AGENDA

CITY COUNCIL - REGULAR MEETING OF THE BANNING CITY COUNCIL
CITY OF BANNING, CALIFORNIA

July 9, 2024
5:00 p.m.
In Chambers

Council Chambers
99 E. Ramsey Street
Banning, CA 92220

The following information comprises the agenda for the regular meeting of the Banning City Council, a joint meeting of the City Council and Banning Utility Authority, and the Banning City Council sitting in its capacity as the Banning Successor Agency Board.

Per City Council Resolution 2016-44, matters taken up by the Council before 10 p.m. may be concluded, but no new matters shall be taken up except upon a unanimous vote of the council members present and voting. Such an extension shall only be valid for one hour and each hour thereafter shall require a renewed action for the meeting to continue.

1. CALL TO ORDER

1.1 INVOCATION
Performed by Reverend Dr. James Baylark of First Community Baptist Church

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

2. AGENDA APPROVAL

2.1 AGENDA APPROVAL

3. PRESENTATIONS

3.1 Proclamation - Parks and Recreation Month
Recommendation: Proclaim July 2024 as Parks and Recreation Month

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, AND REPORTS

5.1 PUBLIC COMMENTS

5.2 CORRESPONDENCE

5.3 APPOINTMENTS

Designation of Voting Delegate and Alternate for the 2024 League of California Cities (Cal Cities) Annual Conference

Recommendation: Staff respectfully recommend City Council appoint a single voting delegate and alternate for the 2024 League of California Cities ("Cal Cities") Annual Conference.

5.4 CITY COUNCIL COMMITTEE REPORTS

5.5 CITY MANAGER'S REPORT

5.6 CITY ATTORNEY'S REPORT

5.7 CITY TREASURER'S REPORT

6. CONSENT ITEMS

The following items have been recommended for approval and will be acted upon simultaneously, unless a member of the City Council/Banning Utility Authority/Successor Agency Board wishes to remove an item for separate consideration.

6.1 Approval of the Meeting Minutes for the June 25, 2024 City Council Meetings
Recommendation: Approve the minutes of the June 25, 2024 City Council Meetings.

6.2 Consideration of Resolution 2024-113, a Resolution of the City Council of the City of Banning, California, Setting Aside and Vacating its Previous Approval of Tentative Parcel Map No. 38164, Approval of Design Review 21-7008 and Denial of the Appeal of the Planning Commission's Approval of Design Review 21-7008, and Adoption of an Addendum, All in Connection with the Banning Point Project, Doing so in Compliance with the Peremptory Writ of Mandate that Requires the City Council to Set Aside and Vacate those Decisions, and Rescinding City Council Resolution 2022-14
Recommendation: Adopt Resolution 2024-113.

6.3 Consideration of Resolution 2024-115, Awarding a Citywide Professional Services Agreement for As Needed Public Relations and Community Outreach Consulting Services in the amount of $295,000 for Three (3) Year Agreement with DeGrave Communications Inc.
Recommendation: Adopt Resolution 2024-115.

6.4 Consideration of Resolution 2024-116, Approving the Award of Contract for Roadway and Storm Drain Asset Collection and Analysis with Roadway Asset Services of Austin, Texas for Fiscal Year 2024/2025 in the Amount of $302,082
Recommendation: Adopt Resolution 2024-116.

6.5 Consideration of Resolution 2024-117, Approving an Exclusive Negotiating Agreement with Investel Development LLC for City-Owned Real Property Located at 150 E. Ramsey Street, Banning (APNs 541-181-032, 541-181-033, 541-181-034, AND 541-181-035)
Recommendation: Adopt Resolution 2024-117.

6.6 Consider Resolution 2024-118, Rescinding its Adoption of Resolution 2024-66, and Approving an Office Lease with Riverside County on Behalf of the Emergency Management Department for Office Space within the Armory Located at 2041 W. Nicolet St. to be used by the Radio Amateur Emergency Service (RACES)
Recommendation: Adopt Resolution 2024-118.

6.7 Consideration of Resolution 2024-119, Awarding a Professional Services Agreement for the Design of Traffic Signal Hardware Upgrade at 17 Intersections to STC Traffic, Inc. in the amount of $74,760 and Approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" $82,236
Recommendation: Adopt Resolution 2024-119.

6.8 Consideration of Resolution 2024-120, Approving and Authorizing Submittal of California Emergency Management Agency Form to California Office of Emergency Services Form 130 Designating Personnel to Act As the Agent for the City When Seeking Financial Assistance After a Disaster
Recommendation: Adopt Resolution 2024-120.

6.9 Consideration of Resolution 2024-121, Approving a Deposit/Reimbursement Agreement with NP Banning Industrial, LLC
Recommendation: Approve Resolution 2024-121.

6.10 Consideration of Resolution 2024-122, Adopting Administrative Policy, Risk Management (RM) #6 - A Workplace Violence Prevention Plan
Recommendation: Adopt Resolution 2024-122.

6.11 Consideration of Resolution 2024-123, Approving the Line Extension Reimbursement Agreement Between the City of Banning and Robertson's Ready Mix, LTD
Recommendation: Adopt Resolution 2024-123.

6.12 Consideration of Resolution 2024-124, Awarding a Contract with Pinnacle Petroleum Inc. for Unleaded and Diesel Bulk Fuel Services in the Amount of $500,000
Recommendation: Adopt Resolution 2024-124.

6.13 Consideration of Resolution 2024-125, Approving A Successor Memorandum of Understandings with the Teamsters Local 1932, Representing the Association of Mid-Management and Professional Employees, Effective July 1, 2022, through June 30, 2024, and Authorizing the City Manager to Finalize and Execute a Successor Agreement
Recommendation: Adopt Resolution. 2024-125.

6.14 Consideration of Resolution 2024-06 UA, Adopting the City of Banning's Sanitary Sewer Management Plan
Recommendation: Adopt Resolution 2024-06 UA.

6.15 Second Reading and Adoption of Ordinance 1605, Amending Table 17.08.020 of Section 17.08.020 of Article I of Chapter 17.08 of Division II of Title 17 of the City of Banning Municipal Code to Clarify that Affordable Housing Uses are Permitted by Right and are not Subject to Discretionary Action in Specified Zoning Districts as Required by State Law; and Making a Determination of Exemption from the California Environmental Quality Act
Recommendation: Conduct second reading and adopt Ordinance 1605.

6.16 Accept as Complete Various Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration
Recommendation: City Council accept as complete various improvements related to the Atwell Specific Plan Development and authorize the 90% bond exoneration.

6.17 Butterfield Specific Plan Project ("Atwell") Annual Development Agreement Review for 2024
Recommendation: Receive and file the annual review of the Development Agreement for the Butterfield Specific Plan Project being developed by Tri Pointe Homes as the Atwell Master Planned Community, ensuring that the developer is proceeding in good faith and in accordance with Section 12.1 of the Development Agreement and Government Code Section 65865.1.

6.18 City Attorney Annual Consumer Price Index (CPI) Adjustment
Recommendation: A motion approving annual rate increase in excess of 3% for Legal Services Agreement with Richards, Watson & Gershon.

6.19 Consideration of Resolution 2024-126, Declaring the Intent of the City to be Reimbursed for

Certain Capital Expenditures from the Proceeds of Indebtedness
Recommendation: Approve Resolution 2024-126.

6.20 Consideration of Resolution 2024-127, Approving the purchase of a 2024 Chevrolet Silverado and All Needed Up Fitting Using PACT Funds in an Amount Not to Exceed $97,250.00
Recommendation: Adopt Resolution 2024-127.

7. PUBLIC HEARINGS

7.1 Consideration of Resolution 2024-114, (1) Approving Tentative Parcel Map No. 38164, Allowing the Subdivision of Approximately 47 Gross Acres of Vacant Land Into Three Parcels; (2) Affirming the Planning Commission's Approval of Design Review No. 21-7008 and Denying an Appeal of that Decision and Permitting the Construction of a Proposed 619,959 Square Foot Industrial Warehouse Building, including 10,000 Square Feet of Office Space and a Combined 34,000 Square Feet of Retail/Commercial Buildings, on Real Property Located within the Boundaries of the Sun Lakes Village North Specific Plan Area (APN: 419-140-057); and (3) Adopting an Addendum under the California Environmental Quality Act (CEQA) and Making Findings in Support Thereof, Including Findings of Consistency with the Certified Environmental Impact Report Prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074)
Recommendation: Adopt Resolution 2024-114.

8. REPORTS OF OFFICERS

9. DISCUSSION ITEMS

10. ITEMS FOR FUTURE AGENDAS

10.1 NEW ITEMS
10.2 EXISTING ITEMS

1. Grow Banning (Sanchez)
2. Neighborhood Groups/Identities (Minjares)
3. Update on Community Garden (Flynn)
4. Zencity Contract (Flynn)
5. Zoom Options for Public Meetings (Flynn)
6. Developer Presentation for Sunset Crossroads Project (Flynn)
7. City Manager Evaluation (Flynn)
8. Closed Session: Lawsuit against the City (Flynn)
9. All Active Lawsuits against the City (Flynn)
10. Map of All Warehouses (Current/Planned) Within the City (Flynn)

11. ADJOURNMENT

Next Regular Meeting – August 27, 2024

AFFIDAVIT • DECLARACIÓN JURADA

IT IS HEREBY CERTIFIED under the laws of the State of California that the above agenda was posted on the City's website (www.banningca.gov) as well as the Bulletin Board at Banning City Hall, located at 99 E Ramsey Street, Banning, CA 92220, at least 72 hours in advance of the meeting.

Caroline Patton, Administrative City Clerk

PUBLIC NOTICE • NOTICIA PÚBLICA

Meeting Agendas and Notices

Interested in receiving email and/or text notifications of upcoming City Council meetings? Sign up for meeting notifications through the City's website. Pursuant to amended Government Code §54957.5(b), staff reports and other public records related to open session agenda items are available on the City's website (www.banningca.gov/).

Public Comment

Agenda Items

Any member of the public may address this meeting of the City Council on any item appearing on the agenda. A five-minute limitation shall apply to each member of the public and no member of the public shall be permitted to share their time with any other person.

Non-Agenda Items

Any member of the public may address this meeting of the City Council on any item which does not appear on the regular meeting agenda but is of interest to the general public and is an item upon which the City Council may act. A three-minute limitation shall apply to each member of the public and no member shall be permitted to share their time with any other person. No action shall be taken, nor discussion held by the City Council, on any item which does not appear on the agenda, unless the action is otherwise authorized in accordance with the provisions of subdivision (b) of §54954.2 of the Government Code.

Special Assistance/Accessibility Requests

In compliance with the Americans with Disabilities Act, any member of the public may request that the agenda and agenda packet be mailed to them. If you need special assistance to participate in this meeting (such as translation services), please contact the City Clerk's Office. Advanced notification of at least 48 hours prior to the meeting will allow the city to make arrangements to ensure your accessibility.

¿Necesita servicios de traducción para participar? Contacto Oficina del Secretario de la Ciudad.

CONTACT • CONTACTO

City Clerk's Office | 951-922-3102 | CityClerks@banningca.gov
99 East Ramsey Street, Banning, California 92220

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Ralph Wright, Parks and Recreation Director**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Proclamation - Parks and Recreation Month**

RECOMMENDATION:
Proclaim July 2024 as Parks and Recreation Month

BACKGROUND:
Proclaim July 2024 as Parks and Recreation Month

JUSTIFICATION:
N/A

FISCAL IMPACT:
None

ALTERNATIVES:
N/A

ATTACHMENTS:
1. Proclamation - Parks and Rec Month.docx

CITY OF BANNING
OFFICE OF THE MAYOR

Proclamation

WHEREAS *parks and recreation programs are an integral part of communities throughout this country, including the City of Banning; and*

WHEREAS *parks and recreation services are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and*

WHEREAS *parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and*

WHEREAS *parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and*

WHEREAS *parks and recreation areas are fundamental to the environmental well-being of our community and the City of Banning offers a variety of parks and recreation opportunities designed for all ages and interests, including popular special events, recreation, athletic programs, and Senior Services; and*

WHEREAS *the City of Banning Parks and Recreation has planned activities in July such as a July 4th Celebration, Day Camps, Learn to Swim programs, Dive in Movies, a Youth Soccer Clinic, Classes and much more; and*

WHEREAS *the U.S. House of Representatives has designated July as Parks and Recreation Month; and*

WHEREAS *the City of Banning recognizes the benefits derived from parks and recreation resources.*

NOW THEREFORE*, the City of Banning City Council do hereby proclaim:*

Parks and Recreation Month
July 2024



in the City of Banning and encourage the citizens of our community to join us in this special observance.

BE IT PROCLAIMED *this 9th day of July 2024.*

Alberto Sanchez, Mayor

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Caroline Patton, Administrative City Clerk** **Doug Schulze, City Manager**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Designation of Voting Delegate and Alternate for the 2024 League of California Cities (Cal Cities) Annual Conference**

RECOMMENDATION:

Staff respectfully recommend City Council appoint a single voting delegate and alternate for the 2024 League of California Cities ("Cal Cities") Annual Conference.

BACKGROUND:

This year's LOCC annual conference and expo is scheduled for October 16-18, 2024 in Long Beach, CA. At the conference, league members participate in an Annual Business Meeting where they consider and act on matters that establish LOCC policy. In order for the City to vote at the meeting, the City Council must designate a voting delegate and an alternate who are authorized to cast a vote for the City of Banning.

JUSTIFICATION:

The voting delegate and alternate chosen must be registered to attend the conference on Friday, October 18th. To cast their vote, the delegate must be present (in person) and in possession of the voting delegate card. If for some reason the delegate and alternate are unable to attend, the voting card cannot be transferred, and the City will not be able to vote.

FISCAL IMPACT:

The only fiscal impact of these appointments is the associated cost of travel to the Conference.

ALTERNATIVES:

Do not appoint a voting delegate, resulting in the City losing its vote at the Annual Conference.

ATTACHMENTS:

1. Annual Conference and Expo _ Cal Cities.pdf



Annual Conference and Expo

October 16-18, 2024

Long Beach Convention Center

300 E Ocean Blvd, Long Beach, CA

Register (https://my.calcities.org/Events/Calendar-Of-Events/Meeting-Home-Page?meetingid=%7BE886DAA3-7AB5-EE11-A569-000D3A19AAEA%7D)

The League of California Cities is excited to announce that registration is now open for the **2024 Annual Conference and Expo** at the Long Beach Convention Center, Oct. 16-18!

The conference will feature speakers and timely presentations on key topics for local leaders, plus numerous opportunities for peer-to-peer sharing with other California city officials.

Our popular Expo Hall, filled with new and familiar faces, will be brimming with opportunities to engage with organizations that provide services to cities. For

questions about this year's Expo, including how to reserve a booth space, please visit the **Expo webpage (/expos)** .

Importantly, Cal Cities convenes a member-driven **General Assembly and Resolutions process (/advocacy/resolutions-and-the-general-assembly)** every year at the conference. This is a unique opportunity to engage all members on a range of significant policy issues to protect local control.

For questions about conference registration, please contact our conference registrar, **Megan Dunn (mailto:mdunn@calcities.org)** . For all other questions, please contact Senior Manager, Education and Events **Christina George (mailto:cgeorge@calcities.org)** .

Become an Exhibitor (https://www.cacities.org/2024ACExpo)

Become a Sponsor (https://my.calcities.org/Events/Sponsorships/Product-Details?productid=%7B43851511-FBF8-EE11-A1FD-7C1E521C55FC%7D)

Please review our event and meeting policies. (/education-and-events/event-and-meeting-policies-26201#0)

2024 Conference Information

Registration →

Full registration includes

- Admission to general and concurrent sessions and the expo
- Wednesday host city reception
- Admission to CitiPAC and diversity caucus receptions
- Electronic access to all program materials

Pre-registration deadline
Online registration ends Friday, Oct. 4. After this date, please register on-site if space allows.

Registration Process:

Complete registration directly through your MyCalCities account. If you have not yet used your MyCalCities account, please review **details about the portal (/about-MyCalCities)** and contact us with questions.

If you are registering someone other than yourself, first sign in as yourself and then choose the option to register someone else.

Note: Registrations through MyCalCities are available for credit card payments only. If you need to pay with a check, create your account and then reach out to Conference Registrar **Megan Dunn (mailto:mdunn@calcities.org)** to request a mail-in registration form. Full payment is due at the time of registration. We do not invoice for registrations.

Conference registration is required for all conference activities, including department, division, and caucus meetings as well as the General Assembly. Sharing of registration is prohibited.

To request an accommodation or for inquiries about accessibility, please contact conference registrar **Megan Dunn (mailto:mdunn@calcities.org)** . Every effort will be made to honor requests submitted.

Full Conference Registration Fees

*Save $50 on the published full conference registration fees if you register by Thursday, July 18.

Member-City Official	$700
Non-Member City Official	$1,700
Other Public Official	$775
All Others	$875

One-Day Registration Fees

Member-City Official	$350
Non-Member City Official	$1,350
Other Public Official	$400
All Others	$450

Add-On Registration Fees

Guest Reception Pass $125

NOTE: The guest/spouse fee is restricted to persons who are not city or public officials, are not a Cal Cities Partner or exhibitor, and would have no professional reason to attend the conference. It includes access to Wednesday's host city reception, the Expo Floor, and CitiPAC Reception. Meals are NOT included. There is no refund for the cancellation of a guest/spouse registration. It is not advisable to use city funds to register a guest/spouse.

City Clerks Workshop Registration Fees

(The City Clerks Workshop is not included in Full Conference or One-Day Registration. Lunch is included.)

Member-City Official	$175
Non-Member City Official	$350

Refund Policy

Advance registrants unable to attend will receive a refund of the rate paid, minus a $75 processing charge, only when a written request is submitted to **Megan Dunn (mailto:mdunn@calcities.org)** , and received on or before Oct. 4. Refunds will not be available after this date. If you are unable to attend, you may substitute a colleague for your entire registration.

Hotel and Travel →

A limited number of hotel rooms are available at reduced rates for registered attendees and exhibitors at the 2024 Annual Conference and Expo. **The deadline to reserve your discounted hotel room is Friday, Sept. 20,** or until the hotel block is sold out – whichever happens first.

STEP ONE: Register for the conference

Registration can be completed through your **MyCalCities account (https://my.calcities.org/Security/Sign-In?returnurl=%2fmy-account%2fmy-profile)** .

*Instructions on how to access your account can be found at **this link** (/about-MyCalCities) .*

STEP TWO: Book a hotel room

Once you've registered, you will receive a confirmation email with a link to the hotel reservations page where you can access discounted hotel room rates and manage your reservations, including modifications and cancellations. Hotels are quickly selling out; we recommend checking the portal often for openings or booking with your favorite hotel brand at the market rate.

You must be registered for the conference prior to booking a hotel room in the Cal Cities block. Rooms not associated with registered conference attendees, exhibitors, speakers or sponsors will be canceled.

Do not make a hotel reservation unless you are sure it is needed. Your city/company will be financially responsible for all cancellation/attrition fees.

Scam Notice: Scammers may contact you claiming to be the housing bureau/service for the conference. Cal Cities has contracted with LiveCon as the official housing bureau/service for the 2024 Annual Conference and Expo. Official emails regarding the conference will come from addresses ending in @calcities.org or @live-con.com, or the actual hotel. Neither party will call you directly without prior communication.

Parking and Transportation

In addition to the main parking lot along Shoreline Drive, the convention center has three parking garages: Terrace Theater, Arena, and Promenade. Convention center garages can be accessed from Linden Avenue. Please visit **Long Beach Convention Center (https://www.longbeachcc.com/directions-parking/)** for additional information. Parking prices are subject to change without notice.

Public transportation is easily accessible and includes the **Metro Blue Line (https://www.metro.net/riding/schedules/?line=801)** , Los Angeles County's light rail system, and **Long Beach Transit (https://ridelbt.com/)** , the city's public transportation services available both on land and water.

Nearby airports:

Long Beach Airport (LGB): 10 miles
Los Angeles International Airport (LAX): 22 miles
John Wayne Airport (SNA): 30 miles

Schedule at a Glance →

Schedule is subject to change.

Wednesday, Oct. 16

Registration open/Voting Delegates Booth open
8:00 a.m.-6:00 p.m.

City Clerks Workshop (additional registration required)
8:30 a.m.-1:00 p.m.

AB 1234 Ethics Training
10:00 a.m.-noon

Department and Caucus Business Meetings**
10:30 a.m.-noon

Regional Division Lunches**
11:30 a.m.-1:15 p.m.

First-Time Attendee Orientation
12:45-1:15 p.m.

Opening General Session*
1:30-3:30 p.m.

Concurrent Sessions, Department, and Caucus Business Meetings**
3:30-5:00 p.m.

Grand Opening Expo Hall and Host City Reception*
5:00-7:00 p.m.

CitiPAC Leadership Reception
7:00-9:00 p.m.

Thursday, Oct. 17

Registration open/Voting Delegates Booth open
7:30 a.m.-4:00 p.m.

Petitioned Resolutions Due
8:30 a.m.

Concurrent Sessions and Caucus Business Meetings**
8:30-9:45 a.m.

Expo Hall Open
9:00 a.m.-4:00 p.m.

General Session*
10:00-11:30 a.m.

Attendee Lunch in Expo Hall
11:30 a.m.-1:00 p.m.

Regional Division Lunches**
11:30 a.m.-1:00 p.m.

Young Professionals Meet and Greet
12:30-1:00 p.m.

Resolutions Committee
1:00-2:30 p.m.

Concurrent Sessions, Department, Issues Group, and Caucus Business Meetings**
1:00-5:15 p.m.

Regional Division and Caucus Events**
Evening

Friday, Oct. 18

Registration open
7:30-11:30 a.m.

Regional Division Breakfasts**
7:00-8:15 a.m.

Concurrent Sessions
8:00-10:45 a.m.

General Assembly
8:30-10:30 a.m.

AB 1661 Sexual Harassment Prevention Training
8:45-10:45 a.m.

Closing General Session*
11:00 a.m.-12:30 p.m.

*No competing events may be scheduled during this time.

**Check with your regional public affairs manager, caucus president, issues group leader, or department president for the specific day/time for this event. Additional registration may be required.

Explore Previous Conferences →

Click here to view the 2023 Annual Conference and Expo program (/docs/default-source/annual-conference---session-materials/2023-annual-conference-program.pdf?sfvrsn=febbf500_12) . (/docs/default-source/annual-conference---session-materials/2023-annual-conference-program.pdf?sfvrsn=febbf500_12)

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Caroline Patton, Administrative City Clerk** **Doug Schulze, City Manager**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Approval of the Meeting Minutes for the June 25, 2024 City Council Meetings**

RECOMMENDATION:

Approve the minutes of the June 25, 2024 City Council Meetings.

BACKGROUND:

After every meeting, the City Clerk's Office prepares meeting minutes. The City Council reviews and approves these minutes either as presented or with modifications.

JUSTIFICATION:

These minutes have been prepared as Action Minutes in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).

FISCAL IMPACT:

None

ALTERNATIVES:

1. Approve as recommended.
2. Approve with modifications.

ATTACHMENTS:

1. 2024 06 25_Minutes_Special Meeting - Closed Session.pdf
2. 2024 06 25_Minutes_Special Meeting - Workshop.pdf
3. 2024 06 25_Minutes_Regular Meeting.pdf

The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES **6/25/2024**
CITY COUNCIL **SPECIAL MEETING**

COUNCIL MEMBERS PRESENT: Council Member David Happe* *Arrived at 3:05 p.m.*
Mayor Pro Tem Rick Minjares
Mayor Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: Council Member Sheri Flynn

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Laurie Sampson, Assistant City Manager/Acting City Clerk
Lincoln Bogard, Administrative Services Director
Art Vela, Director of Public Works
Nicole Jews, Human Resources Manager
Oliver Yee, City Counsel (Liebert, Cassidy, and Whitmore)*

*Participating via teleconference.

1. CALL TO ORDER

Mayor Sanchez called the special meeting to order at 3:02 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT:	ABSENT
Flynn, Sheri		✕
Happe, David*	✕	
Minjares, Rick	✕	
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

**Arrived at 3:05 p.m.*

2. PUBLIC COMMENT – *Agenda Items*

None

3. CLOSED SESSION

Serita Young, City Attorney, read the closed session citation.

3.1. CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
Agency Designated Representatives: Doug Schulze, City Manager; Lincoln Bogard, Administrative Services Director; Nicole Jews, Human Resources Manager; Liebert Cassidy Whitmore (City Counsel)
Employee Organization: International Brotherhood of Electrical Workers (IBEW) General Unit; International Brotherhood of Electrical Workers (IBEW) Utility Unit; Teamsters; Banning Police Officers' Association (BPOA)

4. ADJOURNMENT

The Special City Council meeting adjourned at 3:49 p.m.

Minutes Prepared by:



Caroline Patton, Administrative City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting and all associated documents may be viewed here:
https://banningca.granicus.com/ViewPublisher.php?view_id=1

The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES **6/25/2024**
CITY COUNCIL **SPECIAL MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member David Happe
Mayor Pro Tem Rick Minjares
Mayor Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Serita Young, City Attorney
Laurie Sampson, Assistant City Manager/Acting City Clerk

1. CALL TO ORDER

Mayor Sanchez called the special meeting to order at 4:06 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT:	ABSENT
Flynn, Sheri	✕	
Happe, David	✕	
Minjares, Rick	✕	
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

2. PUBLIC COMMENT – *Agenda Items*

- Inge Schuler
- Cindy Barrington
- Lynnea Hagen
- Harry Sullivan
- Jack Gunderson
- Joan Marie Patsky
- John Hagen
- Michele Walter
- Stuart MacKenzie
- Kathleen Dale

3. WORKSHOP

3.1. Provide City Manager with Direction for Animal Control and Shelter Services

Doug Schulze, City Manager, presented the staff report.

4. ADJOURNMENT

The Special City Council meeting adjourned at 5:28 p.m.

Minutes Prepared by:



Caroline Patton, Administrative City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting and all associated documents may be viewed here:
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The following information comprises the minutes for a regular meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES **6/25/2024**
CITY COUNCIL **REGULAR MEETING**

COUNCIL MEMBERS PRESENT: Council Member Sheri Flynn
Council Member David Happe
Mayor Pro Tem Minjares
Mayor Alberto Sanchez
Council Member Colleen Wallace

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Laurie Sampson, Assistant City Manager/Acting City Clerk
Serita Young, City Attorney
Art Vela, Director of Public Works
Lincoln Bogard, Administrative Services Director
Nate Smith, Deputy Director of Public Works
Ralph Wright, Parks and Recreation Director
Emery Papp, Senior Planner

1. CALL TO ORDER

Mayor Sanchez called the regular meeting to order at 5:46 p.m.

1.1. Invocation – Reverend Preston Norman of Praise Tabernacle Church led the invocation.

1.2. Pledge of Allegiance

1.3. Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Flynn, Sheri	✕	
Happe, David	✕	
Minjares, Rick	✕	
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

2. AGENDA APPROVAL

2.1. Approve Agenda

Motion to approve the agenda.

Motion by Council Member Wallace

Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

3. PRESENTATIONS

None

4. REPORT ON CLOSED SESSION

Serita Young, City Attorney reported that there was discussion and direction provided to staff, with no final nor reportable action.

5. PUBLIC COMMENTS, CORRESPONDENCE, APPOINTMENTS, CITY COUNCIL COMMITTEE REPORTS, CITY MANAGER REPORT, AND CITY ATTORNEY REPORT

5.1. PUBLIC COMMENTS

The following individuals addressed City Council during Public Comment:

- Inge Schuler
- Lynnea Hagen
- Bill Hobbs
- Jack Gunderson
- Frances Rodriguez
- Stuart MacKenzie
- Cindy Barrington

5.2. CORRESPONDENCE

None

5.3. APPOINTMENTS

None

5.4. CITY COUNCIL COMMITTEE REPORTS

Council Member Wallace reported on a California League of Cities (CalCities) Transportation, Communication, and Public Works Committee meeting related to broadband. She also shared about a recent Juneteenth event she attended.

Mayor Pro Tem Minjares reported on a Cannabis Ad Hoc Committee meeting as well as the Animal Services Ad Hoc Committee.

Council Member Flynn reported on a Western Riverside Council of Governments (WRCOG) General Assembly address and meeting she attended at Pechanga Resort Casino.

Council Member Happe reported on a Riverside County Transportation Commission (RCTC) meeting he attended.

Mayor Sanchez reported on a meeting of the Cannabis Ad Hoc Committee.

5.5. CITY MANAGER REPORT
City Manager Schulze reported on the City's upcoming Fourth of July event. He also updated the City Council on the sale of the 33 S. San Gorgonio Avenue property as well as the status of the Exclusive Negotiating Agreement (ENA) with Investel Development LLC related to the property at 150 E. Ramsey Street.

5.6. CITY ATTORNEY REPORT
City Attorney Young had no report.

5.7. CITY TREASURER REPORT
See below.

6. CONSENT AGENDA

6.1 Approval of the Meeting Minutes for the June 11, 2024 City Council Meetings
6.2 Receive and File Accounts Payable and Payroll Warrants Issued in the Month of May 2024
6.3 Receive and File Cash and Investments Report for the Month of May 2024
6.4 Receipts, Disbursements, & Fund Balances Reporting for Fiscal Year 2023-24, Period 11, May 2024
6.5 Receive and File Police Department Statistics for the Month of May 2024
6.6 Receive and File Fire Protection Services Statistics for the Month of May 2024
6.7 Public Works Capital Improvement Project Tracking List
6.8 Receive and File Code Enforcement Update and Statistics for the Months of April & May 2024
6.9 Receive and File Contracts Approved Under the City Manager's Signature Authority and Inventory Reports
6.10 City Council Travel and Conference Expense Report Year to Date May 31, 2024
6.11 Consideration of Resolution 2024-95, Consolidated Approval of Software-as-a-Service Projects Utilized Citywide
6.12 Consideration of Resolution 2024-96, Approving Towing Services Agreements Used for the Police Department and Code Enforcement Services
6.13 Consideration of Resolution 2024-97, Adopting the Local Hazard Mitigation Plan (LHMP) as required by the Federal Disaster Mitigation and Cost Reduction Act of 2000
6.14 Consideration of Resolution 2024-98, Adopting Regulations for Candidates for Elective Office Pertaining to the Electorate and the Costs Thereof for the General Municipal Election to be Held in the City on Tuesday, November 5, 2024
6.15 Consideration of Resolution 2024-99, Approving Amendment No. 1 to the Services Agreement with Yunex, LLC., in the Amount of $25,000 for FY 2024/2025 Citywide Traffic Signal Maintenance Services
6.16 Consideration of Resolution 2024-100, Awarding a Professional Services Agreement for Supervisory Control and Data Acquisition System Maintenance and Advisory Services to Tetra Tech, Inc. in the amount of $205,000

6.17 Consideration of Resolution 2024-101, Approving the Use of the Public Utility Exceptions for Informal Procurements Under Article 2, Section 3-105, Note 7 of the City's Purchasing Policy No. B-30, for Fiscal Year 2024- 25 for the Purchase of Certain Supplies, Materials and Equipment for the City's Public Utility Departments

6.18 Consideration of Resolution 2024-102, Approving a Cooperative Agreement Between the City of Banning, the City of Beaumont, and the County of Riverside to Share the Cost of a Fire Engine Company

6.19 Consideration of Resolution 2024-103, Awarding a Professional Services Agreement to Engineering Solutions Services, Inc. for Grants Services

6.20 Consideration of Resolution 2024- 104, Amendment No. 4 to a Professional Services Agreement (C00608) with Willdan Engineering, Inc. for Building and Safety Plan Check and Plans Examination Services; Landscape Design Plan Check and Plans Examination Services; and Building Permit and Landscape Installation Inspection Services

6.21 Consideration of Resolution 2024-111, Adopting the Banning Active Transportation Plan (ATP)

Public Comment
None

Motion to adopt consent agenda items 6.1 to 6.10, 6.12 to 6.13, 6.15 to 6.16, and 6.21.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.11 Consideration of Resolution 2024-95, Consolidated Approval of Software-as-a-Service Projects Utilized Citywide

Lincoln Bogard, Administrative Services Director, answered questions from City Council related to the staff report.

Public Comment
None

Motion to adopt Resolution 2024-95.

Motion by Council Member Wallace
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.14 Consideration of Resolution 2024-98, Adopting Regulations for Candidates for Elective Office Pertaining to the Electorate and the Costs Thereof for the General Municipal Election to be Held in the City on Tuesday, November 5, 2024

Laurie Sampson, Assistant City Manager, answered questions of City Council related to the staff report.

Public Comment
None

Motion to adopt Resolution 2024-98.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.17 Consideration of Resolution 2024-101, Approving the Use of the Public Utility Exceptions for Informal Procurements Under Article 2, Section 3-105, Note 7 of the City's Purchasing Policy No. B-30, for Fiscal Year 2024-25 for the Purchase of Certain Supplies, Materials and Equipment for the City's Public Utility Departments

Art Vela, Director of Public Works, answered questions from City Council related to the staff report.

Public Comment
- Cindy Barrington

Motion to adopt Resolution 2024-101.

Motion by Council Member Wallace
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.18 Consideration of Resolution 2024-102, Approving a Cooperative Agreement Between the City of Banning, the City of Beaumont, and the County of Riverside to Share the Cost of a Fire Engine Company

Doug Schulze, City Manager, answered questions from City Council related to the staff report.

Public Comment
None

Motion to adopt Resolution 2024-102.

Motion by Council Member Happe
Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.19 Consideration of Resolution 2024-103, Awarding a Professional Services Agreement to Engineering Solutions Services, Inc. for Grants Services

Doug Schulze, City Manager, answered questions from City Council related to the staff report.

Public Comment
None

Motion to adopt Resolution 2024-103.

Motion by Mayor Pro Tem Minjares
Seconded by Council Member Flynn

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

6.20 Consideration of Resolution 2024-104, Amendment No. 4 to a Professional Services Agreement (C00608) with Willdan Engineering, Inc. for Building and Safety Plan Check and Plans Examination Services; Landscape Design Plan Check and Plans Examination Services; and Building Permit and Landscape Installation Inspection Services

Emery Papp, Senior Planner, answered questions from City Council related to the staff report.

Public Comment
None

Motion to adopt Resolution 2024-104.

Motion by Mayor Pro Tem Minjares
Seconded by Council Member Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

7. PUBLIC HEARING(S)

7.1 Public Hearing and Consideration of Resolution 2024-105, Approving a Report in Connection with the Proposed Collection on the 2024/2025 Riverside County Property Tax Roll of Delinquent Solid Waste Service Charges for Single-Family and Multi-Family Dwelling Accounts and Making a Determination of Exemption under CEQA

Art Vela, Director of Public Works, presented the staff report.

Public Comments
- Cindy Barrington
- Harry Sullivan
- Richard Royce
- Frank Connolly

Motion to adopt Resolution 2024-105.

Motion by Mayor Pro Tem Minjares
Seconded by Mayor Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David		✕			
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

Mayor Sanchez announced a recess at 7:18 p.m. The meeting was reconvened at 7:38 p.m.

5.7. CITY TREASURER REPORT
Treasurer Geronimo reported on the recent Budget and Finance Committee meeting. He said the Committee would not meet in July or August and the meetings would resume in September.

7.2 Public Hearing and Consideration of Resolution 2024-106, Adopting the City of Banning Electric Utility 2024 Wildfire Mitigation Plan

Brandon Robinson, Electrical Engineering Supervisor, presented the staff report.

Public Comments
- Kevin Walton (not in support or opposition)

Motion to adopt Resolution 2024-106.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

7.3 Consideration of Zoning Text Amendment (ZTA 24-0050) and First Reading of Ordinance 1605, Amending Table 17.08.020 of Section 17.08.020 of Article I of Chapter 17.08 of Division II of Title 17 of the City of Banning Municipal Code to Clarify that Affordable Housing Uses are Permitted by Right and are not Subject to Discretionary Action in Specified Zoning Districts as Required by State Law; and Making a Determination of Exemption from the California Environmental Quality Act

Emery Papp, Senior Planner, presented the staff report.

Public Comments

- Richard Royce spoke in opposition.

Motion to introduce and waive further reading of Ordinance 1605.

Motion by Mayor Sanchez
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Happe, David	✕				
Minjares, Rick		✕			
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 3-2.

7.4 Consideration of Resolution 2024-112, Making a Determination Under State CEQA Guidelines Sections 15070 Through 15074 That the Project Is Not Exempt From Review Under CEQA and an Initial Study and Mitigated Negative Declaration (EA 23-1506) for the Project Has Been Prepared in Consideration of a General Plan Amendment (GPA 23-2502), Changing the Existing Land Use Designation of Parcel Number 540-180-022 From General Commercial (GC) to Industrial (I); Zone Change (ZC 23-3502), Amending the Zoning District Classification of Parcel Number 540-180- 022 From General Commercial (GC) to Industrial (I); Tentative Parcel Map (TPM 38659) to Consolidate Three Parcels Into One; And Design Review (DR 23-7008), a Proposal to Allow for the New Construction and Operation of a Steel Distribution Facility With a 42,510 Square-foot Warehouse Building of Which 3,434 Square Feet Is Designated for Office Space on 14.92 Gross Acres of Land Located on the North Side of West Lincoln Street Between South 8th Street and South 16th Street (APN Nos. 540-180-020, 540-180-022 and 540-180-026)

Emery Papp, Senior Planner, presented the staff report.

Kelly Ribuffo appeared on behalf of the applicant.

Public Comments

- Frank Connolly spoke in support.

Kelly Ribuffo again spoke on behalf of the applicant.

Motion to adopt Resolution 2024-112 with: (1) modification to COA No. 6 as presented by staff, (2) adding a COA requiring box tree sizes along the project frontage subject to approval by City's landscape consultant, (3) modification to COA No. 126 to require City inspections of BMPs at developer's cost every 3 years, and (4) adding a COA requiring developer to work with staff to

determine whether undulation can be added to frontage wall along Lincoln every 50'.

