27			

Source: Sun Lakes North Specific Plan Amendment No. 6 Air Quality and Greenhouse Gas Evaluation (Appendix B).

For this Project, the Tier 3 screening threshold is applied for screening purposes. As shown in Table 4.7-1 above, the Project site will generate 11,966.30 MTCO₂e per year from construction, area, energy, mobile, waste, and water usage which exceeds the Tier 3 screening threshold of 3,000 MTCO₂e per year. As such, impacts are potentially significant.

In order to reduce impacts to the maximum extent feasible, the City of Banning regulations that support the reduction of GHG emissions identified under Local Regulations on page 4.2-5 and 4.2-6 are required of the Project and will be imposed on future development projects. In addition, the following Mitigation Measures are required:

GHG-1: GHG Reduction Documentation. Prior to the issuance of a building permit, documentation that the following GHG reduction measures shall be implemented by future development projects is required. Documentation may consist of a letter stating how the project will comply and identify the verification mechanism for each measure required below (e.g. shown on building plans, landscaping plans, etc.)

The project shall devise a comprehensive water conservation strategy to reduce water use during project operation. The strategy will include the following:

- 1) *Install drought-tolerant plants for landscaping.*

- 2) *Install water-efficient irrigation systems, such as weather-based and soil-moisture-based irrigation controllers and sensors, for landscaping according to the California Department of Water Resources Model Efficient Landscape Ordinance.*
- 3) *Ensure that all landscape and irrigation measures follow the City of Banning's Landscaping and Water Conservation requirements.*

GHG-2: Building Design. *The project will design building shells, building components, such as windows, roof systems and electrical systems to meet 2016 Title 24 Standards (or applicable requirements in effect at the time a building permit is applied for).*

GHG-3: LEED Features. *Buildings will be designed to provide CALGreen Standards with Leadership in Energy and Environmental Design (LEED) features for potential certification and will employ energy and water conservation measures in accordance with such standards. This includes design considerations related to the building envelope, HVAC, lighting, and power systems. Additionally, the architectural expression such as roofs and windows in the buildings will relate to conserving energy.*

GHG-4. Energy Efficient Lighting. *Prior to the issuance of a building permit, building plans shall require that high-efficiency lighting (such as LED lighting that is 34 percent more efficient than fluorescent lighting) be installed within buildings on-site.*

GHG-5. Efficient Building Materials/Equipment. *The project will utilize building materials/methods and heating equipment that are efficient and reduce emissions that may include, but not limited to, high-efficiency heat pumps; thin insulating materials; windows and building surfaces with tunable optical properties; high efficiency lighting devices; improved software for optimizing building design and operation; low cost, easy to install, energy harvesting sensors and controls; interoperable building communication systems; and optimized control strategies.*

GHG-6. Reduce Indoor Water Demand. *Prior to the issuance of a building permit, building plans shall require that all faucets, toilets, and showers installed in the proposed structures utilize low-flow fixtures that would reduce indoor water demand by 20% per CalGreen Standards.*

Level of Significance: Even with implementation of mandatory Municipal Code requirements and Mitigation Measures GHG-1 through GHG-6, impacts are **significant and unavoidable**.

Threshold 4.7.5 (b)-Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The City does not currently have an adopted plan, policy, or regulation for the purpose of reducing GHG emissions; however, there are regional and State plans as described on pages 4.7-

3 through 4.7-6 that apply to the Project. No other applicable plans, policies, or regulations adopted for the purpose of reducing GHG emissions apply to the project, other than those noted above.

The Project is evaluated relative to the goals SCAG's 2016-2040 RTP/SCS and the City's adopted General Plan policies that pertain to GHG emissions.

California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)]

In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 (AB 32)], which created a comprehensive, multi-year program to reduce greenhouse gas emissions in California. The *2017 Scoping Plan* identifies how the State can reach the 2030 climate target to reduce GHG emissions by 40 percent from 1990 levels, and substantially advance toward the 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels.

Achieving the statewide AB 32 target reduction of 40 percent from 1990 and 80 percent below 1990 levels as identified in the 2017 Scoping Plan is generally not applicable to the project in many instances as this target is statewide, and the majority of GHG emissions are generated from industrial sources (such as electrical generating plants) and mobile vehicle emissions, both of which are regulated by other state and federal agencies and are outside the control of the City of Banning.

Notwithstanding, the following demonstrates the Project's consistency with the 2017 Scoping Plan.

Table 4.7-2 provides a summary of the Climate Change Policies and Measures discussed in the Scoping Plan, including, but not limited to, those identified specifically to achieve the 2030 target. The project's consistency with the major elements of the *2017 Scoping Plan* to achieve the GHG reductions are described in Table 4.7-2.

Table 4.7.2 - Scoping Plan Consistency Analysis

2017 Scoping Plan Measures to Reduce GHG Emissions	Responsibility for Implementation
<p><u>Implement SB 350 by 2030:</u></p> <ul style="list-style-type: none"> • Increase the Renewables Portfolio Standard to 50 percent of retail sales by 2030 and ensure grid reliability. • Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030. • Reduce GHG emissions in the electricity sector through the implementation of the above 	<p>Not Applicable. The agencies responsible for implementing these measures are the California Public Utilities Commission, California Energy Commission, and the California Air Resources Board.</p>

2017 Scoping Plan Measures to Reduce GHG Emissions	Responsibility for Implementation
<p>measures and other actions as modeled in IRPs to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.</p>	
<p><u>Implement Mobile Source Strategy (Cleaner Technology and Fuels):</u></p> <ul style="list-style-type: none"> • At least 1.5 million zero emission and plug-in hybrid light-duty electric vehicles by 2025. • At least 4.2 million zero emission and plug-in hybrid light-duty electric vehicles by 2030 • Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean Cars regulations. • Medium- and heavy-duty GHG Phase 2. • Transition to a suite of to-be-determined innovative clean transit options. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NOX standard. • Last Mile Delivery: New regulation that would result in the use of low NOX or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. • Further reduce VMT through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies. 	<p>Not in Conflict. The agencies responsible for implementing these measures are the California Air Resources Board, California State Transportation Agency, Strategic Growth Council, CalTrans California Energy Commission, and the Governor's Office of Planning & Research. Customers, employees of, and deliveries to the proposed Project will utilize these vehicles as they become available.</p> <p>As it applies to the project, the project follows the measures to reduce vehicles miles traveled and the policies contained in the SCAG 2016-2040 RTP/SCS Goals. (See Section 4.9- Land Use and Planning).</p>
<p>Increase stringency of SB 375 Sustainable Communities Strategy (2035 targets).</p>	<p>Not in Conflict. The agencies responsible for implementing this measure is the California Air Resources Board. As it applies to the project, the project follows the measures contained in the SCAG 2016-2040 RTP/SCS Goals. (See Section 4.9- Land Use and Planning).</p>
<p><u>Adjust performance measures used to select and design transportation facilities:</u></p> <ul style="list-style-type: none"> • Harmonize project performance with emissions reductions and increase competitiveness of transit and active transportation modes (e.g. via guideline documents, funding programs, project selection, etc.). 	<p>Not Applicable. The agencies responsible for implementing these measures are the California State Transportation Agency, Strategic Growth Council, Office of Planning and Research, California Air Resources Board, Governor's Office of Business and Economic Development, California Infrastructure Economic Development Bank, Department of Finance, California Transportation Commission, and Caltrans</p>

2017 Scoping Plan Measures to Reduce GHG Emissions	Responsibility for Implementation
Develop pricing policies to support low-GHG transportation (e.g. low-emission vehicle zones for heavy duty, road user, parking pricing, transit discounts).	Not Applicable. The agencies responsible for implementing these measures are the California State Transportation Agency, Caltrans, Governor's Office of Planning & Research, Strategic Growth Council, the California Air Resources Board.
<u>Implement California Sustainable Freight Action Plan:</u> <ul style="list-style-type: none"> • Improve freight system efficiency. • Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030. 	Not Applicable. The agencies responsible for implementing these measures are the California State Transportation Agency, California Transportation Commission, California Environmental Protection Agency, California Natural Resources Agency, California Air Resources Board, CalTrans, California Energy Commission, and the Governor's Office of Business and Economic Development,
Adopt a Low Carbon Fuel Standard with a CI reduction of 18 percent	Not Applicable. The agency responsible for implementing this measure is the California Air Resources Board.
<u>Implement the Short-Lived Climate Pollutant Strategy by 2030:</u> <ul style="list-style-type: none"> • 40 percent reduction in methane and hydrofluorocarbon emissions below 2013 levels. • 50 percent reduction in black carbon emissions below 2013 levels. 	Not Applicable. The agency responsible for implementing these measures are the California State Transportation Agency, California Environmental Protection Agency, California Natural Resources Agency, California Air Resources Board, CalTrans, California Energy Commission, and the California Infrastructure Economic Development Bank,
Develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.	Not Applicable. The agencies responsible for implementing these measures are the California Air Resources Board, CalRecycle, California Department of Food and Agriculture, and the State Water Resources Control Board,
<u>Develop Integrated Natural and Working Lands Implementation Plan to secure California's land base as a net carbon sink:</u> <ul style="list-style-type: none"> • Protect land from conversion through conservation easements and other incentives. • Increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity. • Utilize wood and agricultural products to increase the amount of carbon stored in the natural and built environments. • Establish scenario projections to serve as the foundation for the Implementation Plan. 	Not Applicable. The agencies responsible for implementing these measures are the California Natural Resources Agency, California Department of Food and Agriculture, California Environmental Protection Agency, and California Air Resources Board.
Establish a carbon accounting framework for natural and working lands as described in SB 859.	Not Applicable. The agency responsible for implementing this measure is the California Air Resources Board.
Implement Forest Carbon Plan	Not Applicable. The agencies responsible for implementing this measure are the California Natural

2017 Scoping Plan Measures to Reduce GHG Emissions	Responsibility for Implementation
	Resources Agency, CAL FIRE, and the California Environmental Protection Agency.
Identify and expand funding and financing mechanisms to support GHG reductions across all sectors.	Not Applicable. These measures involve State sources, such as the Greenhouse Gas Reduction Fund (cap-and-trade auction proceeds), the Alternative and Renewable Fuel and Vehicle Technology Program (AB 118), Electric Program Investment Charge (EPIC) Program, Carl Moyer Program, Air Quality Improvement Program, and Proposition 39 to expand clean energy investments in California and further reduce GHG and criteria emissions.

Source: California's 2017 Climate Change Scoping Plan.

Western Riverside Council of Governments

Until the City formally adopts a climate action plan, local development is not required to be consistent on a project-by-project evaluation of GHG emissions identified in the Western Riverside Council of Governments Subregional Climate Action Plan, so the Project was evaluated relative to the goals of AB 32, SB 32, the City's adopted General Plan policies that pertain to GHG emissions, and the Southern California Association of Governments' *2016-2040 Regional Transportation Plan/Sustainable Communities Strategy* (2016 RTP/SCS or Plan) as shown in Table 4.7-2 above.

4.7.6 Cumulative Impacts

No single land use project could generate enough greenhouse gas (GHG) emissions to noticeably change the global average temperature. Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts. The proposed project would generate a net increase in GHG emissions and would exceed the SCAQMD Working Group's bright-line threshold of 3,000 MTCO₂e for all land use types.

Level of Significance: Even with implementation of Mitigation Measures GHG-1 through GHG-6, impacts are cumulatively considerable.

4.7.7 References

City of Banning, City of Banning General Plan, adopted January 18, 2006. Available at <http://www.ci.banning.ca.us/468/General-Plan-Amendments>, accessed April 1, 2020.

City of Banning, City of Banning Municipal Code, Title 17, Zoning, April 29, 2020. (Available at https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO. Accessed on May 5, 2020.

California Air Resource Board, California's 2017 Climate Change Scoping Plan, November 2017. (Available at https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf, accessed May 16, 2020. (CARB 2017)

South Coast Air Quality Management District, Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group Meeting #15, September 28, 2010. (Available at: [http://www.aqmd.gov/docs/defaultsource/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significancethresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-mainpresentation.pdf?sfvrsn=2](http://www.aqmd.gov/docs/defaultsource/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significancethresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-mainpresentation.pdf?sfvrsn=2), accessed June 1, 2020.

Southern California Association of Governments, 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, adopted April 7, 2016. Available at <http://scagtrtpscs.net/Documents/2016/final/f2016RTPSCS.pdf>, accessed June 19, 2020.

Western Riverside Council of Governments, Subregional Climate Action Plan, September 2014. Available at: <http://www.wrcog.cog.ca.us/DocumentCenter/View/188>, accessed June 2, 2020).

4.8 HYDROLOGY AND WATER QUALITY

This section of the EIR evaluates the potential impacts to hydrology and water quality conditions in the City of Banning from implementation of the proposed Project. Hydrology deals with the distribution and circulation of water, both on land and underground. Water quality deals with the quality of surface and groundwater.

The following questions in the Initial Study related to Hydrology and Water Quality were screened out or removed from more detailed analysis in this EIR (i.e., they were determined to have “no impact”, a “less than significant impact”, or be “less than significant with mitigation incorporated” in the Initial Study and are not addressed further in the EIR). These questions are described below:

Would the Project:

- *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*
- *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Section 4.8.6 *Impact Analysis* examines the potential environmental impacts of the proposed Project relative to Hydrology and Water Quality for the following questions:

Would the Project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*
- b) *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:*
 - (I) *Result in substantial erosion or siltation on- or off-site?*
 - (II) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?*
 - (III) *(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?*

- (IV) *(Impede or redirect flood flows?*
- (V) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

4.8.1 Environmental Setting

Hydrology

The Project site is covered by the *Master Drainage Plan for the City of Banning* (“Drainage Plan”) prepared by the Riverside County Flood Control and Water Conservation District (“District”) in 1975. The Drainage Plan addresses the current and future drainage needs of a given community. The boundary of the Drainage Plan usually follows regional watershed limits. The proposed facilities may include channels, storm drains, levees, basins, dams, wetlands, or any other conveyance capable of economically relieving flooding problems within the plan area. The Drainage Plan includes an estimate of facility capacity, sizes, and costs.

The area covered by the Drainage Plan is approximately 19 square miles in size. It covers the bulk of the territory within the City of Banning. The Drainage Plan area is bounded roughly by the San Geronio River on the north, Smith Creek on the South, Hathaway Street on the east, and Highland Springs Road on the west.

The Drainage Plan involves the construction of several debris basins, major open channels, and a network of underground storm drains. The drainage system will collect flows emanating from the Project site and transport the flows to natural washes leading south to Smith Creek.

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 Geronio 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.

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

4.8.2 NOP/Scoping Comments

The Riverside County Flood Control and Water Conservation District submitted a letter dated March 3, 2020 stating that the Project would not be impacted by District Master Drainage Plan facilities and identified general information with respect to permits that may be required by regulatory agencies.

4.8.3 Regulatory Framework

Federal Regulations

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. Under the CWA, the US 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.

On April 15, 2019, the EPA issued an Interpretative Statement clarifying the application of Clean Water Act (CWA or the Act) permitting requirements to groundwater. EPA concluded that releases of pollutants to groundwater are categorically excluded from the Act's permitting requirements because Congress explicitly left regulation of discharges to groundwater to the states and to EPA under other statutory authorities.

National Pollutant Discharge Elimination System

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.

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 provide assistance for 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.

Local Regulations

City of Banning General Plan

The General Plan contains the following policies and programs with respect to hydrology and water quality.

- Water Resources Element Policy 5: The City shall provide guidelines for the development of on-site storm water retention facilities consistent with local and regional drainage plans and community design standards.
 - Program 5.A: Enforce regulations and guidelines for the development and maintenance of project-specific on-site retention/detention basins which implement the NPDES program, enhance groundwater recharge, complement regional flood control facilities, and address applicable community design policies.
- Flooding and Hydrology Element 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.
 - Program 6.A: Stormwater retention shall be enforced through the development review process and routine site inspection.

City of Banning Municipal Code

The following provision from the City's Municipal Code help minimize stormwater impacts associated with new development projects and are relevant to the proposed Project.

Chapter 13.24 - Stormwater Management System

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 Clean Water Act.

4.8.4 Thresholds of Significance

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:

- (a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

(b) *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:*

- (I) *Result in substantial erosion or siltation on- or off-site?*
- (II) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?*
- (III) *(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?*
- (IV) *(Impede or redirect flood flows?*

(c) *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

4.8.5 Impact Analysis

4.8.5 (a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Waste Discharge Requirements

Waste Discharge Requirements (WDRs) are issued by the Colorado River Regional Water Quality Control Board 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 will connect to the sanitary sewer system operated by the City of Banning. As such, the Project will not violate Waste Discharge Requirements.

Water Quality Requirements

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).).

Construction Impacts

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 Regional Water Quality Control Board and the City of Banning, the Project proponent will be required to obtain a National Pollutant Discharge Elimination System Municipal Stormwater Permit for construction activities. The National Pollutant Discharge Elimination System permit is required for all Projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one acre of total land area.

Compliance with the National Pollutant Discharge Elimination System permit and the Colorado River Basin Water Quality Control Program involves the preparation and implementation of a Storm Water Pollution Prevention Plan for construction-related activities, including grading. The Storm Water Pollution Prevention Plan would specify the Best Management Practices 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.

In addition, Chapter 13.24.110 - *Construction sites and onsite 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 post-construction. 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.”

Operational Impacts

With implementation of the mandatory construction storm water management requirements as described above, impacts are less than significant.

Operational Impacts

Storm water pollutants commonly associated with the type of land uses that could occupy the proposed buildings include sediment/turbidity, nutrients, trash and debris, oxygen-demanding substances, organic compounds, bacteria and viruses, oil and grease, and pesticides.

Pursuant to the requirements of the City's National Pollutant Discharge Elimination System permit, a Water Quality Management Plan is required for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed and the facilities or structures are occupied and/or operational. A Water Quality Management Plan describes the Best Management Practices that will be implemented and maintained throughout the life of a project to prevent and minimize water pollution that can be caused by storm water or urban runoff. The Project is proposing a water quality basin in the southwest corner of the site that will meet the requirements of the City's National Pollutant Discharge Elimination System permit.