Motion by Council Member Wallace
Seconded by Mayor Sanchez

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

8. REPORTS OF OFFICERS

8.1 Consider Pledging $50,000 per Year to Blue Zones Activate Banning Beginning 7/1/2025 for a Period of Three (3) Years

Doug Schulze, City Manager, presented the staff report.

Public Comments
None

Motion to pledge $50,000 per year to Blue Zones Activate Banning beginning 7/1/2025 for a period of three (3) years.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

8.2 Consideration of Resolution 2024-107, Naming the former National Guard Armory Building the Arthur 'Art' L. Welch Community Center

Ralph Wright, Parks and Recreation Director, presented the staff report.

Public Comments
- Kevin Walton

Motion to adopt Resolution 2024-107.

Motion by Council Member Wallace
Seconded by Council Member Happe

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri		✕			
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

8.3 Consideration of Resolution 2024-108, Awarding a Contract for Landscape Operation and Maintenance for Landscape Maintenance District (LMD) No. 1 with Mariposa Landscapes, Inc. of Irwindale, California for Fiscal Year 2024/2025 in the Amount of "not to exceed" $93,211.26 and discuss budget constraints within the LMD No. 1

Nate Smith, Deputy Director of Public Works, presented the staff report.

Public Comments
None

Motion to adopt Resolution 2024-108.

Motion by Mayor Sanchez
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

Motion to continue the meeting past 10:00 p.m. for one hour.

Motion by Mayor Pro Tem Minjares
Motion withdrawn.

Motion to continue the meeting past 10:00 p.m. to hear Agenda Item 8.4 only and table Agenda Item 9.1 to the next regular meeting.

Motion by Council Member Flynn
Motion withdrawn.

Motion to continue the meeting past 10:00 p.m. for one hour.

Motion by Mayor Sanchez
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

8.4 Consideration of Resolutions 2024-109, 2024-110, 2024-04 SA, and 2024-05 UA, Approving the Citywide Biennial Fiscal Year 2024- 25 and Fiscal Year 2025-26 Budgets

Lincoln Bogard, Administrative Services Director, presented the staff report.

Public Comments
None

Motion to adopt Resolutions 2024-109, 2024-110, 2024-04 SA, and 2024-05 UA.

Motion by Mayor Sanchez
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

9. DISCUSSION ITEM(S)

9.1 Discussion Regarding the Lowering of the Banning Financing Authority's Outstanding Electric System Revenue Bond Rating and Consideration of an Interim Electric Rate Adjustment

Art Vela, Director of Public Works, presented the staff report.

Public Comments
None

10. ITEMS FOR FUTURE AGENDAS

10.1. New Items

1. Plot Map for Warehouses in the City - Current and Planned Locations (Flynn)

10.2. Pending Items:

1. Grow Banning (Sanchez)
2. Neighborhood Groups/Identities (Minjares)
3. Update on Community Garden (Flynn)
4. Zencity Contract (Flynn)
5. Zoom Options for Public Meetings (Flynn)
6. ~~Update on 150 E Ramsey Street Exclusive Negotiation Agreement (Flynn)~~
7. ~~Update on 33 S San Gorgonio Ave Purchase and Sale Agreement (Flynn)~~
8. Developer Presentation on Sunset Crossroads Project (Flynn)
9. City Manager Evaluation (Flynn)
10. Closed Session: Information Given to the Council on Lawsuit against the City (Flynn)
11. All Active Lawsuits against the City (Flynn)

11. ADJOURNMENT

Motion to adjourn.

Motion by Council Member Flynn
Seconded by Mayor Pro Tem Minjares

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Flynn, Sheri	✕				
Happe, David	✕				
Minjares, Rick	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 5-0.

The meeting was adjourned at 11:00 p.m.

Minutes Prepared by:

Caroline Patton, Administrative City Clerk

*These minutes have been prepared as **Action Minutes** in accordance with City Council Resolution 1995-21 and Government Code Sections 36814, 40801, and 54953(c)(2).*

This entire meeting and all associated documents may be viewed here:
https://banningca.granicus.com/ViewPublisher.php?view_id=1

ATTACHMENTS:

Exhibit A – Public Comment Received
Exhibit B – Agenda Item 7.2 – Staff Presentation
Exhibit C – Agenda Item 7.3 - Staff Presentation
Exhibit D – Agenda Item 7.4 – Staff Presentation

Exhibit E – Agenda Item 8.3 – Staff Presentation

Exhibit A

RECEIVED
JUN 25 2024
City of Banning
City Clerk's Office



JUNE 25, 2024

BANNING ANIMAL SHELTER

Blast from Joan Marie Patsky, Beaumont, CA – all rights whatsoever strictly reserved.

This is a pleading on behalf of the Banning Animal Shelter, California serving the San Gorgonio Pass (SGPA) area that the shelter remain open to the public after June 30, 2024. The shelter's No-Kill policy of sheltering abandoned and surrendered cats and dogs until the animals are adopted is a massive step forward in both humane animal care for any shelter nationwide as well as raising the national conscience to respect life!

Of course there are exceptions to the policy due to pet health deterioration. Circumstances of irreversible aggressive animal behavior from cruel abuse are addressed by the proper legal authority.

After learning of the shelter closure possibility, I had a lengthy onsite visit and discussion with Amber Schlieder of the shelter's No-Kill, A.R.E. Rescue & Adoption Service – her eyes shine with love for the animals under her care. Amber's contact info is: www.arerescue.org

Can you imagine what the animals want the public to know? Let's listen in at how the imaginary kennel boss disciplines the pet kennel population.

"Hear ye, Hear ye, ears up and listening carefully. We know that our shelter is in a flood zone but there does not appear to be imminent danger of flooding unless we learn the city council has approved construction of a pet ark. Nevertheless, keep hoping for a generous grant to fund a state of the art safe No-Kill pet shelter to serve the local community.

Remember, we must put our best paws forward and quickly prepare for adoptive pet parents. All cats are hereby ordered to visit a litterbox of their choice – be sure to clean your paws as the shelter volunteers have just cleaned the floors. For you canines – so sorry there are no doggy litter boxes, but you canines have to do the best you can with the supplies generously contributed by the kind people who care for our welfare.

Any constipated felines or canines, please raise your paw – we will try our best to assist you with a leash and collar walking exercise by some kind volunteer high school student who may be registered in an academic credit community volunteer program or some other nice volunteer - maybe from a community rehab program.

Please do not lose faith in people, my friends - some of you canines or felines may witness a pre-election candidate forum where you can woof or meow approval of any political candidate you deem to be fit for office, but be cautioned as some of the candidates may be tall tale story tellers – so watch carefully for candidate noses that grow longer the longer the candidate talks and be especially alert for any judicial candidates – they can exercise judicial power that can uphold or twist the respected laws of the United States Constitution. You cats and dogs with artistic paws – be sure to draw pitchforks or broomsticks on any candidates pretending to love America.

Many veterans and military families made deep sacrifices to preserve a government of the people, by the people and for the people – just look at the Veterans of Foreign Wars calendar respecting significant historical June commemorations - Post-9/11 GI Bill signed into Law (2008); Juneteenth (Federal Holiday approved 2021); Flag Day (1949 Congress); Pledge of Allegiance (Congress 1942); D-Day honoring Normandy Allied superhero bravery - a victory for God and Mankind (1944) and worthy of deep perpetual respect on any American calendar.

It's important to respect the Military, law and order, and preserve America as one nation under God, – we don't want the Creator mad enough to tilt the earth's axis – that would be a terrible waste of dog biscuits, scholarships and bible studies with a bible in one hand and a reputable bible dictionary in the other – we want to keep that Christian convert who repented from crack drug addict to legitimate businessperson here on planet earth - some scoffers scoff the convert as believing in Christian fairy tales – can you believe such ignorance! Not I, and that's my prayer as a Saint Bernard begging people to understand that we want to live in a home of love and kindness."

Attend the Banning City Council Special Meeting at City Hall on behalf of the Banning Animal Shelter – Tuesday, June 25, 4pm if you can.

If you can - Adopt with Care! Adopt with Love! Adopt for Life!

It's very good to live in a land where you have a choice to pin this political beatitude on Jesus believed to have baptized the message with holy water!

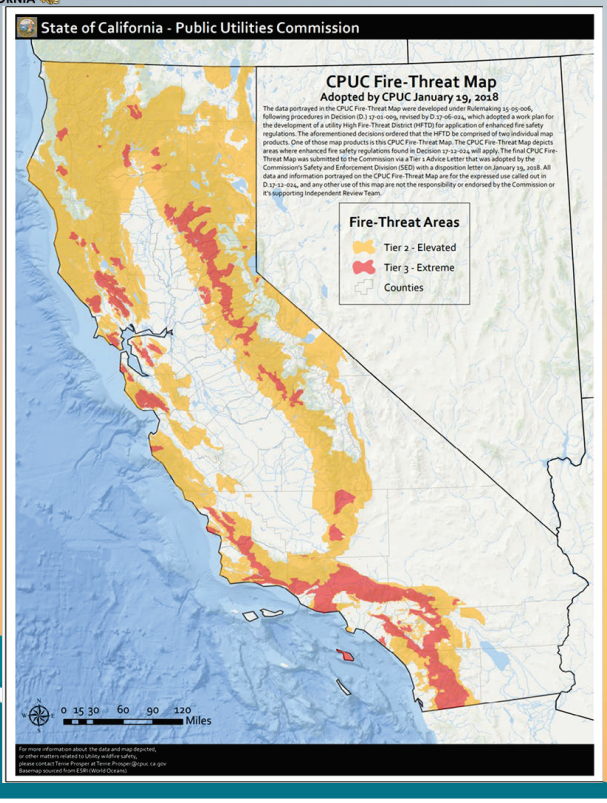
www.arerescue.com

Exhibit B

City of Banning Electric Utility Wildfire Mitigation Plan

2024 Update

CPUC Fire Threat Map



- 2016: SB 1028 signed, requiring POU's to identify and mitigate wildfires where OH lines pose a significant risk
- 2018: Statewide Fire Threat Map created (pictured)
  - Tier 1: Low or No Risk – 95%
  - Tier 2: Elevated Risk – 3%
  - Tier 3: Extreme Risk – 2%

Requirements of WMP

SB 1028

1) Accounting of Responsibilities
2) Objectives of the Plan
3) Description of preventive strategies and programs adopted
4) Description of metrics to evaluate performance
5) Discussion on application of previous metrics
6) Monitoring, audit, identification of deficiencies, inspections
7) Other info for Wildfire Safety Advisory Board (WSAB)

Requirements of WMP

AB 1054

- "Construct , maintain, and operate in a manner to reduce wildfire risk"
- Develop means to mitigate impacts and potential damage

California Wildfire Safety Advisory Board (WSAB)

WSAB Role 2020-2024

- Assume an independent advisory (not regulatory) role
- Advise CPUC of safety and mitigation performance
- Assess safety culture of POU
- Objective: Evaluate WMP and provide an advisory opinion for future plan

WSAB Role 2025 and beyond

- Collaborative approach to improve POU reporting
- POU and Joint Association (CMUA, SCPPA, etc) participation in workshops

BEU WMP Objectives

- Protect public safety while continuing to provide reliable and sustainable power
- Reduction of BEU infrastructure risk potential
- Harden system against wildfires
- Coordination with emergency management personnel
- Reduce wildfire impacts on customers
- Communicate how to prevent, prepare and mitigate
- Evaluation and monitoring year-round due to dry conditions

Safety Risks – Cause of Outages

1. Equipment deterioration or failure
2. Vegetation
3. Vehicle damage
4. Weather
5. Vandalism
6. Animal contact
7. Mylar balloons

Wildfires caused by BEU power lines: 0

Current Mitigation Efforts

Mitigation efforts completed/started during this plan period:

- Vegetation management (clearing) around 164 utility poles
- Completed UG conversion on Westward Ave in East Banning
- Completed design for line hardening in two Tier 2 areas
- Continued annual inspection in HFTZ
- Began design for Sun Lakes Blvd line hardening

Action Plan for Tier 3 Areas

Location	Fire Threat Tier	Electric Assets	Risk Description	Targeted Action/s	Timeframe
Banning Canyon	3	12.47kv OH distribution - 3 miles	Single-circuit overhead line feeds 8 water distribution wells needed for fresh water and fire protection	Joint project with SCE to harden the line which will include covered conductor, avian protection, fire-retardant wrap at base of poles, and 12.47kV recloser near base of the canyon.	Construction schedule is currently unknown. Coordination with SCE on shared cost will be required. Due to budget constraints, construction activity will fall into BEU's 10-yr Capital Improvement Plan to be completed during FY 24/25. Additional information will be provided in a future WMP update.
Mias Canyon	3	BEU provides OH 12.47kv and 7.2kv through Mias Canyon to 14 SCE customers	No disconnect device (recloser) exists to disconnect power to SCE customers in case of fire emergency. Operating procedures with SCE have not been established. Coordination prior to construction will be required.	Install temporary in-line stick operated disconnects. Develop engineering estimate for line upgrade and reclosers Increase monitoring and limit fuels	Design is currently complete. Application for grant funding thru FEMA is complete and awaiting decision on award. Grant funding thru Prepare CA match has been approved as of November 2022. Construction to begin after award of FEMA grant funds, tentatively scheduled to begin FY 24/25.

Action Plan for Tier 2 Areas

Location	Fire Threat Tier	Electric Assets	Risk Description	Targeted Action/s	Timeframe
South of the I-10 Freeway between Sunset Avenue and South Highland Home Road	2	BEU provides OH 34.5kV for sub-transmission voltage to Midway Substation, 12.47kv and 7.2kv for supplemental service to a housing tract and municipal water facilities	Water wells and pump stations within this Tier 2 area are directly affected by loss of power along this pole line	Joint project with City of Banning Public Works and current developer to harden/underground the facilities as part of the new Sun Lakes Blvd extension between Sunset Avenue and Highland Home Road	Development agreement is being pursued thru the City for funding of this project. This project will be incorporated within BEU upcoming 10-year Capital Improvement Program.
East Banning, North of I-10 Freeway	2	BEU provides OH 12.47kv and 7.2kv along the boundary of North Hathaway Street	Service to large industrial facilities is affected by loss of power along this pole line.	Joint project with an aggregate processing industrial user to harden a pole line due to a required relocation and joint projects with several large warehouse developments to and underground facilities along Hathaway Steet, Nicolet Street and Wilson Street.	Design for the pole hardening project is currently complete. Coordination with the industrial user has commenced and is scheduled to be completed during FY 24/25. Undergrounding of overhead utilities will be coordinated in phases with the large industrial developers. The effort is expected to last several years and is tentatively scheduled to begin FY 25/26.

BANNING CALIFORNIA

Public Safety Power Shutoff (PSPS)

Justifications for de-energization

- CAL Fire or request by safety officers
- De-energization due to an imminent fire threat

Typical Weather-related Red Flag Warnings

- Wind gusts exceeding 25 mph: public advisory
- Wind gusts exceeding 50 mph: potential PSPS event

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Future Updates

- Grid hardening and other engineering practices
- Update vegetation management program
- Weather monitoring
- PSPS protocols
- Collaboration on a simplified template

Action and Next Steps

- Approve 2024 WMP and submit to WSAB
- Coordinate with safety personnel on best practices
- Apply for new grants
- Evaluate of de-energization and reclosing policy in Tier 3 areas
- Improve performance metrics

Thank You

Contact Information
Brandon Robinson
brobinson@banningca.gov

CITY COUNCIL
PUBLIC HEARING ITEM NO. 7.3
JUNE 25, 2024

A Zoning Text Amendment (ZTA 24-0050) Amending Table 17.08.020 of Section 17.08.020 of Article I of Chapter 17.08 of Division II of Title 17 of the City of Banning Municipal Code to Clarify that Affordable Housing Uses are Permitted by Right and Are Not Subject to Discretionary Action in Specified Zoning Districts as Required by State Law; and Making a Determination of Exemption from the California Environmental Quality Act.

BACKGROUND:

The City Council readopted the revised 6th Cycle Housing Element on January 9, 2024.

The Housing Element was transmitted to HCD for Certification review on February 1, 2024.

On March 14, 2024, Ordinance 1600 was transmitted to HCD prior to the conclusion of Certification Review.

On March 29, 2024, HCD sent a letter to City staff indicating that the Housing Element complied with State Housing Element Law, but Ordinance 1600 did not fully comply with housing law.

Specifically, HCD took exception to footnote number 7, in Table 17.08.020 of Ordinance 1600.

Staff worked directly with HCD staff to craft language that can be endorsed by HCD to garner Certification.

The Planning Commission recommended approval of the ZTA when it adopted PC Reso 2024-11 on May 29, 2024.

Justification:

The Housing Element is one of the seven State-mandated elements of the General Plan and must be updated every 8 years, unless otherwise mandated by California Government Code Section 65581. The purpose of the Housing Element is to develop comprehensive strategies for providing safe, decent, and affordable housing within the community across all income levels.

The 6th Cycle Housing Element Update was readopted by the City Council on January 9, 2024, but was not certified by HCD. To be considered for Certification, the proposed Zoning Text Amendments contained in Draft Ordinance 16xx are integral to implementing state housing law and to achieve Certification.

Until the 6th Cycle Housing Element is Certified by HCD, the City is not eligible to compete for federal, state, or local grant money. If deemed by HCD to have a noncompliant Housing Element, the City can lose the ability to receive Community Development Block Grants and other other negative incentives/sanctions can be imposed on the City.

Proposed Zoning Text Amendments:

1. Amended Table 17.08.020, relocating "Affordable Housing" to below "Multi-Family Residential Dwelling"

"Table 17.08.020
Permitted, Conditional and Prohibited Residential Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP	VHDR
Residential Uses										
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P
~~Affordable Housing (min. 20% lower income, nonvacant site)[7]~~	~~X~~	~~X~~	~~X~~	~~X~~	~~X~~	~~C~~	~~P~~	~~P~~	~~P~~	~~P~~
Cannabis Commercial Indoor Cultivation	X	X	X	X	X	X	X	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X	X	X	X	X	X	X

Multi-Family Residential Dwelling	X	X	X	X	X	C	P	P	X	P
Multiple-Family Affordable Housing (min. 20% lower income, by non-discretionary action)[7]	X	X	X	X	X	C	P	P	P	P
Planned Unit Development	X	X	X	P	P	P	P	P	X	P

Proposed Zoning Text Amendments (Cont.):

2. Amended footnote number 7 for Table 17.08.020, rewording, adding key phrase "or discretionary action," and adding in the density range for the Very High Density Residential zoning district at the request of HCD, to read as follows:

[6] Cannabis Personal Cultivation must comply with the provisions of Chapter 5.34.

~~[7] Housing developments in the VHDR district are permitted at a minimum density of twenty-four dwelling units to 30 dwelling units per acre, without a Public Hearing required, Applies only to affordable housing projects pursuant to CGC 65583.~~

[7] Affordable housing developments pursuant to Government Code Section 65583.2 and located within the multi-family housing zoning districts are permitted by right without a public hearing or discretionary action and, in the VHDR district, are permitted at a minimum density of 24 dwelling units to 30 dwelling units per acre.

Public Communication

Public Notice was Published in the Record Gazette on May 17, 2024 for the May 29, 2024 Planning Commission Meeting; and again on June 11, 2024 for this public hearing.

No comments were received opposed to or for the project.

NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR CONSIDERATION OF ZONING TEXT AMENDMENT (ZTA) 24-0050 AMENDING TABLE 17.08.020 OF SECTION 17.08.020 OF ARTICLE I OF CHAPTER 17.08 OF DIVISION II OF TITLE 17 OF THE CITY OF BANNING MUNICIPAL CODE TO CLARIFY THAT MULTI-FAMILY HOUSING USES HAVING A MINIMUM OF 20 PERCENT OF THE TOTAL NUMBER OF UNITS UNDER AFFORDABLE COVENANT ARE PERMITTED BY RIGHT PURSUANT TO STATE LAW AND ARE NOT SUBJECT TO DISCRETIONARY ACTION IN SPECIFIED MULTI-FAMILY ZONING DISTRICTS; AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held Tuesday, June 25, at 5.00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Zoning Text Amendment amending Table 17.08.020of Article I of Chapter 17.08 of Division II of Title 17 of the City of Banning Municipal Code to clarify that multi-family housing uses having a minimum of 20 percent of the total number of units under affordable covenant are permitted by right pursuant to state law and are not subject to discretionary action in specified multi-family zoning districts; and making a determination of exemption from the California Environmental Quality Act (CEQA). The Community Development Department has determined that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines applying only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PLANNING COMMISSION ACTION: At a duly noticed public hearing held on May 29, 2024, the Planning Commission of the City of Banning adopted Resolution 2024-11, recommending that the City Council approve the Ordinance.

To observe the live meeting through your personal computer or smart phone enter the following link: https://banninglive.viebit.com or view on the Banning Government Channel on Cable Television.

Information regarding the Notice of Exemption or Zoning Text Amendment can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning Community Development – Planning Department website at: https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at PO Box 998, Banning, CA 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Administrative City Clerk prior to, at, or during the time the City Council makes its recommendation on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

/s/ Emery J. Papp, Senior Planner

Dated: June 11, 2024
Publish: June 14, 2024

Environmental Determination

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the Project is exempt from the California Environmental Quality Act (CEQA) subject to Section 15061(b)(3), because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Subject to Section 15061(b)(3) (Review For Exemptions) of the CEQA Guidelines, no further analysis is required and a Notice of Exemption has been prepared for the Project.

Recommendation

Make a Determination of Exemption from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines; and

Adopt Ordinance 1605, Amending Title 17 (Zoning) of the Banning Municipal Code, amending Chapter 17.08 (Residential Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the BMC to implement State mandated legislation regarding affordable housing opportunities related to multi-family, high-and very high density residential development.

BANNING CALIFORNIA

Thank you!

Staff is Available for Questions

Contact Information

Emery J. Papp

Senior Planner

epapp@banningca.org

Exhibit D

CITY COUNCIL
PUBLIC HEARING ITEM NO. 7.4
JUNE 25, 2024

CONSIDERATION of Resolution 2024-112, Making a determination under state CEQA Guidelines Sections 15070 through 15074 that the Project is not exempt from review under CEQA and an initial study and Mitigated Negative Declaration (EA 23-1506) for the project has been prepared in consideration of a General Plan Amendment (GPA 23-2502), changing the existing Land Use designation of parcel number 540-180-022 from General Commercial (GC) to Industrial (I); Zone Change (ZC 23-3502), amending the zoning district classification of parcel number 540-180-022 from General Commercial (GC) to Industrial (I); Tentative Parcel Map (TPM 38659) to consolidate three parcels into one; and Design Review (DR 23-7008), a proposal to allow for the new construction and operation of a steel distribution facility with a 42,510 square-foot warehouse building of which 3,434 square feet is designated for office space on 14.92 gross acres of land located on the north side of West Lincoln Street between South 8th Street and South 16th Street (APN Nos. 540-180-020, 540-180-022 and 540-180-026).

Background

Brown Strauss is a structural steel distributor with 10 locations in the Western United States. This project will be a move from an existing facility in Fontana, CA to Banning, and will require the approval of the following:

EA 23-1506 – Mitigated Negative Declaration

GPA 23-2502 – Change Land Use on one Parcel from GC to I

ZC 23-3502 - Change Zoning Designation on one parcel from GC to I

TPM 38659 – To consolidate three parcels into one parcel

DR 23-7008 – To construct and operate a new industrial building

Parking Reduction

BANNING
CALIFORNIA
CITY OF BANNING
PROJECT NUMBERS: DR 23-7008, ENV 23-1506, GPA 23-2502, ZC 23-3502 and TPM 23-4002 (TPM 38659)
PROJECT VICINITY
ADDRESSES/APN's: 1219 and 1431 W. Lincoln Street/540-180-020, 540-180-022, 540-180-026
ZONES: Industrial (I) and General Commercial (GC)
HAYS ST
RAMSEY ST
PROJECT LOCATION
UNION PACIFIC RAILROAD
540-180-022
540-180-026
540-180-020
LINCOLN ST
ADAMS AVE
MONROE ST
JEFFERSON ST
6TH ST
12TH ST
BARBOUR ST
FASHION WAY

BANNING
CALIFORNIA
CITY OF BANNING
PROJECT NUMBERS: DR 23-7008, ENV 23-1506, GPA 23-2502, ZC 23-3502 and TPM 23-4002 (TPM 38659)
AERIAL BASE MAP
ADDRESSES/APN's: 1219 and 1431 W. Lincoln Street/540-180-020, 540-180-022, 540-180-026
ZONES: Industrial (I) and General Commercial (GC)
HAYS ST
RAMSEY ST
PROJECT LOCATION
UNION PACIFIC RAILROAD
This part of Lincoln is NOT under Caltrans jurisdiction
LINCOLN ST
ADAMS AVE
MONROE ST
JEFFERSON ST
6TH ST
12TH ST
BARBOUR ST
FASHION WAY

BANNING CALIFORNIA

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Proposed General Plan/Zoning Classifications

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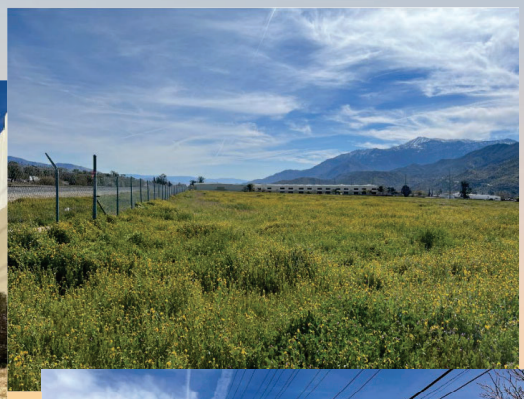
SURROUNDING LAND USE:

	Existing Land Use	Zoning Classification	GP Designation
Subject Site	Vacant	General Commercial /Industrial	General Commercial /Industrial
North	UP/I-10 Right-of-Way	Public Facilities – Railroad/Interstate	Public Facilities – Railroad/Interstate
South	Vacant Land and Unoccupied/ Nonconforming Residential	Business Park	Business Park
East	Existing Industrial Buildings	Industrial	Industrial
West	Vacant Commercial	General Commercial	General Commercial

Site Photos:











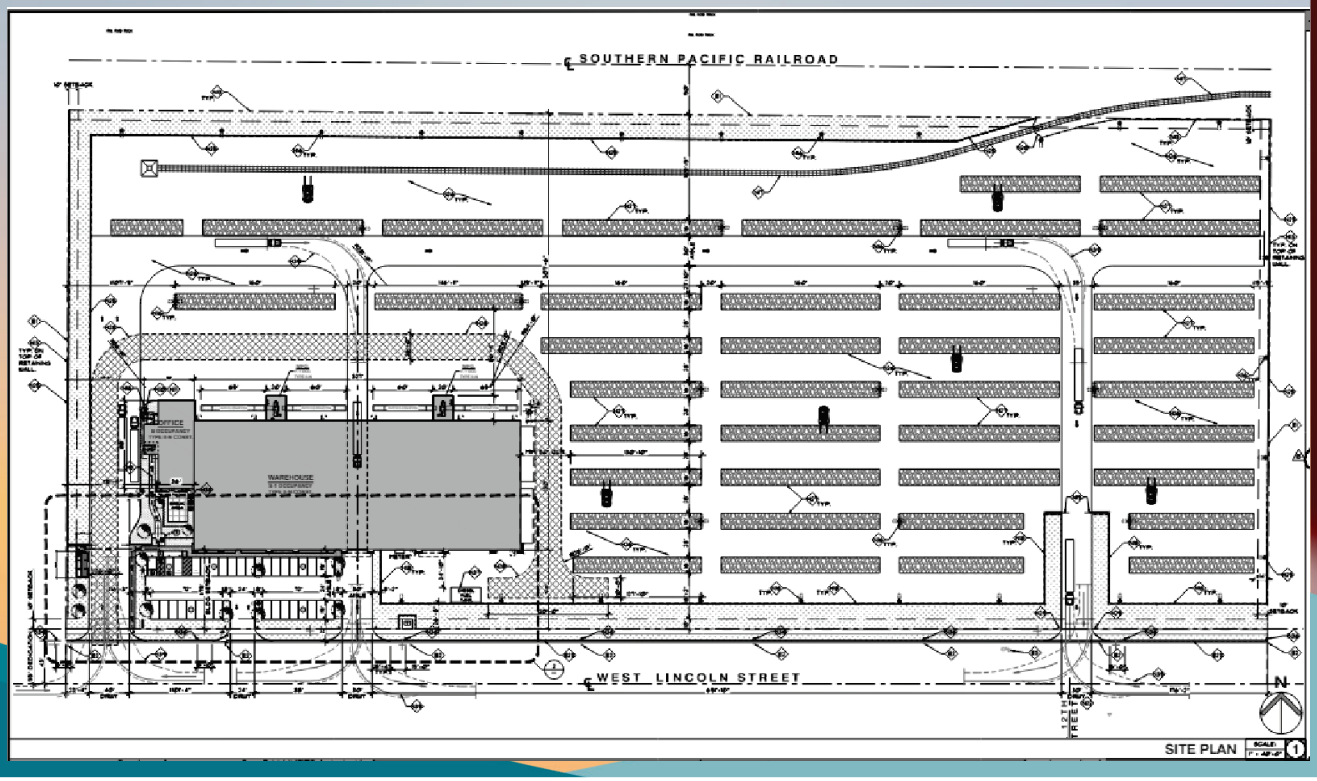
PROJECT DESCRIPTION:

14.92-acre Project site

- 42,510 square-foot industrial warehouse building
- 3,434 square-foot office building
- Two 500 square-foot enclosed saw sheds
- 4 new 35-foot wide paved driveways
- 53 parking spaces required, 34 provided (Parking adjustment requested)
- Architecture and Landscaping
  - All sides of the building are designed with articulated architecture
  - The proposed building height is approximately 36’ 4”, 50 feet is permitted in the zone
  - 64,504 square feet of landscaping is proposed along the frontage, the east and the west property lines. No landscaping is proposed on the north end of the properties.

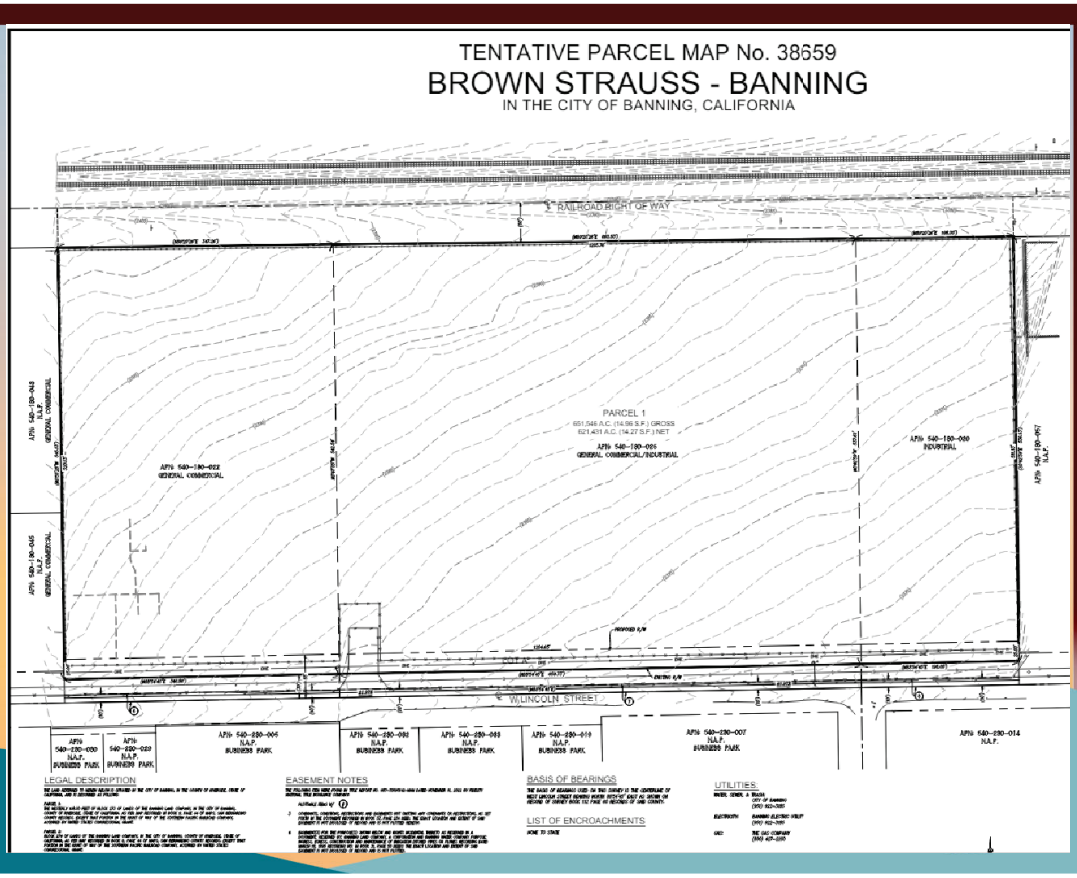
BANNING CALIFORNIA

SITE PLAN:



BANNING CALIFORNIA

TPM 38659



BANNING CALIFORNIA

FLOOR PLAN:

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OFFICE FLOOR PLAN:

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ELEVATIONS:

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SCREENING WALL ELEVATIONS:

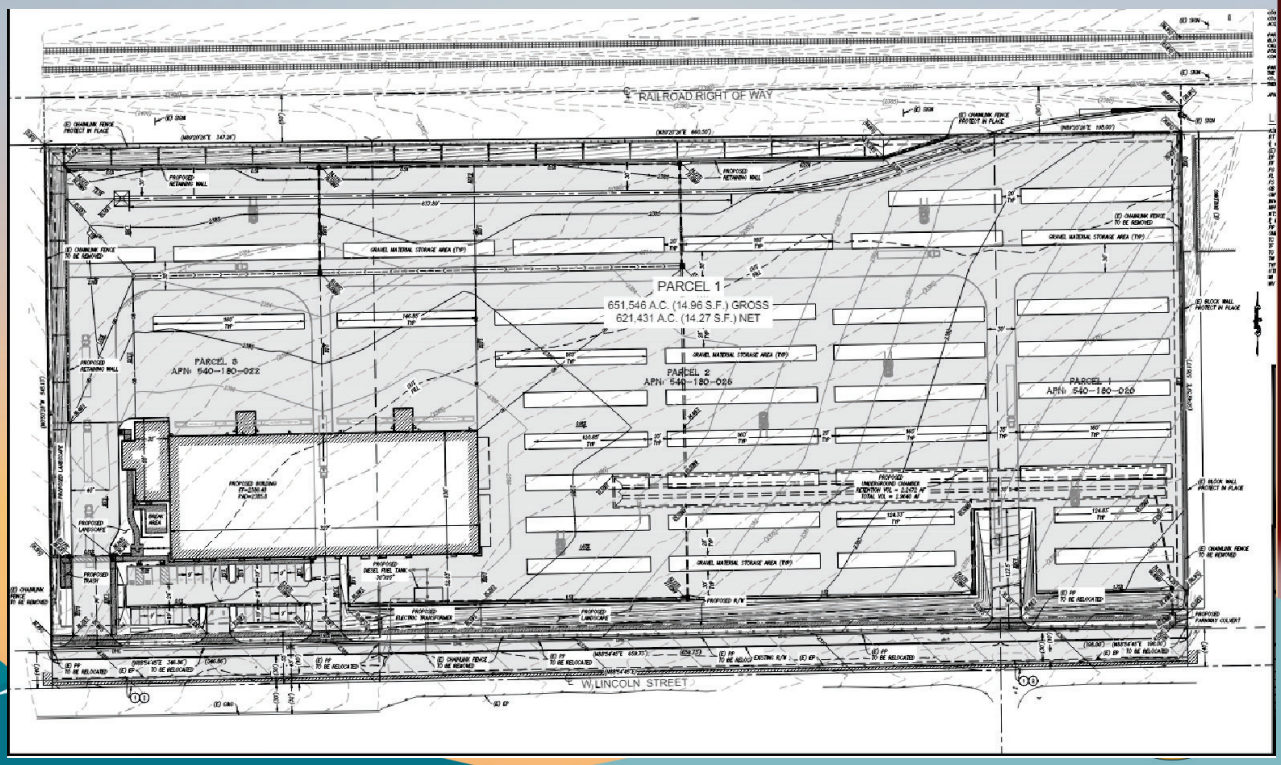
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RENDERINGS:

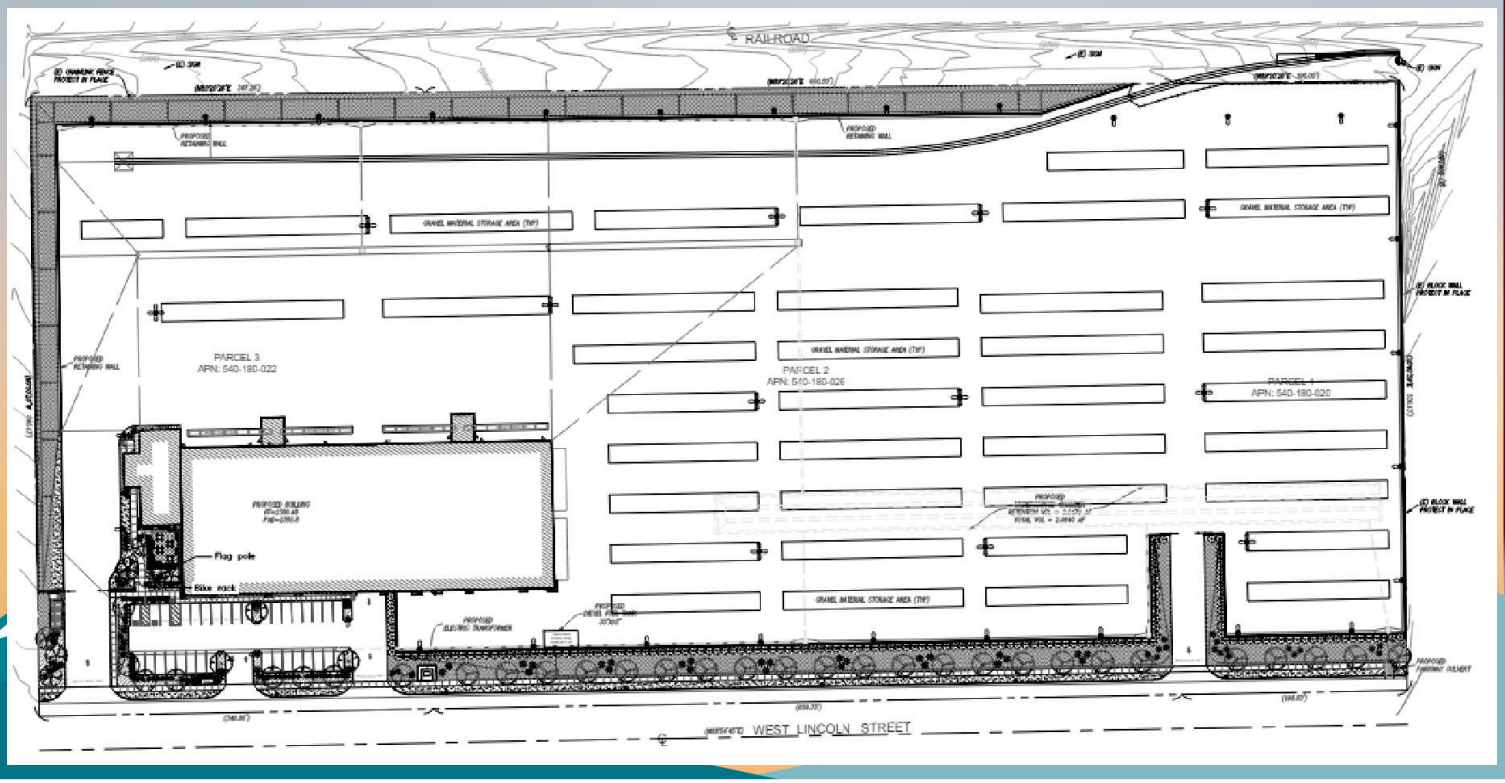


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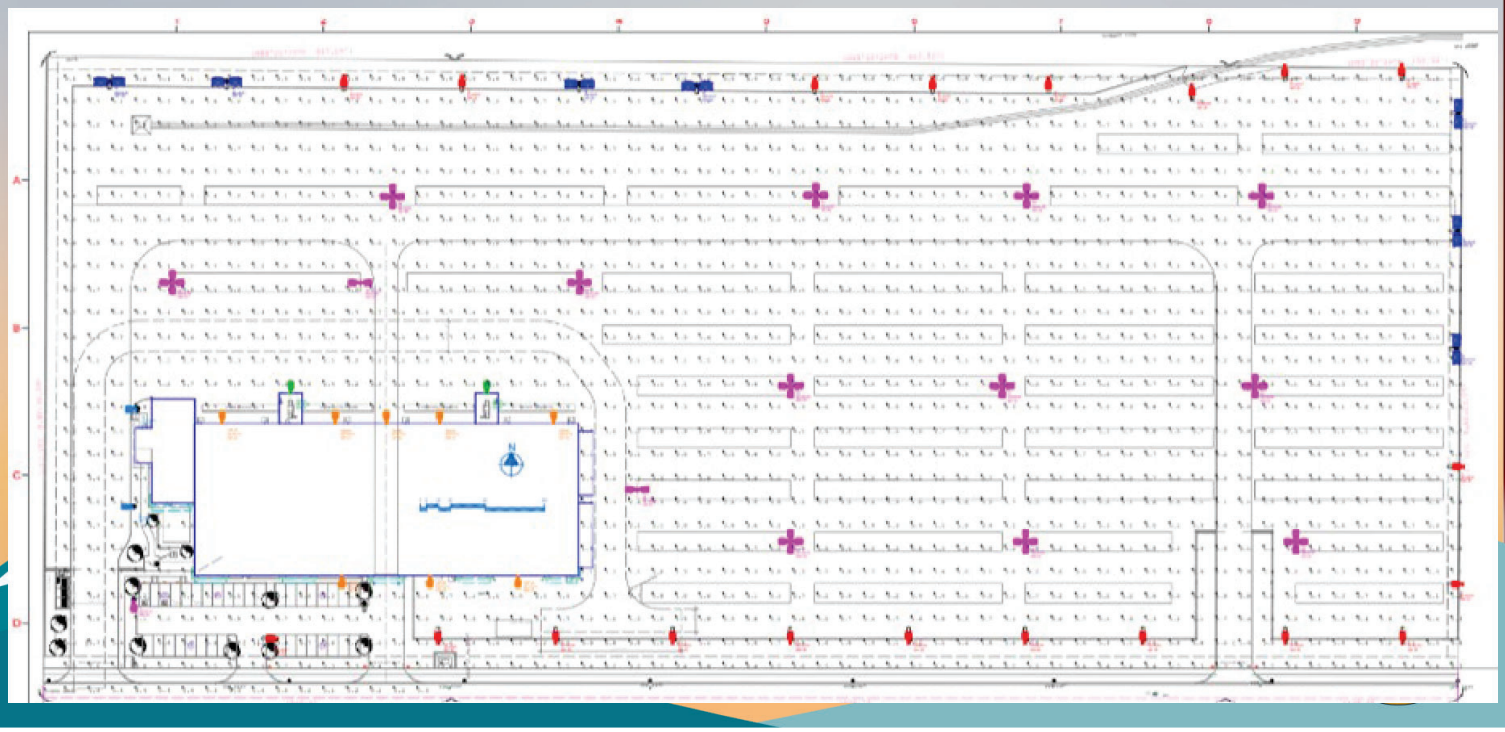
CONCEPTUAL GRADING PLAN:



CONCEPTUAL LANDSCAPING:



CONCEPTUAL PHOTOMETRIC PLAN:



BANNING CALIFORNIA

PARKING AND ACCESS

- ❑ 53 parking spaces required, 34 provided. Applicant requested adjustment
- ❑ 4 new City-standard driveway entrances from Lincoln Street
- ❑ 8-foot high block screening walls for storage areas, 8-foot high tubular steel security fence
- ❑ 24-foot wide Fire Lane for emergency vehicle access and response

BANNING CALIFORNIA

AMENDED CONDITION of APPROVAL:

At the Planning Commission hearing held May 29, 2024, the Applicant requested a modification of COA No. 6. The Planning Commission granted the amended Condition, but the amendment is not reflected in the COA provided as an attachment to the staff report. As a result, staff recommends the City Council amend COA No. 6 to read as follows:

"6. Prior to ~~*any*~~ ***issuance of a certificate of*** occupancy/use of the ~~*Project site*~~ ***building***, or business activity being commenced ~~*thereon*~~ ***therein***, the applicant shall complete these conditions of approval to the satisfaction of the Community Development Director. ***Prior to occupancy, the Applicant may use areas identified on the Site Plan for outdoor storage of non-combustible material (e.g. steel) subject to completion of all screening walls and subject to issuance of a Temporary Use Permit."***

BANNING CALIFORNIA

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION:

Planning Division staff has determined that this Project is not exempt from the requirements of the California Environmental Quality Act ("CEQA") and an Initial Study/Mitigated Negative was prepared for the Project. The IS requires an evaluation of 21 Categories of potential impacts to the environment. The results of this IS determined that without Mitigation Measures, 4 of these generalized categories could be impacted resulting from the construction and long-term operation of this project. These generalized categories include:

- Biological Resources (also included as COA 7 and 8)
- Cultural Resources (also included as COA 9 and 10)
- Geology and Soils (also included as COA 11 and 12)
- Tribal Cultural Resources (also included as COA 13 and 14)

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INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (Cont.):

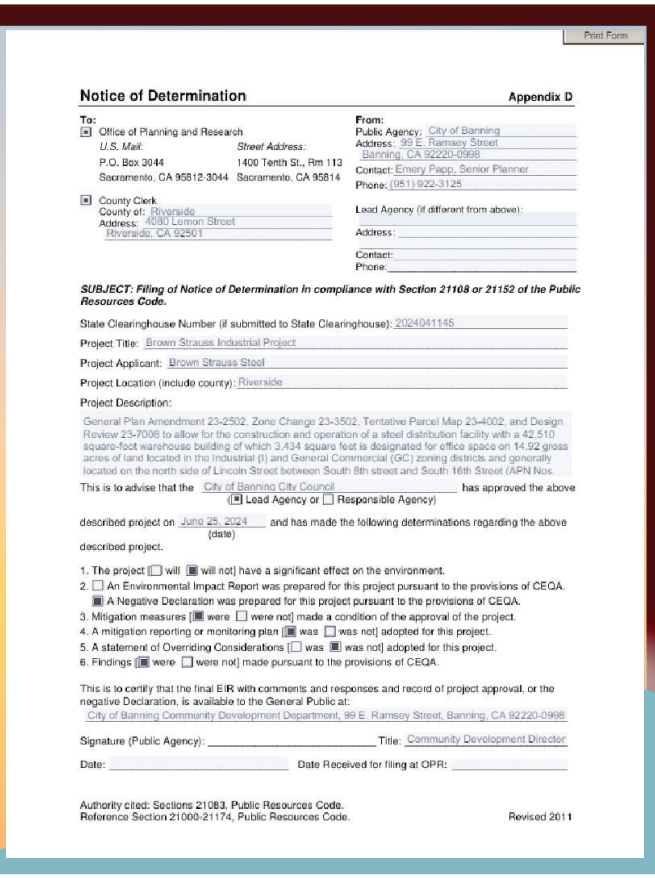
The Mitigation Measures proposed in these categories are intended to reduce the potential for impacts caused or created by the Project to be "Less Than Significant" with mitigation. A Mitigation Monitoring and Reporting Program (MMRP) is included with the IS/MND, and identifies measurable mitigations and the parties responsible for ensuring that each mitigation measure is properly and completely implemented.

The project, with mitigation is not expected to create any impacts to the surrounding built environment.

BANNING CALIFORNIA

ENVIRONMENTAL DETERMINATION:

Planning Division staff has determined that this Project is not exempt from the requirements of the California Environmental Quality Act ("CEQA") and an Initial Study/Mitigated Negative has been prepared for the Project. A Notice of Determination has been prepared.



Print Form

Notice of Determination Appendix D

To:
- ☒ Office of Planning and Research
  U.S. Mail: P.O. Box 3044, Sacramento, CA 95812-3044
  Street Address: 1400 Tenth St., Rm 113, Sacramento, CA 95814
- ☒ County Clerk
  County of: Riverside
  Address: 4080 Lemon Street, Riverside, CA 92501

From:
Public Agency: City of Banning
Address: 99 E. Ramsey Street, Banning, CA 92220-0998
Contact: Emery Papp, Senior Planner
Phone: (951) 922-3125

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2024041145
Project Title: Brown Strauss Industrial Project
Project Applicant: Brown Strauss Steel
Project Location (include county): Riverside
Project Description:

General Plan Amendment 23-2502, Zone Change 23-3502, Tentative Parcel Map 23-4002, and Design Review 23-7008 to allow for the construction and operation of a steel distribution facility with a 42,510 square-foot warehouse building of which 3,434 square feet is designated for office space on 14.92 gross acres of land located in the Industrial (I) and General Commercial (GC) zoning districts and generally located on the north side of Lincoln Street between South 8th street and South 16th Street (APN Nos.

This is to advise that the City of Banning City Council has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on June 25, 2024 (date) and has made the following determinations regarding the above described project.

1. The project ☐ will ☒ will not] have a significant effect on the environment.
2. ☐ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☒ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
City of Banning Community Development Department, 99 E. Ramsey Street, Banning, CA 92220-0998

Signature (Public Agency): _____ Title: Community Development Director

Date: _____ Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

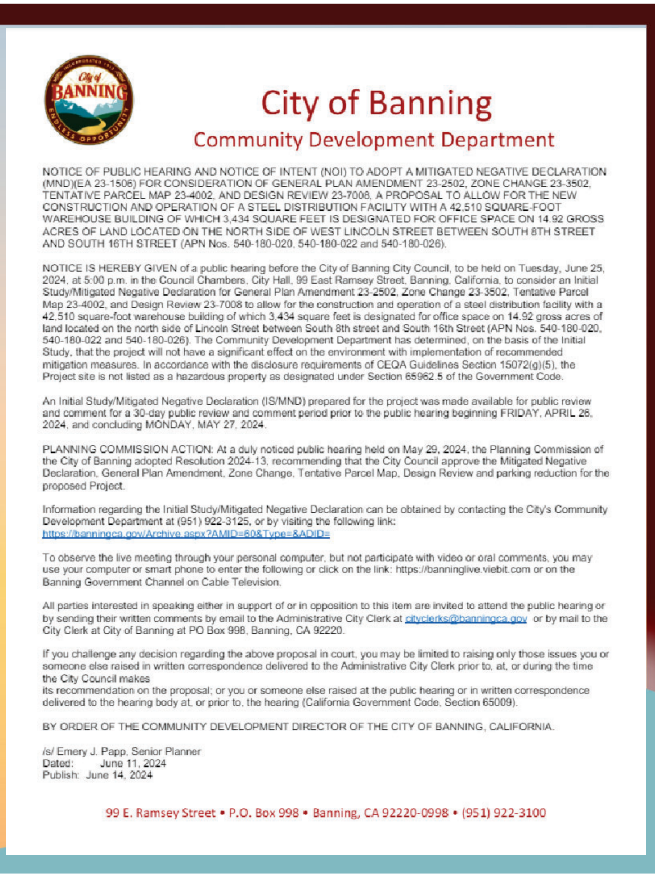
BANNING CALIFORNIA

Public Communication:

Planning Commission: The proposed Project was advertised for a 30-Day public review and comment period in the Record Gazette newspaper, from April 26, 2024, through May 27, 2024, and notices were mailed to the owners of parcels within a 300-foot radius from the Project site.

City Council: The proposed Project was advertised for a 10-Day public review and comment period in the Record Gazette newspaper, on June 14, 2024, and notices were mailed to the owners of parcels within a 300-foot radius from the Project site.

As of the date of this report, staff has received one written comment. A response to this comment letter has been provided to the City Council for consideration.



City of Banning
Community Development Department

NOTICE OF PUBLIC HEARING AND NOTICE OF INTENT (NOI) TO ADOPT A MITIGATED NEGATIVE DECLARATION (MND)(EA 23-1506) FOR CONSIDERATION OF GENERAL PLAN AMENDMENT 23-2502, ZONE CHANGE 23-3502, TENTATIVE PARCEL MAP 23-4002, AND DESIGN REVIEW 23-7008, A PROPOSAL TO ALLOW FOR THE NEW CONSTRUCTION AND OPERATION OF A STEEL DISTRIBUTION FACILITY WITH A 42,510 SQUARE-FOOT WAREHOUSE BUILDING OF WHICH 3,434 SQUARE FEET IS DESIGNATED FOR OFFICE SPACE ON 14.92 GROSS ACRES OF LAND LOCATED ON THE NORTH SIDE OF WEST LINCOLN STREET BETWEEN SOUTH 8TH STREET AND SOUTH 16TH STREET (APN Nos. 540-180-020, 540-180-022 and 540-180-026).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held on Tuesday, June 25, 2024, at 5:00 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider an Initial Study/Mitigated Negative Declaration for General Plan Amendment 23-2502, Zone Change 23-3502, Tentative Parcel Map 23-4002, and Design Review 23-7008 to allow for the construction and operation of a steel distribution facility with a 42,510 square-foot warehouse building of which 3,434 square feet is designated for office space on 14.92 gross acres of land located on the north side of Lincoln Street between South 8th street and South 16th Street (APN Nos. 540-180-020, 540-180-022 and 540-180-026). The Community Development Department has determined, on the basis of the Initial Study, that the project will not have a significant effect on the environment with implementation of recommended mitigation measures. In accordance with the disclosure requirements of CEQA Guidelines Section 15072(g)(5), the Project site is not listed as a hazardous property as designated under Section 65962.5 of the Government Code.

An Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the project was made available for public review and comment for a 30-day public review and comment period prior to the public hearing beginning FRIDAY, APRIL 26, 2024, and concluding MONDAY, MAY 27, 2024.

PLANNING COMMISSION ACTION: At a duly noticed public hearing held on May 29, 2024, the Planning Commission of the City of Banning adopted Resolution 2024-13, recommending that the City Council approve the Mitigated Negative Declaration, General Plan Amendment, Zone Change, Tentative Parcel Map, Design Review and parking reduction for the proposed Project.

Information regarding the Initial Study/Mitigated Negative Declaration can be obtained by contacting the City's Community Development Department at (951) 922-3125, or by visiting the following link:
https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: https://banninglive.viebit.com or on the Banning Government Channel on Cable Television.

All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at PO Box 998, Banning, CA 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Administrative City Clerk prior to, at, or during the time the City Council makes its recommendation on the proposal; or you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA.

/s/ Emery J. Papp, Senior Planner
Dated: June 11, 2024
Publish: June 14, 2024

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3100

BANNING CALIFORNIA

RECOMMENDED ACTION:

Staff recommends the City Council adopt Resolution 2024-112, with amendment to COA No. 6, Adopt Mitigated Negative Declaration (EA 23-1506) pursuant to the requirements of the California Environmental Quality Act (CEQA) and CEQA Guidelines; and approving GPA 23-2502, ZC 23-3502, TPM 38659, DR 23-7008 and a Parking Reduction to allow for the new construction and operation of a 42,510 square-foot steel distribution facility on 14.92 gross acres of land located on the north side of West Lincoln Street between South 8th Street and South 16th Street (APN Nos. 540-180-020, 540-180-022 and 540-180-026.

BANNING CALIFORNIA

Thank you!
Staff is Available for Questions

Contact Information:

Emery J. Papp

Senior Planner

(951) 922-3152

epapp@banningca.gov

City of Banning Landscape Maintenance District No. 1

Award of Contract and Budget Updates

Regulatory Environment

- LMD is a Special District (Article 4, Chapter 1, Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California)
  - Benefits are pre-defined regions/homeowners/neighborhoods, not City as a whole,
  - This District, by special benefit assessments, provides funding for the servicing and maintenance of certain landscaped areas within the City of Banning, many of which are located in public right-of-ways in the City of Banning
- Subject to Prop 218
- Statutory requirements to maintain Water Quality Devices (MS4 Permit No. R7-2013-0011)

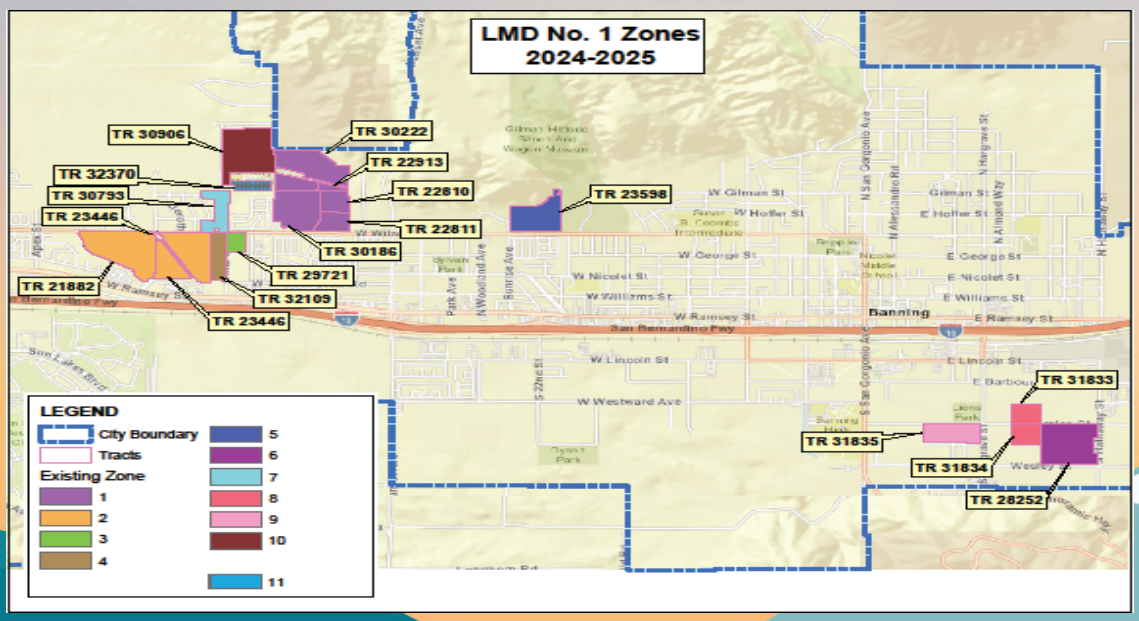
Landscape Maintenance District Number 1

- Currently has 11 distinct zones
- Initially created in 1990, with Tract 22913 annexed in 1992, within Zones 1-5, with a base fee and NO annual inflation adjustment
- Expanded to 11 zones in later years with base fee AND annual inflation adjustment up to 5% per year for zones 6-11
- Some zones contain fund surpluses, while others run a structural deficit.

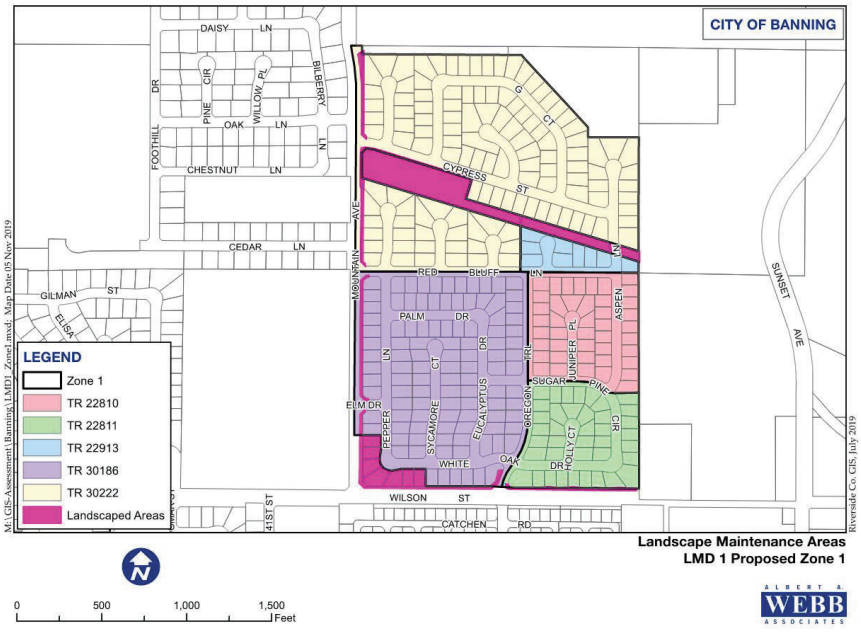
New Landscape Contractor, higher costs

- RFP 24-061 for Operation and Maintenance Services was released on April 5, 2024 with 2 proposals received.
- Lowest responsible bidder, Mariposa Landscapes, Inc. was more than 2.5X the cost of the previous contractor for FY 23/24, amounting to $115,142.88/year.
- PW staff met with Mariposa to reduce the Scope of Work and Services within Zones: 1, 4, 5, and 9 to meet the current budget. The revised annual contract cost is: $78,211.26/year.
- A significant reduction in mowing, shrub, ground cover and plant maintenance, trash pickup and irrigation repairs must occur in Zones 1, including Richard Sanchez Park, 4, 5, and 9 to meet the negotiated Mariposa landscape costs.

LMD No. 1 Map (11 Zones)



LMD No. 1 – Zone 1



Zone 1 includes the following areas:

- Richard Sanchez Park and trail
- Stormwater Basin
- Mountain Ave Roadway Frontages
- Wilson Street Roadway Frontages

BANNING CALIFORNIA

LMD No. 1 – Zone 1

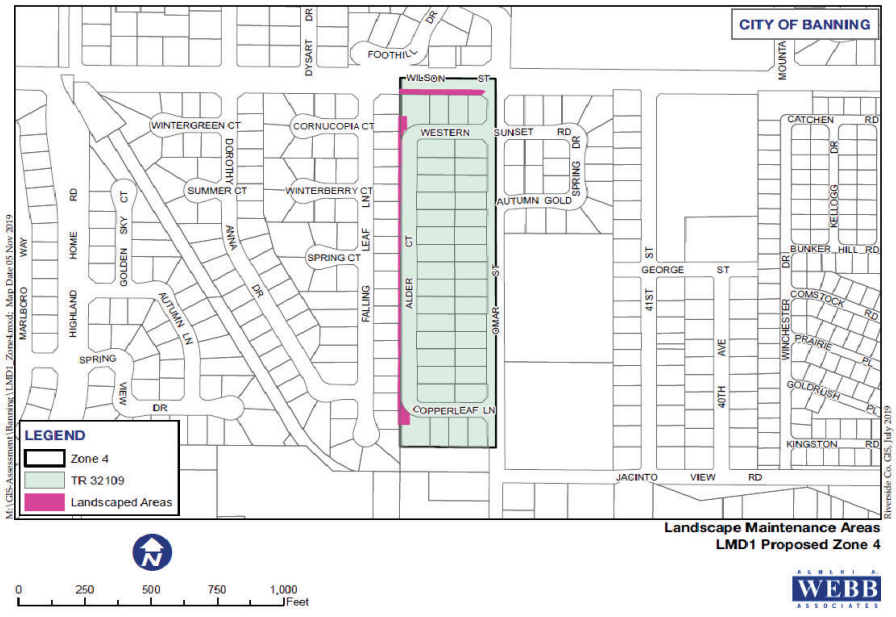
Financial Analysis

Budget Fiscal Year 2024-25	Zone 1, Artistic Tract Nos. 22810, 22811, 22913, 30186, 30222	Zone 1, Mariposa Tract Nos. 22810, 22811, 22913, 30186, 30222
DIRECT COSTS		
Landscape Contract	$14,904.00	$32,214.25
Utilities (water and electric costs)	$18,792.10	$18,792.10
Landscape Maintenance Costs (PW staff, repairs, plants, etc.	$1,279.29	$1,279.29
TOTAL DIRECT COSTS	$34,979.39	$52,285.64
INDIRECT COSTS		
City Administration Costs	$18,400.76	$18,400.76
TOTAL INDIRECT COSTS	$18,400.76	$18,400.76
TOTAL COSTS	$53,376.15	$70,686.40
PROPOSED ASSESSMENT RATE		
AUs	319	319
FY 2024-25 Assessment Rate	$108.90	$108.90
TOTAL REVENUE	$34,739.10	$34,739.10
Annual Surplus/Deficit	($18,637.05)	($35,947.30)
Existing Reserve Balance	$43,035.08	$43,035.08
Reserve Balance at End of FY24/25	$24,398.03	$7,087.78

- No CPI Escalator in Zone 1
- Zone is in a large structural deficit, anticipated to have a negative fund balance in FY 25/26
- No projects proposed in this zone to minimize expenses
- Retention Basins require regular maintenance to remain effective at mitigating runoff for Stormwater Ordinance requirements.

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LMD No. 1 – Zone 4



Landscape Maintenance Areas
LMD1 Proposed Zone 4

WEBB ASSOCIATES

Zone 4 includes the following areas:

- Wilson Street Roadway Frontages
- Alder Court Roadway Frontages

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LMD No. 1 – Zone 4

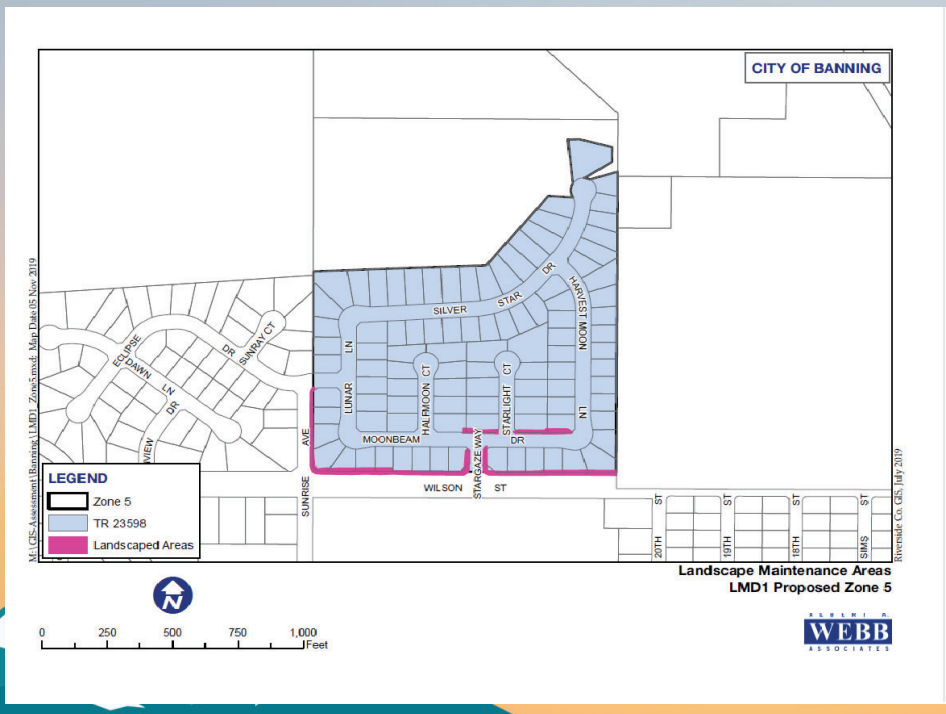
Financial Analysis

Budget Fiscal Year 2024-25	Zone 4, Artistic Tract No. 32109	Zone 4, Mariposa Tract No. 32109
DIRECT COSTS		
Landscape Contract	$12,920.00	$2,164.38
Utilities (water and electric costs)	$1,151.71	$1,151.71
Landscape Maintenance Costs (PW staff, repairs, plants, etc.	$0.00	$0.00
TOTAL DIRECT COSTS	$3,071.71	$3,316.09
INDIRECT COSTS		
City Administration Costs	$1,616.05	$1,616.05
TOTAL INDIRECT COSTS	$1,616.05	$1,616.05
TOTAL COSTS	$4,687.76	$4,932.14
PROPOSED ASSESSMENT RATE		
AUs	38	38
FY 2024-25 Assessment Rate	$113.31	$113.31
TOTAL REVENUE	$4,305.78	$4,305.78
Annual Surplus/Deficit	($381.98)	($626.36)
Existing Reserve Balance	$5,334.04	$5,334.04
Reserve Balance at End of FY24/25	$4,952.06	$4,707.68

- No CPI Escalator in Zone 4
- Zone is in a small structural deficit
- No projects proposed in this zone to minimize expenses

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LMD No. 1 – Zone 5



Zone 5 includes the following areas:

- Wilson Street Roadway Frontages
- Sunrise Avenue Roadway Frontages
- Stargaze Way Roadway Frontages
- Moonbeam Drive Roadway Frontages

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LMD No. 1 – Zone 5

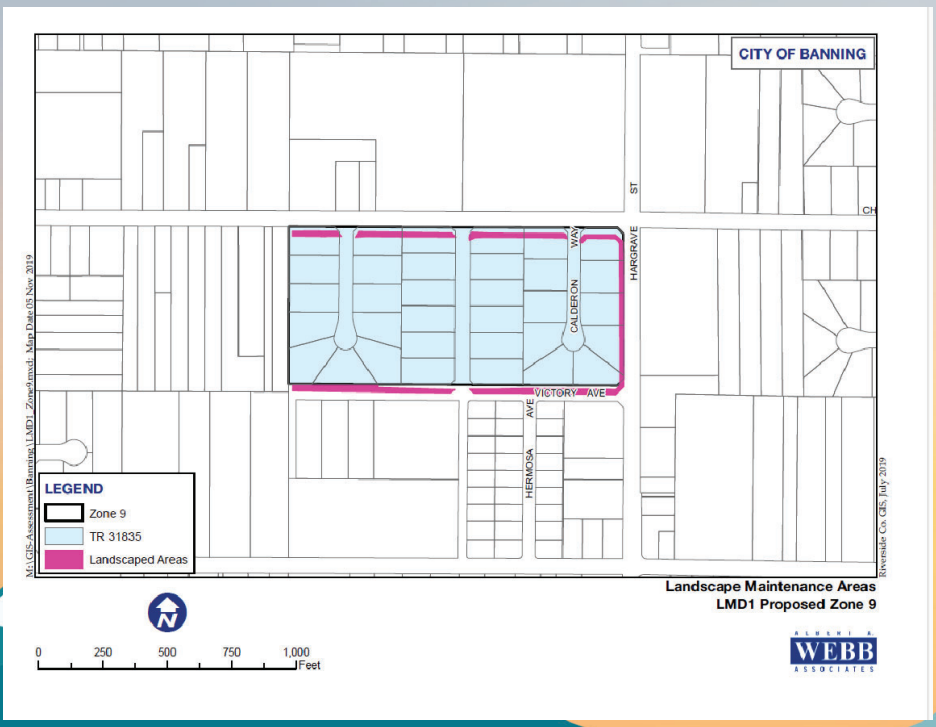
Financial Analysis

Budget Fiscal Year 2024-25	Zone 5, Artistic Tract No. 23598	Zone 5, Mariposa Tract No. 23598
DIRECT COSTS		
Landscape Contract	$3,216.00	$5,241.81
Utilities (water and electric costs)	$5,280.80	$5,280.80
Landscape Maintenance Costs (PW staff, repairs, plants, etc.	$291.50	$291.50
TOTAL DIRECT COSTS	$8,788.30	$10,814.11
INDIRECT COSTS		
City Administration Costs	$4,623.58	$4,623.58
TOTAL INDIRECT COSTS	$4,623.58	$4,623.58
TOTAL COSTS	$13,411.88	$15,437.69
PROPOSED ASSESSMENT RATE		
AUs	97	97
FY 2024-25 Assessment Rate	$98.91	$98.91
TOTAL REVENUE	$9,594.27	$9,594.27
Annual Surplus/Deficit	($3,817.61)	($5,843.42)
Existing Reserve Balance	$11,885.46	$11,885.46
Reserve Balance at End of FY24/25	$8,067.85	$6,042.04

- No CPI Escalator in Zone 5
- Zone is in a structural deficit, anticipated to have negative fund balance in FY 26/27
- No projects proposed in this zone to minimize expenses.

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LMD No. 1 – Zone 9



Zone 9 includes the following areas:

- Hargrave Street Roadway Frontages
- Victory Avenue Roadway Frontages
- Charles Street Roadway Frontages

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LMD No. 1 – Zone 9

Financial Analysis

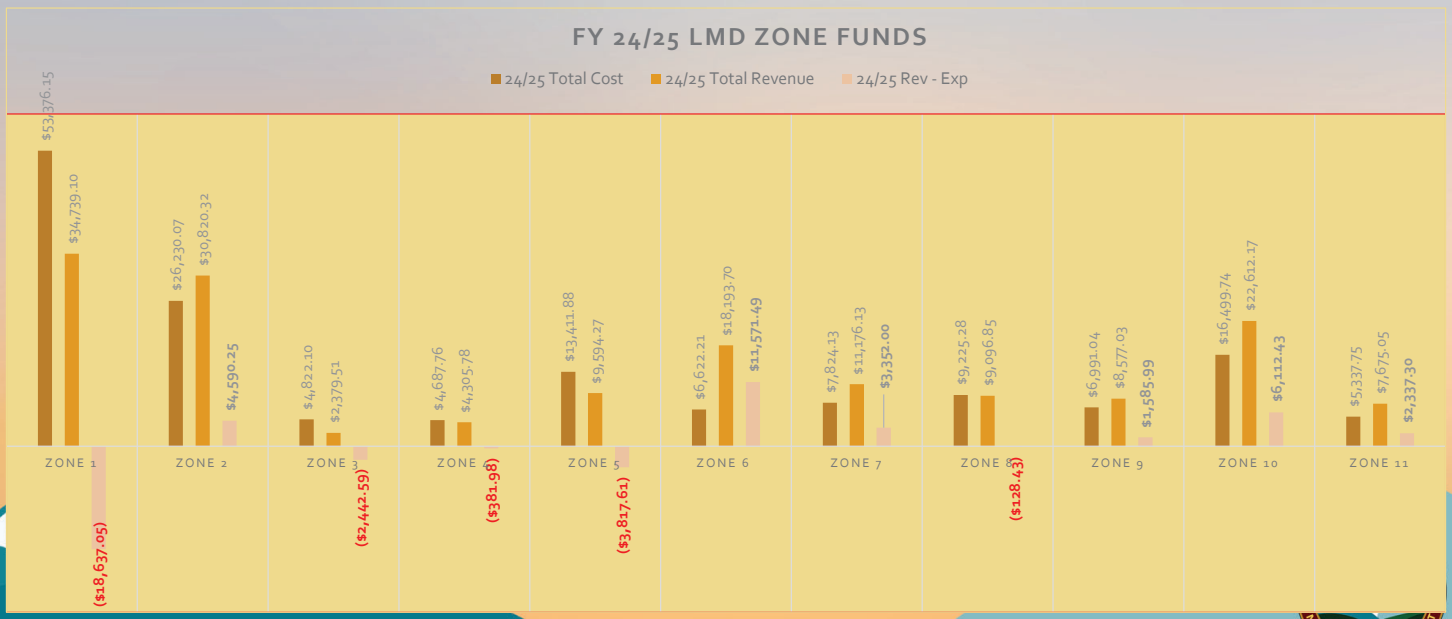
Budget Fiscal Year 2024-25	Zone 9, Artistic Tract No. 31835	Zone 9, Mariposa Tract No. 31835
DIRECT COSTS		
Landscape Contract	$1,860.00	$6,036.63
Utilities (water and electric costs)	$2,187.44	$2,187.44
Landscape Maintenance Costs (PW staff, repairs, plants, etc.	$533.53	$533.53
TOTAL DIRECT COSTS	$4,580.97	$8,757.60
INDIRECT COSTS		
City Administration Costs	$2,410.07	$2,410.07
TOTAL INDIRECT COSTS	$2,410.07	$2,410.07
TOTAL COSTS	$6,991.04	$11,167.67
PROPOSED ASSESSMENT RATE		
AUs	33	33
FY 2024-25 Assessment Rate	$259.91	$259.91
TOTAL REVENUE	$8,577.03	$8,577.03
Annual Surplus/Deficit	$1,585.99	($2,590.64)
Existing Reserve Balance	$10,625.30	$10,625.30
Reserve Balance at End of FY24/25	$12,211.29	$8,034.66

- Re-occuring vandalism of horse vinyl fence
- CPI Escalator in Zone 9
- Zone is in a structural deficit

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LMD No. 1

Previous Graph of Revenues/Deficits



LMD No. 1

Revised Graph of Revenues/Deficits

Potential Remedies

- Reduction of Services
  - What are mandatory vs. prudent
- Prop 218 Increases
  - Last effort in December of 2020 was rejected by majority protest, not implemented
- De-annexation of Richard Sanchez Park and/or other Zones
- General Fund Transfers
  - May be considered 'Gift of Public Funds' and not permitted

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Service Reductions

- Reductions were already in place in many zones, leading to landscape care not meeting community expectations.
- Additional reductions were put in place with this contract in zones that are in deficit.
- Stormwater basins are regulatory obligation to maintain, and can only be reduced to a certain point (Zone 1)
- Reverse frontages behind block walls are difficult to have the adjacent private homeowner maintain (Zones 4, 5, 9)
- Remaining reductions would be to essentially stop maintenance on certain sections.