The Project site currently drains southerly to Sun Lakes Boulevard. The portion of the site which drains to Sun Lakes Boulevard, sheet flows to existing storm drain system which conveys the flows to Smith Creek to the east. Given the size of the Project site and the type of development allowed, the proposed on-site storm drain system would like to consist of landscaping / retention areas and underground or above ground detention basins.

In addition, Chapter 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.*

Level of Significance: With implementation of the mandatory storm water management requirements as described above, impacts are less than significant.

4.8.5 (b) 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:

- i) *Result in substantial erosion or siltation on- or off-site?*

Construction Impacts

The Project site is relatively flat. The Project will be designed to generally maintain the existing topography of the site, with minor modifications as necessary to accommodate site development and proposed drainage conditions. Nonetheless, construction of the Project would involve substantial ground disturbance during clearing and grading of the site. In addition, 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. Should such an event occur in the absence of any preventative measures to contain silt and other soils on-site, erosion and/or siltation downstream would result.

However, pursuant to requirements of the Colorado River Regional Water Quality Control Board, the Project Proponent would be required to obtain a NPDES permit for construction activities on-site. The NPDES permit is required for all projects that include construction activities, such as clearing, grading, and/or excavation that disturb at least one (1) acre of total land area. Compliance with the NPDES permit involves the preparation and implementation of a SWPPP for construction related activities. The SWPPP would specify BMPs to minimize the potential for erosion and siltation to occur and would include specific Project site measures to address the potential for the caving in of temporary excavations. Typical BMPs that are implemented at construction sites to protect water quality include the implementation of straw bale barriers, plastic sheeting/erosion control blankets, and outlet protection measures. With mandatory adherence to the SWPPP requirements during construction activities, effects associated with erosion, siltation, water quality, and flooding on downstream water sources and flood control systems would be maintained at a level below significance.

In addition, Chapter 18.15 - *Erosion and Sediment Control* of the Municipal Code states:

All individual construction and grading projects shall implement measures to ensure that pollutants are not discharged from the site, will be reduced to the maximum extent practicable (MEP), and will not cause or contribute to an exceedance of water quality objectives in the local natural watercourses. All construction and grading activities will follow applicable ordinances, permits and other federal, state, and local requirements.

Operational Impacts

With buildout of the Project, the site would generally be converted from vacant land to developed land consisting of urban 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, and landscaped areas. Moreover, with incorporation of water quality/detention basins that would address water quality and would reduce the amount of siltation in site runoff.

Level of Significance: Less than significant.

- ii) *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?*

The Project site currently drains southerly to Sun Lakes Boulevard. The portion of the site which drains to Sun Lakes Boulevard, sheet flows to existing storm drain system which conveys the flows to Smith Creek to the east. Given the size of the Project site and the type of development allowed, the proposed on-site storm drain system will likely consist of landscaping / retention areas and underground or above ground detention basins.

Section 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. Post development peak urban runoff discharge rates may not exceed pre-development peak urban runoff discharge rates.

Level of Significance: With mandatory compliance of the requirements contained in Section 13.24.110 of the Municipal Code, impacts would be less than significant.

- iii) *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?*

As discussed previously, future development facilitated by implementation of the proposed Project, including both on-site and off-site infrastructure, would result in changes to the absorption rates, drainage patterns, and the corresponding rate and amount of surface runoff of the existing Project area. The proposed land uses would be in previously undisturbed areas and would result in new impervious surfaces that would generate additional stormwater flows. However, site development resulting from the implementation of the Project would include upgrades to drainage and stormwater facilities that would either prevent site development from causing an exceedance of existing downstream drainage system capacity.

While the development of the site would introduce urban uses into a currently undeveloped area with corresponding increases in potential pollutants that could impact storm water runoff from the site, water quality BMPs implemented pursuant to existing regulations, previously described in Impact Analysis 4.8.6 (b) (ii) 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 flood control system capacity and water quality would be less than significant.

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.

Level of Significance: Less than significant.

iv) Impede or redirect flood flows?

FEMA is responsible for determining flood elevations and floodplain boundaries based on studies performed by the U.S. Army Corps of Engineers (USACE). FEMA is also responsible for distributing the Flood Insurance Rate Maps (FIRMs), which are used in the NFIP. These maps identify the locations of special flood hazard areas, including the 100-year flood plain. According to FEMA FIRM Panel No. 060246, the Project site is not located within an Area of Minimal Flood Hazard.

In addition, future development will be subject to Chapter 15.64 of the Municipal Code which authorizes the City to restrict or prohibit uses that could be dangerous to health safety, and property due to water or erosion hazards, to control the alteration of natural floodplains, stream channels, and natural protective barriers, to control filling, grading, dredging and other development that may increase flood damage, to prevent or regulate the construction of flood

barriers which could divert flood waters or increase flood hazards in other areas, and to require measures to protect uses against flood damage at the time of construction.

Level of Significance: No impact.

4.8.5 (c) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Water Quality Control Plan

The Colorado River Regional Water Quality Control Board 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 National Pollutant Discharge Elimination System (NPDES). The Clean Water Act 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 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.

With implementation of the drainage system improvements described above, the Project will not conflict with or obstruct implementation of a Water Quality Control Plan. Impacts are less than significant.

Sustainable Groundwater Management Plan

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 Geronio 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 of Banning 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 is currently developing the *Groundwater Sustainability Plan for the San Gorgonio Pass Subbasin of the Coachella Basin*. At this time, the Plan is not adopted. However, it is anticipated that the plan will be in effect to manage and monitor groundwater affecting the Project area.,

Level of Significance: Less than significant.

4.8.6 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 proposed Mitigation Measures to reduce these impacts to a less than significant level.

Although the proposed Project in combination with other cumulative projects in the Banning area represents an incremental change in regional drainage patterns and additional developed surfaces, the proposed 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 mitigate potential impacts to hydrology and water quality and the regulatory requirements applicable to all development within the Banning area, the proposed Project would not significantly contribute to cumulative or regional drainage or water quality impacts.

Level of Significance: Less than significant.

4.8.7 References

Plan Colorado River Basin-Region 7 (aka "Basin Plan"). Includes amendments adopted by the Regional Board through August 2017. Available at http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/, accessed August 21, 2020. California Regional Water Quality Control Board, Colorado River Basin. *Water Quality Control*

City of Banning. General Plan, Adopted January 31, 2006. Available at <http://ci.banning.ca.us/468/General-Plan-Amendments> , accessed May 21, 2020.)

City of Banning, City of Banning Municipal Code Title 13, Chapter 13.24, April 29, 2020. (Available at: https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO. Accessed on May 5, 2020.)

City of Banning, City of Banning Municipal Code, Chapter 15.64, April 29, 2020. Available at https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=TIT17ZO. Accessed on May 5, 2020.

Krieger & Stewart Engineering Consultants. City of Banning 2015 Urban Water Management Plan. May 2016. (Available at: <https://www.ci.banning.ca.us/DocumentCenter/View/4543>, accessed June 19, 2020. (UWMP).

State Water Resources Control Board. Order No. 2009-0009-DWQ, NPDES No. CAS000002, National Pollutant Discharge Elimination System General Permit (and Waste Discharge Requirements) for Storm Water Discharges Associated with Construction and Land Disturbance Activities. Adopted September 2, 2009. (Available at http://www.swrcb.ca.gov/water_issues/programs/stormwater/constpermits.shtml. Accessed May 16, 2020).

State of California, Regional Water Quality Control Board, Colorado River Basin Region. Order No. R7-2013-0011, NPDES No. CAS617002, Waste Discharge Requirement for Discharges from the Municipal Separate Storm Sewer System (MS4) within the Whitewater River Watershed Riverside County Flood Control and Water Conservation District, Owner/Operator, County of Riverside, Owner/Operator, Coachella Valley Water District, Owner/Operator, and Incorporated Cities of Riverside County within the Whitewater River Basin, Owners/Operators. Adopted June 20, 2013. (Available at http://rcflood.org/downloads/NPDES/Documents/WW_Other/Final%20Adopted%20Order%20No.R7-2013-0011.pdf, accessed August 25, 2020.

4.9 LAND USE AND PLANNING

This Section discusses consistency of the Project with applicable land use and planning policies adopted by the City of Banning and other governing agencies for the purpose of reducing adverse effects on the physical environment. Information used to support the analysis in this Subsection was obtained from the City of Banning General Plan, Zoning Ordinance; the Southern California Association of Governments' (SCAG's) *Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* (SCAG, 2016); and the Regional Conservation Authority (RCA).

The following question in the Initial Study related to Land Use and Planning was screened out or removed from more detailed analysis in this EIR because it was determined to have no impact based on the analysis contained in the Initial Study (Appendix A).

Would the Project:

Physically divide an established community.

Section 4.9.6 *Impact Analysis* examines the potential environmental impacts of the proposed Project relative to Land Use and Planning for the following question:

Would the Project:

(a) 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?

4.9.1 Environmental Setting

The site is a disturbed vacant lot. Existing and surrounding land uses include railroad tracks and Interstate 10 to the north; Sun Lakes Boulevard followed by single-family residential homes to the south; senior apartments/assisted living/memory care residential facility and single-family residential homes to the east; and a shopping center to the west.

The Project site is located within the boundaries of the Sun Lakes Village North Specific Plan ("Specific Plan"). The Specific Plan was adopted pursuant to *California Government Code Sections 65450-65457, Article 8 (Specific Plans)* and serves as the zoning requirements applicable to the Project site and implements the goals and policies of the General Plan. The Specific Plan contains detailed development standards, distribution of land uses, infrastructure requirements, and implementation measures for the development of a specific geographic area.

The Project proposes Specific Plan Amendment No. 6 to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan from "Retail Commercial" to "Business Park" and "Professional Office" along the primary I-10 Freeway frontage and "Commercial Retail" along the Sun Lakes Boulevard frontage. (See Figure 2- Land

Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

4.9.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Land Use and Planning.

4.9.3 Regulatory Framework

Land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect that are applicable to the proposed Project are summarized below.

Southern California Association of Governments (SCAG)

The Southern California Association of Governments (SCAG) is a regional agency established pursuant to CA Gov. Code § 6500, Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). SCAG serves as an area-wide clearinghouse for regionally significant projects. SCAG reviews the consistency of local plans, projects, and programs with regional plans. Guidance provided by this review process is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

The Project site is located within the Western Riverside Council of Governments (WRCOG) sub-region of SCAG. The applicable SCAG policy documents include the Regional Comprehensive Plan and Guide (2016), the Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), and Compass Growth Vision. Because the Project meets the CEQA definition of having a statewide, regional, or area-wide significance, the Project is subject to an individual consistency evaluation with regional plans such as those published by SCAG.

South Coast Air Quality Management District Air Quality Management Plan (SCAQMD AQMP)

The California Clean Air Act (California Health & Safety Code section 39000 et seq.) requires that an Air Quality Management Plan be developed and then updated every three years for air basins with non-attainment status. The plan strives for the regional improvement of air quality. If a Project is consistent with these growth forecasts, and if all available emissions reduction strategies are implemented as effectively as possible on a project-specific basis, then the project is consistent with the plan.

Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)

The Multiple Species Habitat Conservation Plan (MSHCP) is a comprehensive, multi-jurisdictional Habitat Conservation Plan (HCP) adopted by Riverside County. The MSHCP promotes conservation of species and their associated habitats in Riverside County through implementation of several HCPs that affect lands within the County. The Western Riverside County MSHCP and the Coachella Valley MSHCP are the two dominant plans that impact the largest portions of the county. These plans coordinate multi-jurisdictional habitat planning and conservation efforts in the region to promote biological and ecological diversity while accommodating the appropriate construction of new development and infrastructure projects. Riverside County catalogs acquisitions and conservation of lands with respect to the HCPs, and periodically updates the General Plan Land Use maps accordingly. The Project site is located within the Western Riverside County MSHCP and is not designated as part of the MSHCP Reserve System, although individual MSHCP policies would apply to the Project.

4.9.4 Thresholds of Significance

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 Land Use and Planning if it would:

- (a) 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?

4.9.5 Impact Analysis

Threshold 4.9.5 (a) - 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?

The Project's consistency with policies and regulations adopted for the purpose of avoiding or regulating an environmental effect are discussed under the various environmental topics throughout Section 4.0 of this EIR. The following analysis focuses on the Project's consistency with *land use plans* adopted for the purpose of avoiding or mitigating an environmental effect that are not addressed elsewhere in this EIR. Under CEQA, only physical impacts to the environment are to be evaluated.

The Project entails a Specific Plan Amendment to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan from "Retail Commercial" to "Business Park" and "Professional Office" along the primary I-10 Freeway frontage and "Commercial Retail" along the Sun Lakes Boulevard frontage. (See Figure 2- Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping,

parking, and signage); design guidelines for development; and administration and implementation provisions.

South Coast Air Quality Management District Air Quality Management Plan

The South Coast Air Quality Management District is required to produce air quality management plans directing how the South Coast Air Basin's air quality will be brought into attainment with the national and state ambient air quality standards. The most recent air quality management plan is the 2016 Air Quality Management Plan (AQMP) and it is applicable to City of Banning. The purpose of the AQMP is to achieve and maintain both the national and state ambient air quality standards.

Refer to Section 4.2- *Air Quality* for a complete analysis.

Level of Significance: Less than significant.

Western Riverside County Multiple Species Habitat Conservation Plan

The Project site is located within the Pass Area Plan portion of the Western Riverside County MSHCP, which is a comprehensive habitat conservation/planning program for Western Riverside County. The intent of the MSHCP is to preserve native vegetation and meet the habitat needs of multiple species, rather than focusing preservation efforts on one species at a time. The MSHCP provides coverage (including take authorization for listed species) for special-status plant and animal species, as well as mitigation for impacts to special-status species and associated native habitats.

Refer to Section 4.3- *Biological Resources* for a complete analysis.

Level of Significance: Less than significant.

Water Quality Control Plan for the Colorado River Basin Region

The Water Quality Control Plan for the Colorado River Basin (Basin Plan) is designed to preserve and enhance water quality in the Region and to protect the beneficial uses of all regional waters for the benefit of present and future generations. The Basin Plan contains the Region's beneficial uses for ground and surface waters, water quality objectives to protect beneficial uses, and implementation programs to achieve water quality objectives. The Basin Plan fulfills state and federal statutory requirements for water quality planning, thereby preserving and protecting ground and surface waters of the Colorado River Basin Region.

Refer to Section 4.8- *Hydrology and Water Quality* for a complete analysis.

Level of Significance: Less than significant.

Southern California Association of Governments 2016-2040 the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy.

The Southern California Association of Governments (SCAG) Regional Council adopted the 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) in April 2016. The 2016 RTP/SCS seeks to improve mobility, promote sustainability, facilitate economic development, and preserve the quality of life for the residents in the region. The long-range visioning plan balances future mobility and housing needs with goals for the environment, the regional economy, social equity and environmental justice, and public health. An analysis of the Project's consistency with the relevant goals of the 2016 RTP/SCS are presented below in Table 4.9-1, *Analysis of Consistency with SCAG 2016-2040 RTP/SCS Goals*. As indicated the Project would not conflict with any of the RTP/SCS goals and impacts due to a conflict would be less than significant.

Table 4.9.1 - Analysis of Consistency with SCAG 2016-2040 RTP/SCS Goals

RTP/SCS Goal	Goal Statement	Project Consistency Analysis
G1	Align the plan investments and policies with improving regional economic development and competitiveness.	Consistent. This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive local and regional planning
G2	Maximize mobility and accessibility for all people and goods in the region.	Not Consistent. As discussed in EIR Subsection 4.11, <i>Transportation</i> , the Project would exceed the 15% below existing regional HBW VMT per worker by 19.12%.
G3	Ensure travel safety and reliability for all people and goods in the region.	Consistent. As disclosed in Section 4.11, <i>Transportation</i> , there is no component of the Project that would result in a substantial safety hazard to motorists and pedestrians.
G4	Preserve and ensure a sustainable regional transportation system.	Consistent. This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Project would have no adverse effect on such planning or maintenance efforts
G5	Maximize the productivity of our transportation system.	Consistent. This policy would be implemented by cities and the counties within the SCAG region as part of comprehensive transportation planning efforts. The Project is consistent with the City of Banning General Plan Circulation Element, which meets this goal to maximize productivity
G6	Protect the environment and health for our residents by improving air quality and encouraging active transportation (non-	Consistent. An analysis of the Project's environmental impacts is provided throughout this EIR, and mitigation measures are specified where warranted. Air quality is addressed in

RTP/SCS Goal	Goal Statement	Project Consistency Analysis
	motorized transportation, such as bicycling and walking).	EIR Subsection 4.2, Air Quality, and mitigation measures are specified to reduce the Project's air quality impacts to the extent feasible. Additionally, and as discussed in EIR Subsection 4.7, Greenhouse Gas Emissions, the Project proposes to incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy. Additionally, the Project proposes to implement sidewalk and bike lane improvements along public roadway rights-of-way in a manner that is consistent with the City of Banning General Plan. The Project study area is within the service area of the Pass Transit Agency and the Riverside Transit Authority (RTA). Bus service is available on Sun Lakes Boulevard near the Project site. As described in EIR Section 4.11, Transportation the Project would not conflict with any existing or planned transit routes.
G7	Actively encourage and create incentives for energy efficiency, where possible.	Consistent. As discussed in Section 4.5, <i>Energy</i> , the Project is consistent with the <i>Energy and Mineral Resources Element</i> of the General Plan that contains policies to ensure increasing energy efficiency and developing and using alternative and renewable energy resources.
G8	Encourage land use and growth patterns that facilitate transit and non-motorized transportation.	Consistent. The land uses proposed by the Project are consistent with the City of Banning General Plan. Additionally, the Project is not proposing any uses or improvements that would conflict with facilitating transit and non-motorized transportation.
G9	Maximize the security of the regional transportation system through improved system monitoring, rapid recovery planning, and coordination with other security agencies.	Consistent. This policy would be implemented by the Pass Transit Agency, and other transportation agencies as part of the operation of the transit system

Sources: 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy, General Plan, Project Application Materials.

Level of Significance: Less than significant.

City of Banning General Plan

A discussion of the Project's consistency with each element of the City of Banning General Plan is provided below.

Land Use Element

The Land Use Element defines land use designations, provides statistics regarding vacant and developed lands within these designations, and discusses strategies for the future development of the City.