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Service Reductions

- Reductions in scope can be seen in Attachment 5 (Original Request) and Attachment 6 (Revised Scope)
- Reduce staff and administrative costs to oversee and manage the LMD zones and contract.
- Reduce water and electric usage to lower utility costs.

Prop 218 Vote Held on December 8, 2020

PROP 218 12/8/2020 RESULTS					
ZONE	NO. OF AUs	YES	NO	TOTAL	% VOTED
1	319	3	95	98	31%
2	272	10	72	82	30%
3	21	1	8	9	43%
4	38	3	12	15	39%
5	97	6	17	23	24%
6	70	0	21	21	30%
7	43	3	14	17	40%
8	35	0	22	22	63%
9	33	0	15	15	45%
10	87	2	3	5	6%

De-annexation

- The same process used to annex a property into the LMD would need to be followed.
- Each property owner within the Zone would need to be mailed a Ballot to vote on the De-annexation.
- A Public Hearing would be held, Ballots tallied, and a majority of Ballots received voting “YES” would be required.
- A HOA for the Zone would need to be formed to maintain the areas and an Agreement with the City would be required and executed. Additionally, an Encroachment Permit is needed for the HOA to access and maintain public property for maintenance.
- If a zone, or part of a zone is de-annexed, it may incur additional General Fund expense to maintain.

Recommendation

- Approve Resolution 2024-108 with Mariposa Landscapes for annual maintenance of Landscape Maintenance District No. 1.
- Provide direction to staff on preferred actions to address structural deficits in several zones, and the exhausted reserve accounts in Zone 1 in the next fiscal year.

Questions?

Contact Information

Nate Smith, P.E.

Deputy Director of Public of Works/City Engineer

nsmith@banningca.gov

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-113, a Resolution of the City Council of the City of Banning, California, Setting Aside and Vacating its Previous Approval of Tentative Parcel Map No. 38164, Approval of Design Review 21-7008 and Denial of the Appeal of the Planning Commission's Approval of Design Review 21-7008, and Adoption of an Addendum, All in Connection with the Banning Point Project, Doing so in Compliance with the Peremptory Writ of Mandate that Requires the City Council to Set Aside and Vacate those Decisions, and Rescinding City Council Resolution 2022-14**

RECOMMENDATION:

Adopt Resolution 2024-113.

BACKGROUND:

The City Council adopted Resolution 2022-14 on February 17, 2022, which (1) approved Tentative Parcel Map No. 38164, allowing the subdivision of approximately 47 gross acres of vacant land into three parcels; (2) affirmed the Planning Commission's approval of Design Review 21-7008 and denied an appeal of that decision and permitted the construction of a proposed industrial warehouse building of 619,959 square feet (the "Banning Point Project"), including 10,000 square feet of office space, and six retail/commercial buildings totaling 34,000 square feet, on real property located within the boundaries of the Sun Lakes Village North Specific Plan area (APN: 419-140-057); and (3) adopted an addendum under the California Environmental Quality Act ("CEQA") and made findings in support thereof, including finding of consistency with the certified Environmental Impact Report prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074).

On April 18, 2022, a lawsuit (Petition for Writ of Mandate and Complaint for Injunctive Relief) ("Writ Petition") entitled Pass Action Group v. City of Banning, *et al.* (Riverside County Superior Court Case No. CVRI2201482) was filed, challenging the City Council's approval of the Banning Point Project by adoption of Resolution 2022-14 and generally asserting the following four claims:

1. The City violated Pass Action Group's right to a fair hearing because of bias on the part of former Councilmember Hamlin and Councilmembers Sanchez and Wallace;
2. The City violated CEQA by failing to consider whether the Project's cumulative environmental impacts necessitated further environmental review;
3. The City's findings in support of the project's approval were contrary to law and unsupported by substantial evidence; and
4. The Banning Point Project conflicts with the City's General Plan.

On March 15, 2024, the Court issued a Ruling Peremptory Writ of Mandate ("Writ") granting the Writ Petition, in part, only due to Councilmember Hamlin's bias, and denying the Writ Petition on all other grounds summarized in bullet points 1-4 above.

On April 3, 2024, the Court entered Judgment ordering, in relevant part, that a Writ shall issue (1) ordering the City to set aside and vacate all approvals of the Banning Point Project in which Councilmember Hamlin participated, including Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project within 90 days, and (2) instructing the City that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of former Councilmember Hamlin. The Writ issued and was served on the City on May 7, 2024.

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act ("CEQA") and has determined that a resolution adopted to comply with a court order is not a "project" as defined under Section 15378 of the State CEQA Guidelines. Therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA and no environmental review is necessary.

JUSTIFICATION:

Resolution 2024-113 demonstrates the City's compliance with the Writ by formally setting aside and vacating the City Council's previous approval of Tentative Tract Map No. 38164, approval of Design Review 21-7008 and denial of the appeal of the Planning Commission's approval of Design Review 21-7008, and adoption of an addendum, all in connection with the Banning Point Project, and rescinding City Council Resolution 2022-14, as directed by the Court.

FISCAL IMPACT:

There is no fiscal impact related to the City Council's adoption of Resolution 2024-113.

ALTERNATIVES:

1. Adopt Resolution 2024-113.
2. Do not adopt Resolution 2024-113 and do not comply with the Judgment and Writ.

ATTACHMENTS:

1. Resolution 2024-113

RESOLUTION 2024-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, SETTING ASIDE AND VACATING ITS PREVIOUS APPROVAL OF TENTATIVE PARCEL MAP NO. 38164, APPROVAL OF DESIGN REVIEW 21-7008 AND DENIAL OF THE APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW 21-7008, AND ADOPTION OF AN ADDENDUM, ALL IN CONNECTION WITH THE BANNING POINT PROJECT, DOING SO IN COMPLIANCE WITH THE PEREMPTORY WRIT OF MANDATE THAT REQUIRES THE CITY COUNCIL TO SET ASIDE AND VACATE THOSE DECISIONS, AND RESCINDING CITY COUNCIL RESOLUTION 2022-14

WHEREAS, the City Council adopted Resolution 2022-14, which (1) approved Tentative Parcel Map No. 38164, allowing the subdivision of approximately 47 gross acres of vacant land into three parcels; (2) affirmed the Planning Commission's approval of Design Review 21-7008 and denied an appeal of that decision and permitted the construction of a proposed industrial warehouse building of 619,959 square feet (the "Banning Point Project"), including 10,000 square feet of office space, and six retail/commercial buildings totaling 34,000 square feet, on real property located within the boundaries of the Sun Lakes Village North Specific Plan Amendment No. 5 (APN: 419-140-057); and (3) adopted an addendum under the California Environmental Quality Act (CEQA) and made findings in support thereof, including finding of consistency with the certified Environmental Impact Report prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074); and

WHEREAS, on April 18, 2022, a lawsuit (Petition for Writ of Mandate and Complaint for Injunctive Relief) ("Writ Petition") entitled Pass Action Group v. City of Banning, *et al.* (Riverside County Superior Court Case No. CVRI2201482) was filed, challenging the City Council's approval of the Banning Point Project by adoption of Resolution 2022-14 and generally asserting the following four claims: (1) the City violated Pass Action Group's right to a fair hearing because of bias on the part of former Councilmember Hamlin and Councilmembers Sanchez and Wallace; (2) the City violated CEQA by failing to consider whether the Project's cumulative environmental impacts necessitated further environmental review; (3) the City's findings in support of the project's approval were contrary to law and unsupported by substantial evidence; and (4) the Banning Point Project conflicts with the City's General Plan; and

WHEREAS, on March 15, 2024, the Court issued a Ruling granting the Writ Petition, in part, only due to Councilmember Hamlin's bias, and denying the Writ Petition on all other grounds; and

WHEREAS, on April 3, 2024, the Court entered Judgment ordering, in relevant part, that a Writ shall issue (1) ordering the City to set aside and vacate all approvals of the Banning Point Project in which Councilmember Hamlin participated, including Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project within 90 days, and (2) instructing the City that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of former Councilmember Hamlin; and

WHEREAS, the Writ issued and was served on the City on May 7, 2024; and

WHEREAS, it is the purpose of this Resolution to demonstrate the City's compliance with the Writ by formally setting aside and vacating the approvals of the Banning Point Project as

directed by the Court in Paragraph 2.a. of the Judgment and Paragraph 1 of the Writ by rescinding Resolution No. 2022-14.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council hereby sets aside and vacates its previous approval of Tentative Parcel Map 38164, approval of Design Review 21-7008 and denial of the appeal of the Planning Commission's approval of Design Review 21-7008, and adoption of an addendum, all in connection with the Banning Point Project, and rescinds City Council Resolution 2022-14.

SECTION 2. The City Council directs the City Attorney to file with the Court a Return to Writ which shall include a copy of this Resolution.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution and shall cause a certified Resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-113, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Holly Stuart, Public Works Program Manager** **Arturo Vela, Director of Public Works**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-115, Awarding a Citywide Professional Services Agreement for As Needed Public Relations and Community Outreach Consulting Services in the amount of $295,000 for Three (3) Year Agreement with DeGrave Communications Inc.**

RECOMMENDATION:

Adopt Resolution 2024-115.

BACKGROUND:

On March 29, 2024, through OpenGov bid platform and advertisement in the local newspaper, City staff released a solicitation for proposals from qualified firms for public relations and community outreach consulting services. The opportunity identified that the City is working to establish a contract with a professional consulting firm(s) that would be responsible for assisting the City with achieving public outreach goals, as well as, have experience and proven successes with projects such as creating unique brand identities, memorable messaging, communication through multimedia formats, crisis communications and Proposition 218 informational campaigns.

The Request for Proposals (RFP) identified that qualified firms would provide, but not be limited to, the following:

- General Written Outreach Material for Public Release
- Strategic and Tactical Messaging and Branding
- Graphic Design and Layout Services
- Design Color Theory and Typography
- Support, Coordination, Promotion & Presentations for Meetings, Workshops, Hotline, etc.
- Emergency Event Support
- Social Media Post & Marketing Including Short Videos
- Conduct Keyword Research and Employ Search Engine Optimization (SEO) Best Practices
- Analyze Web Traffic
- Digital Marketing
- Surveys
- Project Websites
- Advertising & Marketing
- Graphic Design/Infographics/Logos
- Digital Reformatting of Files (Image Retouching/Adjustment of Photos & Videos)
- Stock Footage or Custom Photography
- Video Shooting

- Videography
- Animated Videos
- Other services as needed and to be determined.

The opportunity closed on May 10, 2024 and in response to these efforts a total of 7 proposals were received and validated by Purchasing staff. Subsequently, a committee of three (3) members was assembled to evaluate the proposals based on qualifications, pricing, experience, professional references, approach and methodology. As a result, staff recommends the award of a Professional Services Agreement for Public Relations and Community Outreach Consulting Services to DeGrave Communications, Inc. for a five (5) year period beginning Fiscal Year 2024/2025 through Fiscal Year 2026/2027 with the option to renew two (2) additional years.

JUSTIFICATION:

The City does not have the required staff needed to address all public relations and community outreach needs; therefore, it is necessary to retain a firm that provides these services. Following the City's purchasing policy, DeGrave Communications, Inc., is the firm identified as the highest ranked and most qualified firm to provide Citywide services.

FISCAL IMPACT:

There is no fiscal impact related to this resolution. The funding of this professional service agreement will be determined on a case-by-case bases at the time service needs are identified.

ALTERNATIVES:

Do not approve Resolution 2024-115 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2024-115, PR On Call Vendor.docx
2. C01050 PSA DeGrave - On-Call Public Relations.pdf

RESOLUTION 2024-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR AS NEEDED PUBLIC RELATIONS AND COMMUNITY OUTREACH CONSULTING SERIVCES IN THE NOT TO EXCEED AMOUNT OF $295,000 TO DEGRAVE COMMUNICATIONS INC.

WHEREAS, a Request for Proposals (RFP) was released through OpenGov on March 29, 2024, as well as, published in the local newspaper; and

WHEREAS, the opportunity identified that the City is working to establish a pre-qualified vendor list of professional consulting firms that would be responsible for assisting the City with achieving public outreach goals, as well as, have experience and proven successes with projects such as creating unique brand identities, memorable messaging, communication through multimedia formats, crisis communications and Proposition 218 informational campaigns; and

WHEREAS, the RFP closed May 10, 2024 with 7 proposals received; and

WHEREAS, proposals were evaluated by a committee based on qualifications, pricing, experience, professional references, approach and methodology resulting in an award recommendation to Degrave Communications Inc., for a three (3) year period beginning Fiscal Year 2024/2025 through Fiscal Year 2026/2027 in the not to exceed amount of $295,000.00 with the option to renew two (2) additional years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council adopts Resolution 2024-XX awarding a citywide Professional Services Agreement with DeGrave Communications Inc. for as needed public relations and community outreach consulting services for a three (3) year period beginning Fiscal Year 2024/2025 through Fiscal Year 2026/2027 in the not to exceed amount of $295,000.00 with the option to renew two (2) additional years.

SECTION 2. The Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. City Council authorizes the City Manager to make necessary non-substantive changes and to the Professional Services Agreement.

SECTION 4. The City Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9h day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-115, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Citywide Professional Services Agreement For As Needed Public Relations And Community Outreach Consulting Services

AGREEMENT FOR PROFESSIONAL SERVICES (C01050) FOR ON-CALL PUBLIC RELATION SERVICES BY AND BETWEEN CITY OF BANNING AND DEGRAVE COMMUNICATIONS INC.

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this day: _____, ("Effective Date") by and between the **CITY OF BANNING,** a California municipal corporation ("City") and DEGRAVE COMMUNICATIONS INC., a California Corporation ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought by issuance a request for a proposal (RFP 24-065) for the performance for the On-Call Public Relation Services and as further defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by City to perform those services.

C. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

D. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, Consultant shall provide those services specified in the "Scope of Services" attached hereto as **Exhibit A** and incorporated herein by this reference, which services may be referred to herein as the "Services" hereunder. As a material inducement to City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Consultant covenants that it shall follow the highest professional standards in performing the Services required hereunder and that all materials will be of good quality, and fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional

standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contract Documents and Exhibits.

This Agreement includes the Request for Proposal and Consultant's accepted proposal ("Contract Documents"), both of which are on file with the City and incorporated herein by this general reference as though fully set forth herein. **Exhibit A** (Scope of Services), **Exhibit B** (Special Requirements), **Exhibit C** (Schedule of Compensation), and **Exhibit D** (Schedule of Performance) also constitute a part of this Agreement and are incorporated into this Agreement by this reference. Except as set forth in Section 1.10 regarding **Exhibit B**, this Agreement controls over the Contract Documents and the provisions in **Exhibits A, B** and **C**.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning all ordinances, resolutions, statutes, rules, and regulations of City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered, and shall render all Services hereunder in accordance therewith.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain and maintain during the term of this Agreement, at its sole cost and expense, all necessary licenses, permits, certificates and approvals required by law for the performance of Services under this Agreement, including a City business license. Consultant shall have the sole obligation to pay for all fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and which arise from or are necessary for Consultant's performance of the Services required by this Agreement. Consultant shall indemnify, defend and hold harmless City, its officers, employees or agents, against all such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Services.

By executing this Agreement, Consultant warrants that Consultant: (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities and any difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions existing therein, prior to commencement of Services hereunder. Should Consultant discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (defined in Section 1.12. A).

1.6 Prevention of Loss and Damages.

Consultant shall adopt reasonable methods during the Term (defined in Section 3.4) to furnish continuous protection to the work product, and the equipment, materials, papers,

documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonable necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible to perform the Services of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or to make changes by altering, adding to or deducting from the Services. No such extra services may be undertaken unless a written order is first given by the Contract Officer to Consultant, which written order incorporates therein an adjustment in (i) the Contract Sum (as defined in Section 2.1), and/or (ii) the Schedule of Performance, (as defined in Section 3.2), and which written order is approved in writing by Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum, or $25,000, whichever is less; or in the Schedule of Performance of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to Services which are specifically set forth in the Scope of Services or which are reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the Services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as City deems, in its sole discretion, to be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to a computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as **Exhibit B** and incorporated herein by this reference. In the event of a conflict between the provisions of **Exhibit B** and any other provisions of this Agreement, the provisions of **Exhibit B** shall govern.

1.11 Corrections.

In addition to the indemnification obligations set forth in Article 4, and Sections 1.4, 1.13, 5.3, 5.4, and 6.3, Consultant shall correct, at its expense, all errors in the Services which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction(s) in a reasonably timely manner, such correction(s) may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction(s) from any retention amount held by City, or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction(s), as provided in Section 6.3.

1.12 Party Representatives.

A. Contract Officer: For the purposes of this Agreement, the Contract Officer shall be the City Manager, or such other person designated in writing by the City Manager ("Contract Officer"). Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

B. Principals and Personnel of Consultant.

1) Consultant Representative: The following principal of Consultant is hereby designated as being the Consultant Representative authorized to act on Consultant's behalf regarding the Services specified herein and make all decisions in connection therewith:

Name	Title
Liselle DeGrave	Principal in Charge

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Consultant Representative were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Consultant Representative shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Consultant Representative. For purposes of this Agreement, the foregoing Consultant Representative may not be replaced nor may their responsibilities be substantially reduced or reassigned by Consultant without the express written approval of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions which must be made by City to the Contract Officer.

2) Consultant's Personnel: Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the Services shall be qualified to perform such Services. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement.

Consultant shall notify City of all changes in Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires to reassign any staff or sub-contractor of Consultant, City shall give notice as set forth in Section 8.1. Consultant shall, immediately upon the receipt of the notice to re-assign staff from City, reassign such person or persons.

1.13 Independent Contractor.

A. Consultant is an independent contractor and not an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. All Services provided pursuant to this Agreement shall be performed by Consultant or under its supervision. Consultant will determine the means, methods, and details of performing the Services. Any additional personnel performing Services under this Agreement on behalf of Consultant shall also not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

B. Consultant shall indemnify and hold harmless City and its elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City officials, from any and all liability, damages, claims, costs and expenses of any nature to the extent arising from Consultant's personnel practices. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

1.14 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, the Consultant Representative and employees were a substantial inducement for City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this

Agreement shall be void. No approved transfer shall release Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, as full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the "Schedule of Compensation" attached hereto as **Exhibit C** and incorporated herein by this reference. In no event shall Consultant be paid more than Two Hundred Ninety-Five Thousand Dollars ($295,000.00) (the "Contract Sum"). The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City. Coordination of the performance of the Services with City is a critical component of the Services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending those meetings.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion of the Services, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii) payment for time and materials based upon Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

City shall only reimburse Consultant for those actual and necessary expenses expressly set forth in **Exhibit C**. Reimbursable expenses may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual sub-contractor expenses of an approved sub-contractor pursuant to Section 1.14, and only if specified in the Schedule of Compensation.

2.4 Unauthorized Services and Expenses.

City will not pay for any Services or reimburse for any expenses incurred which are not specified in the Scope of Services, unless authorized in writing as set forth in Section 1.8 of this Agreement. City shall make payment for such authorized additional Services and expenses in accordance with Article 2 of this Agreement.

2.5 Invoices.

Each month Consultant shall furnish to City an original invoice for all Services performed and expenses incurred during the preceding month. Each such invoice shall contain all of the information set forth in Section III of **Exhibit C** to this Agreement. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the

Agreement. Consultant shall not invoice City for any duplicate Services performed by more than one person.

City shall independently review each invoice submitted by Consultant to determine whether the Services performed and expenses incurred are in compliance with the provisions of this Agreement. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice, except as to any charges for Services performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 6.3. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City of any invoice provided by Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.6 Waiver.

Payment to Consultant for Services performed pursuant to this Agreement shall not be deemed to waive any defects in Services performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as **Exhibit D** and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant. Such unforeseeable consequences include, but are not restricted to, acts of God or public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including City, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified, subject to the provisions of Section 1.8. The Contract Officer's determination (or the City Council's determination, in the event the period of enforced delay exceeds the period specified in Section 1.8) shall be final and conclusive upon the Parties to this Agreement. In no event shall Consultant

be entitled to recover damages against City for any delay in the performance of this Agreement, however caused; Consultant's sole remedy shall be the extension of the Agreement pursuant to this Section.

3.4 Term.

The Term of this Agreement shall be from the Effective Date through June 30, 2027 with an option to renew for two one-year terms, unless sooner terminated as provided in Article 6 of this Agreement or extended as provided in Sections 1.8 and 3.3 of this Agreement. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. INSURANCE AND INDEMNIFICATION

4.1 Minimum Scope and Limits of Insurance.

Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

A. Commercial General Liability Insurance with a minimum limit of $1,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of $2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, members, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

B. Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of $1,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy.

C. Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of $1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers' compensation policy is not required; however, Consultant shall execute a declaration that it has no employees.

D. Professional Liability/Errors and Omissions Insurance with minimum limits of $1,000,000.00 per claim and in the aggregate.

4.2 Acceptability of Insurers.

The insurance policies required under this Article shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest

edition of the A.M. Best Insurance Rating Guide. Self-insurance shall not be considered to comply with the insurance requirements under this Article.

4.3 Additional Insured.

The commercial general and automobile liability policies shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds.

4.4 Primary and Non-Contributing.

The insurance policies required under this Article shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

4.5 Consultant's Waiver of Subrogation.

The insurance policies required under this Article shall not prohibit Consultant and Consultant's employees, agents or sub-contractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

4.6 Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City; or Consultant shall procure a bond guaranteeing payment of losses and expenses.

4.7 Cancellations or Modifications to Coverage.

Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Article during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Article is canceled or reduced in coverage or limits, Consultant shall, within two (2) Business Days (as defined in Section 8.12) of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

4.8 City Remedy for Noncompliance.

If Consultant does not maintain the policies of insurance required under this Article in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Article, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City, or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

4.9 Evidence of Insurance.

Prior to the performance of Services under this Agreement, Consultant shall furnish the City Clerk with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Article. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with the City Clerk. Consultant shall provide proof to the City Clerk that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

4.10 Indemnity Requirements not Limiting.

Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under this Agreement.

4.11 Sub-contractor Insurance Requirements.

Consultant shall require each of its sub-contractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Article.

4.12 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnification of City.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2.

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Article from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's sub-contractor, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's sub-contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Article, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Article shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Article shall survive the expiration or termination of this Agreement.

ARTICLE 5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Service Records.

Consultant shall keep, and require sub-contractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Service Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer

to evaluate the performance of such Services. Any and all such Service Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Service Records at all times during normal business hours of City, including the right to inspect, copy, audit and make copies and transcripts from such Service Records. Such Service Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Service Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Service Records may be given to City, and access shall be provided by Consultant's successor in interest ("Consultant's Successor"). If custody of the Service Records is given to Consultant's Successor, Consultant shall give written notice to City of the transfer of the Service Records to Consultant's Successor. The notice shall include contact information (address and telephone number) for Consultant's Successor, and access shall be provided to City by Consultant's Successor.

5.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein, Consultant shall promptly notify the Contract Officer of that fact, circumstance, technique or event and the estimated increased or decreased cost related thereto.

5.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Consultant Documents") prepared by Consultant, its employees, sub-contractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement. Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Consultant Documents hereunder. Any use, reuse or assignment of such completed Consultant Documents for other projects and/or use of uncompleted Consultant Documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use or assignment. Consultant may retain copies of such Consultant Documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All sub-contractors shall provide for assignment to City of all Consultant Documents prepared by them; and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

5.4 Confidentiality and Release of Information.

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the

public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

B. Consultant, its officers, employees, agents or sub-contractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or sub-contractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite the response.

ARTICLE 6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law.

This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

6.2 Disputes; Default.

A. In the event that City determines Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any Services performed after the date of default. In addition to the provisions of Section 4.8, and the right to terminate pursuant to Section 6.7, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City may serve Consultant with written notice of the default. Consultant shall have ten (10) calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance.

In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

B. In the event of termination pursuant to this Section, City may take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of set-off or partial payment of the amounts owed City as provided in Section 6.3.

6.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement): (i) any payment amount of which may be in dispute hereunder or which is necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, (ii) all amounts retained pursuant to the provisions of Section 4.8, (iii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement, and (iv) all payments due or that become due to Consultant during the period that Consultant or any of its sub-contractors fail to maintain any required insurance in full force and effect, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City, as provided in Section 4.9, above. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of Consultant to insure, indemnify, and protect City as elsewhere provided herein.

6.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing, and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

6.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party

of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

6.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

6.7 Termination Prior to Expiration of Term.

This Article 6 shall govern any termination of this Agreement except as specifically provided in Section 6.2 for termination for default of Consultant. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of Consultant, the period of notice may be a shorter time as may be determined by the Contract Officer. In addition, Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of City, the period of notice may be a shorter time as Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where Consultant has initiated termination, Consultant shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 6.3. In the event Consultant has initiated termination, Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 6.2.

6.8 Attorneys' Fees.

In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorney's fees on any appeal, and in addition the Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 7. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

7.1 Non-liability of City Officers and Employees.

No officer or employee of City shall be personally liable to Consultant, or Consultant's Successor, in the event of any default or breach by City or for any amount which may become due to Consultant or Consultant's Successor, or for breach of any obligation of the terms of this Agreement.

7.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or sub-contractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any direct or indirect financial interest in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given, and will not pay or give any third party any money or other consideration for obtaining this Agreement.

Consultant and its officers, employees, associates and sub-contractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, et seq.) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar services for other clients; but Consultant and its officers, employees, associates and sub-contractors shall not, without the Contract Officer's prior written approval, perform services for another person or entity for whom Consultant is not currently performing services that would require Consultant or one of its officers, employees, associates or sub-contractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

7.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed, and that employees

are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry, or other protected class.

7.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 8. MISCELLANEOUS PROVISIONS

8.1 Notices.

Any notice, demand, request, document, consent, approval, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on confirmed delivery by courier service or overnight delivery service during Consultant's and City's regular business hours; or (b) three (3) Business Days after deposit in the United States mail, by certified or registered mail, and addressed to the Party to be notified as set forth below:

If to City	Attn: Anthony Riley City's Public Information Officer City of Banning 99 East Ramsey Street Banning, California 92220 Email: ariley@banningca.gov
With a courtesy copy to:	Serita R. Young, City Attorney Richards, Watson & Gershon 350 South Grand Avenue, 37th Floor Los Angeles, California 90071 Email: SYoung@rwglaw.com
If to Consultant:	Attn: Liselle DeGrave Principal in Charge DeGrave Communications Inc. 40575 Cal Oaks Road D2-137 Murrieta, CA 92562 Email: liselle@degravepr.com

8.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.4 Integration; Amendment.

This Agreement, and all exhibits referred to in this Agreement, constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. No amendment to or modification of this Agreement, nor any provision or breach hereof waived, shall be valid unless made in writing and approved by Consultant and by City Council. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

8.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

8.7 No Third Party Beneficiaries Intended.

This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

8.8 Final Payment Acceptance Constitutes Release.

The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's Services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-contractors and agents for the accuracy and competency of the information provided and/or Services performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the Services prepared by Consultant, its employees, sub-contractors and agents.

8.9 Non-Appropriation of Funds.

Payments to be made to Consultant by City for Services performed within the current fiscal year which are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's Services beyond the current fiscal year, this Agreement shall cover payment for Consultant's Services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

8.10 Headings.

The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

8.11 Word Usage.

Unless the context clearly requires otherwise, (a) the words "shall," "will" and "agrees" are mandatory and "may" is permissive; (b) "or" is not exclusive; and (c) "includes" or "including" are not limiting.

8.12 Business Days.

"Business Days" refers to days that the Banning City Hall is open for business.

8.13 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i): such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver

this Agreement on behalf of that Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which that Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

8.14 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING

Douglas Schulze, Date
City Manager

ATTEST:

Caroline Patton Date
Administrative City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Serita R. Young Date
City Attorney

CONSULTANT

NAME: Date
TITLE:

NAME: Date
TITLE:

Tax ID No.

Address:

City Council Approval: _____

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services in connection with providing On-Call Public Relation Services prepared in connection therewith:

II. As part of the Services, Consultant will prepare and deliver the following tangible work products and services to City:

Statement of Understanding and Approach

DeGrave Communications Understands You, City of Banning.

City of Banning is looking for qualified firms to help tell its story through providing and implementing innovative, effective, well-planned and meaningful media and public relations services for the City's public outreach projects.

Having seen significant growth and development over the past 5 years, the City is ready to partner to with a local PR firm to serve as an extension of the internal team. The selected firm will be utilized to enhance the City's image, build relationships with the City and effectively communicate key messages to target audiences.

As such, it's crucial for the City to tell its story through engaging, dynamic communications with key audiences. The City, therefore, has an opportunity to proactively position itself in the as a visionary leader that cares about the community and visitors; fosters goodwill amongst stakeholders and builds trust and satisfaction with the community through using impactful communications and outreach strategies.

DeGrave Communications is here to help City of Banning strategically develop effective public relations and education strategies that encompass the County's mission, values and culture as well as help residents and community members identify and connect with City programs and resources.

Our proven methodology:

Collaboration

Strategy

Results

Statement of Understanding and Approach

OUR PROMISE TO THE CITY OF BANNING

Providing the City of Banning exceptional customer service start to finish on every project is DeGrave Communications' goal. Our leadership team is based in Southern California and can be readily available when needed. DeGrave Communications uses the following tools and best practices to support consistent and transparent communications throughout the project.

We are committed to flexibility and changes to your scope and schedule and ensuring all projects are finished on time and on budget while following the City's brand guidelines.

Client Check-In

These regular meetings will allow the City of Banning and DeGrave Communications to share progress updates and next steps to ensure all team members are aligned and that projects continue to move forward and meet all deadlines. Meetings can be held in person or will be held via Zoom calls.

Weekly DeGrave Strategy Meetings

These meetings allow the internal DeGrave Communications team to touch base on project deliverables and timelines.

Smartsheets

Our team uses Smartsheets for day-to-day project management, timelines, approvals and follow-ups. We will give the City of Banning's team access to the project management sheets upon project kick-off.

Dropbox

Dropbox is used for all digital assets, such as logos, marketing materials and documents throughout the process. DeGrave Communications will set up a stand-alone Dropbox folder and provide the City's team access.

Statement of Understanding and Approach

DeGrave Communications employs a strategic, multi-pronged approach to our communications, marketing and outreach efforts to ensure maximum results

Effective communications and outreach strategies are made – not copied.

We know public-sector, agencies and communications:
Working with DeGrave Communications, our clients benefit from the large agency expertise, in-depth capabilities and top-notch advisory services while receiving an unmatched personal, hands-on experience.

We understand the unique challenges facing government agencies while also providing results-driven cutting edge strategies and tactics that resonate with our clients and the communities they serve.

Our top team members have more than 100 years combined experience working in cities and special districts throughout California. In addition, our firm is headed up by award-winning public relations professionals who hold the elite Accreditation in Public Relations to ensure our clients receive the highest level of service focused on multifaceted, precise and measurable communications strategies. The rest of our carefully curated team for this project has worked with dozens of public sector clients in California, nationally and internationally producing exceptional results.

When it comes to crafting impactful communications, education and marketing strategies, we rely on using our four-pronged approach of research, planning, implementation and evaluation.

Phase 1: Research

Effective Communications and Outreach Strategies are Created – Not Copied. Research is the foundation for effective, impactful communication and marketing projects and programs – regardless of the project's size. Upon engagement with

DeGrave Communications, our firm will embark upon a research and discovery process for every project. Our team will move forward with using information gathered in the research phase to develop objectives, strategies, tactics, timelines and measure results for each project.

Depending on the on-call project, some of the research methodologies we may recommend to accomplish this phase include:

KICKOFF MEETING

We will commence with a kick-off meeting to include key City of Banning staff and the DeGrave Communications team. City of Banning will provide an overview of key projects, identify key milestones, identify roles and responsibilities for both DeGrave and City of Banning team members and agree on contract deliverables.

COMMUNICATIONS AND MEDIA AUDIT

A communication and material audit will lend to understanding how the City of Banning is currently communicating with its stakeholders and what existing tactics are being used as well as what communications opportunities and challenges exist. DeGrave Communications will review current materials and earned media coverage to assess how the City's brand is being conveyed. City of Banning is to provide our team with files of current materials.

Statement of Understanding and Approach

AUDIENCE IDENTIFICATIONS

City of Banning serves dozens of internal and external audiences and must continue to evolve its outreach efforts to meet the changing needs of each audience and effectively engage with the audiences they serve. DeGrave Communications is based out of Murrieta, just 53 miles from Banning, and has experience working with numerous public-sector clients throughout the region and can leverage inside knowledge of key audiences to refine these groups during the identification process. This information will be used to develop strategies and tactics for key communications programs and projects.

Phase 2: Planning

Using the data and insights uncovered in Phase 1, we will begin to develop the overall communications and outreach strategies for the City when working on projects.

COMMUNICATIONS STRATEGY PRESENTATION

Prior to moving to Phase 3: Implementation for each project, we will present our strategies to the City of Banning team to provide an opportunity for feedback and ensure a mutually agreed upon direction. Given the nature of the project, this may be as simple as an email or phone call or may require a virtual or in-person meeting.

Phase 3: Implementation

As City of Banning is looking for a firm to provide various on-call Professional Services for Public Relations and Community Outreach Consulting for many programs, project and initiatives from Public Works, DeGrave Communications has provided a comprehensive list of services our firm offers relating to the City's key areas noted in the scope of work:

- Strategic messaging and branding support for Public Works Divisions, including Engineering, Water, Wastewater, Streets, Refuse, Transit, Building Maintenance, Fleet, Stormwater, Airport, and Service Requests.
- Graphic design services for brochures, handouts, and website content, including infographics and targeted visuals.
- Provision of stock footage or custom photography for projects, events, and publications, both online and in print.
- Image retouching and adjustments for video and photo formats.
- Assistance with design color theory and typography.
- Preparation of digital files for formatting needs.
- Support and coordination for public outreach meetings and hotlines related to Public Works Department initiatives.
- Arrangement of videography services.
- Support during emergency events, including message development for media and the public.
- Creation of social media posts and outreach material.
- Keyword research and SEO optimization for content, with analysis of web traffic.
- Development of animated videos on relevant topics.
- Digital marketing across various channels such as search engines, websites, social media, email, and mobile apps.
- Preparation of project logos, surveys, and websites.
- Advertising and promotion of public workshops and community meetings.
- Additional services as needed.

Statement of Understanding and Approach

For Other City Departments:

- Purchasing and placement of advertising across web, radio, and print.
- Social media support, including creating and publishing posts and short social videos.
- Graphic design and infographics for social media, websites, or printed materials.
- Photography and video shooting and editing for events and promotions.
- Assistance with newsletters or other public documentation, including content gathering and formatting.
- Press and media release support.
- Attendance at City Council meetings if required.

OUTREACH MATERIALS DESIGN AND MESSAGING

Need a newsletter, collateral materials, flyer or postcard? No problem! Our team of experts have decades of experience working with public agencies and understand how to simplify complex water topics for key audiences. Our award-winning collateral blends compelling messages along with engaging graphics. From annual reports to monthly e-newsletters, from financial reports to water quality reports, our team's experience is vast. We are here to support the City with design of collateral materials, as well as copywriting and messaging. Our team has experience creating dynamic collateral for public agencies that resonate with the community. We incorporate engaging storytelling and impactful graphics into our award- winning materials.

QUARTERLY NEWSLETTER CONTENT

From e-newsletters to hard copy newsletters, our team has experience creating dynamic newsletters for public agencies that resonate with the community. We incorporate engaging storytelling and impactful graphics into our award- winning newsletters.

GRAPHIC DESIGN

Graphic elements help bring stories to life. Whether it's digital or print, our seasoned designers have decades of experience in developing graphics for visual identities, ads, web-based user interface, publications, motion graphics/animation, illustration and more.

TRANSLATION

City of Banning is home to a diverse population and materials often require translation into Spanish. We do not rely on Google Translate, which often provides incorrect translations that can have embarrassing or costly consequences. Rather, our talented team of human translators can quickly turn around quality translations that take into account the nuance of a language. Our team has translated numerous documents over the years from technical reports to Prop. 218 notices.

EBLASTS

Direct emails from an organization are one of the best ways to reach an audience. Our team is experienced in working with various email marketing software systems and can help City of Banning create effective email marketing campaigns to meet the City's goals and convey important, timely information to residents and stakeholders. Services provided for email marketing include content development and branding.

Statement of Understanding and Approach

MEDIA RELATIONS

A well-executed media relations strategy ensures your agency is communicating its newsworthy information to the everchanging media market encompassing print, radio, tv and web. Our team has years of experience and relationships with key regional and national media outlets. We provide our clients with the following services: developing news releases and media alerts; media pitching; media monitoring (Critical Mention); speaking points; interview preparation; and news conference coordination (in person and digital).

COMMUNICATIONS SUPPORT FOR UNFORESEEN ISSUES/ CRISIS COMMUNICATIONS

Our team has decades of direct experience handling issues/crisis communications response strategies for numerous agencies, including City of South Pasadena, SCV Water, Western Municipal Water District, and Elsinore Valley Municipal Water District, to name a few.

In addition, our team is trained in working in an emergency operations center and joint information center and key members hold the highest communications credentials for both crisis training and communications, including the following: CalOES - Basic and Advanced Crisis Communications Certificates; FEMA - NIMS IS-700a and ICS 100; Accreditation in Public Relations – Universal Accreditation Board; and Certificate in Communications – California Association of Public Information Officials. With our hands-on knowledge, we can serve as an extension of your team during a crisis.

Our crisis services also include development of crisis communications plans (including roles, responsibilities and checklists, audience identification, etc.), crisis templates (news releases, speaking points, holding statements and notices), crisis trainings and more.

STAKEHOLDER AND NEIGHBORHOOD MEETINGS

Conducting stakeholder and neighborhood meetings is an essential part of Banning's community outreach to key groups. Our team has decades of experience in public participation and outreach and can assist with meeting coordination from start to finish. We offer meeting coordination, facilitation, on-site assistance, messaging and speaking point development, audience identification, development of reports with attendee contact info, areas of concern and more.

STRATEGIC COMMUNICATIONS PLANS

Successful communications with your community requires a strong foundation of strategic communications planning. Our team develops a strategy for each project to ensure the project's success. We have decades of experience crafting agency-wide strategic communications and marketing plans to project-specific plans. Each of our plans incorporates research, planning, implementation and evaluation.

VIDEO

Research has shown that using video is one of the most impactful ways to communicate with key audiences, and we couldn't agree more. Our team provides a comprehensive offering of video services from pre- to post-production. Our services include video strategy; content planning; storytelling/script development; animation; illustration; live action; aerial videography; stock video; livestreaming; and more.

Statement of Understanding and Approach

PHOTOGRAPHY

Photography captures the legacy of your agency through your events, projects and programs. Our team will help your agency visually communicate important information and memories. We specialize in photography for portraits, products, architecture, advertising/lifestyle, aerial/drones and stock.

SOCIAL MEDIA

Social media is an important communications tool to drive your agency's brand awareness with your key audiences and provide important, timely information to your community. Our team is up-to- date on popular social platforms and can help your agency craft compelling content specifically developed for each platform; create editorial calendars; provide social media monitoring and responses; purchase ads; and grow Banning's audience following.

BRANDING

Whether it's an agency-wide rebrand or branding a new project, program or campaign, our team can effectively help your agency tell its story through research, persona development, logos, typography, brand platforms, brand standards, deployment of the brand and more. We have led successful branding efforts for our public-clients across the state.

SPECIAL EVENT COORDINATION AND MANAGEMENT

We have decades of expertise designing popular community and stakeholder events for our clients, including State-of-the-City videos and in-person events; community tours; Earth Day events; symposiums and conferences; and workshops. We've currently transitioned many of our client's beloved events into video or web formats that allow for community involvement during the pandemic.

WEBSITE DEVELOPMENT

Our clients have turned to our firm to develop websites and microsites for their agencies. We can not only assist with user experience and user interface website design, but also can develop content that meets ADA requirements and adheres to the Federal Plain Language Guidelines to ensure accessibility for all users.

PUBLIC OPINION SURVEYING

From time to time, agencies require public opinion surveying to understand community and stakeholder needs. These surveys can range from short surveys on a particular topic to longer customer satisfaction surveys. We have helped numerous agencies design, develop, administer and interpret survey results. Our team of knowledgeable communications and research strategists have decades of experience and use an innovative community and stakeholder engagement platform, along with traditional data gathering tactics, to gather key information. Our approach gives us the ability to provide our clients with brand personalization, multiple languages, response deduplication, complex logic and more. Data is dynamically displayed in real-time and interactive dashboards to help our clients make data driven decisions.

III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the Services, Consultant will keep City appraised through periodic status reports regarding the performance of the Services under this Agreement as set forth below and in Section 5.2, by the following means:

a. In-person meetings and/or teleconferences.

b. Email updates/questions to applicant team and City while reviews are underway.

c. Conference calls.

IV. All work product is subject to review and acceptance by City. If the City determines that any work product is unacceptable, for any reason, it must be revised by Consultant without additional charge to City until found satisfactory and accepted by City.

EXHIBIT "B"
SPECIAL REQUIREMENTS

None

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant's billing rates for all personnel are attached as Exhibit C-1.

II. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Services performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved sub-contractor labor, supplies, equipment, materials, and travel properly charged to the Services.

EXHIBIT "C-1"
CONSULTANT'S BILLING RATE AND TASK SCHEDULE

Price Proposal and Hourly Rate Sheet

Working with DeGrave Communications, you get the large agency expertise, in-depth capabilities and top-notch advisory services while benefiting from an unmatched level of hands-on personal service. As a result, our team can work quickly and efficiently, reducing start-up time and creating cost savings.

Our lean structure means that veteran, award-winning communicators, who hold the elite Accreditation in Public Relations credential, handle the bulk of project work and client interaction from start to finish while still maintaining a competitive price point and never compromising on quality. We look forward to engaging with the City of Banning's team to identify project priorities and adjust resources and budgets for this project as needed. As the City looks for a firm for On Call Professional Services for Public Relations and Community Outreach Consulting Services, we look forward to identifying the specific scope of work to best serve you. Our outreach strategies will be adapted to meet your needs following our initial kick-off meeting.

Project Budgets

Rates are based on time and materials calculated using the following hourly rates by staff classification and estimating staff hours required to complete tasks. We carefully manage our project budget to ensure we stay on budget.

Principal in Charge, Comm Manager	$195 hour (blended rate)
Strategic Visual Designer	$150 hour
Account Executive	$150 hour
Specialists	$195 hour
Video, Photography	$185 hour
Photographer	$175 hour

Billing

Fees will then be invoiced monthly according to work performed in the month prior.

Reimbursable Expenses

Mileage expenses are billed at the current IRS rate. The client will reimburse lodging and meals. A standard 20 percent markup will be added to out-of-pocket costs (such as advertising buyouts, printing, and stock photography purchases). A 3% fee is incurred for invoices not paid within 60 days of invoice date.

Price Proposal and Hourly Rate Sheet

Budget

The final contract budget will be determined based on the final agreement.

Fee Proposal

CAMPAIGN BRAND GUIDE

Development of simplified guide with brand logo and font usage, including color palette, CMYK, RGB, HEX codes and pantones, fonts and up to three sample logo designs. Includes edits.

$5,500

SOCIAL MEDIA CAMPAIGN

Social media calendar, written captions, graphic design for up to 24 posts.

Principal in Charge, Sr. Comm Manager

$195 hour X 40 hours = $ 7,800

Account Executive

$150 hour X 15 hours = $ 2,250

Strategic Visual Designer

$150 hour X 50 = $7,500

Price Proposal and Hourly Rate Sheet

PRINTED MATERIALS

Design of outreach materials to include, but not limited to brochures, flyers, booklets, postcards and mailers. Does not include printing costs.

Principal in Charge, Sr. Comm Manager

$195 hour X 40 hours = $ 7,800

Account Executive

$150 hour X 15 hours = $ 2,250

Strategic Visual Designer

$150 hour X 50 = $7,500

WEBSITE

Provide updated content for website. Utilize outreach materials to enhance landing page.

Principal in Charge, Sr. Comm Manager

$195 hour X 10 hours = $ 1,950

Strategic Visual Designer

$150 hour X 10 = $1,500

VIDEO SERVICES

Storyboard, script, voice over, produce videos. Cost is per video.

Animation Video (75 second)

$8,000 (flat rate)

Non-animated Video (2-3 minute, half day shoot)

$6,750 (flat rate)

Price Proposal and Hourly Rate Sheet

PROJECT MANAGEMNT AND REPORTS

Includes weekly updates on conducted outreach and education efforts, emails, presentations, meetings, outreach file organization.

Principal in Charge, Sr. Comm Manager

$195 hour X 50 hours = $ 9,750

Account Executive

$150 hour X 30 hours = $ 4,500

TRANSLATION BUDGET

Up to $5,000

TRAVEL BUDGET

Up to $2,500

TOTAL: $107,550

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. Consultant shall perform all Services timely, and deliver the specified tangible work products to City in accordance with the schedules mutually agreed upon with the City per project basis.

II. The Contract Officer may approve extensions for performance of the Services in accordance with Sections 1.8 and 3.3.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Nate Smith, Deputy Director of Public Works/City Engineer** **Art Vela, Director of Public Works**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-116, Approving the Award of Contract for Roadway and Storm Drain Asset Collection and Analysis with Roadway Asset Services of Austin, Texas for Fiscal Year 2024/2025 in the Amount of $302,082**

RECOMMENDATION:

Adopt Resolution 2024-116.

BACKGROUND:

Starting in early 2022, the Public Works Department began the investigation of asset management software services, as well as vendors and services to collect asset data related to roadways, drainage, and facilities, with a goal of either more fully utilizing the existing platform (Cartegraph) or make a change to a software solution that would be more fully integrated with City services. The efforts of that research have been partially implemented with previous City Council action to expand the Cartegraph Asset Management software from holding data on roadway pavement only to include for broader Roadway Assets, Walkability Assets, Stormwater Assets, Facility Assets, and Scenario Builder for capital planning. That implementation effort is ongoing and expected to 'go live' in very late 2024 or early 2025.

Regulations regarding storm water asset management, cost reporting, and capital expenses are pending with the updated MS4 permit that covers the City of Banning. This data collection effort will confirm data that we currently have in the Nobel mapping system, and expand upon data that is required for future reporting, including presence of trash capture devices, debris removal, outfall monitoring and status, as well as identify stormwater basins on private property where annual reporting is required. The data will be confirmed against the limited data currently in Nobel related to stormwater assets, and Cartegraph will be the software of record for these facilities.

The next step in this process is to collect relevant data to include with the expanded software capabilities. Over a 2 year period, the Public Works team met with various service providers using a wide range of technological solutions to capture asset data, as well as attending training and conferences on how best to have data collected, stored, and utilized within the expanded software capabilities. An RFP (RFP-23-046, closed 3/28/24) was prepared soliciting specific services and asset information to be collected, analyzed, and input seamlessly with Cartegraph, where City staff would have a 'turn key' system that is fully loaded and ready to use.

A mandatory pre-bid meeting was held for the RFP on 2/26/24, where representatives from two firms attended. At the close of bid, only Roadway Asset Services opted to submit a bid. The proposal was reviewed by the review committee to ensure that the proposal met the intent of the requested scope of

work, which it did. While only a single bid was submitted, Roadway Asset Services met the scope of work, has a demonstrated success pattern with other jurisdictions for the requested scope of work, has a great deal of familiarity with the Catregraph Asset Management software, and has a cost that is in line with Public Works Department expectations prior to the release of the RFP.

JUSTIFICATION:

The roadway, walkability, and stormwater assets collected will allow for better asset management, cost reporting, and capital planning over the limited data currently available to the Public Works Department. The asset conditions collected related to curb ramps, sidewalks, pavement condition, and signage will allow a work plan to be developed with better cost estimates for planning and budgeting in future budget cycles, and to prioritize investments to maximize the asset life expectancy and reduce risk to the City where assets require repair or replacement.

FISCAL IMPACT:

The cost for this services was budgeted and anticipated to be funded with the City's annual Measure A funding received, and was reflected on the project list adopted by Council with Resolution 2024-55. Minor adjustments to the funding allocation within that document will be processed with the Riverside County Transportation Commission to cover the full cost of the project in FY24/25. Measure A allows for this expense within the program and allows for modifications to the funding program for eligible expenses.

ALTERNATIVES:

Do not approve Resolution 2024-116 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2024-116 Asset.Management.docx
2. PSA Roadway Assets - Fixed Asset Inspection.pdf
3. RFP and Scope of Work.pdf
4. RAS Proposal.pdf

RESOLUTION 2024-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE AWARD OF CONTRACT FOR ROADWAY AND STORM DRAIN ASSET COLLECTION AND ANALYSIS WITH ROADWAY ASSET SERVICES OF AUSTIN, TEXAS FOR FISCAL YEAR 2024/2025 IN THE AMOUNT OF $302,082

WHEREAS, the Public Works Department has responsibility for maintenance and operations of the roadway and storm drainage network that requires current conditions and locations of roadway, walkability, and storm drain facilities; and

WHEREAS, the Public Works Department has planned for annual Measure A funding to conduct an asset collection and condition assessment for roadway, walkability, and storm drain facilities; and

WHEREAS, the Public Works Department solicited a formal bid (RFP-23-046) through the City's bid procurement service, conducted a mandatory pre-bid meeting, established an evaluation committee to review the submitted proposal, and determined that the proposal met the scope of work and can be funded through Measure A;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves a contract with Roadway Asset Services for fiscal year 2024/2025 in the amount of $302,082 and authorizes the City Manager to sign said agreement.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Council authorizes the City Manager to make necessary non-substantive changes and execute a contract with Roadway Asset Services for Fiscal Year 24/25.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-116, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Agreement

AGREEMENT FOR PROFESSIONAL SERVICES (C001034) FOR FIXED ASSET INSPECTION SERVICES BY AND BETWEEN CITY OF BANNING AND ROADWAY ASSET SERVICES, LLC

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this day: _____, ("Effective Date") by and between the **CITY OF BANNING,** a California municipal corporation ("City") and **ROADWAY ASSET SERVICES, LLC**, a Texas Corporation ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought by issuance a Request for Proposal (RFP #23-046) for the performance of the services for the professional services for Fixed Asset Inspections and as further defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by City to perform those services.

C. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

D. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, Consultant shall provide those services specified in the "Scope of Services" attached hereto as **Exhibit A** and incorporated herein by this reference, which services may be referred to herein as the "Services" hereunder. As a material inducement to City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Consultant covenants that it shall follow the highest professional standards in performing the Services required hereunder and that all materials will be of good quality, and fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional

standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contract Documents and Exhibits.

This Agreement includes the Request for Proposal and Consultant's accepted proposal ("Contract Documents"), both of which are on file with the City and incorporated herein by this general reference as though fully set forth herein. **Exhibit A** (Scope of Services), **Exhibit B** (Special Requirements), **Exhibit C** (Schedule of Compensation), and **Exhibit D** (Schedule of Performance) also constitute a part of this Agreement and are incorporated into this Agreement by this reference. Except as set forth in Section 1.10 regarding **Exhibit B**, this Agreement controls over the Contract Documents and the provisions in **Exhibits A, B** and **C**.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning all ordinances, resolutions, statutes, rules, and regulations of City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered, and shall render all Services hereunder in accordance therewith.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain and maintain during the term of this Agreement, at its sole cost and expense, all necessary licenses, permits, certificates and approvals required by law for the performance of Services under this Agreement, including a City business license. Consultant shall have the sole obligation to pay for all fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and which arise from or are necessary for Consultant's performance of the Services required by this Agreement. Consultant shall indemnify, defend and hold harmless City, its officers, employees or agents, against all such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Services.

By executing this Agreement, Consultant warrants that Consultant: (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities and any difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions existing therein, prior to commencement of Services hereunder. Should Consultant discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (defined in Section 1.12. A).

1.6 Prevention of Loss and Damages.

Consultant shall adopt reasonable methods during the Term (defined in Section 3.4) to furnish continuous protection to the work product, and the equipment, materials, papers,

documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonable necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible to perform the Services of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or to make changes by altering, adding to or deducting from the Services. No such extra services may be undertaken unless a written order is first given by the Contract Officer to Consultant, which written order incorporates therein an adjustment in (i) the Contract Sum (as defined in Section 2.1), and/or (ii) the Schedule of Performance, (as defined in Section 3.2), and which written order is approved in writing by Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum, or $25,000, whichever is less; or in the Schedule of Performance of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to Services which are specifically set forth in the Scope of Services or which are reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the Services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as City deems, in its sole discretion, to be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to a computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as **Exhibit B** and incorporated herein by this reference. In the event of a conflict between the provisions of **Exhibit B** and any other provisions of this Agreement, the provisions of **Exhibit B** shall govern.

1.11 Corrections.

In addition to the indemnification obligations set forth in Article 4, and Sections 1.4, 1.13, 5.3, 5.4, and 6.3, Consultant shall correct, at its expense, all errors in the Services which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction(s) in a reasonably timely manner, such correction(s) may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction(s) from any retention amount held by City, or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction(s), as provided in Section 6.3.

1.12 Party Representatives.

A. Contract Officer: For the purposes of this Agreement, the Contract Officer shall be the City Manager, or such other person designated in writing by the City Manager ("Contract Officer"). Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

B. Principals and Personnel of Consultant.

1) Consultant Representative: The following principal of Consultant is hereby designated as being the Consultant Representative authorized to act on Consultant's behalf regarding the Services specified herein and make all decisions in connection therewith:

Name	Title
Bart Williamson	CEO

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Consultant Representative were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Consultant Representative shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Consultant Representative. For purposes of this Agreement, the foregoing Consultant Representative may not be replaced nor may their responsibilities be substantially reduced or reassigned by Consultant without the express written approval of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions which must be made by City to the Contract Officer.

2) Consultant's Personnel: Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the Services shall be qualified to perform such Services. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement.

Consultant shall notify City of all changes in Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires to reassign any staff or sub-contractor of Consultant, City shall give notice as set forth in Section 8.1. Consultant shall, immediately upon the receipt of the notice to re-assign staff from City, reassign such person or persons.

1.13 Independent Contractor.

A. Consultant is an independent contractor and not an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. All Services provided pursuant to this Agreement shall be performed by Consultant or under its supervision. Consultant will determine the means, methods, and details of performing the Services. Any additional personnel performing Services under this Agreement on behalf of Consultant shall also not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

B. Consultant shall indemnify and hold harmless City and its elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City officials, from any and all liability, damages, claims, costs and expenses of any nature to the extent arising from Consultant's personnel practices. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

1.14 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, the Consultant Representative and employees were a substantial inducement for City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this

Agreement shall be void. No approved transfer shall release Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, as full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the "Schedule of Compensation" attached hereto as **Exhibit C** and incorporated herein by this reference. In no event shall Consultant be paid more than Three Hundred Two Thousand Eight-Two Dollars ($302,082.00) (the "Contract Sum"). The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City. Coordination of the performance of the Services with City is a critical component of the Services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending those meetings.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion of the Services, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii) payment for time and materials based upon Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

City shall only reimburse Consultant for those actual and necessary expenses expressly set forth in **Exhibit C**. Reimbursable expenses may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual sub-contractor expenses of an approved sub-contractor pursuant to Section 1.14, and only if specified in the Schedule of Compensation.

2.4 Unauthorized Services and Expenses.

City will not pay for any Services or reimburse for any expenses incurred which are not specified in the Scope of Services, unless authorized in writing as set forth in Section 1.8 of this Agreement. City shall make payment for such authorized additional Services and expenses in accordance with Article 2 of this Agreement.

2.5 Invoices.

Each month Consultant shall furnish to City an original invoice for all Services performed and expenses incurred during the preceding month. Each such invoice shall contain all of the information set forth in Section III of **Exhibit C** to this Agreement. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the

Agreement. Consultant shall not invoice City for any duplicate Services performed by more than one person.

City shall independently review each invoice submitted by Consultant to determine whether the Services performed and expenses incurred are in compliance with the provisions of this Agreement. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice, except as to any charges for Services performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 6.3. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City of any invoice provided by Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.6 Waiver.

Payment to Consultant for Services performed pursuant to this Agreement shall not be deemed to waive any defects in Services performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as **Exhibit D** and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant. Such unforeseeable consequences include, but are not restricted to, acts of God or public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including City, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified, subject to the provisions of Section 1.8. The Contract Officer's determination (or the City Council's determination, in the event the period of enforced delay exceeds the period specified in Section 1.8) shall be final and conclusive upon the Parties to this Agreement. In no event shall Consultant

be entitled to recover damages against City for any delay in the performance of this Agreement, however caused; Consultant's sole remedy shall be the extension of the Agreement pursuant to this Section.

3.4 Term.

The Term of this Agreement shall be from the Effective Date through June 30, 2025, unless sooner terminated as provided in Article 6 of this Agreement or extended as provided in Sections 1.8 and 3.3 of this Agreement. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. INSURANCE AND INDEMNIFICATION

4.1 Minimum Scope and Limits of Insurance.

Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

A. Commercial General Liability Insurance with a minimum limit of $1,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of $2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, members, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

B. Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of $1,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy.

C. Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of $1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers' compensation policy is not required; however, Consultant shall execute a declaration that it has no employees.

D. Professional Liability/Errors and Omissions Insurance with minimum limits of $1,000,000.00 per claim and in the aggregate.

4.2 Acceptability of Insurers.

The insurance policies required under this Article shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest

edition of the A.M. Best Insurance Rating Guide. Self-insurance shall not be considered to comply with the insurance requirements under this Article.

4.3 Additional Insured.

The commercial general and automobile liability policies shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds.

4.4 Primary and Non-Contributing.

The insurance policies required under this Article shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

4.5 Consultant's Waiver of Subrogation.

The insurance policies required under this Article shall not prohibit Consultant and Consultant's employees, agents or sub-contractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

4.6 Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City; or Consultant shall procure a bond guaranteeing payment of losses and expenses.

4.7 Cancellations or Modifications to Coverage.

Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Article during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Article is canceled or reduced in coverage or limits, Consultant shall, within two (2) Business Days (as defined in Section 8.12) of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

4.8 City Remedy for Noncompliance.

If Consultant does not maintain the policies of insurance required under this Article in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Article, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City, or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

4.9 Evidence of Insurance.

Prior to the performance of Services under this Agreement, Consultant shall furnish the City Clerk with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Article. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with the City Clerk. Consultant shall provide proof to the City Clerk that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

4.10 Indemnity Requirements not Limiting.

Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under this Agreement.

4.11 Sub-contractor Insurance Requirements.

Consultant shall require each of its sub-contractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Article.

4.12 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnification of City.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2.

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Article from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's sub-contractor, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's sub-contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Article, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Article shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Article shall survive the expiration or termination of this Agreement.

ARTICLE 5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Service Records.

Consultant shall keep, and require sub-contractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Service Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer

to evaluate the performance of such Services. Any and all such Service Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Service Records at all times during normal business hours of City, including the right to inspect, copy, audit and make copies and transcripts from such Service Records. Such Service Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Service Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Service Records may be given to City, and access shall be provided by Consultant's successor in interest ("Consultant's Successor"). If custody of the Service Records is given to Consultant's Successor, Consultant shall give written notice to City of the transfer of the Service Records to Consultant's Successor. The notice shall include contact information (address and telephone number) for Consultant's Successor, and access shall be provided to City by Consultant's Successor.

5.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein, Consultant shall promptly notify the Contract Officer of that fact, circumstance, technique or event and the estimated increased or decreased cost related thereto.

5.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Consultant Documents") prepared by Consultant, its employees, sub-contractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement. Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Consultant Documents hereunder. Any use, reuse or assignment of such completed Consultant Documents for other projects and/or use of uncompleted Consultant Documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use or assignment. Consultant may retain copies of such Consultant Documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All sub-contractors shall provide for assignment to City of all Consultant Documents prepared by them; and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

5.4 Confidentiality and Release of Information.

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the

public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

B. Consultant, its officers, employees, agents or sub-contractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or sub-contractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite the response.

ARTICLE 6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law.

This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

6.2 Disputes; Default.

A. In the event that City determines Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any Services performed after the date of default. In addition to the provisions of Section 4.8, and the right to terminate pursuant to Section 6.7, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City may serve Consultant with written notice of the default. Consultant shall have ten (10) calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance.

In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

B. In the event of termination pursuant to this Section, City may take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of set-off or partial payment of the amounts owed City as provided in Section 6.3.

6.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement): (i) any payment amount of which may be in dispute hereunder or which is necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, (ii) all amounts retained pursuant to the provisions of Section 4.8, (iii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement, and (iv) all payments due or that become due to Consultant during the period that Consultant or any of its sub-contractors fail to maintain any required insurance in full force and effect, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City, as provided in Section 4.9, above. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of Consultant to insure, indemnify, and protect City as elsewhere provided herein.

6.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing, and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

6.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party

of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

6.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

6.7 Termination Prior to Expiration of Term.

This Article 6 shall govern any termination of this Agreement except as specifically provided in Section 6.2 for termination for default of Consultant. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of Consultant, the period of notice may be a shorter time as may be determined by the Contract Officer. In addition, Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of City, the period of notice may be a shorter time as Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where Consultant has initiated termination, Consultant shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 6.3. In the event Consultant has initiated termination, Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 6.2.

6.8 Attorneys' Fees.

In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorney's fees on any appeal, and in addition the Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 7. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

7.1 Non-liability of City Officers and Employees.

No officer or employee of City shall be personally liable to Consultant, or Consultant's Successor, in the event of any default or breach by City or for any amount which may become due to Consultant or Consultant's Successor, or for breach of any obligation of the terms of this Agreement.

7.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or sub-contractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any direct or indirect financial interest in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given, and will not pay or give any third party any money or other consideration for obtaining this Agreement.

Consultant and its officers, employees, associates and sub-contractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, et seq.) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar services for other clients; but Consultant and its officers, employees, associates and sub-contractors shall not, without the Contract Officer's prior written approval, perform services for another person or entity for whom Consultant is not currently performing services that would require Consultant or one of its officers, employees, associates or sub-contractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

7.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed, and that employees

are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry, or other protected class.

7.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 8. MISCELLANEOUS PROVISIONS

8.1 Notices.

Any notice, demand, request, document, consent, approval, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on confirmed delivery by courier service or overnight delivery service during Consultant's and City's regular business hours; or (b) three (3) Business Days after deposit in the United States mail, by certified or registered mail, and addressed to the Party to be notified as set forth below:

If to City	Attn: Nathan Smith Deputy Director of Public Works City of Banning 99 East Ramsey Street Banning, California 92220 Email: nsmith@banningca.gov
With a courtesy copy to:	Serita R. Young, City Attorney Richards, Watson & Gershon 350 South Grand Avenue, 37th Floor Los Angeles, California 90071 Email: SYoung@rwglaw.com
If to Consultant:	Attn: Bart Williamson CEO Roadway Asset Services LLC 1545 E. Commerce Drive St. George, UT 84790 Email: bwilliamson@roadwaysassetservices.com

8.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.4 Integration; Amendment.

This Agreement, and all exhibits referred to in this Agreement, constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. No amendment to or modification of this Agreement, nor any provision or breach hereof waived, shall be valid unless made in writing and approved by Consultant and by City Council. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

8.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

8.7 No Third Party Beneficiaries Intended.

This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

8.8 Final Payment Acceptance Constitutes Release.

The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's Services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-contractors and agents for the accuracy and competency of the information provided and/or Services performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the Services prepared by Consultant, its employees, sub-contractors and agents.

8.9 Non-Appropriation of Funds.

Payments to be made to Consultant by City for Services performed within the current fiscal year which are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's Services beyond the current fiscal year, this Agreement shall cover payment for Consultant's Services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

8.10 Headings.

The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

8.11 Word Usage.

Unless the context clearly requires otherwise, (a) the words "shall," "will" and "agrees" are mandatory and "may" is permissive; (b) "or" is not exclusive; and (c) "includes" or "including" are not limiting.

8.12 Business Days.

"Business Days" refers to days that the Banning City Hall is open for business.

8.13 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i): such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver

this Agreement on behalf of that Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which that Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

8.14 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING

Douglas Schulze, Date
City Manager

ATTEST:

Caroline Patton Date
Administrative City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Serita R. Young Date
City Attorney

CONSULTANT

NAME: Date
TITLE:

NAME: Date
TITLE:

Tax ID No.

Address:

City Council Approval: _____

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services in connection with providing professional services for Fixed Asset Inspection prepared in connection therewith:

II. As part of the Services, Consultant will prepare and deliver the following tangible work products and services to City:

A. Statement of Understanding and Approach

A.1 Understanding of the City's Requirements



The RAS team understands that the City's Fixed Asset Inspection and Inventory Assessment includes the collection of approximately **150 centerline miles** of paved roadways, signs, markings, supports, light fixtures, guardrails, ADA ramps, sidewalks, trees, inlets, outlets, catch basins, retention basins, culverts, manholes, outfalls, trash capture devices. RAS will utilize an automated Roadway Asset Collection (RAC) vehicle to collect imagery of the roadway and assets, geolocate the assets, perform an object pavement condition assessment, format pavement and asset data for import to Cartegraph OMS, and deliver a final summary report for the pavement and ROW assets.

The **RAS fleet of four (4) Roadway Asset Collection (RAC)** vehicles are equipped with a Laser Crack Measurement System (LCMS-2) for automated pavement data acquisition and a **certified laser profiler** which includes line lasers for capturing full lane rutting and roughness data in conformance with the AASHTO R 57. The raw sensor data will be collected, processed, and aggregated to the segment level contained in the City's Cartegraph OMS Software. The data will be collected and delivered in accordance with the most current version of the U.S. Army Corps of Engineers data protocols, commonly referred to as ASTM D6433. The RAC vehicles meet or exceed all of the requirements for pavement surface imaging as defined by the City.

As a **Strategic Business Partner of Cartegraph** and routine implementer of the pavement module, RAS will upload the new pavement inspection data into Cartegraph as "Inspected OCI" to assist the City in updating the enterprise software for budgetary modeling development (performed by City). **RAS is a preferred business partner with Cartegraph and will ensure seamless access to the OMS environment through a review of the test environment before moving into production.** In addition, RAS has a tried and tested method to complete the data import and we have the staff expertise in-house to support the City's software implementation tasks not included in the "Orange Advantage" package.

RAS understands that the City's utilized the Nobel GIS suite of tools for spatial data management. Nobel utilizes the ESRI ArcGIS Engine and ArcSDE software that is utilized for data management for GIS-centric projects. RAS is an ESRI Silver partner and we have the solutions to meet the City's GIS integration needs.

At the close of the project, RAS will prepare and deliver a Letter of Certification with a narrative Summary Report certifying the asset count, methodology, documenting missing assets, assets in unserviceable condition and state of disrepair, and provide recommendations for developing a comprehensive replacement schedule with projected cost estimates.

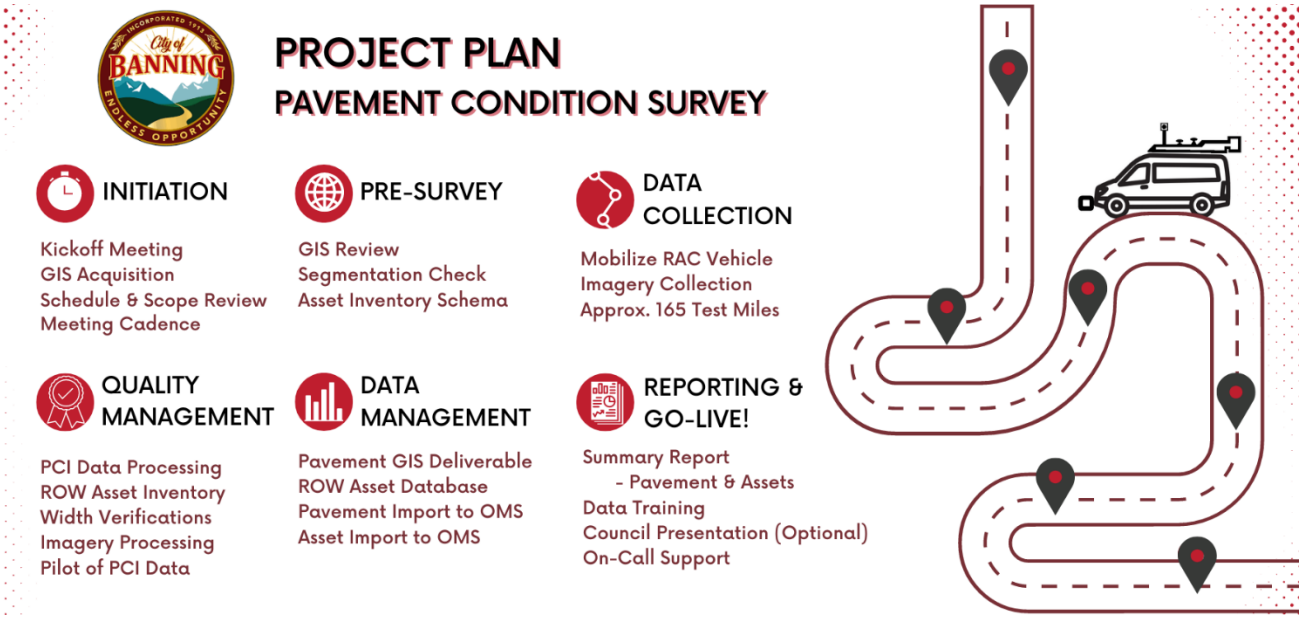
A.2 Project Approach



RAS' project approach includes the management of tasks by seasoned asset and pavement management professionals who bring over a **combined 150 years of experience**. The benefit of RAS on this assignment is that the team is dedicated to asset and pavement management on a daily basis. This is their core focus as transportation professionals. The RAS team utilizes the Project Management Body of Knowledge (7th edition) to define and adhere to the principles of planning. The planning processes include organizing, scheduling, controlling, and coordinating.

Implementation Plan

RAS has experience in gaining stakeholder engagement through the facilitation of educational workshops and council meetings. RAS understands a crucial aspect to the successful implementation of data driven analysis results is getting approval from City officials and stakeholders. Our team utilizes the **Account Ability AA1000ES Assurance Framework for Stakeholder Engagement** that defines the management of multi-stakeholder bodies through a Materiality, Completeness, and Responsiveness lens. Project initiation will begin by coordinating with the City to identify various stakeholders and involved parties. After stakeholders have been identified, RAS will conduct workshops to discuss mutual goals with the data collection project and priorities for improvements in the City's street network. RAS will eliminate bias based on our methodology for rating pavement distresses that follow the ASTM D6433-20 standards. City confidence in the data enables solutions to be made based on the represented rating of the network and reduces biases in decision-making.



Task 1: Kickoff and Project Management

Kickoff Meeting

At the outset of the project, RAS will work in conjunction with City Staff to develop the initial scope of work and identify what tasks are critical to the City's pavement management program. RAS will review the City's existing GIS centerline files and Cartegraph database for use in this project. After an initial review, RAS will conduct the Kickoff Meeting to discuss the GIS files, requirements/considerations, deliverable formats, and additional data needed by RAS for preparation and project administration. During the kickoff meeting, RAS will present a project schedule and fees, identify tasks and milestones, review the methodology utilized, provide a detailed quality assurance/quality control (QA/QC) plan, suggest a schedule for biweekly progress meetings, and discuss goals for the project. In addition, team members will also determine a pilot area of approximately 10 miles for collection and review of all deliverables by City Staff. We will also obtain a collection letter for field crew use and determine areas that are of greatest priority or that require special timing for collection due to festivals.



Project Milestone/Monthly Meetings

RAS understands that communication between the RAS team and the City of Banning is central to having a successfully managed contract. To ensure project requirements are met, RAS will host biweekly meetings to review the percentage of the network collected and rated. RAS will meet and exceed the minimum of 5 meetings and will present progress reports, meeting agendas, and minutes.

Capacity to Perform the Work

RAS has internal processes and partnerships that ensure the negotiated budget and timeline are maintained. One way RAS optimizes its field data capture is by collecting pavement condition data 7 days a week, which allows our team to remain ahead of schedule when events such as storms or other weather-related events do occur. In addition, RAS' strength lies in our ability to mobilize additional equipment if the collection vehicles go down for maintenance. RAS operates a fleet of four data collection vehicles that are less than four years old and has a partnership with our equipment manufacturer/assembler who will provide replacement equipment or technical support within 48 hours. This level of service results in minimal downtime.

Project Schedule

RAS has presented the following schedule to demonstrate its efficiency in data collection, processing, quality assurance, and delivery of a final report. This schedule represents a realistic timeline to complete the work associated with the requested scope of work.

Task	Description / Milestone	Days	Month: Starting Upon Receipt of NTP 1	2	3	4	5
1	Project Initiation, Kick-Off, & Centerline Identification	14					
2	Field Mapping Development, Segmentation Review, & Routing Setup	5					
3a	Roadway Asset Collection (RAC) Vehicle Mobilization/Calibration	2					
3b	RAC Pavement Distress & Imagery Collection	50					
4a	Pavement Evaluation, ASTM D6433 Data Processing, & QC	105					
4b	Pilot Data Review with City Staff	2					
4c	Independent ASTM D6433 Field Review and Ground-Truthing	5					
4d	HD Digital Image Processing & Delivery	60					
5a	ROW Asset Inventory & Attribution	9					
5b	PCI Data Import to StreetSaver®	10					
6a	RAS & City Review of Final Data	20					
6b	Delivery of Report and Final Data	10					
PM	Schedule Project Status Meetings	10					

CRITICAL PATH COMPONENTS

Prep/GIS Database Work
Field Work
Extraction/Evaluation/QC Work
Final Deliverable

Assumptions

- Centerline file to be provided as a geodatabase.
- OWNER to provide access to NOBEL GIS data and the “Pavement Layer” for data linking.
- Arterials and Collectors are two pass collection and Locals and Residentials are one pass collection.
- Surveys to be completed when pavements are dry and free of standing water.
- City to participate in project activities in a timely manner to ensure schedule integrity.