The current General Plan Land Use Plan designations for the Project site are Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). The Business Park designation allows light industrial manufacturing and office/warehouse buildings, restaurants and retail use ancillary to a primary use, and professional offices. Commercial development, such as large-scale retail (club stores, home improvement, etc.) and mixed-use project may also be permitted, subject to a conditional use permit. The General Commercial designation allows food and drug stores; home improvement; auto sales, leasing, service and repair; department and general retail outlets; merchandise leasing; neighborhood serving retail and services; restaurants; entertainment uses; gas stations; general offices (secondary to retail); mixed uses; and financial institutions.

The Project proposes a Specific Plan Amendment No. 6 to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan from Retail Commercial to Business & Warehouse, Office and Professional, and Retail & Service. (See Figure 3-2- Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

In order to implement the Project, an amendment to the General Plan Land Use Element is not required as a Specific Plan is a zoning document and the land uses proposed by the Project are consistent with the current General Plan Land Use designations of Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). There are no adverse environmental effects associated with the Project that have not already been evaluated and addressed throughout this EIR. The Project would be consistent with all the policies contained within the Land Use Element. Accordingly, the Project would not conflict with the General Plan Land Use Element exhibits or policies, and impacts would be less than significant.

Level of Significance: Less than significant.

Economic Development Element

The Economic Development Element examines the City's potential economic opportunities and constraints, and sets forth a series of goals, policies, and programs that will help create a viable, well-balanced economy.

The Project provides for zoning that will facilitate a broad range of commercial and business development opportunities that will serve to attract new businesses, particularly those that generate and broaden employment opportunities, increase discretionary incomes, and contribute to City General Fund revenues. Accordingly, the Project would not conflict with the Economic Development Element policies.

Level of Significance: Less than significant.

Circulation Element

The purpose of the Circulation Element is to provide goals, policies, programs, and standards that correlate the City's transportation system with the types, intensities and locations of land uses within the City.

The Project site is located on the north side of Sun Lakes Boulevard, which is a Major Highway with four travel lanes, left turn lanes, parking lanes on each side, center median, and a parkway with sidewalk on each side. Sun Lakes Boulevard is designed to accommodate both vehicle, bicycle, and pedestrian travel to accommodate the land uses proposed by the Project.

Accordingly, the Project would be consistent with or otherwise would not conflict with the goals and policies set forth in the Circulation Element.

Level of Significance: Less than significant.

Parks and Recreation Element

The Parks and Recreation Element is intended to plan and provide for a diverse and integrated parks and recreation system, which creates important and passive recreational amenities that reflect and are responsive to the needs and standards of the City. It includes an inventory of existing parks, trails, and recreational amenities, as well as an assessment of other suitable lands to be incorporated into the system.

The Project is primarily intended for development of commercial and business park uses. However, multi-family residential development may be developed within the 10-acre portion of the site identified as "Office/Professional" upon supporting justification approved by the City. In any event, the payment of development impact fees will be required to offset any impacts.

Level of Significance: Less than significant.

Housing Element

The Housing Element is a comprehensive statement by the City of Banning of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels. The Housing Element has identified sites within the City that meet the City's affordable housing sites under the Regional Housing Needs Assessment (RHNA). The RHNA is mandated by State Housing Law and prepared by the Southern California Association of Governments (SCAG) as part of the periodic process of updating local housing elements of the General Plan. The RHNA quantifies the need for housing within each jurisdiction during specified planning periods. In addition, recently adopted Senate Bill 166 prohibits cities from allowing their inventory of available sites to be insufficient to meet their remaining unmet RHNA share for lower and moderate-income housing. California Government Code Section 65863 requires cities to make certain findings that the remaining housing element sites can accommodate the RHNA requirements by income level.

The Project site has a General Plan Land Use designation of Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). As such, it is not identified by the Housing Element as a potential site for housing to meet the City's RHNA obligations.

Although, the Project is primarily intended for development of commercial and business park uses, multi-family residential development may be developed within the 10-acre portion of the site identified as "Office/Professional" upon supporting justification approved by the City. If residential development were developed on the site, it would serve to provide additional housing opportunities in the City and would not conflict with the City meeting its RHNA obligations.

Level of Significance: Less than significant.

Water Resources Element

The Water Resources Element addresses water quality, availability, and conservation for the City's current and future water needs.

The City has five sources of groundwater storage supply: Banning Storage Unit; Banning Bench Storage Unit; Banning Canyon Storage Unit; Beaumont Storage Unit; and Cabazon Storage Unit. Because the City's water supply is primarily groundwater, the City is not subject to short-term water shortages resulting from temporary dry weather conditions. Further, as part of the Beaumont Basin adjudication, the City has the option of storing up to 80,000-acre feet of water in the Beaumont Basin. At the end of calendar year 2014, City of Banning had 46,774 AF of water available in Beaumont Basin storage.

The City also purchases State Water Project (SWP) water from the San Geronio Pass Water Agency (SGPWA), who is one of 29 state water contractors. Quantities of SWP water purchased

are recharged to the Beaumont Basin at Beaumont-Cherry Valley Water Districts' Noble Creek spreading facility, which is in the vicinity of Beaumont Avenue and Cherry Valley Boulevard.

On May 22, 2020, the SGPWA announced that the State Water Project (SWP) now expects to deliver 20 percent of requested supplies in 2020 because of above-average precipitation in May. An initial allocation of 10 percent was announced in December and increased to 15 percent in January. This will likely be the final allocation update of 2020. Although the City may expect variable reliability in availability of SWP water, such water is not its primary source of water, and short-term declines in SWP water availability would be offset by the City's substantial reserves of stored groundwater and would not result in a substantial impact to the City's water supply.

There are no adverse environmental effects associated with the Project that have not already been evaluated and addressed throughout this EIR. The Project would be consistent with all the policies contained within the Water Resources Element. Accordingly, the Project would not conflict with the General Plan Land Use Element exhibits or policies, and impacts would be less than significant.

Open Space and Conservation Element

The Open Space and Conservation Element addresses protection and conservation of natural resources, including water, mineral and scenic resources. The General Plan Land Use Map identifies land that is suitable for preservation as public or private, passive, or active open space through the following Land Use Designations.

- **Open Space-Resources (OS-R).** Lands for the preservation of water, biological, visual, ridgelines, or other resources, and for flooding, geotechnical or other hazards are included in this category. Electrical transmission line easements, natural gas or fuel transmission line easements preserved as open space through the development process are also included. Non-motorized vehicle trails, roads and passive parks may be appropriate within this designation.
- **Open Space- Parks (OS-Pa).** Allows public and private parks and recreational facilities, including golf courses, tot lots, dog parks, neighborhood, community and regional parks, sports fields, and passive parks.
- **Open Space- Public (OS-Pu).** Lands owned by the County, the state of California, United States or Tribal entities, which are preserved as natural open space are included in this land use category.

- Open Space- Hillside Preservation. Lands, whether in private or public ownership, which are preserved as open space, including ridgelines. Uses such as trails, wildlife viewing areas, ranger stations, roads and passive parks may be appropriate.

The Project site has a General Plan Land Use designation of Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). As such, it is not identified as a site for conservation or open space as described above.

Level of Significance: No impact.

Biological Resources Element

The Biological Resource Element is intended to identify the variety of biological resources in the City and to provide for the preservation and protection of the integrity of the natural environment and its many biological resources. Biological resources represent the plants and wildlife species and ecosystems and habitats that contribute to an area's natural setting.

The Project has undergone a habitat assessment which determined that the Project would have a less than significant impact with the implementation of Mitigations Measures BIO-1(30-day preconstruction burrowing owl survey) and BIO-2 (Pre-construction nesting bird survey).

There are no adverse environmental effects associated with the Project that have not already been evaluated and addressed in Section 4.3- Biological Resources of this EIR.

Level of Significance: Less than significant with mitigation incorporated.

Archaeological and Cultural Resources Element

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.

Based on the analysis in Section 4.3, Cultural Resources, 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. Sensitivity for encountering historic-age archaeological resources is considered low-to-moderate.

Level of Significance: No impact.

Air Quality Element

The purpose of the Air Quality Element is to provide background information on the physical and regulatory environment affecting air quality in the City and the region. It is also intended to identify goals, policies, and programs meant to balance the City's actions regarding land use, circulation and other regulatory actions and their associated potential effects on local and regional air quality. This Element, along with local and regional air quality planning efforts, is intended to address ambient air quality standards set forth by the federal Environmental Protection Agency and the California Air Resources Board.

As required by the General Plan, projects that may generate significant levels of air pollution shall be required to conduct detailed impact analyses and incorporate mitigation measures into their designs using the most advanced technological methods feasible.

Based on the analysis in Section 4.3, Air Quality, the Project would generate construction and operational pollutants in exceedance of the South Coast Air Quality Management District's significance thresholds. However, all feasible technological mitigation measures are required to reduce these impacts to the maximum extent feasible.

Level of Significance: Mitigated to the maximum technologically feasible extent.

Energy and Mineral Resources Element

The purpose of the Energy and Mineral Resources Element is to guide the City in the long-term management and thoughtful use of energy and mineral resources. Based on the analysis in Section 4.6, *Energy*, the Project's will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources.

Level of Significance: Less than significant.

Geotechnical Element

The Geotechnical Element intends to provide information regarding the geological and seismic conditions and hazards affecting the City of Banning. 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.

Based on the analysis in Section 4.7, *Geology and Soils*, the Project is required to prepare a Paleontological Resource Impact Mitigation Program (PRIMP) for the grading and excavation phase of the Project.

Level of Significance: Less than significant with mitigation incorporated.

Flooding and Hydrology Element

The Flooding and Hydrology Element addresses potential drainage and flooding hazards within the City. The foremost goal of this Element is to protect the general health, safety, and welfare of the community from potential flood and associated hazards

The Project is required to construct a number of on- site facilities (e.g. water quality detention basin) that would mitigate drainage and flooding conditions, as well as mitigate potential water quality impacts, as discussed in Section 4.8- Hydrology and Water Quality of this EIR. As such, there are no adverse environmental effects associated with the Project that have not already been evaluated and addressed in Section 4.8 Hydrology and Water Quality of this EIR.

Level of Significance: Less than significant.

Noise Element

The Noise Element provides for design measures that are intended to minimize or avoid community exposure to excessive noise levels.

With implementation of Mitigation Measure NOI-1, construction noise impacts are less than significant.

Land uses within the Business & Warehouse (BW) District and the Office & Professional (OP) District have the potential to exceed noise standards affecting the single-family homes located approximately 15 feet from the eastern property line and the senior apartments, assisted living/memory care residential facility located approximately 50 feet from the southern property of the site. Mitigation Measure NOI-2 would require noise from proposed commercial and retail uses to be analyzed in further detail once site specific plans have been submitted for approval. Implementation of Mitigation Measure NOI-2 would reduce impacts to a less than significant impact level.

Project generated trips would need to result in a doubling of the traffic volumes on a road segment to result in an audible increase in ambient noise levels. An increase the noise level by 3 dBA (consistent with the California Department of Transportation's Technical Noise Supplement to the Traffic Noise Analysis Protocol) would be considered a significant noise impact. As shown in Table 4.10-1, the addition of Project traffic to the roadway system in the immediate vicinity of the Project site will not result in a doubling (100%) of the existing Average Daily Trips (ADT). Impacts are less than significant.

Wildland Fire Element

The foremost goal of this Element is to protect the general health, safety, and welfare of the City from potential fires and associated hazards.

As discussed in Section 3.20-Wildfire of the Initial Study (Appendix A), according to Fire Hazard Severity Maps prepared by Cal Fire, the Project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and no impact would occur. Accordingly, the Project would be consistent with all the policies contained within the Wildland Fire Element

Level of Significance: No impact.

Hazardous and Toxic Materials Element

The purpose of the Hazardous and Toxic Materials Element is to present methods of safe management for hazardous and toxic materials in the City.

As discussed in Section 3.9-Hazards and Hazardous Materials of the Initial Study (Appendix A), the Project is required to manage potential hazardous materials impacts associated with construction and long-term operation of the Project in compliance with all federal, State and local laws regulating hazardous and toxic materials management and use. In addition, the Project site is not located within one-quarter mile of an existing or proposed school (the nearest school is the San Geronio Middle School is located approximately 2 miles northwest of the Project site) nor is the Project included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Level of Significance: Less than significant.

Water, Wastewater, and Utilities Element

The Water, Wastewater and Utilities Element establishes City policies and programs directed at the adequate provision of domestic water, sewage treatment, and utility services to the City.

The Project's expected water demand is within the City's total projected water supplies available during normal, single dry, and multiple dry water years for the next 20 years. Therefore, there will be adequate supplies to meet the projected water demand associated with the Project in addition to the existing and other planned future uses of the City's water system.

The City's Wastewater Treatment Plant (WWTP) has capacity to treat up to 3.6 million gallons per day (MGD). The Plant treated an average of 2.07 MGD in 2016. According to the City of Banning, *Integrated Master Plan*, 2018, the Project is estimated to generate approximately

53,580 gpd (0.5 MGD). The Project's estimated wastewater flows represent 1.78% of the WWTP capacity in 2025 and 1.16% in 2040 and will not result in the WWTP exceeding its capacity.

Public Building and Facilities Element

The Public Buildings and Facilities Element provides background information on the various structures and facilities owned by public and quasi-public agencies in the City. It reflects the state of available technological and organizational resources. The element reviews these buildings and facilities considering issues of land use compatibility, aesthetic impacts, and functionality.

The Project proposes a Specific Plan Amendment No. 6 to the Sun Lakes Village North Specific Plan that updates the Specific Plan document to amend the Specific Plan Land Use Plan from Retail Commercial to Business & Warehouse, Office and Professional, and Retail & Service. (See Figure 3-2- Land Use Plan). The Specific Plan is also proposed to be amended to revise the permitted land uses; development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage); design guidelines for development; and administration and implementation provisions.

At this time, there are no tenants identified that would occupy any of the proposed structures for use as a public building or facility. However, if the use of a structure were to be used as a public building or facility, mandatory compliance with the Development Standards and Design Guidelines requirements of the Specific Plan to ensure the issues of land use compatibility, aesthetic impacts, and functionality are adequately addressed.

Level of Significance: Less than significant

Schools and Libraries Element

The Schools and Libraries Element describes the educational and library facilities in the City, sphere-of-influence, and planning area. It discusses the services, resources, and opportunities available through the local school and library systems.

As discussed in Section 3.15-*Public Services* of the Initial Study (Appendix A), the Project would be required to contribute fees to the Banning Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for Project-related impacts to school services.

In addition, the Project would be required to comply with the provisions of the City's Development Impact Fee Ordinance, which requires a fee payment to assist the City in providing public facilities. Payment of the Development Impact Fee would ensure that the Project provides fair share of funds for library facilities.

Level of Significance: Less than significant.

Police and Fire Protection Element

The Police and Fire Protection Element addresses the provision of adequate police and fire protection services in the City.

Police Protection

As discussed in Section 3.15-*Public Services* of the Initial Study (Appendix A), the Project Site is currently serviced by the City of Banning Police Department which is located approximately 4.5 miles east of the Project site at 125 E Ramsey Street in Banning. Development of the Project would impact fire protection services by placing an additional demand on existing Riverside County Fire Department resources should its resources not be augmented. The Project would be required to comply with the provisions of the City's Development Impact Fee Ordinance, which requires a fee payment to assist the City in providing for police protection facilities to offset impacts created by new development. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional police protection facilities. In addition, the Project site is in a developed area of the City which is routinely patrolled. It is not anticipated that new police facilities will need to be constructed to serve the Project to maintain acceptable service ratios, response times or other performance objectives for any of the public services

Fire Protection

As discussed in Section 3.15-*Public Services* of the Initial Study (Appendix A), the Project site is served by Fire Station #20 located approximately 0.6 roadway miles west of the site at 1550 E. 6th Street, Beaumont, CA. Development of the Project would impact fire protection services by placing an additional demand on existing Riverside County Fire Department resources should its resources not be augmented. To offset the increased demand for fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes.

Furthermore, the Project would be required to comply with the provisions of the City's Development Impact Fee Ordinance, which requires a fee payment to assist the City in providing for fire protection facilities. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional fire protection facilities.

Level of Significance: Less than significant.

Emergency Preparedness Element

The Emergency Preparedness Element outlines the potential for natural and man-made disasters that could affect the City of Banning and its Sphere of Influence and Planning Area. It also discusses the plans and facilities currently in place to deal with such emergencies and assess the additional critical facilities and services necessary for the City to respond quickly and efficiently to protect its citizens from injury and loss.

As discussed in Section 3.9-Hazards and Hazardous Materials of the Initial Study (Appendix A), the City has incorporated the Local Hazard Mitigation Plan by adoption into the Safety Element of the City's General Plan. The Safety Element of the General Plan includes a discussion of fire, earthquake, flooding, and landslide hazards. The Plan was adopted as an implementation appendix to the Safety Element. In addition, the City enforces the requirements of the California Environmental Quality Act (CEQA), which requires mitigation for identified natural hazards. The City has used these pre-existing programs as a basis for identifying gaps that may lead to disaster vulnerabilities to work on ways to address these risks through mitigation. Development of the Project will not impair implementation Plan as evidenced in the analysis in this Initial Study as it relates to emergencies because of hazards and natural disasters.

The City does not have an established evacuation route; however, depending on the location and extent of an emergency, major surface streets could be utilized to route traffic through the City. The I-10 Freeway and State Highway 243 to State Route 79 are also major regional access routes serving the City which could be used during disaster events. Emergency access to the Project site is available from Sun Lakes Boulevard. During construction and long-term operation, the Project would be required to maintain adequate emergency access for emergency vehicles to Sun Lakes Boulevard as required by the City. Therefore, the Project would not result in a substantial alteration to the design or capacity of any public road that would impair or interfere with the implementation of evacuation procedures. Because the Project would not interfere with an adopted emergency response or evacuation plan, impacts are less than significant.

Level of Significance: Less than significant.

4.9.6 Cumulative Impacts

As discussed in the analysis discussion under Threshold 4.9.5 (a) above, the Project would be consistent with SCAG's RTP/SCS, MARB Airport Land Use Compatibility Plan, and the policies of the City of Menifee General Plan. The Project would conflict with the 2016 AQMP, however impacts are fully addressed in EIR Subsection 4.2.