Task 2: Pre-Survey GIS Mapping and Network Centerline Identification



RAS will review the City's existing GIS centerline and perform an audit of the data to ensure that all roads requiring data collection are surveyed. This will include a review of functional classes and coverage checks for major/divided roads (Wilson St, Highland Springs Ave, Sunset Ave, Ramsey St, Sun Lakes Blvd, Hathaway St.) that require two-directional testing. The result will be a clean GIS centerline, ready for consumption of additional layers and attribution related to the pavement condition surveys and asset inventories.

To ensure adequate coverage and exceed requirements, the RAC vehicle will survey arterial and collector roads in two directions, while single pass testing the residential roads. This approach ensures the highest level of detail and representative pavement conditions. At the completion of the project, the roadway and right of way images (provided at no cost) and condition database for the network will be formatted for upload into Cartegraph OMS, the City's GIS environment, and the optional RAS web-hosted videologger.

Task 3: Perform Physical Inspection and Inventory

Roadway Asset Collection (RAC) Vehicles



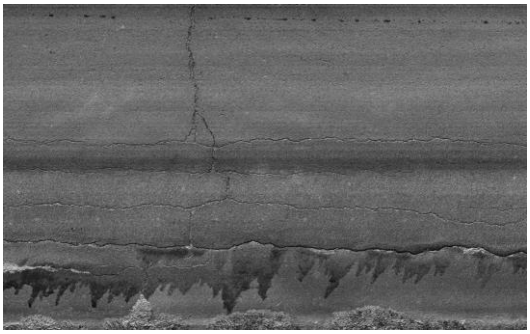
The pavement data will be processed per road segment for the entire roadway network using the continuous and detailed 20-foot linear samples acquired by the RAC Laser Crack Measurement System (LCMS-2) vehicle. RAS will adopt the City's existing GIS linked OMS centerlines and the detailed 20-foot LCMS samples will be processed into 2,500 sqft samples following the ASTM D6433 logic. These 2,500 sqft samples can then be loaded as sample inspections for every City segment, thus creating multiple inspections for each segment. Alternatively, RAS can also aggregate the 2,500 sqft samples to match the City's existing segmentation, thus creating one inspection record for every segment. The RAS approach is comprehensive and nimble enough to evolve with City expectations. The City will receive the condition and analysis results in several formats such as Excel Spreadsheets and geodatabases prior to the final Cartegraph production load.

All RAC vehicles operate within the appropriate ASTM and AASHTO standards and have been independently certified by Texas A&M Transportation Institute to ensure accuracy with the data collection. An enhancement and cost savings initiative that differentiates RAS from other pavement condition survey approaches is that the advanced technology equipped on the RAC vehicles **does NOT require two passes on local/residential roads.** This will save the City time and money as the total **number of test miles driven is substantially reduced** compared to all-lane surveys.

RAS will calculate an ASTM D6433 PCI score using the detailed extent and severity distress data captured in the field for every segment, for all street functional classifications and the overall network. In addition, IRI values will be provided for all street functional classifications in accordance with the AASHTO R 57. The combined PCI and IRI data will be imported to Cartegraph to calculate the Overall Condition Index (OCI).

To complete the automated pavement condition survey, the RAS team will utilize RAC vehicles from the fleet of four (4), equipped with:

- The LCMS-2 camera is a downward-facing laser array providing images used to evaluate data that conforms with ASTM D6433 protocols, which uses **two 1-millimeter-pixel** resolution line scan cameras to **provide a customized digital condition rating system to collect user defined severity/extent-based pavement distresses and rutting.**
- The pavement distress type, density, severity, and extent are collected with the LCMS-2 and are used to calculate a Pavement Condition Index (PCI) score, between 0-100, that represents the condition of 100% of the driven lanes.
- Point Gray Ladybug 5+ 32MP **360-degree High-Definition camera** (**utilized for accurate ROW asset capture, extraction, and pavement QA/QC**) is far superior to multiple independently mounted HD cameras. These images will be supplied to the City at no additional cost as the RAS team feels they are critical for City review and acceptance.
- **Linear distance measuring to within +/-0.5%**.
- A class 1 inertial profiler for simultaneously capturing dual-wheel path (left and right) International Roughness Index (IRI) measurements to the hundredth inch, in accordance with AASHTO R48. The profiler has gone through **ASTM E-950** certification and **was independently certified by Texas A&M Transportation Institute (TTI) in March 2024.** The inertial profiler meets the requirements and will be operated in accordance with **AASHTO Standards M 328, R 57-10, R 56-10, and R43M/R43-7**.
- Applanix POS/LV with DGPS (**Provides accurate internal GPS navigation for geo-locating pavement and right of way asset information**).



The RAS team will conduct pavement survey work on dry pavement and in lighting conditions that ensure accurate crack detection. We will collect imagery during daylight hours only, with no rain, fog, or snow visibility obstructions. Any road segment(s) that exhibits low image quality due to lighting will be recollected at a later time. The industry is currently migrating toward automated intelligence (AI) rating for 100% linear assessment of the roads, in accordance with guidelines within the **ASTM D6433, ASTM E1656, and ASTM E3303**. This methodology removes the subjectivity of rating small sample areas of the road segment where the sample may not represent the condition of the entire roadway segment.

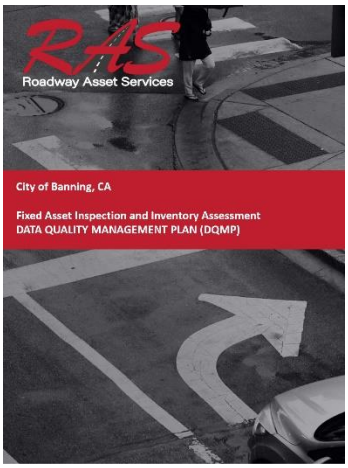
Ladybug 360^{o} Imagery

All collected pavement and ROW imagery will be provided in appropriate state plane coordinates while being collected in one continuous pass at posted roadway speeds for residential roads and two pass-testing arterial and collectors. The high-definition panoramic Ladybug camera will be used to inventory and capture right-of-way (ROW) assets for extraction. The images will be collected as a 360^{o} right-of-way panorama, including forward, rearward, and downward pavement viewing images. Each image will be electronically tagged with location information for plotting within a spatial environment.



Example Ladybug ROW Imagery & Pavement LCMS-2 Imagery Deliverables

Task 4: Detailed Quality Assurance & Quality Control Work Plan



RAS has also developed a detailed 30-page **Data Quality Management Plan (DQMP)** to provide our clients with a systemized method for assuring data is representative of the conditions present. Included in the DQMP is a description of condition survey procedures, data collection vehicle calibration, range of accuracy, data checks, safety procedures, verification by trained engineers, roadway segment review/verification, and integration into Cartegraph. A unique feature of our quality managmenet plans is a 10-mile field verification pilot reviewed by RAS, Bucknam Infrastructure Group, & City Staff that will illustrate the completeness and accuracy of the RAS data stream. We can supply the City of Banning with our published 30-page DQMP at the request of City Staff. The document's length and technical nature didn't make it suitable for inclusion with this proposal submission.

Quality Assurance Step #1– Network Database Review (Completeness / Gap Analysis)

While a simple routine in every project, the cornerstone to project initiation is conducting a complete diagnostic of the roadway network, including a full and thorough assessment of the City's GIS centerline and Cartegraph inventory database. This will include a review of the City's data requirements (i.e., what information is needed/desired) and subsequent data gap analysis (what is missing).

RAS will include the following in this initial review:

a. Base inventory information, (i.e., Functional Class, lengths, areas, surface type, etc.)
b. Historical condition information
c. Status of survey history
d. Construction and maintenance history
e. Review of maintenance and rehabilitation treatments and unit costs
f. Review of existing pavement deterioration curves
g. Review of Scenario Builder routines to ensure City is maximizing latest updates (optional task)

Quality Assurance Step #2 – Mobilization/Calibration/Pilot/Kickoff

> *"The pilot data field validation was crucial to our acceptance and buy-in on our pavement quality assessment. Mr. Gordon explained each condition, the methods of measurement of the distresses, and how the PCI score calculations could help us understand the meaning and relationship of the values to our perceptions of pavement performance. This personalized process allowed us to make maintenance decisions from the data provided with confidence." Zayne Huff, City of Southlake*

The importance of the **field pilot** cannot be understated as it has become a routine milestone for the RAS Team on all pavement condition projects. The pilot allows RAS to collect, process, and review condition data with City Staff to ensure accuracy with the data collection and interpretation protocols. In addition to the City's eventual review of the 10-mile pilot data, **RAS subconsultant Bucknam Infrastructure Group (a local pavement management consultant), will conduct an independent 3rd party review of the 10-mile pilot to assist in the quality review process. The review of the RAS condition data and Bucknam QC will be hosted by Senior Pavement Engineer, Scot Gordon, PE, IAM in the field, where he will review site conditions with City Staff**. Scot uses a field tablet that contains the segment PCI scores along with the deduct points assigned to each distress such that everyone understands the PCI impacts of distresses that are present. The importance of this step is to make necessary corrections to the processing routines that result from local standard construction practices/soil conditions and to ensure accuracy with the approach. As certified ASTM D6433 inspectors, Bucknam will conduct a walking survey on the 10 miles of roadway through the selection of representative samples for each segment, covering a minimum of 20% of the total section area and samples will be 2,500 square feet (+/- 1,000 sqft) in size.



As a cornerstone to the development of quality data deliverables, Scot Gordon, PE has performed a pilot data field validation with agency staff on hundreds of pavement condition surveys. Throughout his career, Scot has worked with various agencies on the **field pilot data validation** including but not limited to:

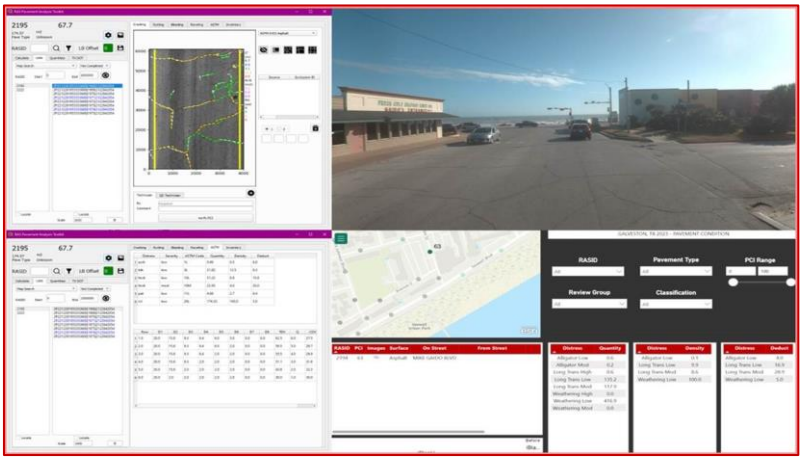
- Houston, TX
- Durham, NC
- Virginia Beach, VA
- Indianapolis, IN
- Fort Worth, TX
- Salt Lake City, UT
- Denver, CO
- Albuquerque, NM
- Charlotte, NC

Quality Assurance Step #3 – Subsystem Monitoring in The Field



During the survey, the RAS collection software monitors the GPS subsystems and alerts the operator if the GPS feed drops out or if GPS quality is compromised. The IMU will provide acceleration-based corrections during this time to ensure that GPS accuracy is maintained as much as possible. The RAS team will also review a randomized sample of images to ensure that it complies with the requirements of the specifications throughout the course of the network matching and event QC. Upon completion of the network matching, an image report shall be generated with the total image count compared with that expected for each road. Daily Progress Reports are produced by uploading sensor, GPS, and event data and matching against the road network definition. Progress reports include the following, road sections collected, length discrepancies, and remaining sections to be completed.

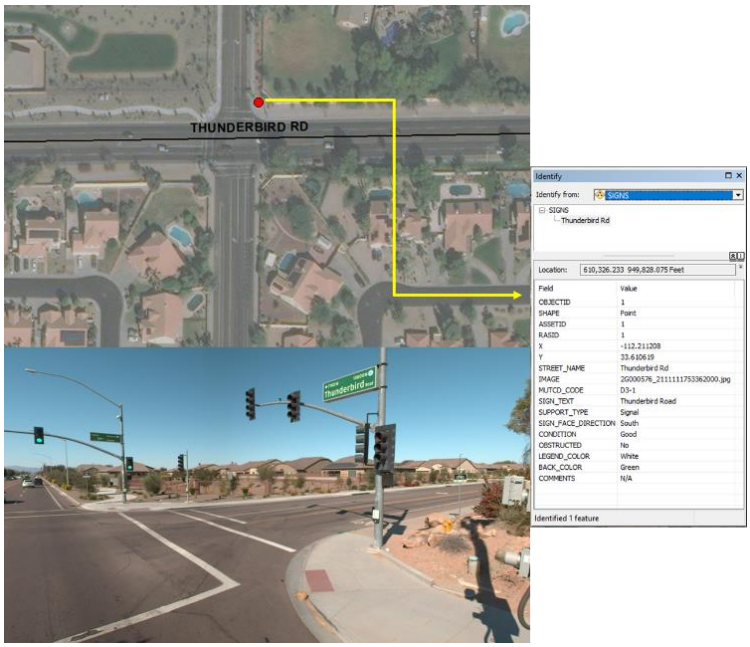
Quality Assurance Step #4 – Automated Crack Analysis & Engineer Review



After data is collected in the field and uploaded to the office environment, it is imported using the RAS AI enhanced pavement rating tool **RoadTRIP™ (Technical Rating Intelligence Program)**. The import process creates mappings to the data so that users do not need to keep track of where the data is stored on central data server(s). At this stage, the major data processing tasks also occur, such as generation of right-of-way and pavement image streams; calculation of profile, roughness, rutting, detection of cracks, lane-markings, man-made objects, and other distresses. The **RoadTRIP™** application was designed around the ASTM D6433 data collection protocols and contains a **PCI calculator** that uses distress deduct curves and Q-correction. This PCI is used for Quality Assurance before importing detailed extent/severity distress data into Cartegraph. **RoadTRIP™** was programmed with sophisticated algorithms that use sound geometry and distress density to properly classify and quantify pavement distresses.

An experienced pavement inspector will perform QC to confirm the distresses and severity of the pavement condition data collected by the automated technology. This manual quality review is performed, in accordance with the principles of the ASTM D6433 standard, using the LCMS pavement images gathered during collection with the distresses superimposed and color coded.

Task 5a: ROW Asset Inventory



RAS has a proven methodology to perform asset inventory and inspection services for **Transportation, Walkability, and Stormwater** infrastructure. At a minimum, each requested asset will receive a photograph and geolocation for plotting within a spatial environment **(with signs, markings/striping, ADA ramps, and sidewalks receiving a condition assessment)**. Eash asset class will be provided to the City as a file geodatabase, with imagery links, and formatted for import to Cartegraph OMS.

The following **Data Dictionary** will be taken to develop the right-of-way asset inventory and condition assessment for the City's requested infrastructure assets.

ROW Asset Data Dictionary

RAS can post-process the Ladybug panoramic imagery using RAS software to collect attributes for each asset type captured. Note that each of these ROW assets will include geolocation and a hyperlinked photo. Each of the attributes *highlighted in light blue* will be included as a **no-cost, value-add to the inventory**.

			City of Banning ROW Asset Data Dictionary					
Selected Asset	**Code**	**Geometry**	**Field 1 Attribute**	**Field 1 Data**	**Field 2 Attribute**	**Field 2 Data**	**Field 3 Attribute**	**Field 3 Data**
Signs	SIGN	Point	SIGN_ID or Client Schema	Unique identifier for each sign e.g. 100000 or Client Schema	SIGN_Condition	An identification of the condition of the sign. Populated as 1-Good 2-Fair 3-Poor	SIGN_MUTCD	Numerical MUTCD Code for the Sign
Supports	SS	Point	SS_ID or Client Schema	Unique identifier for each sign support e.g. 200000 or Client Schema	SS_Type	An identification of the material type of support structure (wood, utility pole, bridge, etc.)	N/A	N/A
Pavement Markings	PM	Point	PM_ID or Client Schema	Unique identifier for each pavement marking e.g. 300000 or Client Schema	PM_Condition	An identification of the condition of the pavement marking. Populated as 1-Good 2-Fair 3-Poor	PM_Type	The type of marking taken from a picklist of custom MUTCD codes (bike symbol, railroad crossing, double arrow LT, etc.)
Pavement Striping	PS	Linear	PS_ID or Client Schema	Unique identifier for each painted/inlaid striping e.g. 400000 or Client Schema	PS_Condition	An identification of the condition of the striping. Populated as 1-Good 2-Fair 3-Poor	PS_Type	The type of striping taken from a picklist of custom codes (solid, dashed, double, etc.)
Light Fixtures	LF	Point	LF_ID or Client Schema	Unique identifier for each light fixture e.g. 500000 or Client Schema	LF_Condition	An identification of the condition of the light structure. Populated as 1-Good 2-Fair 3-Poor	LF_Support Type	The construction style of the support e.g. wood mast, round metal, ornamental, etc.
Guardrails	GR	Linear	GR_ID or Client Schema	Unique identifier for each guardrail e.g. 600000 or Client Schema	GR_Condition	An identification of the condition of the guardrail. Populated as 1-Good 2-Fair 3-Poor	GR_Type	The primary construction material of guardrail e.g. cable, concrete, bike/ped, etc.
Pedestrian Curb Ramps	RAMP	Point	RAMP_ID or Client Schema	Unique identifier for each curb ramp e.g. 700000 or Client Schema	RAMP_Condition	An identification of the condition of the curb ramps. Populated as 1-Good 2-Fair 3-Poor	RAMP_VIF	Identifies the presence of truncated domes or other visual impairment facilities
Sidewalks	SW	Linear	SW_ID or Client Schema	Unique identifier for each sidewalk structure e.g. 800000 or Client Schema	SW_Condition	An identification of the condition of the sidewalk. Populated as 1-Good 2-Fair 3-Poor	SW_Type	A description of the primary method or style of construction (stand-alone, boulevard, etc.)
Trees	TREE	Point or Linear	TREE_ID or City Schema	Unique identifier for each tree withing the adjacent right-of-way e.g. 900000 or City Schema	Note: Trees that are bunched together will be drawn in as a linear asset.	N/A	N/A	N/A
Inlets	INLT	Point	INLT_ID or Client Schema	Unique identifier for each storm inlet e.g. 1000000 or Client Schema	INLT_TYPE	Type of inlet contruction (open, covered, grate, etc.)	N/A	N/A
Outlets	OUT	Point	OUT_ID or Client Schema	Unique identifier for each outlet e.g. 1100000 or Client Schema	OUT_TYPE	Type of outlet constuction (open, covered, grate, etc.)	N/A	N/A
Catch Basins	CABA	Point	CABA_ID or Client Schema	Unique identifier for each catch basin e.g. 1200000 or Client Schema	CABA_TYPE	Type of catch basin construction (open, covered, grate, etc.)	N/A	N/A
Retention Basins	REBA	Point	REBA_ID or Client Schema	Unique identifier for each retention basin e.g. 1300000 or Client Schema	REBA_TYPE	Type of retention basin construction (open, covered, grate, etc.)	N/A	N/A
Culverts	CUL	Point	CUL_ID or Client Schema	Unique identifier for each culvert e.g. 1400000 or Client Schema	CUL_TYPE	Type of culvert construction (open, covered, grate, etc.)	N/A	N/A

			City of Banning ROW Asset Data Dictionary					
Selected Asset	**Code**	**Geometry**	**Field 1 Attribute**	**Field 1 Data**	**Field 2 Attribute**	**Field 2 Data**	**Field 3 Attribute**	**Field 3 Data**
Manholes	MAN	Point	MAN_ID or Client Schema	Unique identifier for each manhole e.g. 1500000 or Client Schema	MAN_TYPE	Style of manhole (circular, rectangular, etc.)	N/A	N/A
Outfalls	OF	Point	OF_ID or Client Schema	Unique identifier for each outfall e.g. 1600000 or Client Schema	OF_TYPE	Type of outfall construction (open, covered, grate, etc.)	N/A	N/A
Trash Capture Devices	TCD	Point	TCD_ID or Client Schema	Unique identifier for each trash capture device e.g. 1700000 or Client Schema	N/A	N/A	N/A	N/A

Sign Retroreflectivity Assessment

RAS is aware that traffic fatality rates are 3 times higher during nighttime than daytime with reduced nighttime roadway visibility as a common factor. RAS also recognizes the importance of nighttime visibility of traffic control devices as our population ages. In general, older individuals have declining vision and slower reaction times. Signs that are easier to see and read at night can help older drivers retain their freedom of mobility and remain independent. RAS can provide the City with a Federal Highway Administration (FHWA) Visual Nighttime Inspection Method and would record in the database whether the sign meets the minimum guidelines in the MUTCD.

Visual Nighttime Inspection Method



The Visual Inspection Method involves an inspector (over age 60) that will assess the visibility and retroreflectivity of the traffic signs as the signs are approached. Signs need to be replaced if they do not meet the comparison defined in one of the three approved procedures: Calibration Signs Procedure, Consistent Parameters Procedure, and the Comparison Panels Procedure. For this project, we will be utilizing a combination of the Calibration Signs Procedure and the Comparison Panels Procedure. The description of these procedures is provided as contained in the FHWA document:

Calibration Signs Procedure **-** Calibration signs are viewed prior to conducting the nighttime inspection. The calibration signs have retroreflectivity levels at or above the minimum levels. These signs are set up where the inspectors can view the calibration signs in a manner similar to how they will conduct the nighttime inspection. The inspector uses the visual appearance of the calibration sign to establish the evaluation threshold for that night's inspection activities.

Calibration signs are needed for each color of sign for which there are minimum levels. The calibration signs are viewed at typical viewing distances and from the same vehicle that will be used for conducting the inspections. The calibration signs need to be safely stored between inspections so that the retroreflectivity of the calibration signs does not deteriorate over time. Calibration signs are checked at periodic intervals to ensure that the calibration panels have the appropriate retroreflectivity levels.

Comparison Panels Procedure **-** Small comparison panels are used to assess the retroreflectivity of questionable signs. The comparison panels are fabricated at retroreflectivity levels that are at or above the minimum levels. When the retroreflectivity of a sign is considered to be questionable, a comparison panel is attached to the sign and the sign/panel combination is viewed by the inspector.

If the comparison panel appears brighter than the sign, the sign needs to be replaced. Utilizing both of these methods will help the inspector in situations where the retroreflectivity is questionable. The inspector will use the Calibration Signs Procedure, and if the inspector encounters a situation where the inspector is not sure, the inspector can then use the Comparison Panels Procedure.

Sign Reflectivity Attribute Model

- **Non Compliant** – Extremely low or no visibility when viewed at distances over 500 feet (greater than 10 skips or at a distance when the sign first comes into view) and/ or not legible at 250 feet or less (i.e. Less than 5 skips).
- **Compliant** – Clearly visible when viewed at distances over 500 feet (greater than 10 skips or at a distance when the sign first comes into view) and good legibility at 250 feet or less (i.e. Less than 5 skips).

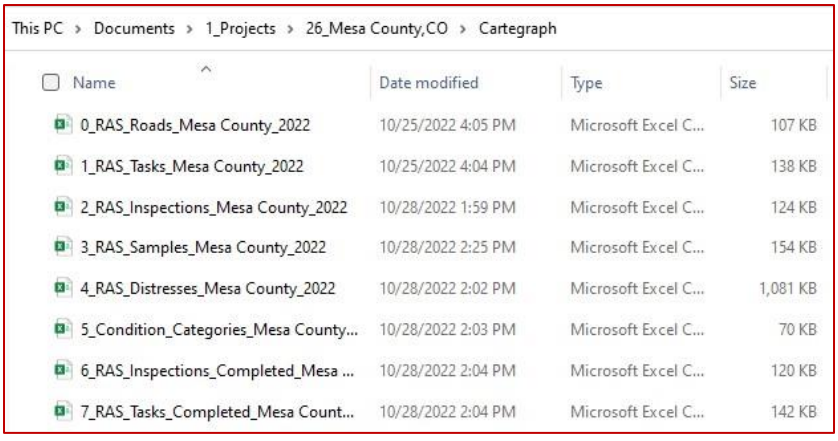
We will utilize the two-person data collection method, where one person drives the vehicle and the second person (over age 60) assesses the retroreflectivity of each sign. The reflectivity assessment will be entered into the project delivery sign geodatabase.

Task 5b: Import to Cartegraph OMS Asset Management System

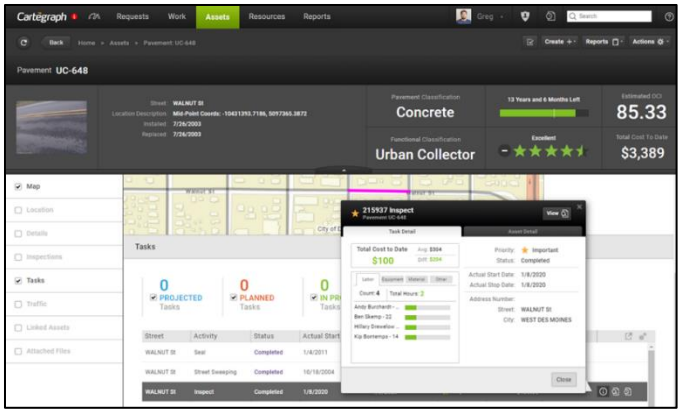
As a strategic business partner of Cartegraph, the RAS team is commonly tasked with importing new pavement inspection data into an agency's production Cartegraph environment. RAS has assigned **Cartegraph's former Senior Vice President of Services, Jeff Booth, MBA,** to manage Cartegraph import and data configuration. RAS Director of Deliverables, Jeff Booth, brings over **10 years of experience intimately working with Cartegraph and 7 years of municipal experience serving as an IT Project Manager**. A typical Cartegraph import happens in two phases as follows:

Phase I: Test Environment – most agencies operating an enterprise system such as Cartegraph OMS have a test environment specifically set up for vendors to test a data load or parameter configuration prior to moving into production. During this stage, the RAS team formats the 2,500 sq.ft. inspection samples or segment level distress data for import into the Cartegraph OMS software. The data is loaded as a new inspection such that it DOES NOT overwrite any legacy data within the software. Old inspections are retained and simply no longer utilized for budgetary modeling purposes.

Data loading for Cartegraph users includes the development of a series of 7 specific import sheets (see image to right) that are formatted for use with the Cartegraph import/export utility. The import sheets cover updates to core segment attribution, tasks, inspections, samples, distress data, and condition categories. The RAS approach to data import is approved and recommended by Cartegraph. While RAS routinely imports data to Cartegraph, we find it imperative to begin with a test environment to fully ensure data integrity.



Phase II: Production Environment – Upon completion of the import to the test environment, the RAS Team has our Cartegraph support team review the loaded data to ensure there are no gaps in the data structure or format. Upon acceptance of Cartegraph, the RAS team moves the database into the City's production environment, generally in off-hours to ensure minimal downtime for City Staff and Services. RAS has the team, resources, and expertise to conduct a seamless production load to Cartegraph.



Task 6a: Final Deliverables and Preparation of Summary Report

Hosted RAS Data Validation Portal

While RAS is passionately dedicated to quality data before it is delivered to our clients, we also firmly believe that every client should have the ability to review that data set without having to be software or database experts. So, while most consultants deliver an Excel spreadsheet or a File Geodatabase that the City has to review internally, RAS takes it one step further by setting up a Microsoft PowerBI dashboard that was specifically designed to assist the City in their review of the RAS data.

Below is an image of the **RAS Data Validation Tool** that resides within PowerBI. As can be seen, City staff will have easy access to a map that displays the **pavement condition data** on a segment-by-segment basis. The user has the ability to filter by unique ID or even a PCI range, pavement type, or functional classification depending on what they would like to visualize. Upon clicking on the desired segment for inspection, the distress deducts are then displayed in the lower right-hand side of the screen, indicating that this particular segment with a PCI of 72 is largely impacted by low severity longitudinal and transverse cracking in addition to low severity rutting. The user can then click on an image link (circled in yellow below) to verify the displayed distress deducts by virtually driving down the segment.

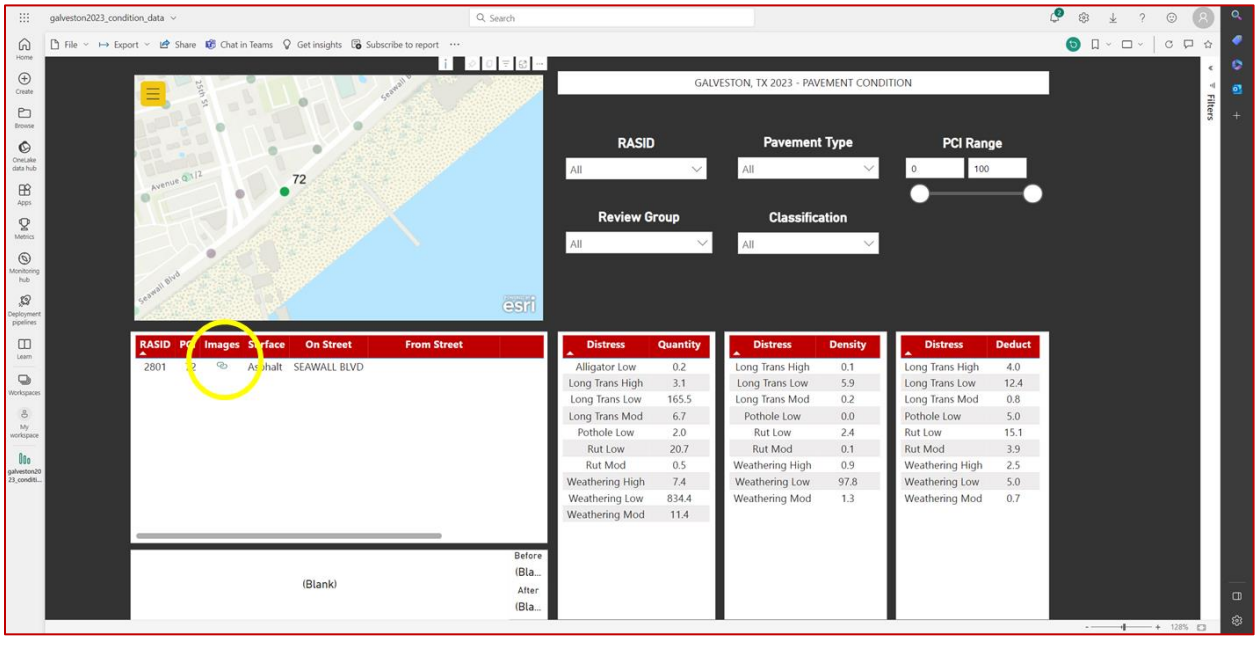
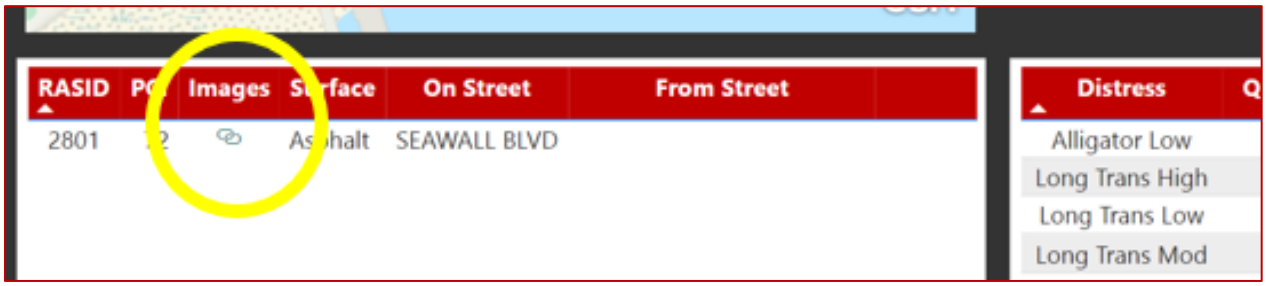


Image Link Zoomed In:



Segment Level Images Every 20-Feet

After clicking the image link for that pavement segment, the high-resolution Ladybug images are then populated such that the user can virtually drive the segment in question to visually verify the average PCI or even the detailed distress deducts. The purpose of this application is to assist the City in their review of the RAS inspection data and create a highly visualized space in which to do so.

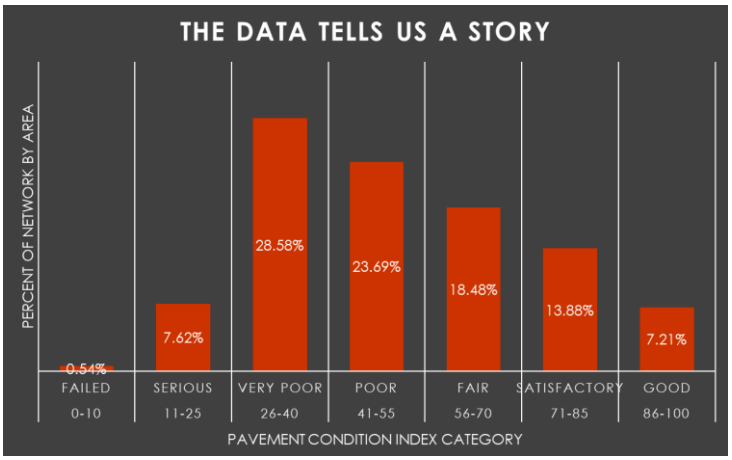


Final Summary Report/Executive Summary

RAS will provide the City a final report/executive summary including study objectives, and description of the methodology utilized. A Letter of Certification will be provided with the report to verify the fixed asset count, methodology, assets inventoried, assets in unserviceable condition, missing assets, assets in a state of disrepair, and recommendations for developing a comprehensive replacement schedule.

In addition to the fixed asset report, RAS will provide a final pavement report including an inventory of all roads, current pavement conditions for each street function classification, and network OCI, PCI, and IRI. The City will receive statistical charts, graphs, and area maps illustrating all PCI results, street segment lengths, widths, area, lane count, pavement type, the overall City's road quality, and findings from the pavement evaluation.

A draft of the Final Summary Report will be presented at approximately 75% completion and will require working sessions and feedback from the City to develop the most accurate report for execution. The report will be provided for review by City staff and modified based on comments to produce a final report which will be delivered as a bound report and in Microsoft Word (.doc and .docx) and Adobe (.pdf) format.



All collected pavement data will be in a format for use with NOBEL GIS software and the Cartegraph OMS software. **RAS is both a preferred Cartegraph Business Partner.** RAS has recently completed imports into Cartegraph for Salt Lake City, UT; Denver, CO; Mesa County, CO; Anderson County, SC; Kingsport, TN; Corpus Christi, TX; New Braunfels, TX; Sarasota, FL; Virginia Beach, VA; Okaloosa County FL; Kansas City, MO; ; San Antonio, TX; South Salt Lake, UT; and Collier County, FL.

Task 6b: City Staff Responsibilities

To complete the City's contract, RAS requires the City's assistance in giving access to NOBEL GIS and existing pavement database, attending the field pilot to review PCI scores and pavement distress interpretations, attending the kickoff meeting and biweekly progress meetings, and reviewing the draft report.

RAS will not lease, purchase, or rent any City owned facilities or properties.

Value Added Services

Optional Services: Council Presentation (Included with Base Scope of Work)

The RAS team can provide a Client Presentation that includes data, charts, and all final summary report data to showcase the results of the pavement condition survey. Our Leadership Team has extensive experience preparing and presenting results of pavement and asset condition assessments, as well as pavement budget scenarios and maintenance plans to elected officials and constituents.



The Client Presentations are a standard scope that we provide to all our asset management clients. Our team has worked with City Councils with several agencies including San Antonio, TX; Corpus Christi, TX; Durham, NC; Pitkin County, CO; Indianapolis, IN; Rowlett, TX; and Laredo, TX to name a few.

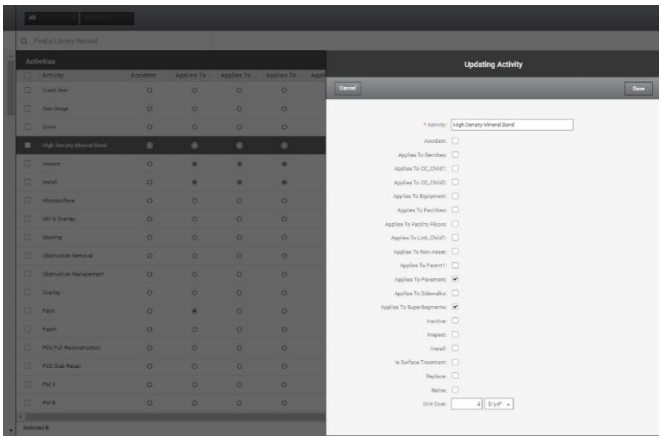
Optional Service: Cartegraph OMS Configuration & Pavement Analysis (Additional Fee)

Scenario Builder Configuration and Optimization for Pavement Management

While running the Scenario Builder models themselves might seem straight-forward, the RAS approach to such an analysis involves the following sequences and client engagements during the process in an effort to configure the parameters that serve as the intelligence within Scenario Builder:

- **Current database review** – most issues can be resolved at the initiation of a project by completing a brief review of the City's existing GIS and Cartegraph OMS setup. All RAS projects begin with a review by our Project Manager. Any recommended changes to the segmentation or budgetary model configuration will be discussed during this stage. The benefit of the RAS team in this stage is in their intimate knowledge of Cartegraph OMS configuration, including areas of recommended improvement.