Level of Significance: Less than significant with mitigation incorporated.

4.9.7 References

California Regional Water Quality Control Board, Colorado River Basin. *Water Quality Control Plan Colorado River Basin-Region 7* (aka “Basin Plan”). Includes amendments adopted by the Regional Board through August 2017. (Available at http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/. Accessed August 21, 2020.

City of Banning. *General Plan*, Adopted January 31, 2006. Available at <http://ci.banning.ca.us/468/General-Plan-Amendments> , accessed May 21, 2020.

County of Riverside, Western Riverside County Multiple Species Habitat Conservation Plan, 2004. Available at: <https://www.wrc-rca.org/about-rca/multiple-species-habitat-conservation-plan/>. (MSHCP).

Southern California Association of Governments (SCAG). 2016. 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy. Available at <http://scagrtpscs.net/Pages/FINAL2016RTPSCS.aspx>, accessed on May 25, 2020.

South Coast Air Quality Management District, Final 2016 AQMP, March 3, 2017. Available at <http://www.aqmd.gov/home/air-quality/clean-air-plans/air-quality-mgt-plan/final-2016-aqmp>. Accessed on February 2, 2020.

4.10 NOISE

This Section discusses consistency of the Project identifies noise levels for existing conditions and evaluates the potential noise and vibration impacts associated with buildout of the Project. The analysis in this section is based in part of the following technical report:

- *Sun Lakes Village North Specific Plan Noise Monitoring*, Urban Crossroads, July 9, 2020. A complete copy of this report is included in the technical appendices to this EIR (Appendix G).

4.10.1 Environmental Setting

Existing Ambient Noise Levels

The background ambient noise levels in the Project study area are dominated by the transportation related noise associated with Sunset Lakes Boulevard and parking lot vehicle movements. This includes the auto and heavy truck activities on study area roadway segments near the noise level measurement locations. To describe the existing ambient noise conditions, 24-hour noise level measurements were taken at three locations in the Project study area. The receiver locations were selected to describe and document the existing noise environment within the Project study area. Exhibit A provides the boundaries of the Project study area and the noise level measurement locations

Noise Measurement Results

The noise measurements presented below focus on the average or equivalent sound levels (Leq). The equivalent sound level (Leq) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Figure 4.10-2 shows the noise level measurement location which are described below.

- Location L1 represents the noise southeast of the Project site by Sun Lakes Boulevard adjacent to existing vacant lot. The noise levels at this location consist primarily of traffic noise from Sun Lakes Boulevard. The noise level measurements collected show an overall 24-hour exterior noise level of 60.4 dBA CNEL. The energy (logarithmic) average daytime noise level was calculated at 59.0 dBA Leq with an average nighttime noise level of 51.3 dBA Leq.
- Location L2 represents the noise levels Located south of the Project site on Sun Lakes Boulevard near existing single-family residential homes at 5871 Oakmont Drive. The ambient noise levels at this location account for traffic on Sun Lakes Boulevard. The noise level measurements collected show an overall 24-hour exterior noise level of

66.3 dBA CNEL. The energy (logarithmic) average daytime noise level was calculated at 64.2 dBA Leq with an average nighttime noise level of 57.6 dBA Leq.

- Location L3 represents the noise levels Located west of the Project site Behind Rite Aid at 300 South Highland Springs Avenue. The 24-hour CNEL indicates that the overall exterior noise level is 63.7 dBA CNEL. The energy (logarithmic) average daytime noise level was calculated at 59.9 dBA Leq with an average nighttime noise level of 56.4 dBA Leq. Parking lot vehicle movements and truck activity represent the primary source of noise at this location.

Table 4.10-1 identifies the hourly daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) noise levels at each noise level measurement location.

4.10.1 - 24-Hour Ambient Noise Level Measurement

Location	Description	Energy Average Noise Level (dBA Leq)			CNEL
		Daytime	Nighttime		
L1	Located southeast of the Project site by Sun Lakes Boulevard adjacent to existing vacant lot.	59.0	51.3		60.4
L2	Located south of the Project site on Sun Lakes Boulevard near existing single-family residential homes at 5871 Oakmont Drive.	64.2	57.6		66.3
L3	Located west of the Project site Behind Rite Aid at 300 South Highland Springs Avenue.	59.9	56.4		63.7

Source: Sun Lakes Village North Specific Plan Noise Monitoring (Appendix G).

4.10.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Noise.

Figure 4.10.1 - Noise Measurement Locations



4.10.3 Regulatory Framework

State Regulations

State of California Noise Requirements

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that includes a Noise Element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels.

Local Regulations

City of Banning General Plan Noise Element

The Noise Element is intended to coordinate the community's land uses with the existing and future noise environment. Further, this element provides for design measures that are intended to minimize or avoid community exposure to excessive noise levels. The implementation of policies and programs set forth in this Element can greatly reduce or even avoid current and future noise impacts and land use conflicts. The Noise Element policies applicable to the Project are:

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 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, onsite traffic, and use of parking, loading and trash storage facilities.

City of Banning Municipal Code Chapter 8.44-Noise

The purpose of this chapter is to establish criteria and standards for the regulation of noise levels within the city and to implement the noise provisions contained in the City's General Plan.

Section 8.44.090(E) of the City's Municipal Code 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. Since the City's Municipal Code does not specify the day of the week for these hours, it is assumed they apply to weekdays,

weekends, and holidays. Construction activities that occur outside of the hours of 7:00 a.m. to 6:00 p.m. are subject to the noise standards in Section 8.44.070 of the City's Municipal Code.

Section 8.44.070 of the City's municipal code limits maximum noise levels. The duration periods above the base ambient noise levels for residential properties are listed below. The base ambient noise level is 45 dBA from 10:00 p.m. to 7:00 a.m. and 55 dBA from 7:00 a.m. to 10:00 p.m. for residential properties. The maximum noise level for commercial properties (nonresidential properties) is 75 dBA at any time. Since the City's municipal code does not specify the day of the week for these hours, it is assumed they apply to weekdays, weekends, and holidays.

4.10.4 Thresholds of Significance

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 Noise if it would result in:

- a) *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b) *Generation of excessive ground borne vibration or ground borne noise levels?*

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

4.10.5 Impact Analysis

Threshold 4.10.5 (a) - Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Base Ambient Noise Level

The base ambient noise level applicable to the Project pursuant to Municipal Code Section 8.44.050 is 75 dB(A). As shown in Table 4.10-2 below, the existing ambient noise levels range from 60.4 to 66.2 dB(A). According to Municipal Code Section 8.44.100, in applying the City's noise regulations, each source of noise shall be subject only to such regulation as shall apply to the zone, including any designated truck route, within which it is located. A use lying adjacent to a zone with a more restrictive noise requirement under the City's noise regulations shall not be required to conform to that more restrictive requirement.

Existing Noise Environment

The background ambient noise levels in the Project study area are dominated by the transportation related noise associated with Sun Lakes Boulevard and parking lot vehicle movements from the adjacent shopping center. This includes the auto and heavy truck activities on study area roadway segments near the noise level measurement locations. The 24-hour existing noise level measurement results are shown on Table 4.10-2.

4.10.2 - 24-Hour Ambient Noise Levels

Location	Description	Energy Average Noise Level (dBA Leq) ¹		CNEL
		Daytime	Nighttime	
L1	Located southeast of the Project site by Sun Lakes Boulevard adjacent to existing vacant lot.	59.0	51.3	60.4
L2	Located south of the Project site on Sun Lakes Boulevard near existing single-family residential homes at 5871 Oakmont Drive.	64.2	57.6	66.3
L3	Located west of the Project site Behind Rite Aid at 300 South Highland Springs Avenue.	59.9	56.4	63.7

Source: Sun Lakes Village North Specific Plan Noise Monitoring (Appendix G).

(1) Energy (logarithmic) average levels.

As shown in Table 4.10-2, the noise level measurements collected show an overall 24-hour exterior noise level ranging from 60.4 to 66.3 dBA CNEL. Daytime noise levels range from 59.0 to 64.0 dBA Leq and nighttime noise levels range from 51.3 to 57.6 dBA Leq.

Construction Noise Impact Analysis

Project construction would include site preparation, grading, building construction, architectural coating, and paving of the commercial development and associated parking lot. As shown on Table 4.10-2, noise levels generated by heavy construction equipment can range from approximately 75 dBA to 90 dBA when measured at 50 feet.

4.10.3 - Typical Construction Equipment Noise Levels

Type of Equipment	Actual maximum Sound Levels at 50 feet (dBA)
Backhoe	78
Crane	81
Dozer	82
Dump Truck	76
Excavator	81
Flat Bed Truck	74
Front End Loader	79
Generator	81
Impact Pile Driver	101
Jackhammer	89
Pickup Truck	75
Pneumatic Tools	85
Pumps	81
Roller	80
Scraper	84

Source: Roadway Construction Noise Model (FHWA 2006).

Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise levels will be loudest during the grading phase. A likely worst-case construction noise scenario during grading assumes the use of graders, dozers, excavators, scrapers, backhoes operating at 50 feet from the nearest sensitive receptors located at the assisted living facility to the east of the Project site. As such, unmitigated noise levels at 50 feet have the potential to reach up to 84 dBA at the nearest sensitive receptors during grading and up to 89 dBA during building construction.

Construction noise is considered a temporary and short-term impact because once construction is completed, this noise source ceases. Construction noise is considered significant with respect to established standards if construction activities are undertaken outside the allowable times as described by the City's Municipal Code Chapter 8.44.090 (7:00 AM and 6:00 PM), or if sound levels generated by Project construction at any time exceed 55 dB(A) for intervals of more than 15 minutes per hour as measured in the interior of the nearest occupied residence or school.

The closest noise sensitive uses are the single-family homes located approximately 15-feet from the property line and the senior apartments/assisted living/memory care residential facility located approximately 60 feet from the property line.

At this time there are no detailed plans showing the specific locations and distances between the construction areas and the potentially affected sensitive receptors. Construction activities between the hours of 7:00 a.m. and 6:00 p.m. would generate a noise level of 84 dBA at the nearest sensitive receptors during grading and up to 89 dBA during building construction. Standard building construction in California would provide 24 dBA or more in noise reduction from exterior to interior with windows and doors closed. With the exterior-to-interior noise attenuation of 24 dBA, the interior noise levels as measured at 50-feet from the sensitive receptors would be between 60-65 dBA which is still above the City's threshold of 55bBA. To meet the City's threshold, a noise reduction of at least 10 dBA is required.

Therefore, the following mitigation measure is required to reduce construction noise impacts to the maximum extent feasible:

NOI-1-Construction Noise Mitigation Plan. *Prior to issuance of grading and/or building permits, a note shall be provided on grading and building plans indicating that ongoing during grading and construction, the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related noise:*

- 1) The project applicant shall limit construction activities to the daytime hours between 7 AM to 6 PM, as prescribed in Section 8.44.090(E) of the City's Municipal Code.*
- 2) For all project construction zones, all internal combustion engines on construction equipment and trucks are fitted with properly maintained mufflers consistent with manufacturer's standards.*
- 3) For all project construction zones, stationary equipment such as generators, air compressors shall be located as far as feasible from nearby noise-sensitive uses. If such stationary equipment produces noise emissions that are directional, said equipment shall be oriented to direct noise emissions away from sensitive receptors.*
- 4) For all project construction zones, stockpiling and staging should be located as far as feasible from nearby noise-sensitive receptors.*
- 5) For construction activity within 50 feet of any noise-sensitive receptors, a temporary noise barrier shall be installed by the applicant/developer. This temporary noise barrier shall be installed prior to the onset of construction and be located between the single-family residences, senior apartments/assisted living/memory care residential facility and the construction zone and all sensitive receptors. The temporary sound barrier shall provide a*

reduction in noise that will meet the City's construction noise threshold of 55 dBA. The noise barrier shall be a minimum height of 8 feet and be free of gaps and holes and must achieve a Sound Transmission Class (STC) of 35 or greater. The barrier can be either (a) a ¾-inch-thick plywood wall OR (b) a hanging blanket/curtain with a surface density of at least 2 pounds per square foot. For either configuration, the construction side of the barrier shall have an exterior lining of sound absorption material with a Noise Reduction Coefficient (NRC) rating of 0.7 or higher.

Level of Significance: With implementation of Mitigation Measure NOI-1, construction noise impacts are less than significant.

Operational Noise Impact Analysis (Stationary Sources)

The Project's operational noise levels generated by heating, ventilation, and air conditioning, parking lot vehicle movement, truck unloading/docking activity, and truck delivery are shown in Table 4.10-3 below.

4.10.4 - Project Operational Noise Level Impacts to Sensitive Receptors

Noise Source	Hourly (dBA/Lmax)	Daytime and Nighttime Maximum Noise Level Standards	Potentially Exceeds Threshold?
Business & Warehouse (BW) District			
Heating, Ventilation, and Air Conditioning (HVAC)	60 dBA Lmax @25 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	No
Parking Lot Vehicle Movement	60 to 70 dBA Lmax @ 50 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	Yes
Truck Unloading/Docking Activity	67 dBA Lmax @ 50 feet.	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	Yes
Truck Delivery	75 dBA Lmax @ 50 feet.	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	Yes
Office & Professional (OP) District			
Heating, Ventilating, and Air Conditioning (HVAC)	60 dBA Lmax @ 25 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	No

Noise Source	Hourly (dBA/Lmax)	Daytime and Nighttime Maximum Noise Level Standards	Potentially Exceeds Threshold?
Parking Lot Vehicle Movement	60 to 70 dBA Lmax @ 50 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	Yes
Parking Lot Vehicle Movement	60 to 70 dBA Lmax @ 50 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	Yes
Retail & Service (RS) District			
Heating, Ventilating, and Air Conditioning (HVAC)	60 dBA Lmax @ 25 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	No
Truck Delivery	75 dBA Lmax @ 50 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	Yes
Parking Lot Vehicle Movement	60 to 70 dBA Lmax @ 50 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	No
Truck Delivery	75 dBA Lmax @ 50 feet	75 dBA Lmax (daytime) 65 dBA Lmax (nighttime)	No

Source: Rancho San Geronio Specific Plan Draft EIR.

As shown in Table 4.10-2, uses within the Business & Warehouse (BW) District and the Office & Professional (OP) District have the potential to exceed noise standards affecting the single-family homes located approximately 15 feet from the eastern property line and the senior apartments, assisted living/memory care residential facility located approximately 50 feet from the southern property of the site. Mitigation Measure NOI-2 would require noise from proposed commercial and retail uses to be analyzed in further detail once site specific plans have been submitted for approval. Implementation of Mitigation Measure NOI-2 would reduce impacts to a less than significant impact level.

NOI-2- Final Acoustical Report: Prior to issuance of the first building permit for any project, the property owner/developer shall submit a final acoustical report prepared to the satisfaction of the Planning Director to address potential noise impacts to nearby residences. The report shall demonstrate that the project incorporates sufficient noise-attenuation features if needed so that the City's exterior and interior standards in Municipal Code Sections 8.44.070 and 8.44.090(E) and

in the City's Noise Element are maintained at nearby residences. Compliance can be achieved with (a) sufficient buffering distances so that nearby sensitive receptors are not significantly impacted by future commercial development OR (b) sufficiently high and long sound barrier wall(s) that are placed between commercial noise sources and receptors (for example, in the case of garbage compactor equipment) OR (c) other adequate noise reduction methods that are approved by the Planning Director or their designee. In all cases, the noise reduction measures shall be technically demonstrated to achieve the appropriate target noise level(s) for both exterior and interior environments for nearby residences, as appropriate (e.g., sufficient wall or berm height, sufficient buffering distance, appropriate sound encapsulation/insulation methods, etc.). The individual project owner/developer shall submit the noise mitigation report to the Planning Director for review and approval. Upon approval by the City, the project acoustical design features shall be incorporated into the future development.

Level of Significance: With implementation of Mitigation Measure NOI-2, operational noise impacts are less than significant.

Operational Noise (Traffic)

To determine if traffic noise under the Existing and Existing Plus Project scenarios would be considered significant, the roadway volumes in terms of average daily trips (ADT) generated from the project's traffic study were used to determine whether the Project's ADT would double (+100%) the existing ADT. A doubling of the energy of a noise source, such as a doubled ADT, would increase the noise level by 3 dBA. Consequently, Project generated trips would need to result in a doubling of the traffic volumes on a road segment to result in an audible increase in ambient noise levels. An increase the noise level by 3 dBA (consistent with the California Department of Transportation's Technical Noise Supplement to the Traffic Noise Analysis Protocol) would be considered a significant noise impact.

4.10.5 - Average Daily Trips (ADT) By Roadway Location

Roadway Location	ADT Existing Without Project	ADT Existing with Project	Percentage Increase	Significant?
Sun Lakes Blvd. between S. Highland Homes Road & 1st Street	7,400	13,000	75%	No
Highland Springs Av. & Sun Lakes Blvd. /1st St.	12,600	17,400	38%	No

Source: Traffic Analysis (Appendix H).

As shown in Table 4.10-4, the addition of Project traffic to the roadway system in the immediate vicinity of the Project site will not result in a doubling (100%) of the existing Average Daily Trips.

Level of Significance: Less than significant.

Threshold 4.10-5 (b) - Generation of excessive ground borne vibration or ground borne noise levels?

Construction Vibration Impacts

Vibration generated by construction equipment can result in varying degrees of ground vibration, depending on the equipment. The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings situated on soil near the active construction area respond to these vibrations, which range from imperceptible to low rumbling sounds, with perceptible vibrations and slight damage at the highest vibration levels. Typically, construction-related vibrations do not reach vibration levels that would result in damage to nearby structures.

Table 4.10-5 shows the vibration damage threshold for continuous/frequent intermittent sources. As shown, potential vibration damage would occur at 0.3 PPV in/sec for old residential structures, 0.5 PPV in/sec for new residential structures, and 0.5 PPV in/sec for modern industrial/commercial buildings.

4.10.6 - Vibration Damage Potential Threshold Criteria

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic buildings, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.20	0.10
Historic and some old buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial/commercial buildings	2.00	0.50

Note: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment. in/sec = inches per second PPV = peak particle velocity

The use of bulldozers and trucks for the construction of the proposed project would generate the highest ground borne vibration levels. Based on the Caltrans *“Transportation and Construction Vibration Guidance Manual”*, a large bulldozer and loaded trucks would generate vibration levels of 0.089 PPV in/sec and 0.076 PPV in/sec, respectively, when measured at 25 feet.

The closest residential structures to the project site are approximately 15 feet away. At this distance, the closest residential structures would experience vibration levels of up to 0.04 PPV. This vibration level would be below the damage threshold of 0.3 PPV for old residential structures. This vibration level would be well below the damage threshold of 0.5 PPV for new on-site residential structures. Therefore, vibration levels generated during construction of the proposed project would be considered less than significant and no mitigation measures are required.

Ongoing Operations Vibration Impacts

The residential neighborhoods, school, park/open/recreational uses, public facilities, and commercial developments would not include any substantial sources of long-term vibration. Thus, ongoing operations would not generate significant levels of vibration, and such impacts would be less than significant, requiring no mitigation.

Level of Significance: Less than significant.

4.10-5 (c) - For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The Banning Municipal Airport is located approximately 4.5 miles east of the Project site. According to the *Banning Municipal Airport Compatibility Plan*, the Project site is not located within the area of influence of the plan.

Level of Significance: No impact.

4.10.6 Cumulative Impacts

The geographic context for the analysis of cumulative noise impacts is the location of the roadway intersections listed in the Project's Traffic Impact Analysis (Appendix H). Noise sources would be from noise from vehicles traveling on the City's roadways surrounding the Project area, noise from the surrounding land uses, and noise from overhead aircraft. A project's cumulative effects may be considered significant if the incremental effects of a project are considerable when viewed in connection with the effects of similar projects in the area in the past, present, and future.

The Project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect A doubling of the energy of a noise source, such as a doubled average daily trip, would increase the noise level by 3 dBA. Consequently, Project generated trips would

need to result in a doubling of the traffic volumes on a road segment to result in an audible increase in ambient noise levels.

4.10.7 References

City of Banning, *City of Banning General Plan* January 31, 2006. Available at <http://www.ci.banning.ca.us/54/Community-Development>, accessed May 9, 2020).

City of Banning, *Banning Municipal Code, Section 8, Health and Safety*, 1992. Available at https://www.municode.com/library/ca/banning/codes/code_of_ordinances?nodeId=TIT8HESA, accessed May 9, 2020).

Riverside County Airport Land Use Commission, *Banning Municipal Airport Compatibility Plan*, October 2004. Accessed August 1, 2020. Available at: <http://www.rcaluc.org/Portals/13/06-%20Vol.%201%20Banning%20Municipal.pdf?ver=2016-09-19-114352-640>

4.11 TRANSPORTATION

This Section of the EIR evaluates the potential transportation impacts associated with implementation of the Project on transit, roadway, bicycle, and pedestrian facilities, the analysis in this section is based in part of the following technical reports:

- *Sun Lakes Village North Specific Plan Amendment No. 5 Traffic Analysis*, Urban Crossroads, July 29, 2020. (Appendix H).
- *Sun Lakes Village North Specific Plan Amendment No. 5 Vehicle Miles Traveled (VMT) Analysis*, Urban Crossroads, July 6, 2020. (Appendix I).

4.11.1 Environmental Setting

Roadway Facilities

The Project is located adjacent to Sun Lakes Boulevard which is a fully improved roadway that meets City standards. Sun Lakes Boulevard is classified as a Major Highway in the General Plan Circulation Element. A Major Highway has 100 feet of right of way, with a 76-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side

Bicycle & Pedestrian Facilities

The City of Banning General Plan does not include a bike facility exhibit. As shown in Figure 4.11-2, there are existing pedestrian facilities, including sidewalks and crosswalks in the vicinity of the Project site that are available to serve the Project.

Transit Facilities

The study area is currently served by Beaumont Transit with bus services along Highland Springs Avenue, 2nd Street, and 1st Street via Route, Route 4, and Community Link 120/125. The study area is also served by the Pass Transit with 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 X. These existing transit routes could potentially serve the Project. Transit service is reviewed and updated by Beaumont Transit and Pass Transit 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.

Figure 4.11.1Figure – Sun Lakes Boulevard Cross Section

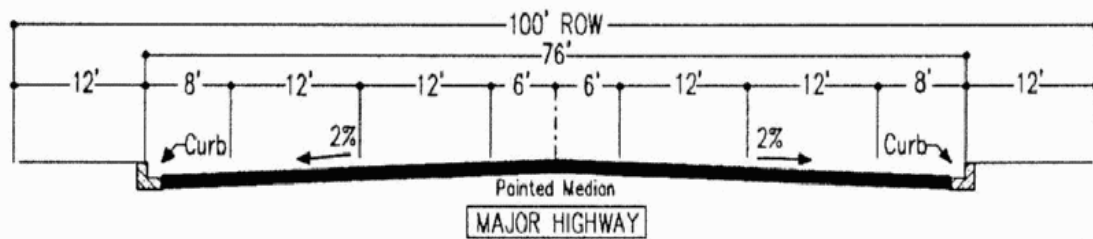
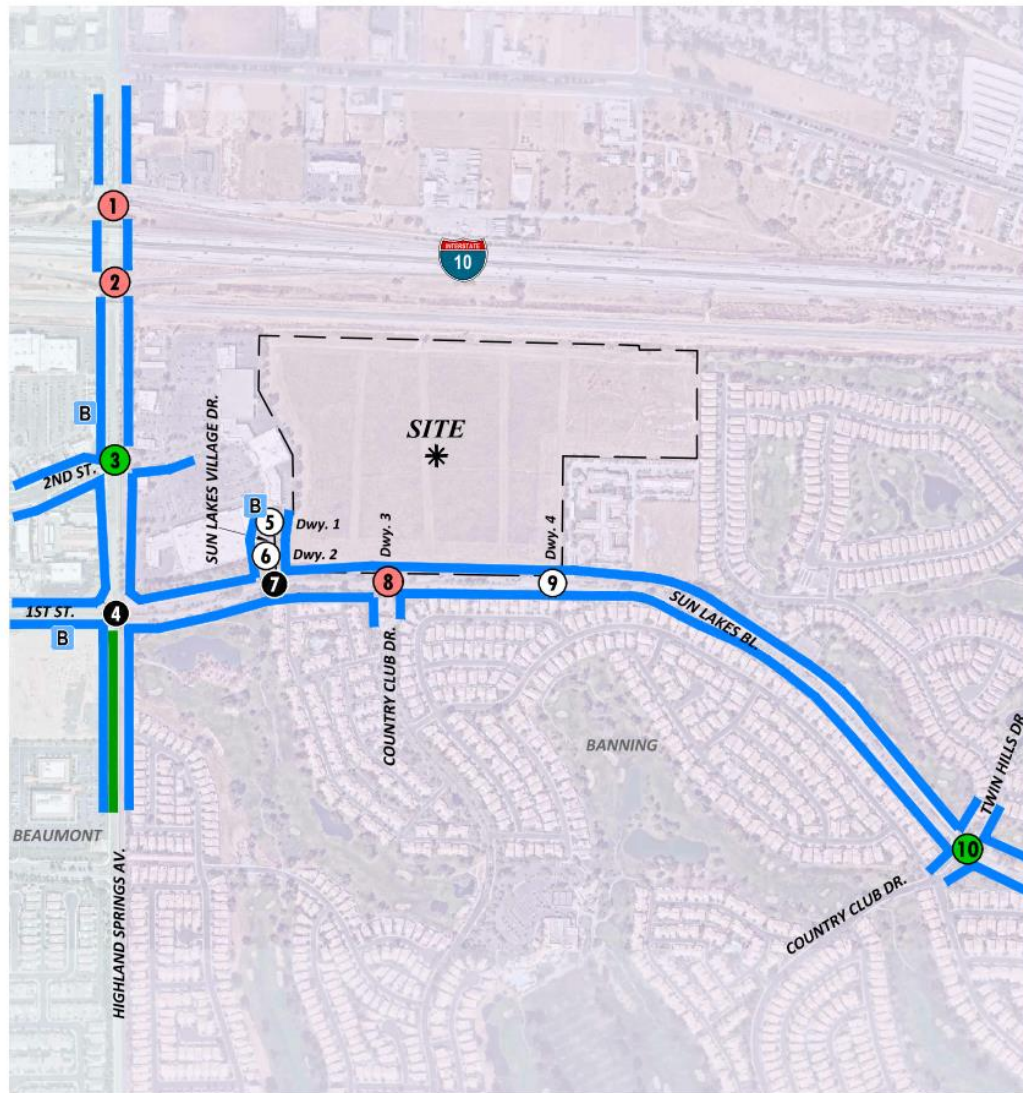


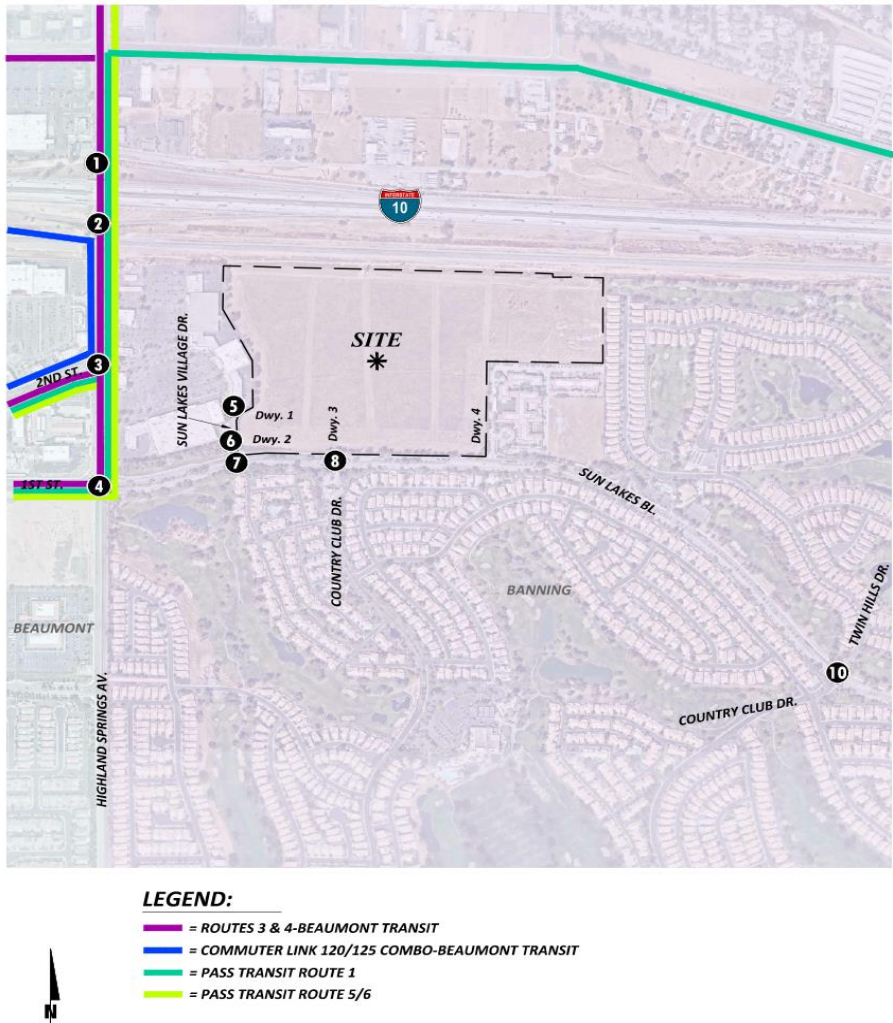
Figure 4.11.2- Existing Pedestrian Facilities

**LEGEND:**

- | | |
|---|---|
| — = SIDEWALK | 0 = CROSSWALK ON ALL APPROACHES |
| — = BIKE LANE | 0 = CROSSWALK ON TWO APPROACHES |
| B = BUS STOP | |
| 0 = NO CROSSWALK | |
| ○ = FUTURE INTERSECTION | |



Figure 4.11.3- Existing Transit Routes



4.11.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Transportation.

4.11.3 Regulatory Framework

State

Senate Bill 73

SB 743, which was signed into law in 2013, initiated an update to the CEQA Guidelines to change how lead agencies evaluate transportation impacts under CEQA, with the goal of better measuring the actual transportation-related environmental impacts of any given project.

Under CEQA, cities, counties, and other public agencies must analyze real estate and transportation projects to determine whether they may have a significant impact on the environment. One key determination under CEQA is the transportation impact of these projects. Traditionally, transportation impacts have been evaluated by examining whether the project is likely to cause automobile delay at intersections and congestion on nearby individual highway segments, and whether this delay will exceed a certain amount (this is known as Level of Service or LOS analysis).

Automobile delay, as described solely by LOS or similar measure of traffic congestion, is no longer considered a significant impact under CEQA, except in locations specifically identified in the Guidelines. (Pub. Resources Code, § 21099(b)(2).) This provision took effect when the update to the CEQA Guidelines was certified in late 2018. (CEQA Guidelines, § 15064.3.) CEQA Guidelines section 15064.3 specifies that VMT analyses are voluntary until July 1, 2020. A recent appellate court decision (*Citizens for Positive Growth and Preservation v. City of Sacramento* (2019) 43 Cal.App.5th 609) confirmed that traffic congestion is no longer an environmental impact under CEQA, and VMT is not a required element of transportation analyses until July 1, 2020.

Regional

SCAG Regional Transportation Plan/ Sustainable Communities Strategy (2016 RTP/SCS)

Every four years, the Southern California Association of Governments (SCAG) updates the Regional Transportation Plan (RTP) for the six-county region that includes Los Angeles, San Bernardino, Riverside, Orange, Ventura, and Imperial counties. On April 7, 2016, the SCAG's Regional Council adopted the 2016-2040 Regional Transportation Plan/ Sustainable Communities Strategy (2016 RTP/SCS). The SCS outlines a development pattern for the region, which, when

integrated with the transportation network and other transportation measures and policies, would reduce greenhouse gas emissions from transportation (excluding goods movement). Current and recent transportation plan goals generally focus on balanced transportation and land use planning that:

- Maximize mobility and accessibility for all people and goods in the region.
- Ensure travel safety and reliability for all people and goods in the region.
- Preserve and ensure a sustainable regional transportation system.
- Maximize the productivity of our transportation system.
- Protect the environment and health of residents by improving air quality and encouraging active transportation (e.g., bicycling and walking).

Local

City of Banning – General Plan Circulation Element

The Circulation Element of the City of Banning General Plan contains policies and objectives that are considered applicable to the proposed Project as identified below.

- 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 level of service 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.

4.11.4 Thresholds of Significance

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 Transportation if it would result in:

- a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, considering all modes of transportation including transit, roadway, bicycle, and pedestrian facilities?*
- b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*
- d) Result in inadequate emergency access?*

4.11.5 Impact Analysis

Threshold 4.11.5 (a) - Conflict with a program, plan, ordinance, or policy addressing the circulation system, considering all modes of transportation including transit, roadway, bicycle, and pedestrian facilities?

Transit Facilities

The Pass Transit System, which consists of two independent transit systems, the Banning Municipal Transit System and the Beaumont Municipal Transit System, provides for a coordinated bus service to the cities of Banning and Beaumont, the unincorporated areas of Cabazon and Cherry Valley, and the commercial area of the Morongo Band of Mission Indians Reservation. The Plan provides fixed route and dial-a-ride services.

The nearest bus stop is within the Sun Lakes Village residential community located across Sun Lakes Drive just south of the Project site. There are no bus stops located on Sun Lakes Boulevard adjacent to the Project site. In addition, Sun Lakes Boulevard is a fully improved with curb, gutter, sidewalk, and a landscaped parkway adjacent to the Project site. The Project is proposing to construct two (2) access driveways on Sun Lakes Boulevard which will be constructed to meet City standards. The driveways do not have the potential to preclude the availability of bus service to the Project site and impacts are less than significant.

Roadway Facilities

The Project is located adjacent to Sun Lakes Boulevard which is a fully improved roadway that meets City standards. Sun Lakes Boulevard is classified as a Major Highway in the General Plan Circulation Element. A Major Highway has 100 feet of right of way, with a 76-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side. The Project is proposing to construct two (2) access driveways on Sun Lakes Boulevard which will be constructed to meet City standards. The primary driveway (to be aligned with the existing entrance to Sun Lakes Village) will be signalized. The driveways do not have the potential to change the geometric design of Sun Lakes Boulevard in a manner that would negatively impact Sun Lakes Boulevard function as a Major Highway. Impacts are less than significant.

Bicycle Facilities

Section 5.106.4.1.2 of the CalGreen Code requires that the Project provide secure bicycle parking that meets one of the following:

- a) Covered, lockable enclosures with permanently anchored racks for bicycles;
- b) Lockable bicycle rooms with permanently anchored racks or lockable, permanently anchored bicycle lockers.

With mandatory compliance to the CalGreen Code, impacts are less than significant.

Pedestrian Facilities

The Project is located adjacent to Sun Lakes Boulevard which is improved with a sidewalk running the entire length of the Project site and connects to existing sidewalk network in the Project area. The Project is proposing to construct two (2) access driveways on Sun Lakes Boulevard which will be constructed to meet City standards which includes pedestrian access across the driveways. In

addition, the primary driveway (to be aligned with the existing entrance to Sun Lakes Village) will be signalized and include pedestrian access to Sun Lakes Villages to the south.

Level of Significance: Less than significant.

Threshold 4.11-5 (b) - Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Changes to California Environmental Quality Act (CEQA) Guidelines were adopted in December 2018, which require all lead agencies to adopt Vehicle Miles Traveled (VMT) as a replacement for automobile delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. This statewide mandate took effect July 1, 2020. To aid in this transition, the Governor's Office of Planning and Research (OPR) released a *Technical Advisory on Evaluating Transportation Impacts in CEQA* (December of 2018) (Technical Advisory).

Based on OPR's Technical Advisory, the Western Riverside Council of Governments (WRCOG) prepared a *WRCOG SB 743 Implementation Pathway Document Package* (March 2019) to assist its member agencies with implementation tools necessary to adopt analysis methodology, impact thresholds and mitigation approaches for VMT. To add to the previous work effort, WRCOG in February 2020 released its *Recommended Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment* (WRCOG Guidelines), which provides specific procedures for complying with the new CEQA requirements for VMT analysis.