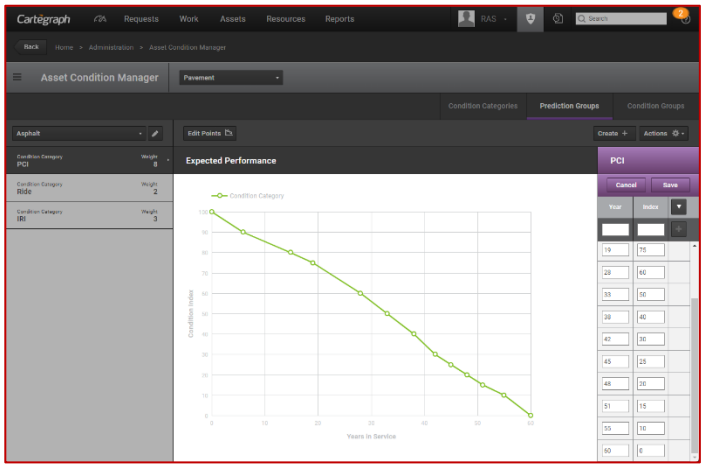
- **Maintenance & Rehabilitation Setup** – to ensure the results of the budget model runs meet the City's expectations, Scot Gordon will discuss the City's current Maintenance and Rehabilitation setup within the Cartegraph OMS system under the "**Protocol Library**". As a Professional Engineer with extensive pavement experience, Scot is well versed with the application of pavement rehabilitation techniques, trigger points, real-world impact to OCI, and life cycles. As a part of this process, RAS will work with the City to determine the right treatment (prescription) at the right time. As completed with many agencies across the Country, RAS will work with City staff to review the existing pavement rehabilitation model parameters that are currently setup within the Scenario



Builder Protocol Library. These parameters will be updated based on actual City expenditures for each activity and real world life cycle estimates that relate to OCI impact. This includes reviewing Min/Max PCI, Breakpoint PCI, decision trees for treatments (using the advanced filter text in the Protocol Library), costs, and OCI impact values.

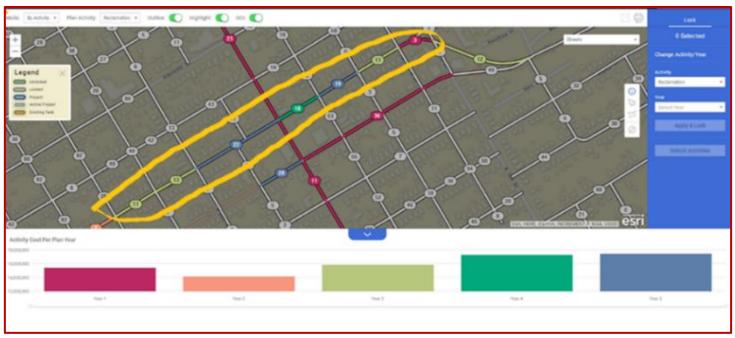
RAS can also discuss other treatments that the City may or may not be using, their benefits, their return on investment, and their adoption across the Country. The results of the scenarios would include investment benefit information indicating the cost per square foot of benefit for each maintenance strategy based on maintenance rehabilitation costs. This can be reported in a number of ways, but commonly as the cost per sqft to increase the PCI by increments of 1 point.

- **Deterioration Curves** – forecasting pavement conditions within Cartegraph requires a detailed set of pavement deterioration curves for each roadway traffic classification, pavement material type, etc. as designated by the City. Scot will review the existing OMS "**Prediction Groups**" to ensure there is enough granularity within the functional classes, pavement types, and that the deterioration curves assigned to each Prediction Group reflects realistic degradation rates in the City. If alterations to the curves are necessary, Scot will lead the update with the City and RAS team. Scenario Builder will pull the data configurations used in the Prediction Groups and Protocol Library to create clear, accurate predictions on everything from OCI gains to budget impacts over time. Scot Gordon and the RAS team have developed hundreds of deterioration curves based on collected data. Scot will work with the historical data, along with the collected data from this project, to develop updated and further refined deterioration curves for each combination of street classification and pavement surface type, representative of the climate.



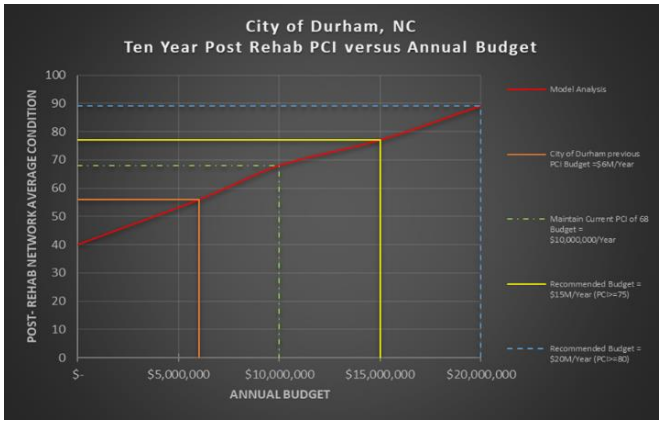
RAS has protocols in place that preserve historical collection data and use past surveys to assist in modeling through documenting the change in conditions between past surveys and the current collected data. RAS will make the comparisons between the surveys easily viewable for City staff to determine if outliers exist.

- **Supersegment Development** – the Cartegraph Scenario Builder module runs models on the layers loaded into the system. While older versions of Cartegraph could only house a single layer, Cartegraph now gives users the ability to house a



Supersegment layer, which is simply multiple segments stitched together to form a logical project or management section. The benefit of utilizing a Supersegment layer for use in Scenario Builder is that it runs the budgetary scenario at the project level, producing real-world rehabilitation plans that are ready for City review, modification, or acceptance. Our team will also provide recommendations to City staff for best practices in developing practically sized Supersegments to yield model results that can be acted upon. RAS also utilizes Cartegraph's "**Automation Manager**" when developing or updating an agencies budgetary models using the Supersegment approach.

Budget Model Development



The RAS Team separates itself from our competition through our devotion to the most critical aspect of the project, which is collaborating with the City on how to take the objective condition data and utilize it to make meaningful decisions involving the City's infrastructure.

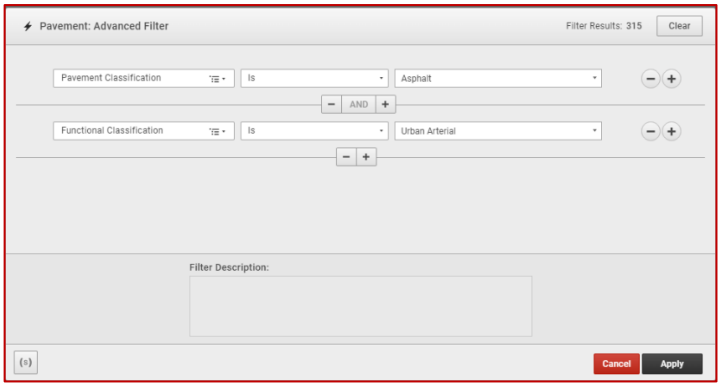
RAS follows the "AASHTO Transportation Asset Management Guide – A Focus on Implementation" which provides a framework for organizations to utilize and update the management of their assets to improve decision-making, monitor performance, and support integrated decisions in programming projects. The observed distresses and calculated OCI values will be used within Cartegraph to rank projects using distress types indicating load, non-load, and environmental related causes of each distress.

Running budgetary models within a pavement management system requires a deep understanding of the database structure behind the application. The RAS approach to budgetary modeling will involve up to 10 pavement management scenarios using different philosophies, budget levels, and distributions. While **RAS will define the scenarios to be run with City staff, at a minimum the following questions should be answered with the scenarios:**

- How much funding will be required to maintain an OCI of 70 over the next 5 years?
- How much funding is required annually to maintain my existing pavement conditions?
- What will the estimated network OCI be over the next 5 years if current funding levels are maintained?
- What budget is required to control the growth in backlog?
- What are the recommended pavement strategies?

RAS will also consult with City staff to develop models utilizing different types of rehabilitation strategies (worst first, best first, most economic, need year, etc.). RAS understands that getting buy-in from City Administrators and Elected Officials means developing a long-range rehabilitation plan that considers local priorities. The RAS team will ensure that already approved rehabilitation work is programmed into the budgetary models for selection during the run. In addition, RAS will consult with City staff to identity the total cost (mill, overlay, traffic control, striping, etc.) of each rehabilitation method.

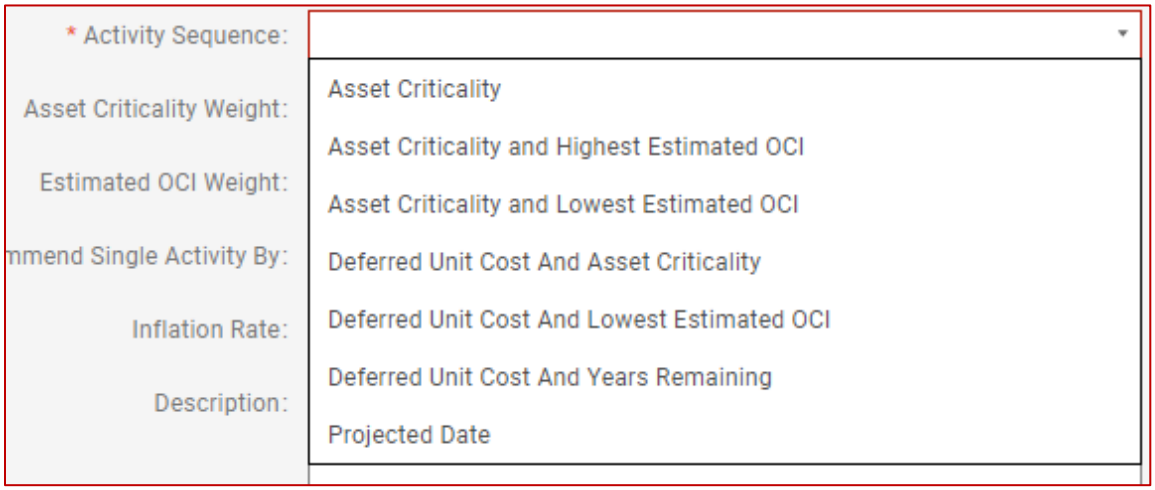
Infusing Optimization into the Cartegraph OMS Analysis



Optimization is a broad-based term that has many different definitions. For most pavement management systems, optimization is the ability to prioritize a multi-year rehabilitation plan using several different factors that are important to the City and based on sound engineering constraints. For example, RAS commonly configures the Scenario Builder models using "Asset Filters" that allows our team to include a different set of maintenance and rehabilitation activities for roadways of different pavement types, traffic, and strength.

With the Asset Filters setup, our team can then assign "Criticality" factors to each functional classification, pavement type, and pavement strength rating that assist in prioritizing the multi-year plan and the development of an optimized rehabilitation plan. **However, this is only the beginning of an RAS Optimized Multi-Year Plan.**

The RAS team also includes a true **Financial Optimization Framework (FOF)** as a part of the Cartegraph OMS analysis. While the user could run a multi-year plan using the assigned "Asset Criticality" only, RAS prefers to infuse financial optimization through the use of the "Deferred Unit Cost" sequence logic.



This sequence option allows the analysis to consider the future costs of deferring segments and allowing them to fall into the next more expensive rehab category. By calculating the cost of deferral, the sequence also identifies the "Need Year" of each segment and prioritizes the highest cost of deferrals while focusing on selecting critical roads that are within a few points of dropping into the next category. The "Deferred Unit Cost" sequencing is traditionally combined with the customized criticality assignments in an effort to generate a truly financially optimized pavement management program.

Mark Kramer, QA/QC Manager, and Zac Thomason, Assistant Project Manager, participated in the initial development of this financial optimization logic in the Cartegraph OMS Scenario Builder through multiple conversations and demonstrations with the Cartegraph software development team.

To further enhance upon optimization, Project Manager and Senior Pavement Engineer, Scot Gordon looks forward to visiting with City staff on other **innovative considerations** to pavement management such as **including OCI of curb and gutter in selecting roads for maintenance; whether or not to deduct for potholes if the City has a pothole repair crew; how to get all council districts above a specific PCI threshold; and focused analysis on top traveled corridors where you are improving the level of service on the roads receiving the greatest traffic while also analyzing the impacts to the remainder of the network.**

For example, Scot performed additional analysis scenarios for the City of San Antonio to identify variable funding needs to achieve and maintain the set goals for each Council District (minimum PCI of 70), based on pavement condition performance. To accomplish this, Mr. Gordon worked with the City to determine the proper mix between preservation and reconstruction within each of the 10 Council Districts to achieve the minimum baseline number of a PCI of 70 per district.

For example, in the City of Fort Worth, Scot worked with City Staff to incorporate curb and gutter as a factor in street selection for maintenance. In addition, the previous evaluation deducted for potholes in their PCI score, while the most recent survey reversed this decision as their crews were repairing these distresses daily and a preference to not have potholes influence the PCI value were expressed.

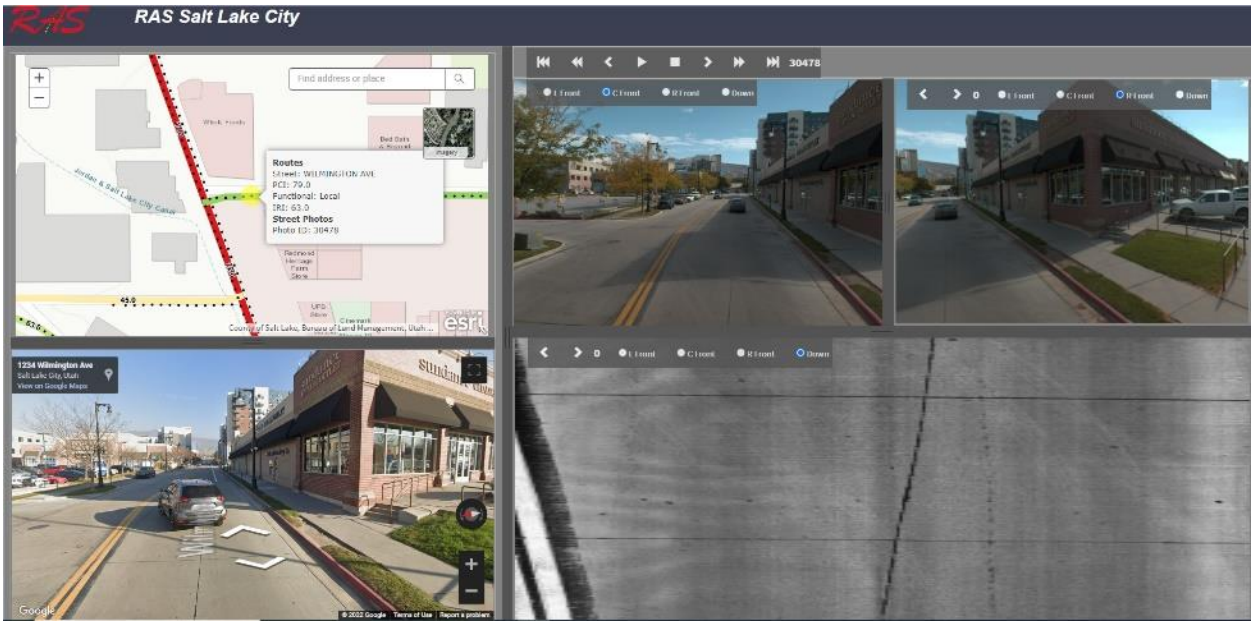
For the City of Durham, NC we used the most recent census data and the City's Federal Information Processing Series (FIPS) codes to review social-economic factors such as median household income and racial diversity to further factor optimization to ensure equal street maintenance across the City.

Each of the examples above were combined with sound financial optimization that allowed for a truly customized multi-year plan that met the needs of local constituents, elected officials, and City staff.

Optional Services: RAS Data Viewer & Videologger (Additional Fee)

If the City desires web-hosted condition photos, as an optional service RAS can provide the City with the RAS Videologger which is a web hosted full-service image viewer that allows our clients to select a section of roadway from the GIS-based map to visually display the inventory elements and the results of their survey. The viewer is hosted on a reliable web platform such as Amazon Web Services (AWS). The RAS Videologger allows the City to load pavement and ROW imagery for a specific location within the City and sequentially travel down the roadway. If needed within the Videologger, the City can load high-resolution images to provide more detailed site investigation while displaying OCI, PCI, and IRI data for the selected section. In addition, the Videologger **houses the Ladybug Panoramic ROW imagery, LCMS downward pavement imagery**, PCI scores, and right of way inventories.

Following the Pavement Condition Assessment, all **LCMS-2 camera imagery** will be loaded to the videologger with each image resulting in 1 mm-pixel resolution and horizontal resolution of 4,000 pixels. The benefit of having the LCMS imagery on the same platform as the Ladybug imagery is the ability to use the forward-facing camera to see what a typical driver would see from a windshield while comparing it against the downward LCMS laser array that focuses only on the pavement surface itself.



Optional Services: Detailed Sidewalk and Ramp Condition Assessment (Additional Fee)

RAS can provide the City with a detailed and comprehensive sidewalk condition assessment. The expanded scope would include utilizing one or more e-bikes (PROWagon™) to drive every sidewalk for assessment and digital image capture. The data collection would happen independently of the street assessment as the PROWagon™ was designed specifically for sidewalk condition assessments. The PROWagon™ is equipped to accurately capture individual distresses for a 0-100 sidewalk condition index (SCI).



Upon completion of the sidewalk network HD video capture, the imagery is processed using a custom rating application that begins the process by linking the corresponding imagery to its appropriate sidewalk segment. From here, the rating software is utilized by each RAS Sidewalk Inspector to individually map all moderate/severe distresses (distress type following Banning's distresses, distress severity, & XY coordinate), allowing RAS to develop heat maps for each distress type with XY locations. Each distress encountered is tagged to the corresponding sidewalk image and assigned the image XY for mapping purposes.

The individual distress data is then processed to calculate a distress density per sidewalk segment and calculate a Sidewalk Condition Index (SCI) using the distress data collected in the field such as **surface deterioration or spalling, missing pavement, vertical displacements, holes or cracks, missing or damaged castings, and root intrusion.**

III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the Services, Consultant will keep City appraised through periodic status reports regarding the performance of the Services under this Agreement as set forth below and in Section 5.2, by the following means:

a. In-person meetings and/or teleconferences.

b. Email updates/questions to applicant team and City while reviews are underway.

c. Conference calls.

IV. All work product is subject to review and acceptance by City. If the City determines that any work product is unacceptable, for any reason, it must be revised by Consultant without additional charge to City until found satisfactory and accepted by City.

EXHIBIT "B"
SPECIAL REQUIREMENTS

None

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks ("Tasks") at the rates set forth in Exhibit "C-1:

II. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Services performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved sub-contractor labor, supplies, equipment, materials, and travel properly charged to the Services.

Roadway Asset Services

City of Banning
Fixed Asset Inspection and Inventory Assessment
RFP-23-046

Pricing Proposal

The total fee is an all-inclusive maximum price that contains all direct and indirect costs including all out-of-pocket expenses, reimbursable expenses sub-consultant expenses, mileage and/or travel cost, miscellaneous fees, etc., for all required scope of services. All built-in costs for travel, lodging, and per-diem shall not exceed the current IRS rates.

	Hourly Rates											
	$275.00	$210.00	$210.00	$185.00	$150.00	$110.00	$100.00					
Task Descriptions	Principal	Project Manager	Sr. Pavement Consultant	Pavement Consultant	Sr. GIS Analyst	GIS Analyst	Field Tech	Total Hours	Labor Cost	Expenses / Sub-contractor		Total Fee
A. Pavement Management Services	**12**	**46**	**36**	**58**	**38**	**54**	**142**	**386**	**$57,090.00**	**$11,090.00**		**$68,180.00**
1. Project Initiation, Centerline Identification & Review (lump sum)	8	8	4	8	2	10		40	$7,600.00	$1,150.00		$8,750.00
2. Field Set-Up & GPS Network Creation (lump sum)	2	2		2	8	12		26	$3,860.00	$140.00		$4,000.00
3. Collect Street Network (160 test miles)				8		8	140	156	$16,360.00	$8,390.00		$24,750.00
4. Roadway Evaluation: ASTM D6433 Distress Processing (160 test miles)		4	16	32	16	4		72	$12,960.00	$240.00		$13,200.00
5. Pavement Widths Verification (300 lane miles)					2	12	2	16	$1,820.00	$160.00		$1,980.00
6. On-site RAS Data Review of Pilot Area		10						10	$2,100.00	$900.00		$3,000.00
7. Cartegraph OMS Pavement Data Import (Test & Production Loads)		2	8	4	8	4		26	$4,480.00	$20.00		$4,500.00
8. Draft and Final Summary Pavement Condition Report	2	20	8	4	2	4		40	$7,910.00	$90.00		$8,000.00
B. Fixed ROW Asset Inventories	**14**	**68**	**24**	**18**	**148**	**1332**	**70**	**1674**	**$202,220.00**	**$4,220.00**		**$206,440.00**
ROW-1 Signs Inventory (Photograph, geolocation, condition, MUTCD)		2			4	155		161	$18,070.00	$230.00		$18,300.00
ROW-2 Markings Inventory (Photograph, mapping, geolocation, condition)		2			4	177		183	$20,490.00	$300.00		$20,790.00
ROW-3 Supports Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-4 Light Fixtures Inventory (Photograph, geolocation)		2			4	61		67	$7,730.00	$70.00		$7,800.00
ROW-5 Guardrails Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-6 ADA Ramps Inventory (Photograph, geolocation, condition)		2			4	88		94	$10,700.00	$100.00		$10,800.00
ROW-7 Sidewalks Inventory (Photograph, geolocation, condition)		2			4	107		113	$12,790.00	$110.00		$12,900.00
ROW-8 Trees Inventory (Photograph, geolocation)		2			4	139		145	$16,310.00	$190.00		$16,500.00
ROW-9 Inlets Inventory (Photograph, geolocation)		2			4	88		94	$10,700.00	$100.00		$10,800.00
ROW-10 Outlets Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-11 Catch Basins Inventory (Photograph, geolocation)		2			4	88		94	$10,700.00	$100.00		$10,800.00
ROW-12 Retention Basins Inventory (above ground, photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-13 Culverts Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-14 Manholes Inventory (Photograph, mapping, geolocation)		2			4	61		67	$7,730.00	$70.00		$7,800.00
ROW-15 Outfalls Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-16 Trash Capture Devices Inventory (geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-17 Number of Lanes (Count Per Segment)		2			4	50		56	$6,520.00	$80.00		$6,600.00
ROW-18 Retro-reflectivity Surveys (Warning and Regulatory Signs)	2	2	8	8	16	16	70	122	$15,290.00	$1,570.00		$16,860.00
ROW-19 ROW Asset Inventory Import to Cartegraph (17 Asset Features)	4	8	8	8	40	40		108	$16,340.00	$660.00		$17,000.00
ROW-20 Fixed Asset Inventory Draft and Final Report Addition	8	24	8	2	24	24		90	$15,530.00	$360.00		$15,890.00
Project Total (Hours & Fees)	**26**	**114**	**60**	**76**	**186**	**1386**	**212**	**2060**	**$259,310.00**	**$15,310.00**		**$274,620.00**

Total Fee: $274,620.00

Optional Value-Add Services:

The following services are related to the additional scope items included in the proposal.

Task	Additional Professional Services	Units	Unit Cost	Fee
O-1	Cartegraph OMS Scenario Builder Configuration, Optimized Pavement Analysis, Budget Scenarios, and Maintenance / Improvement Recommendations	1	$20,000	$20,000.00
O-2	RAS Hosted Data Viewer & Videologger (Service Provided Until Next Project)	1	$9,000	$9,000.00
O-3	Detailed Sidewalk and Ramp Condition Assessment (Estimated Sidewalk Miles)	225	$395	$88,875

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. Consultant shall perform all Services timely, and deliver the specified tangible work products to City in accordance with the schedule provided by the City's contract manager.

II. The Contract Officer may approve extensions for performance of the Services in accordance with Sections 1.8 and 3.3.

REQUEST FOR PROPOSAL

FIXED ASSET INSPECTION AND INVENTORY ASSESSMENT

RFP-23-046

CITY OF BANNING, CA

http://www.banningca.gov

RELEASE DATE: February 3, 2024
DEADLINE FOR QUESTIONS: March 4, 2024
RESPONSE DEADLINE: March 28, 2024, 11:59 pm

RESPONSES MAY BE SUBMITTED ELECTRONICALLY TO:
https://secure.procurenow.com/portal/banning-ca

City of Banning
REQUEST FOR PROPOSAL
Fixed Asset Inspection and Inventory Assessment

I. Notice .....
II. Introduction .....
III. Prerequisites .....
IV. Scope of Work .....
V. Vendor Questionnaire .....
VI. Submission Instructions And Inquiries .....
VII. Evaluation Criteria .....
VIII. Terms And Conditions .....

Attachments:
A - Professional Services Agreement Sample

I. Notice

REQUEST FOR PROPOSALS (RFP)

Fixed Asset Inspection and Inventory Assessment

Dear Proposers:

The City of Banning (hereinafter referred to as the "City") is requesting proposals from a qualified public entity or private firm, to establish a contract for the scope of services outlined in this request for proposals.

NOTICE IS HEREBY GIVEN that online price and document submittals must be uploaded to the online bidding system in accordance with the instructions included herein, on or before the time and date set forth in the schedule of events. It shall be the responsibility of the proposer to upload their proposal before the announced time. However, responses may be submitted at any time prior to the deadline. (Submitted proposals may be withdrawn and resubmitted at any time prior to the deadline, and cannot be viewed by City staff until the close date and time.)

SOLICITATION DOCUMENTS: To obtain a copy of the solicitation documents, please visit https://procurement.opengov.com/portal/banning-ca. If you are not currently registered with the City of Banning through OpenGov, please create an account and subscribe to this project for notifications. Proposals may only be submitted by companies who are listed as a prospective bidder on the electronic bidding website for each project that they wish to submit a response to. Firms must also check the web site periodically for addenda information as failure to download and acknowledge any and all addenda in the submittal will result in proposer disqualification.

RESPONSIVE PROPOSALS: Once listed on the prospective bidders list, companies may submit their proposals on the electronic bidding system. The City will not accept proposals submitted by companies who are not on the prospective bidders list, or from companies who have submitted a proposal via facsimile, email, mail, or any other format not permitted by this solicitation. Further instructions for submitting proposals are explained in this solicitation. Companies are to adhere to all of the submittal instructions and requirements outlined in this solicitation in order to be considered responsive to this request for proposals.

The City reserves the right to reject any and all proposals and to waive information and minor irregularities in any proposal received.

II. Introduction

II.A Summary

The City of Banning ("City")is seeking a qualified consulting firm to prepare a fixed asset inspection and inventory assessment of its street, sidewalk and storm drain networks and appurtenance and entering this information into the Cartegraph Asset Management Software. Staff will be in contact with the firms responding to the RFP once the proposals are received and a determination is made on interviews, if any, that will be held and when. The City anticipates entering into a Professional Services contract after negotiations with the selected firm, based on the selection committee's ranking of the firms.

The City is soliciting a Request for Proposal (RFP) from qualified consultant firms that have experience in fixed asset inspections, inventory and assessment of street, pavement, sidewalk and storm drain conditions and inputting the resulting information in the Cartegraph Asset Management software. Experience in these types of inspections, assessments and the Cartegraph Asset Management system is an essential criterion for selection. The inventory will be used as the City continues to develop budgeting and Master Plan forecasting abilities.

Title VI Solicitation Notice: The City of Banning, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that any contract entered into pursuant to this Request for will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

II.B Background

The City of Banning is strategically located astride Interstate 10 between the Inland Empire and the Coachella Valley in the San Gorgonio Pass. The City, incorporated in 1913, has a rich and colorful history.

Initially Banning served as a stagecoach and railroad stop between the Arizona territories and Los Angeles. This history has contributed to the present-day spirit of pioneer resourcefulness and "can do" attitude that is so prevalent in the community.

The City of Banning (City) is a rapidly growing community located in the San Gorgonio Pass along Interstate 10 between Los Angeles and Palm Springs. The corporation limits of Banning cover approximately 23.2 square miles serving over 30,000 residents. Banning is a full service general law city, providing typical municipal services, as well as a City owned electric utility, water utility, wastewater utility, transit agency, and airport. The City's facilities were constructed as far back as the 1920's. Most of the City's fixed asset records are currently maintained on an Excel spreadsheet or in a GIS based system, Nobel. These records do not provide sufficient detailed information to properly control, maintain and monitor fixed assets, determine Level of Service (LOS), remaining useful life, replacement costs, etc.

These inventory and physical inspection services are required so the information can be entered into the City's Asset Management system, Cartegraph.

The classification of work includes:

- Transportation: Pavement, Signs, Markings, Supports, Light Fixtures, Guardrails
- Walkability: ADA Ramps, Sidewalks, Trees, Signs, Light Fixtures
- Stormwater: Pipes, Inlets, Outlets, Catch Basins, Retention Basins, Channels, Culverts, Manholes, Outfalls, Trash Capture Devices

The City will contract with the selected Consultant to develop a fixed asset inventory, a master maintenance plan, and associated cost analysis for the street and sidewalk networks, storm drain system, and appurtenances. The inventory collection includes geo-locating (GPS data) all the assets on site, condition/age of the assets, creation of a preventative and long-term maintenance schedule/monitoring/recommendations, collection of warranty information if available, including suggested frequencies of maintenance, and an assessment of the condition of the asset. The physical inventory is needed to collect the asset information and then the information will be loaded into the Cartegraph software.

The selected firm will receive any asset information the City may have for the street and sidewalk facilities and storm drain plans. Some information is available on the City's GIS system, Nobel which will be made available to the consultant and some information is not available at all.

II.C Contact Information

Barbara Mason
Purchasing Manager
99 E. Ramsey Street
Banning, CA 92220
Email: bmason@banningca.gov
Phone: (951) 922-3121
Department:
Purchasing Division

II.D Timeline

This request for proposal will be governed by the following tentative schedule. All dates are subject to change at the discretion of the City.

Release Project Date	February 3, 2024

Pre-Proposal Meeting (Mandatory)	February 26, 2024, 9:00am Microsoft Teams Meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_Yzc0ZTU1NGUtM2Q5YS00OWNiLWEwM2QtMzE4MGJkMDAwOTI5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cb6a6f-78fe-445d-acfd-cf07066168f7%22%2c%22Oid%22%3a%22f9c1cfd3-52ec-497e-81d5-e375c8c28269%22%7d Meeting ID: 296 437 816 967 Passcode: NWDpys
Question Submission Deadline	March 4, 2024, 11:59pm
Proposal Submission Deadline	March 28, 2024, 11:59pm
Anticipated Contractor Selection Date	April 10, 2024

III. Prerequisites

Proposals will only be considered from Companies that meet the following prerequisites:

III.A Years of experience

Have at least **five (5)** years' of experience, within the past **eight (8)**years under a legally registered business name, in providing services of a similar type and scope as described in the Scope of Services. Have not filed for bankruptcy under any business name over the past five (5) years.

III.B OpenGov Registration

Have created an account on OpenGov. Companies can register at: https://procurement.opengov.com/portal/banning-ca.

Once registered, Companies must download this solicitation in order to appear on the Bidder's List as a "Prospective Bidder." Companies that fail to specifically download this solicitation will not appear on the Bidders' List and will be unable to participate or be considered for this RFP.

III.C Mandatory Pre-Proposal Meeting

All prospective Companies must attend the mandatory pre-proposal meeting on Monday, February 26, 2024 at 9:00 am to be held at:

Microsoft Teams Meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_Yzc0ZTU1NGUtM2Q5YS00OWNiLWEwM2QtMzE4MGJkMDAwOTI5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cb6a6f-78fe-445d-acfd-cf07066168f7%22%2c%22Oid%22%3a%22f9c1cfd3-52ec-497e-81d5-e375c8c28269%22%7d
Meeting ID: 296 437 816 967 Passcode: NWDpys

Attendance is mandatory at the pre-proposal meeting. The meeting will begin promptly at the time listed in the schedule. No admittance will be allowed once the meeting has begun. Proposals from prospective Proposers not in attendance at this mandatory meeting will not be considered.

III.D Licenses

If applicable, Company and/or its key personnel, shall hold an appropriate license for the Company's discipline and the Services on the date the Proposal is submitted.

III.E Department of Industrial Relations Registration

If applicable, Company shall have registered with the Department of Industrial Relations and any other required organizations.

IV. Scope of Work

IV.A Scope requirements

The following Scope of Work tasks must be listed and addressed on the proposal submitted to the City:

Suggested Task Breakdown, consultant is encouraged to add more, this is a guideline:

- Task 1. Project Management and Research
- Task 2. Physical Inspection, Inventory and Data Collection
- Task 3. Preparation of Summary Report
- Task 4. Additional Services

IV.B Preliminary Scope of Work

The Preliminary Scope of work is identified below. Upon selection of a qualified firm, the City of Banning and Consultant will negotiate the Scope below and associated Fee. If an agreeable Scope and Fee are not agreed upon, the City of Banning reserves the right to open negotiations with the next most qualified firm.

IV.C Project Management and Research

Project Schedule – Provide a tentative project schedule for the Scope of Work from start to completion. Assume a start date of April 1, 2024 and end date of August 2024.

Kick-off Meeting

Upon receipt of a written Notice to Proceed from the City of Banning, consultant shall conduct a kick-off meeting with the City to review the scope of the project, develop a project schedule timeline and confirm deliverables. The project schedule shall include each task and subtasks, deliverables, milestones, critical path designation and a schedule for progress meetings.

Project Milestone/Monthly Meetings

Consultant shall prepare a project execution schedule with major milestones to the City of Banning for approval. Consultant shall prepare regular progress reports, meeting Agendas and Minutes for the City of Banning staff. Assume that a minimum of 5 meetings (kick-off meeting, 3 progress meetings, final submittal meeting) will occur during the project and include this in the Schedule. Assume all meetings will be done by phone/remotely.

IV.D 1. Perform Physical Inspection and Inventory

Consultant will coordinate the inspection of assets that require traffic control or access to City assets with the Public Works Dept. The inventory collection includes photographs and/or digital

mapping of all assets, geolocating all assets, and providing other data as detailed below. These are the minimum expected data for each asset category. If through proprietary processes, AI, or standard practice, additional data is provided, please detail in the scope of work.

Consultant will provide a physical inspection and inventory of City fixed assets and will prepare accounting records for the following fixed asset categories:

1.

i. Transportation and Traffic:

I. Pavement (Photograph and/or digital mapping, geolocation, condition assessment)

II. Pavement Condition shall be collected and input into the Cartegraph Asset Management System with the following properties; Pavement Surface Type, Functional Class, Number of Lanes, Street Name, Length and Width. Additionally, the pavement assessment shall identify pavement distresses consistent with MTC-published "Pavement Condition Index Distress Identification Manual for Flexible Pavements" and "Pavement Condition Index Distress Identification Manual for Rigid Pavements" and identified with the following distresses; Alligator Cracking, Block Cracking, Distortions, Longitudinal and Transverse Cracking, Patch and Utility Cut Patch, Rutting & Depression, Raveling, Weathering

III. Signs (Photograph, geolocation, condition assessment, MUTCD Identifier)

IV. Markings (Photograph and/or digital mapping, geolocation, condition)

V. Supports (Photograph, geolocation)

VI. Light Fixtures (Photograph, geolocation)

VII. Guardrails (Photograph, geolocation)

ii. Walkability:

I. ADA Ramps (Photograph, geolocation, condition)

II. Sidewalks (Photograph, geolocation, condition)

III. Trees (Photograph, geolocation)

IV. Signs – Covered with above scope

V. Light Fixtures - Covered with above scope

i. Stormwater: Please note that the City of Banning will provide current GIS layers for these elements as reference material and to eliminate the need to search City streets to locate.

I. Pipes (not in scope, will be added through separate City means)

II. Inlets (Photograph, geolocation)

III. Outlets (Photograph, geolocation)

IV. Catch Basins (Photograph, geolocation)

V. Retention Basins (above ground basins only, photograph, geolocation)

VI. Channels (not is scope, will be added through separate City means)

VII. Culverts (Photograph, geolocation)

VIII. Manholes (Photograph and/or digital mapping, geolocation)

IX. Outfalls (Photograph, geolocation)

X. Trash Capture Devices (Geolocation)

Property accounting records should include the following information for each fixed asset:

- ID number/Asset Identifier
- Location (geo coordinates for GIS system)
- Photos
- Asset Category
- Asset Description
- Condition Assessment (As applicable)

IV.E PREPARATION OF SUMMARY REPORT

Prepare a Letter of Certification with a narrative Report certifying the fixed asset count and documenting the procedures used. A final summary Report shall include: assets found and content; assets not currently being used or in an unserviceable condition; missing assets and steps taken to locate them; assets in a state of disrepair/disuse and recommendations for developing a comprehensive replacement schedule with projected cost estimates.

A Draft Report will be submitted to the City for review and comment and presented at one of the progress meetings. Final comments will be incorporated and a Final Draft Report will be submitted for final review and then finalized.

IV.F ADD DATA TO CARTEGRAPH ASSET MANAGEMENT SYSTEM

The Consultant will be responsible for uploading all information into the City's Asset Management Software (Cartegraph) within 30 days after collection of data. Consultant shall work with City Staff and Cartegraph implementor to add data and compatible information to pre-determined layers with appropriate asset details.

The City, in coordination with Cartegraph, will provide data details for each asset category.

IV.G OPTIONAL TASK

ADDITIONAL SERVICES

Consultant is encouraged and expected to identify any additional work/tasks and further define task details that are not specified in this Preliminary Scope of Work that would be, in its' opinion, necessary to complete the project as defined herein. Consultant may propose additional services that in its' opinion will improve the efficiency and quality of the project.

V. Vendor Questionnaire

Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Responses should emphasize the Company's demonstrated capability to perform work of this type. Emphasis should be concentrated on completeness and clarity of content. Proposals shall adhere to the following format for organization and content. Proposals must be typed and arranged/divided in the following sequence to facilitate evaluation.

V.A Cover Letter*

The cover letter shall include a brief general statement of intent to perform the services and confirm that all elements of the RFP have been reviewed and understood. The letter shall include a brief summary of Company's qualifications and Company's willingness to enter into a contract under the terms and conditions prescribed by this RFP and in the Sample Agreement. The letter must identify a single person for contact during the RFP review process.