VMT Analysis Methodology

At the time of the preparation of this EIR, the City has not formally adopted its own VMT analysis guidelines and thresholds. Therefore, for the purposes of this analysis the recommended VMT analysis methodology and thresholds recommended by the Technical Advisory and supported by the WRCOG Guidelines have been used.

As outlined in the Technical Advisory, mixed-use projects such as the proposed Project need to evaluate each component of the project independently and apply the relevant significance threshold for each project type (i.e., office, retail, etc.). For the purposes of this VMT analysis, the evaluation of VMT will focus on the employment uses (i.e., industrial park and medical office uses) only. Consistent with Technical Advisory recommendations, local serving retail that is typically less than 50,000 sf will tend to improve retail destination proximity and short trips, which in turn reduces VMT. The Technical Advisory notes that local agencies can presume that such development creates a less-than-significant impact.

The Technical Advisory provides for the following recommended threshold for office/industrial land use projects which used for the Project:

“A proposed project exceeding a level of 15 percent below existing regional VMT per employee may indicate a significant transportation impact.”

Project Screening Analysis

The Technical Advisory provides details on appropriate “screening thresholds” that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed analysis. Screening thresholds are broken into three types:

- Project Type Screening
- Map Based Screening based on Low VMT Area
- Transit Priority Area (TPA) Screening

For the purposes of this analysis, the initial VMT screening process has been conducted with using the WRCOG VMT Screening Tool (Screening Tool), which uses screening criteria consistent with the screening thresholds recommended in the Technical Advisory.

Project Type Screening

Projects that are consistent with the current Sustainable Communities Strategy (SCS) or general plan, and that generate fewer than 110 daily vehicle trips be presumed to have a less-than-significant impact on VMT. Based on the Project’s trip generation (see Attachment A), the Project is not consistent with the City’s general plan and would generate more than 110 daily vehicle trips, therefore, the Project would not be eligible to screen out based on project type screening.

The Project Type screening threshold is not met.

Low VMT Area Screening

The Screening Tool uses the sub-regional Riverside County Transportation Analysis Model (RIVTAM) to measure VMT performance within individual traffic analysis zones within the region. The Project’s physical location based on parcel number was selected within the Screening Tool to determine the relevant traffic analysis zones VMT as compared to the jurisdictional average. The Project boundary is located in TAZ 4344, and would not appear to be within a low VMT generating zone based on daily total VMT per service population, but is in a low generating zone based on daily home-based work VMT per employee.

Based on a review of the land use information contained within TAZ 4344 for the RIVTAM base year (2012) model, the zone includes exceptionally low levels of employment and low amounts of population and household data. The proposed Project would significantly increase the number and type of employment uses in the zone and would therefore not be entirely consistent with the underlying land use assumptions. **The Low VMT Area screening threshold is not met.**

Transit Priority Area Screening

Projects located within a Transit Priority Area (i.e., within ½ mile of an existing “major transit stop” or an existing stop along a “high-quality transit corridor”) may be presumed to have a less than significant impact absent substantial evidence to the contrary. However, the presumption may not be appropriate if a project:

- Has a Floor Area Ratio (FAR) of less than 0.75;
- Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);
- Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or
- Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

The Project site does is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor. **The Transit Priority Area screening threshold is not met.**

Conclusion

Since none of the project level screening criteria were met, a Project VMT Assessment was prepared.

Project VMT Assessment

Project VMT has been calculated using the most current version of RIVTAM. As noted previously, the Project’s local serving retail component is less than 50,000 sf and meets the screening threshold recommended in the Technical Advisory for local serving retail projects that can be presumed to result in a less than significant impact.

Table 4.11-1 summarizes the employment estimates for the Project. It should be noted that the employment estimates are consistent with the land use to employment generation factors from the Riverside County General Plan.

4.11.1 - Employment Estimates

Land Use	Building Area	Building Area per Employee	Estimated Employees ³
Industrial Park	877,298 sf	1,030 sf	852
Medical Office	52,065 sf	300 s.f.	174
Total:	929,363 sf	--	1,026

Source: Riverside County General Plan.

Project VMT Calculations

Consistent with recommendations contained in the Technical Advisory, calculation of VMT for employment uses such as the industrial and medical office uses proposed by the Project are evaluated using home-based work trips. As shown in Table 4.11-2, the Project baseline (2020) home-based worker VMT per worker is 13.33.

4.11.2- Project Home Based Worker VMT per Worker

Category	Project 2012	Project 2040	Project 2020 (interpolated)
Employment	1,026	1,026	1,026
Home Based Worker VMT	14,707	11,115	13,681
Home Based Worker VMT / Worker	14.33	10.83	13.33

Source: RIVTAM.

As noted previously, the City of Banning is still in development of their VMT guidelines and thresholds. To provide a comparison of the Project's VMT per worker to the existing regional VMT per worker, VMT values previously calculated and published by WRCOG as part of their WRCOG Guidelines has been utilized. Table 4.11-3 shows the WRCOG home based worker trips.

4.11.3 - WRCOG Unincorporated Region Home Based Worker VMT per Worker

Category	Project 2012	Project 2040	Project 2020 (interpolated)
Home Based Worker VMT / Worker	12.83	14.02	13.17

Source: WRCOG.

Table 4.11-4 on page 4.11-13 illustrates the comparison between Project-generated home-based worker VMT per worker to the existing (2020) WRCOG region trips.

³ Riverside County General Plan Employment Factors

4.11.4 - Project VMT per Worker Comparison

Category	Project	Existing Regional Average (2020)	OPR 15% below Existing Regional Average
Home Based VMT/Worker	13.33	13.17	11.19
Difference w/ Project		+0.16	+2.14
Percent Change		+1.22%	+19.12%

As shown, the Project would exceed the 15% below existing regional home-based worker VMT per worker by 19.12%. As such, the Project's impact based on VMT for the light industrial and business park components is potentially significant. The following mitigation measure is recommended to reduce vehicle miles traveled to the maximum extent feasible.

VMT-1: Pedestrian Network Improvements. Prior to the issuance of a building permit, site plans for future development shall provide a pedestrian access network to link areas of the Project site internally and to Sun Lakes Boulevard.

The Project's vehicle miles traveled per worker exceeds the threshold of 15% below the existing regional vehicle miles traveled per worker. Even with implementation of the limited feasible mitigation measures discussed above, Project's vehicle miles traveled cannot be reduced to levels that would be less-than-significant. Additionally, the efficacy of transportation demand measures and reduction of impacts below thresholds cannot be assured.

Level of Significance: Significant and unavoidable.

Threshold 4.11.5 (c). Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The Project is located adjacent to Sun Lakes Boulevard which is a fully improved roadway that meets City standards. Sun Lakes Boulevard is classified as a Major Highway in the General Plan Circulation Element. A Major Highway has 100 feet of right of way, with a 76-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side. The Project is proposing to construct two (2) access driveways on Sun Lakes Boulevard which will be constructed to meet City standards. The primary driveway (to be aligned with the existing entrance to Sun Lakes Village) will be signalized. The driveways do not have the potential to change the geometric design of Sun Lakes Boulevard in a manner that would substantially increase hazards due geometric design feature (e.g., sharp curves or dangerous intersections). Impacts are less than significant.

Additionally, the Project site occurs in an area that has largely been developed with residential and commercial land uses, and there are no disparate uses, such as agricultural uses, that could potentially create safety hazards due to incompatible uses.

Level of Significance: Less than significant.

Threshold 4.11.6 (d) - Result in inadequate emergency access?

The Project is located adjacent to Sun Lakes Boulevard which is a fully improved roadway that meets City standards. Sun Lakes Boulevard is classified as a Major Highway in the General Plan Circulation Element. A Major Highway has 100 feet of right of way, with a 76-foot street section from curb to curb. This represents four travel lanes, with parking lanes on each side, a center median, and a parkway on each side. The Project is proposing to construct two (2) access driveways on Sun Lakes Boulevard which will be constructed to meet City standards. The primary driveway (to be aligned with the existing entrance to Sun Lakes Village) will be signalized. These improvements will provide adequate emergency vehicle access.

Level of Significance: Less than significant.

4.11.6 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

The Project's vehicle miles traveled per worker exceeds the threshold of 15% below the existing regional vehicle miles traveled per worker. Even with implementation of the limited feasible mitigation measures discussed above, Project's vehicle miles traveled cannot be reduced to levels that would be less-than-significant.

Level of Significance: Significant and unavoidable.

4.11.7 References

Urban Crossroads, *Sun Lakes Village North Specific Plan Amendment No.6 Vehicle Miles Traveled (VMT) Analysis*, July 8, 2020. (VMT Analysis, Included as Appendix G

4.12 TRIBAL CULTURAL RESOURCES

Tribal Cultural Resources consist of the following:

- A tribal cultural resource listed in or determined to be eligible by the State Historical Resources Commission, 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 Section 5020.1.
- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

This section of the EIR evaluates the potential for implementation of the Project to impact Tribal Cultural Resources. The analysis in this section is based, in part, upon the following:

- *Cultural Resources Records Search Results and Recommendations for the Sun Lakes Boulevard Project* (APN 419-140-057), City of Banning, County of Riverside, California, L&L Environmental Inc., February 20, 2020. (Appendix D).
- *Phase I Cultural Resources Assessment for the Sun Lakes Boulevard Project* (APN 419-140-057), City of Banning, County of Riverside, California, L&L Environmental Inc., February 20, 2020. (Appendix E).
- Consultation with the Morongo Band of Mission Indians.

4.12.1 Environmental Setting

The Project area is in the San Gorgonio Pass, or Banning Pass, which lies along the border between the Peninsular Ranges and Transverse Ranges Geomorphic Provinces. 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. Land surrounding the Project area is generally characterized as mixed residential and commercial, with a few vacant lots as well as major transportation corridors (i.e., Interstate 10 and the Union Pacific Railroad). Topographically, much of the Project area is flat, but gradually increases in elevation as it trends southeast to northwest. Elevation onsite ranges from 2,546 to 2,565 feet above mean sea level

(AMSL). The Project area is within a disturbed vacant lot and appears to be regularly disked or mown. A large advertising sign is present along the north-central boundary of the site. A gravel surface layer (from past disturbance) is present in some areas, particularly in the northeastern portion of the site. A dirt access road is present near the northern site boundary. Other past disturbance onsite includes a grid of dirt roads or graded areas, remnants of which are still visible.

4.12.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Tribal Cultural Resources.

4.12.3 Regulatory Framework

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 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.

4.12.4 Thresholds of Significance

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 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 Section 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

4.12.5 Impact Analysis

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

The Project 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. Sensitivity for encountering historic-age archaeological resources is considered low-to-moderate. The Project area lies within Stewart Ranch; however, the land within the Project area was utilized for grazing, agricultural, and water control/conveyance purposes. This suggests that any historic artifacts and/or deposits that may be present in subsurface context would most likely reflect those activities (e.g., horse shoes, tacks, barbed wire, sparse occurrences of tin cans and glass bottles, other water conveyance/control features,

etc.) and would most likely not be considered historically significant. Thus, no mitigation measures are required.

Level of Significance: No impact.

4.12.5 (a) 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 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

The Planning Department notified the following California Native American Tribes per the requirements of both AB 52 and SB 18 on February 21, 2020. Under AB 52, tribes have 30-days to notify the City if consultation is requested. Under SB 18, tribes have 90-days to notify the City if consultation is requested. The AB 52 response period ended on March 21, 2020 and the SB 18 response period ended on May 21, 2020. Table 4.12-1 provides a summary of the AB 52 and SB 18 responses.

4.12.1 - Summary of AB 52 and SB 18 Responses

Tribe	Date/Response
Agua Caliente Band of Cahuilla Indians	March 9, 2020. The project area is not located within the boundaries of the ACBCI Reservation. However, it is within the Tribe's Traditional Use Area. Since this action does not have the potential to impact cultural resources, we have no concerns currently. This letter shall conclude our consultation efforts.
Augustine Band of Cahuilla Mission Indians	No response.
Cabazon Band of Mission Indians	February 26, 2020. Thank you for the formal invitation to request consultation necessary for assembly Bill (AB) 52 and (SB) 18 notice, at Sun Lakes Village North Amendment No. 6. Currently Cabazon Band of Mission Indians has no comment to this matter.
Los Coyotes Band of Cahuilla and Cupeno Indians	No response.

Tribe	Date/Response
Morongo Band of Mission Indians	March 19, 2020 (follow up on June 26, 2020). The proposed project is within the ancestral territory and traditional use area of the Cahuilla and Serrano people of the Morongo Band of Mission Indians. Projects within this area are potentially sensitive for buried deposits regardless of the presence of remaining surface artifacts and features. Our office wants to initiate government-to-government consultation and requests the following from the lead agency to begin meaningful consultation.
Ramona Band of Cahuilla Indians	No response.
San Fernando Band of Mission Indians	No response.
San Manuel Band of Mission Indians	No response.
Santa Rosa Band of Cahuilla	No response.
Serrano Nation of Mission Indians	No response.
Soboba Band of Luiseno Indians	No response.
Torres-Martinez Desert Cahuilla Indians	No response.

As a result of the consultation with the Morongo Band of Mission Indians, it was determined that tribal cultural resources may be encountered during grading activities and the following mitigation measures are required:

TCR-1-Retain Qualified Professional Archaeological Monitor: *Prior to the issuance of a grading permit, the Applicant shall retain a qualified professional archaeological monitor who meets U.S. Secretary of the Interior Standards (SOI). The monitor shall be present during all ground disturbing activities to identify any known or suspected archaeological and/or cultural resources. The monitor will conduct an Archaeological Sensitivity Training, in conjunction with the Tribes Tribal Historic Preservation Officer (THPO). The training session will focus on what the archaeological and tribal cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.*

TCR-2- Archaeological Monitoring and Treatment Plan: *Prior to the issuance of a grading permit, the qualified archaeologist shall develop an Archaeological Monitoring and Treatment Plan to address the details, timing and responsibility of all archaeological and cultural resource activities that occur on the project site, in coordination with Tribe.*

TCR-3- Tribal Monitoring 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 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. The Tribal Monitor shall have the authority to temporarily divert, redirect, or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.

TCR-4-Specific Conditions: The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Tribal cultural, and/or archaeological resources within the project area. This includes cultural materials both on the surface and buried. Should human remains be encountered on the surface or during any and all ground-disturbing activity (i.e. 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, excavation of any kind), work in the immediate vicinity of the discovery shall immediately stop (within 100-foot buffer of the discovery), the area shall be protected, project personnel/observers restricted, and the County Coroner to be contacted pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98. In the event human remains are found and identified as Native American, the landowner shall also notify the City Planning Department so that the City can ensure PRC § 5097.98 is followed. No photographs are to be taken except by the Coroner.

- a) In the event that Tribal Cultural Resources or other cultural resources are discovered during project development and construction, all work in the immediate vicinity of the discovery shall stop (within 60-foot buffer of the discovery) and the area protected by fencing and guarding until a qualified archaeologist (i.e. meeting Secretary of the Interior standards) assesses the discovery. Overall project work may continue during this period of assessment.
- b) If archaeological assessment indicates that significant Native American cultural resources or other cultural resources are present, a Treatment Plan must be prepared in consultation with the Tribe. The developer will notify the Lead Agency and contract with qualified Cultural Resources Management (CRM) firm to develop the Treatment Plan.
- c) If requested by the Tribe, the developer or the project archaeologist shall, in good faith, immediately initiate consultation with the Morongo Band of Mission Indians regarding further actions to be taken including, but not limited to, avoidance, preservation in place, removal, and disposition.

TCR-5-Inadvertent Discovery During Grading: In the event that archaeological or tribal cultural resources are unearthed during ground-disturbing activities, ground-disturbing activities shall stop (within 60-foot buffer of the discovery) or shall be diverted away from the vicinity of the find,

so that the find can be evaluated by the qualified Archaeologist. A treatment plan shall be developed by a qualified Archaeologist (meeting SOI standards) in consultation with the Tribe and the City Planning Department to include relinquishment of all artifacts through one of the following methods:

- a) This reburial area of cultural resource items shall be away from any future impacts and reside in perpetuity. Reburial shall not occur until all cataloguing; analysis and any necessary special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be documented in a Final Report and shall remain as confidential.*
- b) The Tribes Most Likely Descendant (MLD) may wish to rebury the human remains and/or associated funerary objects, as close to the place of their discovery, in an area that will not be subject to future disturbances 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 will be determined by the landowner, City Planning Department, in consultation with the Tribes Most Likely Descendant (MLD).*
- c) Curation at a Riverside County Curation facility that meets federal standards per 36 CFR Part 79 and therefore will be professionally curated and made available to other archaeologists/researchers and tribal members for further study. The collection and associated records shall be transferred, including title, and are to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be provided in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.*

TCR-6-Documents: *Any and all cultural documents created as a part of the project (Archaeological Monitoring and Treatment Plans, isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to consulting Tribe.*

Level of Significance: Less than significant with incorporation of Mitigation Measures TCR-1 through TCR-6.

4.12.6 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 not exempt from CEQA would be subject to the provisions of AB 52 and SB 18 and would be required to apply mitigation measures as necessary to mitigate impacts. Because the Project and other cumulative developments would be required to comply with AB 52 and SB 18, and because the Project has

incorporated mitigation measures to preclude impacts, cumulatively-considerable impacts would be less than significant.

Level of Significance: Less than significant with incorporation of Mitigation Measures TCR-1 through TCR-6.

4.12.7 References

Cultural Resources Records Search Results and Recommendations for the Sun Lakes Boulevard Project (APN 419-140-057), City of Banning, County of Riverside, California, L&L Environmental Inc., February 20, 2020. (Appendix D).

Phase I Cultural Resources Assessment for the Sun Lakes Boulevard Project (APN 419-140-057), City of Banning, County of Riverside, California, L&L Environmental Inc., February 20, 2020. (Appendix E).

4.13 UTILITIES AND SERVICE SYSTEMS

This section of the EIR evaluates the potential for implementation of the Project to impact utility and service systems in the City of Banning. Utilities and services systems include water supply and distribution systems; wastewater (sewage) conveyance and treatment; storm drainage systems; solid waste collection and disposal services; and other public utilities. The analysis in this section is based, in part, upon the following:

- *Water Supply Assessment for the Sun Lakes Village North Specific Plan Amendment No. 5*, Romo Planning Group, August 31, 2020.

4.13.1 Environmental Setting

The project site is located within an urbanized area of the City of Banning where existing utilities and service systems are available. Surrounding land uses include railroad tracks followed by Interstate 10 to the north, Sun Lakes Boulevard followed by single-family residential homes to the south, senior apartments, assisted living/memory care residential facility, and single-family residential homes to the east, and a shopping center to the west.

Water Facilities

The City of Banning Public Works and Utilities Department provides domestic water services to the City of Banning. The City also provides domestic water services to unincorporated Riverside County lands located southwesterly of the City limits. The City owns and operates wells, reservoirs, and a distribution line system to deliver domestic water within their service area. The distribution line system serving the City consists of water lines ranging from 2" to 30" in diameter. (Banning General Plan p. VI-1).

Wastewater Facilities

The City of Banning owns and operates a Water Reclamation Facility (WRF) at 2242 East Charles Street in Banning. The wastewater collection system to the Banning WRF includes 115 miles of gravity sewer mains, 5 miles of force mains, and 4 sewer lift stations. The Facility Design Capacity = 3.6 MGD, the Average Daily Flow = 2.4 MGD, and the Average Dry Weather Flow = 2.3 MGD. (Ref. *Sewer System Management Plan City of Banning*, June 30, 2016).

Storm Water Drainage Facilities

The Project site is currently vacant with no buildings or structures onsite. Thus, there are no existing storm drains connected to the City's storm drain system.

Electric Power Facilities

Banning Electric Utility is a not-for-profit, publicly owned retail electrical energy distribution utility.

The Banning Electricity owns a variety of power generation resources to provide the electricity required to meet the demands of its customers. This includes power from: Coal (20 MW), Geothermal generation resources (3.4 MW), Nuclear (2 MW) and Hydro (2 MW). Electricity is conveyed to the City through a series of transmission lines including several owned by Southern California Edison (SCE). (Banning Electric Utility website).

Natural Gas Facilities

Natural gas services are provided to the City of Banning by SoCalGas. There is a high-pressure distribution line located in Sun Lakes Boulevard adjacent to the site and a transmission line located in Highland Springs Avenue approximately 800 feet west of the site.

Telecommunication Facilities

Telecommunication Facilities

Telecommunication facilities include a fixed, mobile, or transportable structure, including, all installed electrical and electronic wiring, cabling, and equipment, all supporting structures, such as utility, ground network, and electrical supporting structures, and a transmission pathway and associated equipment in order to provide cable TV, internet, telephone, and wireless telephone services to the City of Banning. Some of the primary providers in Banning include Verizon, AT&T, Frontier Communications, Charter Spectrum, Viasat Internet, and Hughes Net.

4.13.2 NOP/Scoping Comments

A Notice of Preparation (NOP) for the proposed Project was released for public review commencing on February 21, 2020 and ending on March 21, 2020. No comments were received during the NOP comment period that pertain to the topic of Utility and Service Systems.

4.13.3 Regulatory Framework

The following is a brief description of the primary state and local environmental laws and related regulations related to utilities and service systems.

State Water Supply Regulations

State Urban Water Management Planning Act

The Urban Water Management Planning Act of 1983, California Water Code Sections 10610 et seq., requires preparation of a plan that:

- Plans for water supply and assesses reliability of each source of water, over a 20-year period, in 5-year increments.
- Identifies and quantifies adequate water supplies, including recycled water, for existing and future demands, in normal, single-dry, and multiple-dry years.
- Implements conservation and the efficient use of urban water supplies.

The City of Banning Urban Water Management Plan (UWMP) was adopted by the City Council on June 14, 2016. The UWMP includes all information necessary to meet the requirements of the UWMP Act (UWMP Act), as set forth above.

Senate Bill 610

SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by a proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to CEQA. SB 610 is applicable to the Project because it is a proposed industrial park planned to occupy more than 40 acres of land and having more than 650,000 square feet of floor area.

Local Water Supply Regulations

City of Banning Municipal Code

- Section 15.68.070. Requires a water facilities development impact fee to be used to mitigate impacts from constructing water facilities pursuant to the most current wastewater facilities plan.
- Section 13.16.030 requires all new developments to comply with water conservation provisions that use xeriscape principles such as, turf limitations, irrigation techniques, use of mulch, and water-conserving landscaping plans.

Local Wastewater Treatment Capacity Regulations

City of Banning Municipal Code

The following provisions from the municipal code focus on wastewater treatment:

- Section 15.68.060. Requires a wastewater facilities development impact fee to be used to mitigate impacts from constructing wastewater facilities pursuant to the most current wastewater facilities plan.

State Solid Waste Capacity Regulations

California Solid Waste Integrated Waste Management Act (AB 939, 1989)

The California Integrated Waste Management Act established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the Act established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted. Per the requirements of the Integrated Waste Management Act, the Riverside County Board of Supervisors adopted the Riverside Countywide Integrated Waste Management Plan which outlines the goals, policies, and programs the County and its cities will implement to create an integrated and cost effective waste management system that complies with the provisions of California Integrated Waste Management Act and its diversion mandates.

2016 California Green Building Standards

Section 4.408 of the 2016 California Green Building Code Standards requires new development projects to submit and implement a construction waste management plan to reduce the amount of construction waste transported to landfills. Prior to the issuance of building permits, the City of Banning shall confirm that a sufficient plan has been submitted, and prior to final building inspections, the City of Banning shall review and verify the Contractor's documentation that confirms the volumes and types of wastes that were diverted from landfill disposal, in accordance with the approved construction waste management plan.

Local Solid Waste Capacity Regulations

City of Banning Municipal Code

Chapter 8.52 – Recycling: The intent of this chapter is 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 (AB 1327), and to lengthen the lifespan of the landfills and decrease the costs of hauling to landfills.

4.13.4 Thresholds of Significance

Would the Project:

- (a) *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?*
- (b) *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?*
- (c) *Result in a determination by the wastewater 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?*
- (d) *Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

4.13.5 Impact Analysis

Threshold 4.13.5 (a) - 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?

Construction of the Project would require connections to existing water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities. The Project area already is served by these utilities, and it is anticipated that proposed improvements to provide service to the Project site would occur within existing improved rights-of way off-site, or on-site within areas already planned for impact and development by the Project. The proposed connections to these utilities are inherent to the Project's construction phase, which has been evaluated throughout this EIR. Where significant construction-related impacts are identified, feasible mitigation measures are identified to reduce impacts to the maximum feasible extent. There are no components of the Project's proposed utility connections that would result in significant environmental effects not already addressed by this EIR.

Level of Significance: Less than significant.

Threshold 4.13.5 (b) - Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?

The City potable water is primarily supplied from groundwater wells. The City overlies the Coachella Valley Groundwater Basin, which is underlain by several large sub-basins. The City overlies the San Gorgonio Pass Sub-basin, which is divided into water storage units. The City extracts groundwater from the Banning Storage Unit, Banning Bench Storage Unit, Cabazon Storage Unit, Beaumont Basin, and Banning Canyon Storage Unit.

The City purchases imported water from the San Gorgonio Pass Water Agency to recharge to the Beaumont Basin at Beaumont Cherry Valley Water District's Noble Creek spreading facility. Based on the City's 2015 UWMP, the City recharged approximately 694 afy in year 2015. Although the City purchases imported water, the imported water supply connection is only used for recharge.

To assess the ultimate effect of the Project's water demands and service needs, the City of Banning Water Department has prepared a Water Supply Assessment, included as Technical Appendix J to this EIR, in accordance with Senate Bill 610 (SB 610). Provided below is a summary of the City of Banning's water supplies and water demand projections based on the assessment.

At the time the assessment was prepared, there were no land use development entitlements being sought (i.e. site plan, parcel map, etc.) by the Project proponent. In the absence of site-specific details, the water demand for the Project is based on the *City of Banning, Integrated Master Plan, Final Report*, March 2018. According to Table 3.8, *Known Developments Demand Projections*, the Project is estimated to have an annual water demand of 279-acre feet per year (afy). Table 4.13-1 provides a summary of the available groundwater supplies from 2020 to 2040.

4.13.1 - Quantities of Available Water Supplies (AF/YR)

Basin Name	2020	2025	2030	2035	2040
Beaumont Storage Unit	1,266	1,14	1,029	925	925
Beaumont Storage Unit Recharge	2,718	2,71	2,718	2,718	2,718
Banning Storage Unit	1,130	1,13	1,130	1,130	1,130
Banning Bench Storage Unit	1,960	1,96	1,960	1,960	1,960
Cabazon Storage Unit	2,515	2,51	2,515	2,515	2,515
Banning Canyon Storage Unit	4,070	4,07	4,070	4,070	4,070
San Gorgonio Pass Subbasin Total	13,659	13,538	13,422	13,318	13,318

Source: Banning 2015 Urban Water Management Plan.

Table 4.13-2 shows a comparison of the Project's projected water demand compared to the available City industrial and commercial sector water supplies for the period 2020 to 2040.

4.13.2 - Comparison of Project Demand vs. Projected Deliveries (afy)

Land Use	2020	2025	2030	2035	2040
Industrial	94	99	103	107	111
Commercial	2,281	2,382	2,484	2,586	2,694
Total	2,375	2,481	2,587	2,693	2,805
Project Demand	279	279	279	279	279
Project's Percent of Total	11.7%	11.2%	10.8	10.4	9.9%

Source: Source: Banning 2015 Urban Water Management Plan

As shown in Table 4.13-2 above, the Project's expected water demand is within the City's total projected water supplies available during normal, single dry, and multiple dry water years for the next 20 years. Therefore, there will be adequate supplies to meet the projected water demand associated with the Project in addition to the existing and other planned future uses of the City's water system.

Level of Significance: Less than significant.

Threshold 4.13.5 (c) - Result in a determination by the wastewater 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?

All wastewater flows collected within the City's service area are currently treated at one facility, the Banning Wastewater Treatment Plant. The plant is in the southeast portion of the City adjacent to Smith Creek and east of Hathaway Street. The City contracts with United Water Services for the operation and maintenance of the plant. The plant has capacity to treat up to 3.6 million gallons per day (MGD). The Plant treated an average of 2.07 MGD in 2016. According to the City of Banning, *Integrated Master Plan*, 2018, the Project is estimated to generate approximately 53,580 gpd (0.5 MGD).

A comparison of the Project's wastewater generation as compared to the overall City's projected wastewater flows by percentage are shown in Table 4.13-3.

4.13.3 - Project's Wastewater Generation as Compared to the Overall City's Projected Wastewater Flows

Flow Condition	Existing	2025	2040
City	2.01	2.80	4.29
Project	0.00	0.05	0.05
Project % of Total	0%	1.78	1.16

Source: Table 3.22, City of Banning, Integrated Master Plan, 2018.

As shown in Table 4.13-3, the Project's estimated wastewater flows represent 1.78% of the treatment plant's capacity in 2025 and 1.16% in 2040.

Level of Significance: Less than significant.

Threshold 4.13.5 (d) - Generate solid waste more than State or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Waste Management Inc. is the franchise waste hauler for the City of Banning and collects solid waste from all residential and commercial customers. The Riverside County Waste Management Department provides recycling and disposal services for the City of Banning. Solid waste generated by the Project will be disposed of at three facilities in Riverside County, the Badlands Sanitary Landfill near the City of Moreno Valley, the El Sobrante Landfill near the City of Corona, and the Lamb Canyon Sanitary Landfill near the City of Beaumont. As shown in Table 4.13-4, these three landfills have residual capacity for additional waste and are estimated to close beyond 2020.

4.13. 4 - Capacity of Landfills Serving Banning

Landfill	Capacity (cubic yards)	Remaining Capacity (cubic yards)	Closure Date
Badlands Sanitary Landfill	34,400,000	15,748,789	1/1/2022
El Sobrante Landfill	209,910,000	143,977,170	1/1/2051
Lamb Canyon Sanitary Landfill	38,935,653	19,242,950	4/1/2029

Source: CalRecycle, SWIS Facility/Site Activity Details website, July 2020.

Construction and operation of the proposed Project would result in the generation of solid waste, requiring disposal at a landfill. During construction of the proposed Project, solid waste in the

form of demolition material and remnants of unused construction materials would require disposal at a landfill. Waste also would be generated by the construction process, primarily consisting of discarded materials and packaging. 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 California Emissions Estimator Model (CalEEMod) is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents. Waste disposal rates by land use and overall composition of municipal solid waste in California is primarily based on CalRecycle data. Based on solid waste generation usage obtained from CalEEMod, the Project would generate approximately 1,689 tons of solid waste per year (6,255 cubic yards). This amount represents 0.018% of the remaining capacity of the Badlands Sanitary Landfill, 0.003% of the El Sobrante Sanitary Landfill, and 0.0001% of the Lamb Canyon Sanitary Landfill. As such, the nominal portion of the Project's solid waste generation would not contribute significantly to landfill capacity, and the landfill facilities are sufficient. Accordingly, impacts would be less than significant.

Level of Significance: Less than significant.

4.13.6 Cumulative Impacts

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site, including buildout of the City of Banning General Plan Land Use Plan. This study area was selected because utilities and service systems are provided to all the existing and planned developments in the City of Banning by the same service providers.

Water Facilities

According to the Water Supply Assessment prepared for the Project (see Appendix I) the water demand estimated for the Project is within the limit of growth anticipated by the Urban Water Management Plan (UWMP). The implementation of existing water conservation measures and recycling programs in the Banning service area would also help reduce the need for increased water supply. Additionally, Banning has established a Water Shortage Contingency Plan (detailed in Banning's 2015 UWMP) to reduce water demand during a water supply shortage, including a reduction in water supplies due to legal, environmental, and/or climatic conditions. The Water Shortage Contingency Plan provides several prohibitions and consumptive reduction methods that would reduce demand up to 50% under the most extreme deficiencies. Because the Banning

Water Division is projected to have adequate water supply for projected growth through at least the Year 2040 in normal, dry, and multiple-dry years, cumulatively-considerable effects to water supply would not result from construction or operation of the Project.

Wastewater Treatment Facilities

Based on historical records, the average annual flow at the City's wastewater treatment plant (WWTP) was estimated to be roughly 2.02 mgd for years 2011 through 2016. The existing average dry weather flow (ADWF) is approximately 2.08 mgd for years 2011 through 2016. The City's 5-year average per capita wastewater generation was estimated at 73 gallons per capita per day (gpcd). The WWTP has capacity to treat up to 3.6 million gallons per day (MGD).

The City of Banning Integrated Master Plan, 2018, found that capacity upgrades are not required to accommodate future buildout of the City. As such, the Projects' incremental contribution of 1.16% of the total capacity demand in 2040 would not require expanded treatment capacity and impacts are less-than-cumulatively considerable.

Storm Water Drainage Facilities

Cumulative impacts associated with the construction of storm water drainage facilities will result in physical impacts to the surface of the site. In all cases, where cumulatively significant physical impacts associated with construction of drainage facilities are identified, mitigation measures have been imposed to reduce such impacts to the maximum feasible extent. Accordingly, impacts associated with the provision of storm water drainage facilities to serve the Project would be less-than-cumulatively considerable.

Electric Power Facilities

The Project will connect to the existing Southern California Edison electrical distribution facilities available in the vicinity of the Project site. As discussed in Section 4.5, *Energy* of this EIR, the Project would create a net increase in electricity demand of approximately 1,679,221 kWh per year. This net increase is well within SCE's systemwide net increase in electricity supplies of approximately 15,273 GWh annually over the 2012-2024 period.⁴ Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed Project would not require expanded electricity supplies and impacts are less-than-cumulatively considerable.

⁴ California Energy Commission, Electricity Consumption by County, <https://ecdms.energy.ca.gov/electricbycounty.aspx>

Natural Gas Facilities

The Project will connect to the existing Southern California Gas natural gas distribution facilities available in the vicinity of the Project site. As discussed in Section 4.5, *Energy* of this EIR, the Project would generate a net increase in natural gas demand of approximately 248,201 KBTU/yr. This net increase is well within the Southern California Gas Company's systemwide natural gas supplies of approximately 923 million of therms during the 2017 period⁵. Therefore, there are sufficient planned natural gas supplies in the region for the estimated net increase in natural gas demands, and buildout under the proposed Project would not require expanded natural gas supplies and impacts are less-than-cumulatively considerable.

Telecommunication Facilities

Some of the primary providers in Banning include Verizon, AT&T, Frontier Communications, Charter Spectrum, Viasat Internet, and Hughes Net. Internet inquiries of these service providers' websites indicate that their respective services are available to serve the Project site with existing facilities. Accordingly, impacts are less than cumulatively considerable.

Solid Waste Facilities

As previously discussed in the analysis provided under Threshold 4.13.5 (d), solid waste generated by construction and operation of the Project would represent nominal proportions of the daily disposal capacity at El Sobrante Landfill, Lamb Canyon Landfill, and/or Badlands Landfill. The landfills are currently projected to remain open until as far into the future as 2045 (El Sobrante Landfill) and have sufficient daily capacity to handle solid waste generated by the Project and other cumulative developments both during construction and long-term operation. Therefore, the Project's cumulative impacts to solid waste facilities are less than significant.

Level of Significance: Less than significant with mitigation incorporated.

4.13.7 References

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<https://www.att.com/smallbusiness/explore/quickflow/?address=99%2520E%2520Ramsey%2520St,92220>, accessed July 6, 2020.

City of Banning Municipal Code, codified through Ordinance No. 1509, enacted April 11, 2020.
Available at:

https://library.municode.com/ca/banning/codes/code_of_ordinances?nodeId=16203,
accessed August 1, 2020.

⁵ California Energy Commission, Gas Consumption by County, <https://ecdms.energy.ca.gov/gasbycounty.aspx>

Krieger and Stewart Engineering Consultants, *City of Banning Final 2015 Urban Water Management Plan*, May 2016. (Available at: <http://ci.banning.ca.us/DocumentCenter/View/4543>, accessed July 1, 2020).

Regional Water Quality Control Board Colorado River Basin Region, *Board Order R7-2016-0015, Waste Discharge Requirements for City of Banning Owner, Suez Water Environmental Services Operator, Banning Wastewater Treatment Plant*, June 30, 2016. Available at http://www.waterboards.ca.gov/coloradriver/board_decisions/adopted_orders/orders/2016/0015banning.pdf, accessed August 21, 2020.

State Water Resources Control Board, *Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. Available at: https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2006/wqo/wqo2006_0003.pdf, accessed January 19, 2020).

State Water Resources Control Board, *June 2015-November 2017 Water Conservation Dataset, data pulled December 28, 2017* (Available at: https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/docs/2018jan/supplierconservation_010918.pdf, accessed January 23, 2020).

Wirefly available at: <https://www.wirefly.com/compare-tv-providers/california/banning>, accessed August 15, 2020.

5. OTHER CEQA TOPICS

5.1 Significant Environmental Effects Which Cannot Be Avoided If the Proposed Project Is Implemented

The *CEQA Guidelines* require that an EIR disclose the significant environmental effects of a project that cannot be avoided if the proposed project is implemented (CEQA Guidelines § 15126(b)) describes the significant unavoidable impacts that would occur should the proposed Project be implemented and after the application of regulatory requirements or the application of feasible mitigation measures (MMs).

Table 5. 1 - Significant Environmental Effects Which Cannot be Avoided

Topic	Type of Impact Details of Impact
Air Quality	Development allowed by the Project will result in an unavoidable significant adverse impact to regional air quality caused by construction emissions of volatile organic compounds (VOC) and operational emissions of NO _x more than the SCAQMD regional significance thresholds for these pollutants.
Greenhouse (GHG) emissions	Development allowed by the Project will generate 11,966.30 MTCO ₂ e per year from construction, area, energy, mobile, waste, and water usage which exceeds the Tier 3 screening thresholds established by the SCAQMD.
Vehicle Miles Traveled (VMT)	The Project would exceed the 15 percent below existing regional HBW VMT per worker by 19.12 percent. As such, the Project's impact based on VMT for the light industrial and business park component as recommended by the Office of Planning & Research.

Source: DEIR Section 4.0.

5.2 Significant Irreversible Environmental Changes

The *CEQA Guidelines* require EIRs address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126(c); § 15126.2(d)). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy). Each of these issues are discussed below.

Commitment of Non-Renewable Resources

Determining whether the proposed Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them.

Natural resources, in the form of construction materials and energy resources, would be used in the construction of the proposed Project. The consumption of these natural resources would represent an irreversible change to the environment. However, development of the Project site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., fossil fuels).

Commit Future Generations to Similar Uses

Implementation of the Project would commit future generations to the uses proposed by the Project on the Project site. As demonstrated in the analysis presented throughout Draft EIR Section 4.0, construction and long-term operation of the proposed Project would be compatible with existing and planned future land uses that surround the Project site and would not result in significant and unavoidable physical environmental effects to nearby properties.

Wasteful Use of Energy

The Project is required by law to comply with the California Building Standards Code (CALGreen), which will minimize the Project's demand for energy, including energy produced from non-renewable sources. A more detailed discussion of energy consumption is provided in Section 4.7 *Energy*.

Potential Environmental Accidents

Initial Study Section 4.8, *Hazards and Hazardous Materials* provides an analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment. As concluded in the analysis, compliance with federal, state, and local regulation related to hazardous materials would be required of all contractors working on the property during the Project's construction and of all the persons that occupy the Project's buildings. As such, construction and long-term operation of the Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

5.3 Growth Inducing Impacts

According to State CEQA Guidelines (Section 15126.2 (e)), a project may foster economic or population growth, or additional housing, either indirectly or directly, in a geographical area if it meets any one of the following criteria: remove obstacles to population growth; increases in the population that may tax existing community service facilities, causing significant environmental effects; a project would encourage and facilitate other activities that could significantly affect the environment. Each of these issues is discussed below.

Remove Obstacles to Population Growth

The Project will not remove obstacles to population growth or directly contribute to population growth. The proposed Project involves construction and operation of business and warehouse, office and professional, and retail and service uses in an area that the City has planned for this type of development. Consistency with the *SCAG Regional Transportation Plan Sustainable Communities Strategy* (RTP-SCS) is included in the analysis for this Project. Because the proposed Project is consistent with the General Plan land uses for the site, development of the site in this manner would have been considered in the RTP-SCS projections. Therefore, the Project is consistent with the goals and strategies outlined in the RTP-SCS and no mitigation measures are necessary.

Increases in the Population That May Tax Existing Community Service Facilities, Causing Significant Environmental Effects

The Project may indirectly induce population growth in the short term because it will be a new source of employment within the City. However, the extent to which the new jobs created by a project are filled by existing residents is a factor that tends to reduce the growth inducing effect of a project. Construction of the Project will create short-term construction jobs which are anticipated to be filled by workers who, for the most part, reside in the Project area; therefore, construction of the proposed Project will not generate a permanent increase in population within the Project area. The workers constructing the Project are also not expected to require additional housing needs beyond those which are currently available in the City of Banning, or the surrounding County areas.

The Southern California Council of Governments (SCAG) publishes population, housing, and employment predictions for all cities within their region, including the City of Banning, based on information gathered from local planning documents, such as general and specific plans, within each SCAG-participating jurisdiction. As shown in Table 8.0-1 – Demographics and Growth, the City's population was 30,100 in 2012 and is anticipated to grow to 32,400 in 2020, 36,500 in 2035 and 37,600 in 2040. Additionally, the number of jobs is anticipated to increase to 10,000 in 2020, 13,500 in 2035 and 14,200 in 2040, from its previous level of 7,300 jobs.

Table 5. 2 - Demographics and Growth

Metric	2012	2020	2035	2040
Population	30,100	32,400	36,500	37,600
Housing Units	10,800	11,900	13,350	14,000
Employment	7,300	10,000	13,500	14,200

Source: SCAG

The proposed Project is consistent with the land use designation of Business Park (with Specific Plan Overlay) General Commercial (with Specific Plan Overlay) and was contained in the City's GP, which is included in SCAG's forecasts. Therefore, any potential increases in population because of the proposed Project would have been accounted for by SCAG when they developed their growth predictions. The Banning GP EIR also considered urbanization of land, in general, will have a growth inducing impact and found that development consistent with the Banning GP reflects the logical geographic expansion of development within Western Riverside County. Thus, as the Project is substantially similar to other development within the City of Banning General Plan and in the Project vicinity, and is consistent with the land uses assumed by SCAG in their growth forecasts, the Project will also not result in urbanization in a remote location

In addition, the analysis in Section 3.14, *Public Services*, of the Initial Study Checklist (see Appendix A) demonstrates that the impacts on public services are less than significant so the public service provider's ability to provide services will not be reduced. Therefore, the amount of growth represented by the proposed Project is not expected to induce additional or substantial unanticipated growth into the surrounding area in the foreseeable future.

Encourage and Facilitate Other Activities That Could Significantly Affect the Environment.

The Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan and Zoning Code is nil because the Project site is surrounded by development on 3 sides and railroad tracks and the I-10 Freeway on one side and is considered an infill site.

For the reasons outlined above, it is unlikely, speculative, and not reasonably foreseeable that the Project would induce substantial growth in the form of additional housing or non-residential economic activity or employment that would result in measurable impacts on the off-site physical environment. In addition, the development of the proposed Project would not reasonably or foreseeably cause the redevelopment of other properties or cause development on other properties.

6. ALTERNATIVES

6.1 Requirements for Alternatives

An EIR must identify ways to mitigate or avoid the significant effects that a proposed project may have on the environment. In compliance with CEQA Guidelines Section 15126.6(a), this EIR must 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.”* The EIR does not need to consider every conceivable alternative; rather, it must consider a reasonable range of potentially feasible alternatives to the Project or to the location of the Project, which would avoid or substantially lessen 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”* [CEQA Guidelines Section 15126.6(b)].

The discussion of project alternatives must, *“include sufficient information about each (to) allow meaningful evaluation, analysis, and comparison with the proposed project.”* An EIR must also evaluate a “No Project” alternative in order to allow decision-makers to compare the effect of approving the Project to the effect of not approving the Project. The City, acting as the CEQA Lead Agency, is responsible for selecting a range of alternatives for examination and must publicly disclose its reasoning for selecting those alternatives.

The range of alternatives addressed in an EIR is governed by a “rule of reason,” which requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Of the alternatives considered, the EIR needs to examine in detail only those that the Lead Agency determines could feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project. Per State CEQA Guidelines Section 15364, “feasible” has been defined as *“capable of being accomplished in a successful manner within a reasonable period of time, considering economic, environmental, legal, social, and technological factors.”*

6.2 Alternatives Considered but Not Analyzed Further

An EIR is required to identify any alternatives that were considered by the Lead Agency but were rejected as infeasible. Among the factors described by CEQA Guidelines §15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR are a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the Project, CEQA Guidelines §15126.6(f) (1) notes:

“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...and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site...”

6.2.1 Alternative Site

A vacant 42- acre site that has a General Plan land use designation of General Commercial located at the southwest corner of I-10 and Sunset Avenue was considered as an alternative site. Development of the Project at this location would have similar impacts as would occur with implementation of the Project at its location. The Project’s significant and unavoidable impacts are primarily the result of Project-generated traffic, which in turn are a result of the Project design itself, and not necessarily the physical setting or characteristics of the Project site; thus, implementing the Project at the alternative site would not substantially reduce the Project’s impacts due to air quality emissions, greenhouse gas emissions, and vehicle miles traveled. Therefore, this alternative was rejected.

6.3 Project Objectives

One factor that must be considered in the evaluation of alternatives is the ability of a specific alternative to attain most of the basic objectives of the Project (CCR Section 15126.6[a]).

The Project’s basic objectives are:

- 5) To efficiently develop an underutilized property with a complementary mix of land uses, including business park, light industrial, commercial, office and professional, and optional residential land uses.
- 6) Positively contribute to the economy of the City through new capital investment, creation of new employment opportunities and expansion of the tax base.
- 7) Provide local employment for residents of the City to improve the jobs-housing balance within the City.
- 8) To provide Development Standards and Design Guidelines that establish general provisions for site design, circulation, architecture, landscape, walls, fences, screening, and buffers that would ensure that the Project is developed in a manner that is aesthetically pleasing.

6.4 Summary of the Project's Significant Environmental Impacts

As discussed in EIR Section 4.0, *Environmental Analysis*, the Project would result in significant adverse environmental effects that cannot be mitigated to below levels of significance after the implementation of feasible mitigation measures. The unavoidable significant impacts are identified in Table 6-1 below.

Table 6. 1- Summary of Significant Environmental Impacts

Topic	Details of Impact
Air Quality	The Project will exceed the thresholds established by the SCAQMD for VOC emissions because of painting and NOx emissions because of the amount of vehicle traffic generated.
Greenhouse Gas Emissions (GHG)	The Project site will generate 11,966.30 MTCO ₂ e per year from construction, area, energy, mobile, waste, and water usage which exceeds the significance screening threshold of 3,000 MTCO ₂ e per year both on a project and cumulative basis.
Vehicle Miles Traveled (VMT)	The Project will not reduce VMT 15% below the existing regional VMT per worker threshold of 11.19.

6.5 Alternative Analysis

6.5.1 . Description of the Alternatives

No Project/No Development Alternative

This Alternative considers no development/disturbance on the Project site beyond that which occurs under existing conditions. As such, the approximately 47-acre Project site would continue to consist of vacant land that has been subject to regular discing as part of on-going fire abatement activities. Under this Alternative, no improvements would be made to the Project site and none of the Project's roadway, drainage, utility, and other infrastructure improvements would occur. This Alternative was selected by the City to compare the environmental effects of the Project with an alternative that would leave the Project site in its existing condition.

No Project/General Plan Land Use Alternative

This Alternative considers development of the Project site in accordance with the site's existing General Plan land use designations of Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). Under this Alternative, the site would be developed with up to 25-acres of auto dealerships and 18 acres of commercial retail uses.

This Alternative was selected by the City to compare the environmental effects of the Project with an alternative that would develop the Project site in accordance with the General Plan land use designations of Business Park (with Specific Plan Overlay) General Commercial (with Specific Plan Overlay).

Reduced Development Alternative

This Alternative considers a 20% reduction in the amount of building square footage allowed by the Project from 966,552 square feet to 773,242 square feet. This Alternative was selected by the City because a 20% reduction in building square footage would reduce air emissions of nitrogen oxides (NO_x) caused by vehicle traffic to less than significant levels. However, volatile organic compound (VOC) emissions from painting and the amount of vehicle miles traveled will remain significant.

6.5.2 Analysis of Alternatives

The following discussion compares the impacts of each Alternative considered by the Lead Agency with the significant impacts of the Project, as detailed in EIR Subsection 4.0, *Environmental Analysis* and as summarized in Table 6.1 above. A conclusion is provided for each impact as to whether the alternative results in one of the following:

- (1) Reduction or elimination of the Project's impact;
- (2) Greater impact(s) than would occur under the Project;
- (3) Same impact as the Project; or
- (4) New impact in addition to the Project's impacts.

6.5.3 No Project/No Development Alternative

Under existing conditions, the site consists of undeveloped and vacant land that has been subject to regular discing as part of on-going fire abatement activities. This Alternative would eliminate all the significant impacts from construction and operation of the Project (air quality, greenhouse gas emissions, and vehicle miles traveled). However, this alternative does not achieve any of the objectives of the Project. Impacts are **less** than the Project.

6.5.4 No Project/General Plan Development Alternative

Under this Alternative, the site would be developed with up to 25-acres of auto dealerships and 18 acres of commercial retail uses.

Air Quality

Development under this Alternative would allow the following amount of development:

- 150,000 square feet (sf) of New Car Sales;
- 67,500 sf of Medical Office;
- 21,000 sf of High Turn-over Restaurant;
- 5,000 sf of Bank w/ Drive-thru; and
- 5,000 sf of Office.

Total: 248,500 sf.

For comparison purposes, the Land Use Plan for the Project would allow the following:

- 877,298 square feet (sf) of Industrial Park;
- 52,065 sf of Medical Office, and
- 37,189 sf of Retail Use.

Total: 966,552 sf.

Under long-term operating conditions, the primary source of air quality pollutants from both the Project and development under this alternative would occur because of vehicular traffic. Development under this Alternative would generate 10,828 daily trips (passenger car equivalent) compared to 5,594 daily trips generated by the Project because this Alternative has more retail and sales uses than the Project. This represents a 93 % increase in daily vehicle trips. Thus, this Alternative would result in increased vehicle trips in comparison to the Project and therefore increased vehicular-related air quality pollutant emissions as compared to the Project. Thus, this Alternative would exacerbate the Project's significant and unavoidable impacts due to operational emissions from NO_x. Impacts are **greater** than the Project.

Both this Alternative and the Project would conflict with the 2016 SCAQMD Air Quality Management Plan because NO_x emissions because of vehicle traffic. Impacts are the **same** as the Project.

Odor impacts under both the this Alternative and the Project would be similar, as the operation of light industrial and/or commercial land uses would not result in the generation of substantial amounts of odor. Impacts are the **same**.

Greenhouse Gas Emissions

Under this Alternative, GHG emissions would be 8,582 MTCO₂e per year as compared to the Project's emissions of 11,966 MTCO₂e per year. Impacts are **less** than the Project. Although this

Alternative generates less greenhouse emissions than the Project, both this Alternative and the Project exceed the 3,000 MTCO₂e screening significance thresholds and impacts remain significant.

Transportation (Vehicle Miles Traveled)

This Alternative would generate 10,828 daily trips (passenger car equivalent) as compared to 5,594 daily trips generated by the Project because this Alternative has more retail and sales uses. This represents a 93 % increase in daily vehicle trips, and thus more vehicle miles traveled. Impacts are **greater** than the Project. However, this Alternative will not reduce VMT by 15% below the existing regional VMT per worker threshold of 11.19 and impacts will remain significant.

6.5.5 Reduced Development Alternative

Under this Alternative building square footage would be reduced by 20% (from 966,552 square feet to 773,242 square feet).

Air Quality

This would reduce NO_x emissions from vehicle traffic to a less than significant level. However, VOC emissions from painting during construction would remain significant as a 54% reduction in building square footage is required to reduce these emissions to a less than significant level. Impacts are **less** than the Project, but impacts will remain significant for VOC emissions.

Both this Alternative and the Project would conflict with the 2016 SCAQMD Air Quality Management Plan because VOC emissions during building construction would exceed significance thresholds. Impacts are the **same** as the Project.

Odor impacts under both the this Alternative and the Project would be similar, as the operation of industrial and/or commercial land uses would not result in the generation of substantial amounts of odor. Impacts are the **same** as the Project

Greenhouse Gas Emissions

Under this Alternative, greenhouse gas emissions would be 8,102 MTCO₂e per year as compared to the Project's emissions of 11,966 MTCO₂e per year. Development under this Alternative would have **less** impacts than the Project.

Transportation (Vehicle Miles Traveled)

Because vehicle miles traveled are in part related to the number of vehicle trips generated by a project, if building square footage were reduced by 20% overall, vehicle miles traveled will be reduced. Impacts are **less** than the Project. Although this Alternative generates less vehicle miles traveled than the Project, impacts will remain significant.

6.6 Summary of Environmental Impacts

Table 6. 2- Summary of Environmental Impacts

Environmental Topic	No Project/No Development	No Project/General Plan Development Alternative	Reduced Development Alternative(1)
Air Quality	Less	Greater	Less
Greenhouse Gas Emissions	Less	Greater	Less
Vehicle Miles Traveled	Less	Greater	Less
(1) Although impacts are less, impacts for air quality (VOC emissions), greenhouse gas emissions, and vehicle miles traveled remain significant.			

6.7 Environmentally Superior Alternative

Because the No Project Alternative would result in lower impacts resulting from construction and operation of the Project to less than significant levels, it is the environmentally superior alternative. However, the No Project Alternative would not meet the Project objectives. When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126[d][2]) require selection of an environmentally superior alternative from among the other alternatives evaluated.

As shown in Table 6-2, the Reduced Development Alternative would be environmentally superior to the Project. Under this Alternative, impacts related to air quality NOx emissions would be reduced to less than significant, but VOC emissions will remain significant. Impacts from greenhouse gas emissions will be less but remain significant. Impacts from vehicle miles traveled will be less, but remain significant. .