*Response required

V.B Proposal*

A. Statement of Understanding and Approach

- This section must demonstrate an understanding of the Services. It should describe the general approach, organization and staffing required for the Services requested. If necessary, preliminary investigations, due diligence, and research shall be discussed in this section.
- This section should include the following:
  - An implementation plan that describes in detail (i) the methods, including controls by which your firm or entity manages projects of the type sought by this RFP; (ii) methodology for soliciting and documenting views of internal and external stakeholders; (iii) and any other project management or implementation strategies or techniques that the respondent intends to employ in carrying out the work.
  - Detailed description of efforts your firm or entity will undertake to achieve client satisfaction and to satisfy the requirements of the "Scope of Work" section.
  - Detailed project schedule, identifying all tasks and deliverables to be performed, durations for each task, and overall time of completion, including a complete transition plan. Include your plan to deal with fluctuation in service needs and any associated price adjustments.
  - Detailed description of specific tasks you will require from City staff. Explain what the respective roles of City staff and your staff would be to complete the tasks specified in the Scope of Work.

- Proposers are encouraged to provide additional innovative and/or creative approaches for providing the service that will maximize efficient, cost-effective operations or increased performance capabilities. In addition, the City will consider proposals that offer alternative service delivery means and methods for the services desired.
- Proposers are also requested to identify any City owned facilities or property which Proposer would propose to use or lease, purchase, or rent from the City in connection with the services to be performed, including information about the terms of any proposed lease, purchase or use of such equipment and facilities, and how this proposed structure affects the overall cost proposal to the City, if applicable.

B. Company Information

- This section shall include contact person information, address and telephone number of the company main office and branch offices. Each Company shall identify itself as to the type of organizational entity (corporation, sole proprietorship, partnership, joint venture, etc.). Any supplemental information that Company believes may be pertinent to the selection process may be provided.
- The proposer should provide an affirmative statement that it is independent of the City as defined by generally accepted auditing standards in the U.S. General Accounting Office's Government Auditing Standards (1994).
- The Proposal shall identify any litigation, mediation, or arbitration, regarding the performance of any services similar to the Services, in which the Company has been involved in the past five (5) years. If the Services require a license or certification, the Proposal shall include any claims or disciplinary action taken against Company or any of Company's key personnel within the past five years.

C. Company Personnel

- This section shall contain names, contact numbers and description of experience, including licenses and/or certifications, of all key personnel who would be assigned to perform the Services. Members of the Company's professional team (managers, contact person, etc.) should be identified by name, title, phone number, and description of the portion of work they will be assigned to perform under this Agreement. Also include major subcontractors (if any) and their degree of involvement in this program. If the Company is including any subcontractors, the Company shall identify how long the Company has worked with the subcontractor.
- An affirmative statement should be included that the proposer and all assigned key professional staff are properly licensed to practice in California.

D. Disclosure

- Please disclose any and all past or current business and personal relationships with any current Banning elected official, appointed official, City employee, or family

member of any current Banning elected official, appointed official, or City employee. Any past or current business relationship may not disqualify the firm from consideration.

E. Experience and References

- The Proposal must demonstrate that the Company, or its key personnel, meets the minimum experience requirement in the Prerequisites with a legally registered business name, that provides services of a similar type and scope as described in the Scope of Services. A Company shall not have filed for bankruptcy under any business name over the past five (5) years.
- Company shall provide at least 3 references, within the past 5 years, of clients for whom services have been performed that are comparable in quality and scope to that specified in this RFP. The references shall include client names, addresses, telephone numbers and e-mail addresses of the clients for whom prior work was performed and include an explanation of the services provided along with project start and end dates. Each reference shall contain:
  - Client name and contact information (position, entity name, telephone number, fax number and email address).
  - Project description and size.
  - Role of key project team members.
  - Construction Value (if applicable).
  - Dollar value of the fee
  - Description of services
  - Was the project completed within budget and schedule
  - Staffing
- Only references of the prime consultant shall be considered, or references from project teams that have completed at least 3 projects together. The Consultant shall also list projects completed for other agencies. References will be contacted as part of the selection process.

*Response required

V.C Price Proposal*

All proposals submitted shall have a stated dollar bid amount for providing the services outlined in the Scope of Services. The total shall be an all-inclusive maximum price and to contain all direct and indirect costs including all out-of-pocket expenses with a full and complete breakdown of all said costs, and proposed fees including but not limited to hourly rates, reimbursable expenses and/or rates, mileage and/or travel cost, miscellaneous fees, etc., for the first year's audit engagement.

In addition, a statement must be included in this section that if the proposer is charging travel costs, the proposer's charges invoiced to the City for travel, lodging and subsistence shall not exceed the current IRS rates.

*Response required

V.D Value Added Services

Please describe any value-added services your company offers that may be of use to the City

V.E Evidence of Insurance*

In addition, the Company shall provide evidence of possession of insurance in the coverage and amounts listed in the Sample Agreement.

City requires that licensees, lessees, and vendors have an approved Certificate of Insurance (not a declaration or policy) or proof of legal self-insurance on file with the City for the issuance of a permit or contract. Within ten (10) consecutive calendar days of award of contract, successful Proposer must furnish the City with the Certificates of Insurance proving coverage as specified in contract sample.

*Response required

V.F Vendor Forms

Please download the below documents, complete, and upload.

- New_Vendor_Packet.pdf

V.G Type of Business*

☐ C Corporation
☐ S Corporation
☐ Limited Liability C Corporation
☐ Partnership
☐ Limited Liability Partnership
☐ Sole Proprietor/Individual
☐ Other
*Response required

V.H Type your Legal Company Name Here*

State your Company's Name Here. This will be verified against the California Secretary of State's Website.

*Response required

V.I EX PARTE COMMUNICATIONS CERTIFICATION*

I certify that Bidder and Bidder's representatives have not had any communication with a City Councilmember concerning this RFP at any time after the date and time that this RFP was publicly advertised.

☐ Yes
☐ No
*Response required

V.J EX PARTE COMMUNICATIONS CERTIFICATION CONTINUED*

If stated "Yes" above, please explain the circumstances in the following space, or state "None."

*Response required

V.K DISQUALIFICATIONS QUESTIONNAIRE*

Has the Company, any officer of the Company, or any employee of the Company who has proprietary interest in the Company, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or safety regulation?

☐ Yes
☐ No
*Response required

V.L DISQUALIFICATIONS QUESTIONNAIRE CONTINUED*

If stated "Yes" above, please explain the circumstances in the following space, or state "None."

*Response required

V.M DISCLOSURE OF GOVERNMENT POSITIONS*

Each Bidder shall disclose below whether any owner or employee of the firm currently hold positions as elected or appointed officials, directors, officers, or employees of a governmental entity or held such positions in the past twelve months. List below or state "None."

*Response required

V.N CERTIFICATION COMPLIANCE*

Please download the below documents, complete, and upload.

- Certification-Compliance_wi...

*Response required

V.O Acceptance of Terms and Conditions – Submission of a proposal pursuant to this RFP shall constitute acknowledgment and acceptance of all terms and conditions hereinafter set forth in this RFP and Sample PSA.*

☐ Please confirm

*Response required

VI. Submission Instructions And Inquiries

VI.A Inquiries

If prior to the date fixed for submission of Proposals, a prospective Company discovers any ambiguity, conflict, discrepancy, omission or other errors in this RFP or any of its appendices, exhibits or attachments, the Company shall immediately notify the City of such error in writing and request modification or clarification of the document. Modifications shall be made by written Addenda to the RFP.

If a Company fails to notify the City, prior to the date fixed for submissions of Proposals, of an error in the RFP known to the Company, or an error that reasonably should have been known to the Company, the Company shall submit its Proposal at its own risk, and if the Company is awarded a Contract, it shall not be entitled to additional compensation or time by reason of the error or its later correction.

All communications regarding technical, scope, and/or project related questions and requests for clarifications, changes, exceptions, and deviations to the terms and conditions set forth in this RFP **shall be submitted via "Q&A"** through the City's Electronic Bidding System, ProcureNow, before the deadline and according to these specifications herein. Any and all other bidding communications shall only be with **Barbara Mason, Purchasing Manager**, at (951) 922-3121.

The Final day for receipt of questions from the Proposer shall be on or before the due date indicated in the schedule of events section. To ensure fairness and avoid misunderstandings, **all communications must be in written format**and submitted only in the format set forth above. Any verbal communications will not be considered or responded to. All questions received by the due date will be logged and reviewed and if required, a response will be provided via an addendum to the RFP that will be posted on the City's website. **Any communications, whether written or verbal, with any City Councilmember, City staff, or RFP evaluation panel member other than the individual indicated above, prior to award of a contract by City Council, is strictly prohibited and the Proposer shall be disqualified from consideration.**

VI.B Completion Of Proposal

Proposals shall be completed in all respects as required by this RFP. A proposal may be rejected if conditional or incomplete, or if it contains any alterations or other irregularities of any kind, and will be rejected if any such defect or irregularity can materially affect the quality of the proposal. Proposals which contain false or misleading statements may be rejected. If, in the opinion of the City's Selection Committee, such information was intended to mislead the City in its evaluation of the proposal, and the attribute, condition, or capability is a requirement of this RFP, the proposal will be rejected. Statements made by a Company shall also be without ambiguity, and with adequate elaboration, where necessary, for clear understanding.

Unauthorized conditions, exemptions, limitations, qualifications, or provisions attached to a Proposal will render it non-responsive and will cause its rejection.

The Company, in responding to this RFP, must submit Proposals in the format identified in this RFP. The Proposal must address all requirements of the RFP even if a "no response" is appropriate.

Costs for developing Proposals are entirely the responsibility of the Company and shall not be chargeable to the City. The City shall not be liable for any costs incurred in response to this RFP, including but not limited to, costs for any interviews, presentations, or other follow-up information necessary as part of the selection process. All costs shall be borne by the Company responding to this RFP. The Company responding to this RFP shall hold the City harmless from any liability, claim, and expense whatsoever incurred by or on behalf of the Company.

VI.C Delivery / Submission Of Proposals

The Final day for submission of proposals shall be on or before the due date indicated in the schedule of events section.

Companies shall register on the City's Electronic Bidding System, https://www.banningca.gov/bids. Once registered, Companies must download the RFP while logged in under their own name and identification number to appear on the Current Prospective Bidders List as a "Prospective Bidder." Companies that fail to download the RFP will not appear on the Current Prospective Bidders List and their proposals will be considered non-responsive. If a Company is unable to register or download the RFP from the bidding website, a representative may contact ProcureNow.

All proposal documents and supplementary documents must be uploaded using the City's bidding website prior to event date and time as instructed in this solicitation. Once file(s) have been uploaded and the Submission Status shows as "Submitted" the submission is complete. At that point respondents will receive an email confirmation from the bidding website.

The City reserves the right to reject any and all proposals and to waive information and minor irregularities in any proposal received.

Acceptance of Terms and Conditions - Submission of a proposal pursuant to this RFP shall constitute acknowledgment and acceptance of all terms and conditions hereinafter set forth in this RFP.

The time and date are fixed, and extensions will not be granted unless specifically stated by the City in an addendum to this RFP. Proposals not received before the bid event time will not be accepted.

VI.D Alternative Proposals

Only one proposal is to be submitted by each Company for this RFP. Multiple simultaneous proposals will result in rejection of all Proposals submitted by Company. A Company may, prior to the proposal due date and time, withdraw a proposal and submit a new proposal, so long as the new proposal is submitted before the proposal due date and time.

VI.E Examination Of RFP And Sites Of Work

The Company shall carefully examine the RFP and all sites, if applicable, of the work contemplated. The submission of a Proposal shall be conclusive evidence that the Company has investigated and is satisfied as to the conditions to be encountered, as to the character, quality, and quantities of work to be performed and materials to be furnished, the difficulties to be encountered, and to the requirements of the Proposal, RFP, and other Contract Documents.

By submitting a Proposal, the Company hereby certifies that it has: examined the local conditions, read each and every clause of this RFP, included all costs necessary to complete the specified work in its proposed prices, and agrees that if it is awarded the Contract it will make no claim against the City based upon ignorance of local conditions or misunderstanding of any provision of the Contract. Should the conditions turn out otherwise than anticipated by it, the Company agrees to assume all risks incident thereto.

VI.F Addenda

Unless otherwise specified, any addenda issued during the time of bidding must be acknowledged electronically via the City's Bidding Website, which will be made part of the proposal. Addenda notifications will be provided to those listed on the Electronic Prospective Bidder's List via email.

VI.G Withdraw Of Proposals

All proposals shall be firm offers and may not be withdrawn for a period of one hundred twenty (120) days following the deadline date for submission of proposals noted herein. Submitted Proposals may be withdrawn at any time prior to the submission deadline.

VI.H Pre-Proposal Meeting

There will be a mandatory pre-proposal meeting on Monday, February 26, 2024 at 9:00 am. The meeting will be located at Microsoft Teams Meeting: https://teams.microsoft.com/l/meetup-join/19%3ameeting_Yzc0ZTU1NGUtM2Q5YS00OWNiLWEwM2QtMzE4MGJkMDAwOTI5%40thread.v2/0?context=%7b%22Tid%22%3a%2228cb6a6f-78fe-445d-acfd-cf07066168f7%22%2c%22Oid%22%3a%22f9c1cfd3-52ec-497e-81d5-e375c8c28269%22%7d Meeting ID: 296 437 816 967 Passcode: NWDpys. Attendance is required in order to submit a proposal.

VII. Evaluation Criteria

The City reserves the right to amend, withdraw, and cancel this RFP. The City also reserves the right to reject all responses to this RFP at any time prior to agreement execution. Furthermore, the City reserves the right to request additional information about any and all Proposals, that in City's opinion, is necessary to assure that the Company's competence, number of qualified employees, business organization, experience, and financial resources are adequate to perform the Services.

All Proposals shall be reviewed to verify that the Company has met the minimum requirements as stated in this RFP. Proposals that have not followed the rules, do not meet minimum content and quality standards, and/or do not provide references will be rejected as non-responsive.

Responsive proposals will be evaluated on the basis of the criteria below. **If needed, interviews will be scheduled during or after the week indicated in the "Schedule of Events" section.** If needed, interviews will be conducted by the same members on the proposal evaluation panel. Dates, times, and a location will be coordinated at that time if interviews are deemed necessary after the evaluation of responsive proposals. If interviews are deemed necessary, candidates who have submitted the highest scoring proposals within a competitive range as determined by the City will be invited to participate in the interview process.

The selected Company shall then enter into exclusive negotiations with the City to formalize the Scope of Service and Compensation. Recommendation for award is contingent upon the successful negotiation of final contract terms. Negotiations shall be confidential and not subject to disclosure to competing Proposers unless an agreement is reached. If the City is unable to obtain a fair and reasonable price or cannot reach agreement regarding the terms for the Scope of Services, then the City will end negotiations with that Company and begin negotiations with the next Company which best meets the needs of the City, and so on until a City and the Company reach agreement.
The City intends to select the Company that offers the best value to the City based on the criteria outlined above.

No.	Evaluation Criteria	Scoring Method	Weight (Points)
1.	**Qualifications** Includes: Consultant team's overall experience and qualifications, and qualifications (licenses, education) of the project manager, sub consultants and key consultant staff assigned to the project to demonstrate competence to perform these services. This shall include individual staff's prior experience completing similar fixed asset inspections, inventories, assessments and related projects. Include depth of knowledge of Cartegraph Asset Management system requirements, fixed asset policies and procedures.	Points Based	25 *(25% of Total)*

2.	**Pricing**	Points Based	10 *(10% of Total)*
3.	**Experience (Projects of similar size and scope)/Capabilities** Includes: Recent experience with completing similar fixed asset inspections, inventories, assessments, and related projects and the Cartegraph Asset Management system, and performing similar work for other agencies. Include knowledge of State regulations, policies, and procedures and any experience with projects in Banning. List similar projects, agencies and project contract amount and final project costs (if over/under budget)	Points Based	25 *(25% of Total)*
4.	**Professional References** Includes: References from other clients, was project completed on time and within budget.	Points Based	10 *(10% of Total)*
5.	**Understanding of the Project / Approach and Methodology** Includes: Project approach (implementation plan), methodology and how tasks would be accomplished specifically for the City of Banning, addressing all the Scope of Work Tasks (Task breakdown) listed below, QA/QC, schedule, deliverables, and overall responsiveness to the RFP. Provide a detailed description of the approach and methodology to be used to accomplish the Scope of Work of this RFP.	Points Based	30 *(30% of Total)*

VIII. Terms And Conditions

VIII.A Contract Terms And Conditions

The successful company will be required to execute the City's standard agreement ("Agreement"). A sample is attached herein. The successful company must meet all insurance requirements in the Agreement. All terms and conditions of the Agreement are non-negotiable. Companies must possess valid City of Banning Business License throughout the term on the contract. Failure to execute the Agreement and furnish the required insurance within the required time period shall be just cause for the rescission of the award. If any of the successful Companies refuse or fail to execute the Agreement, the City may award the Agreement to the next most qualified Company.

VIII.B Public Records

All Proposals submitted in response to this RFP become the property of the City and pursuant to the Public Records Act (Gov. Code, § 6250 et seq.) are public records, and as such may be subject to public review at least 10 days before selection.

The Company must notify the City in advance of any proprietary or confidential materials contained in the Proposal and provide justification for not making such material public. The City shall have sole discretion to disclose or not disclose such material subject to any protective order that the Company may obtain. Note that under California law, price proposal to a public agency is not a trade secret.

Submission of a proposal shall indicate that, if Proposer requests that the City withhold from disclosure information identified as confidential, and the City complies with the Proposer's request, Proposer shall assume all responsibility for any challenges resulting from the non-disclosure, indemnify and hold harmless the City from and against all damages (including but not limited to attorney's fees that may be awarded to the party requesting the Proposer information), and pay any and all costs and expenses related to the withholding of Proposer information. Proposer shall not make a claim, sue, or maintain any legal action against the City or its directors, officers, employees, or agents concerning the disclosure, or withholding from disclosure, of any Proposer information. If Proposer does not request that the City withhold from disclosure information identified as confidential, the City shall have no obligation to withhold the information from disclosure and may release the information sought without any liability to the City.

The City reserves the right to make use of any information or idea contained in the Proposal. All materials, ideas and formats submitted in response to this RFP will become the property of the City upon receipt.

VIII.C Conflict Of Interest

The Proposer warrants and represents that it presently has no interest and agrees that it will not acquire any interest which would present a conflict of interest under California Government Code sections 1090 et seq., or sections 87100 et seq., during the performance of services under any Agreement awarded. The Proposer further covenants that it will not knowingly employ any person having such an interest in the performance of any Agreement awarded. Violation of this provision may result in any Agreement awarded being deemed void and unenforceable.

VIII.D Rejection Of Proposals

The City may reject any/or all Proposals and may waive any immaterial deviation in a Proposal. The City's waiver of an immaterial defect shall in no way modify this RFP or excuse the Company from full compliance with this RFP and/or the Contract Documents if awarded the Contract. Proposals that include terms and conditions other than City's terms and conditions may be rejected as being non-responsive. The City may make investigations as deemed necessary to determine the ability of the Company to perform the work, and the Company shall furnish to the City all such information and data for this purpose as requested by the City. The City reserves the right to reject any proposal if the evidence submitted by, or investigation of, such Company fails to satisfy the City that such Company is properly qualified to carry out the obligations of the Agreement and to complete the work described herein.

VIII.E Protest Procedures

Failure to comply with the rules set forth herein may result in rejection of the protest. Protests based upon restrictive specifications or alleged improprieties in the proposal procedure which are apparent or reasonably should have been discovered prior to receipt of proposals shall be filed in writing with the RFP Facilitator at least 10 calendar days prior to the deadline for receipt of proposals. The protest must clearly specify in writing the grounds and evidence on which the protest is based.

Protests based upon alleged improprieties that are not apparent or which could not reasonably have been discovered prior to submission date of the proposals, such as disputes over the staff recommendation for contract award, shall be submitted in writing to the RFP Facilitator, within forty-eight hours from receipt of the notice from the City advising of staff's recommendation for award of contract. The protest must clearly specify in writing the grounds and evidence on which the protest is based. The RFP Facilitator will respond to the protest in writing at least three days prior to the meeting at which staff's recommendation to the City Council will be considered. Should Proposer decide to appeal the response of the RFP Facilitator, and pursue its protest at the Council meeting, it will notify the RFP Facilitator of its intention at least two days prior to the scheduled meeting.

VIII.F Cancellation

The City retains the right to cancel this RFP at any time, should it be deemed to be in the best interest of the City. No obligation either expressed or implied exists on the part of the City to make an award based on the submission of any proposals.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING

Douglas Schulze, Date
City Manager

ATTEST:

Caroline Patton Date
Deputy City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Kevin G. Ennis, Esq., Date
City Attorney

CONSULTANT

NAME: Date
TITLE:

NAME: Date
TITLE:

Tax ID No.

Address:

City Council Approval: _____

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

March 28, 2024

Barbara Mason, Purchasing Manager
Purchasing Division
99 E. Ramsey Street
Banning, CA 92220

Dear Barbara Mason and Selection Committee Members:

Roadway Asset Services, LLC (RAS) is pleased to submit this proposal for the City's Fixed Asset Inspection and Inventory Assessment (RFP 23-046). The RAS management team is composed of industry experts who bring over a combined 150 years of experience and have managed **100,000 miles of pavement condition and asset inventory data** in the last 5 years. Specifically, our team will provide the following:

- **Unrivaled Municipal Experience in the Southwest**– Our engineering firm is comprised of industry experts assisting municipalities in the field of pavement and asset management. Throughout their careers, the RAS leadership team has **managed pavement data and ROW asset collection for 10 of the 20 largest U.S. Cities**. RAS has managed the following pavement and asset condition assignments: Rancho Palos Verdes, CA; Salt Lake City, UT; Albuquerque, NM; Las Cruces, NM; Farmington NM; West Jordan, UT; Denver, CO; Gilbert, AZ; Pima County, AZ; Coconino County, AZ; and Sedona, AZ. We understand asset management is a commitment to long-term goals that must be flexible enough to evolve with the priorities of the City.

The RAS Team Advantages

- ***Expert Consulting:*** ***A dedicated executive team, with each member having at least 17 years of pavement management experience.***
- ***Data Collection Procedures:*** ***Leverage state-of-the art data collection technology and in-house developed AI tools for confidence in the data.***
- ***Cartegraph Implementations:*** ***Work with a team that will ask the right questions and provide the right information to manage your assets.***
- ***Communication and Partnership:*** ***Expect a detailed and organized team approach that truly is focused on the goals of the City.***

- **Automated Data Collection Technology** – The RAS team owns and operates a fleet of **four advanced automated data collection vehicles** for use in the development of PCI, IRI, and OCI results. Our team uses the latest technology **(LCMS-2 and Ladybug 360 cameras) to collect ASTM D6433 distresses** along with other right-of-way asset attributes. The RAS approach to right of way asset inventory development can harness the power of photogrammetry for attribution assignment.

- **Unmatched Cartegraph OMS Experience and Exclusive Partnership**– **As a preferred 3rd party business partner,** our team can provide full-service implementations including install, distress data import, Scenario Builder configuration, training sessions with City staff on Cartegraph's operation, and budgetary modeling to improve OCI results for various districts or the entire network. The RAS team routinely develops the data import sheets following the Cartegraph schema requirements and using the Cartegraph import/export user interface. While not currently included in the scope of services, the RAS team is well versed with Scenario Builder and commonly assists municipal agencies with the assignment of rehabilitation activity triggers, development of Supersegments through the use of Automation Manager and financial optimization using "Cost of Deferral" sequencing as a part of the prioritization logic. To ensure the highest degree of familiarity

with the Cartegraph interface, RAS has assigned our Director of Deliverables, Jeff Booth, MBA, to review the import sheets. **Mr. Booth previously served as Cartegraph's Senior Vice President of Services for over 10 years.**

- **Unrivaled offering of ROW data sets** - RAS will conduct a ROW asset needs assessment to examine the City's existing data sets and gaps in desired attributes. For the pricing of this propsal, RAS has selected a traditional methodology of photogrametry collected by the Ladybug 360 degree camera to capture location and imagery. Additional attribution for selected assets will be discussed as an optional service with City Staff.
- **Local Knowledge and Understanding**– While RAS is an industry expert in the use of automated technologies and Cartegraph integrations, we have also teamed with **Bucknam Infrastructure Group, Inc.** to conduct an independent field QC of the 10-mile pilot distress data that is delivered to the City for review. As a local pavement management consultant, Bucknam will provide in-field ASTM D6433 verification of the RAS automated pavement condition data. RAS and Bucknam Infrastructure Group represent a powerhouse of pavement management expertise when combined as a unified team and have previously worked together on Pavement Condition Assessments for Rancho Palos Verdes and Pomona. **Bucknam Infrastructure Group has assisted more than 70 Southern California local agencies in Pavement Management Programs**

We look forward to building a long-term relationship with the City of Banning. RAS intends to perform all the requested services and has reviewed/understood all elements of the RFP including Addendum 1, Addendum 2, and Questions & Answers in OpenGov. RAS is willing to enter into a contract under the terms and conditions prescribed by this RFP and in the Sample Agreement. RAS' main point of contact and authorized negotiator for contract terms and binding decisions is Bart Williamson, FCLS. He can be contacted at (210) 837-5249 and bwilliamson@roadwayassetservices.com.

Sincerely,



Bart Williamson, CEO
Roadway Asset Services, LLC.
6001 W Parmer Lane
Suite 370-1102
Austin, TX 78727

City of Banning, California
Proposal for Fixed Asset Inspection & Inventory Assessment
RFP 23-046





Prepared by:

Roadway Asset Services, LLC.
6001 W Parmer Lane
Suite 370-1102
Austin, Texas 78727
bwilliamson@roadwayassetservices.com
210-837-5249

Statement of Understanding & Approach

A. Statement of Understanding and Approach

A.1 Understanding of the City's Requirements



The RAS team understands that the City's Fixed Asset Inspection and Inventory Assessment includes the collection of approximately **150 centerline miles** of paved roadways, signs, markings, supports, light fixtures, guardrails, ADA ramps, sidewalks, trees, inlets, outlets, catch basins, retention basins, culverts, manholes, outfalls, trash capture devices. RAS will utilize an automated Roadway Asset Collection (RAC) vehicle to collect imagery of the roadway and assets, geolocate the assets, perform an object pavement condition assessment, format pavement and asset data for import to Cartegraph OMS, and deliver a final summary report for the pavement and ROW assets.

The **RAS fleet of four (4) Roadway Asset Collection (RAC)** vehicles are equipped with a Laser Crack Measurement System (LCMS-2) for automated pavement data acquisition and a **certified laser profiler** which includes line lasers for capturing full lane rutting and roughness data in conformance with the AASHTO R 57. The raw sensor data will be collected, processed, and aggregated to the segment level contained in the City's Cartegraph OMS Software. The data will be collected and delivered in accordance with the most current version of the U.S. Army Corps of Engineers data protocols, commonly referred to as ASTM D6433. The RAC vehicles meet or exceed all of the requirements for pavement surface imaging as defined by the City.

As a **Strategic Business Partner of Cartegraph** and routine implementer of the pavement module, RAS will upload the new pavement inspection data into Cartegraph as "Inspected OCI" to assist the City in updating the enterprise software for budgetary modeling development (performed by City). **RAS is a preferred business partner with Cartegraph and will ensure seamless access to the OMS environment through a review of the test environment before moving into production.** In addition, RAS has a tried and tested method to complete the data import and we have the staff expertise in-house to support the City's software implementation tasks not included in the "Orange Advantage" package.

RAS understands that the City's utilized the Nobel GIS suite of tools for spatial data management. Nobel utilizes the ESRI ArcGIS Engine and ArcSDE software that is utilized for data management for GIS-centric projects. RAS is an ESRI Silver partner and we have the solutions to meet the City's GIS integration needs.

At the close of the project, RAS will prepare and deliver a Letter of Certification with a narrative Summary Report certifying the asset count, methodology, documenting missing assets, assets in unserviceable condition and state of disrepair, and provide recommendations for developing a comprehensive replacement schedule with projected cost estimates.

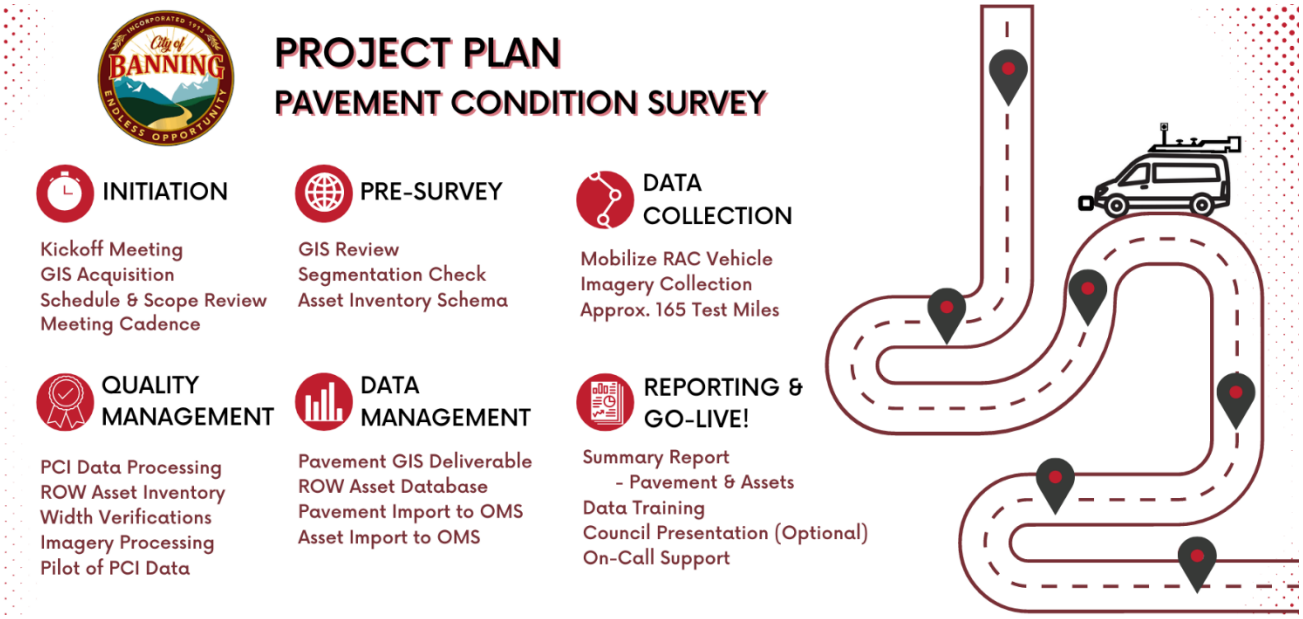
A.2 Project Approach



RAS' project approach includes the management of tasks by seasoned asset and pavement management professionals who bring over a **combined 150 years of experience**. The benefit of RAS on this assignment is that the team is dedicated to asset and pavement management on a daily basis. This is their core focus as transportation professionals. The RAS team utilizes the Project Management Body of Knowledge (7th edition) to define and adhere to the principles of planning. The planning processes include organizing, scheduling, controlling, and coordinating.

Implementation Plan

RAS has experience in gaining stakeholder engagement through the facilitation of educational workshops and council meetings. RAS understands a crucial aspect to the successful implementation of data driven analysis results is getting approval from City officials and stakeholders. Our team utilizes the **Account Ability AA1000ES Assurance Framework for Stakeholder Engagement** that defines the management of multi-stakeholder bodies through a Materiality, Completeness, and Responsiveness lens. Project initiation will begin by coordinating with the City to identify various stakeholders and involved parties. After stakeholders have been identified, RAS will conduct workshops to discuss mutual goals with the data collection project and priorities for improvements in the City's street network. RAS will eliminate bias based on our methodology for rating pavement distresses that follow the ASTM D6433-20 standards. City confidence in the data enables solutions to be made based on the represented rating of the network and reduces biases in decision-making.



Task 1: Kickoff and Project Management

Kickoff Meeting

At the outset of the project, RAS will work in conjunction with City Staff to develop the initial scope of work and identify what tasks are critical to the City's pavement management program. RAS will review the City's existing GIS centerline files and Cartegraph database for use in this project. After an initial review, RAS will conduct the Kickoff Meeting to discuss the GIS files, requirements/considerations, deliverable formats, and additional data needed by RAS for preparation and project administration. During the kickoff meeting, RAS will present a project schedule and fees, identify tasks and milestones, review the methodology utilized, provide a detailed quality assurance/quality control (QA/QC) plan, suggest a schedule for biweekly progress meetings, and discuss goals for the project. In addition, team members will also determine a pilot area of approximately 10 miles for collection and review of all deliverables by City Staff. We will also obtain a collection letter for field crew use and determine areas that are of greatest priority or that require special timing for collection due to festivals.



Project Milestone/Monthly Meetings

RAS understands that communication between the RAS team and the City of Banning is central to having a successfully managed contract. To ensure project requirements are met, RAS will host biweekly meetings to review the percentage of the network collected and rated. RAS will meet and exceed the minimum of 5 meetings and will present progress reports, meeting agendas, and minutes.

Capacity to Perform the Work

RAS has internal processes and partnerships that ensure the negotiated budget and timeline are maintained. One way RAS optimizes its field data capture is by collecting pavement condition data 7 days a week, which allows our team to remain ahead of schedule when events such as storms or other weather-related events do occur. In addition, RAS' strength lies in our ability to mobilize additional equipment if the collection vehicles go down for maintenance. RAS operates a fleet of four data collection vehicles that are less than four years old and has a partnership with our equipment manufacturer/assembler who will provide replacement equipment or technical support within 48 hours. This level of service results in minimal downtime.

Project Schedule

RAS has presented the following schedule to demonstrate its efficiency in data collection, processing, quality assurance, and delivery of a final report. This schedule represents a realistic timeline to complete the work associated with the requested scope of work.

Task	Description / Milestone	Days	Month: Starting Upon Receipt of NTP 1	2	3	4	5
1	Project Initiation, Kick-Off, & Centerline Identification	14					
2	Field Mapping Development, Segmentation Review, & Routing Setup	5					
3a	Roadway Asset Collection (RAC) Vehicle Mobilization/Calibration	2					
3b	RAC Pavement Distress & Imagery Collection	50					
4a	Pavement Evaluation, ASTM D6433 Data Processing, & QC	105					
4b	Pilot Data Review with City Staff	2					
4c	Independent ASTM D6433 Field Review and Ground-Truthing	5					
4d	HD Digital Image Processing & Delivery	60					
5a	ROW Asset Inventory & Attribution	9					
5b	PCI Data Import to StreetSaver®	10					
6a	RAS & City Review of Final Data	20					
6b	Delivery of Report and Final Data	10					
PM	Schedule Project Status Meetings	10					

CRITICAL PATH COMPONENTS

Prep/GIS Database Work
Field Work
Extraction/Evaluation/QC Work
Final Deliverable

Assumptions

- Centerline file to be provided as a geodatabase.
- OWNER to provide access to NOBEL GIS data and the “Pavement Layer” for data linking.
- Arterials and Collectors are two pass collection and Locals and Residentials are one pass collection.
- Surveys to be completed when pavements are dry and free of standing water.
- City to participate in project activities in a timely manner to ensure schedule integrity.

Task 2: Pre-Survey GIS Mapping and Network Centerline Identification



RAS will review the City's existing GIS centerline and perform an audit of the data to ensure that all roads requiring data collection are surveyed. This will include a review of functional classes and coverage checks for major/divided roads (Wilson St, Highland Springs Ave, Sunset Ave, Ramsey St, Sun Lakes Blvd, Hathaway St.) that require two-directional testing. The result will be a clean GIS centerline, ready for consumption of additional layers and attribution related to the pavement condition surveys and asset inventories.

To ensure adequate coverage and exceed requirements, the RAC vehicle will survey arterial and collector roads in two directions, while single pass testing the residential roads. This approach ensures the highest level of detail and representative pavement conditions. At the completion of the project, the roadway and right of way images (provided at no cost) and condition database for the network will be formatted for upload into Cartegraph OMS, the City's GIS environment, and the optional RAS web-hosted videologger.

Task 3: Perform Physical Inspection and Inventory

Roadway Asset Collection (RAC) Vehicles



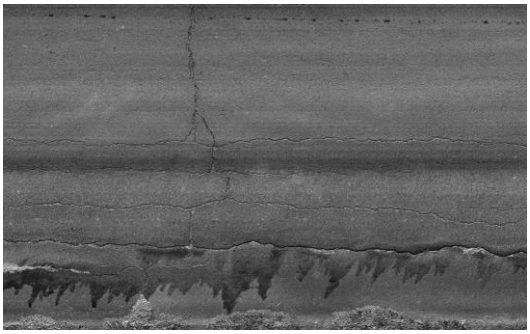
The pavement data will be processed per road segment for the entire roadway network using the continuous and detailed 20-foot linear samples acquired by the RAC Laser Crack Measurement System (LCMS-2) vehicle. RAS will adopt the City's existing GIS linked OMS centerlines and the detailed 20-foot LCMS samples will be processed into 2,500 sqft samples following the ASTM D6433 logic. These 2,500 sqft samples can then be loaded as sample inspections for every City segment, thus creating multiple inspections for each segment. Alternatively, RAS can also aggregate the 2,500 sqft samples to match the City's existing segmentation, thus creating one inspection record for every segment. The RAS approach is comprehensive and nimble enough to evolve with City expectations. The City will receive the condition and analysis results in several formats such as Excel Spreadsheets and geodatabases prior to the final Cartegraph production load.

All RAC vehicles operate within the appropriate ASTM and AASHTO standards and have been independently certified by Texas A&M Transportation Institute to ensure accuracy with the data collection. An enhancement and cost savings initiative that differentiates RAS from other pavement condition survey approaches is that the advanced technology equipped on the RAC vehicles **does NOT require two passes on local/residential roads.** This will save the City time and money as the total **number of test miles driven is substantially reduced** compared to all-lane surveys.

RAS will calculate an ASTM D6433 PCI score using the detailed extent and severity distress data captured in the field for every segment, for all street functional classifications and the overall network. In addition, IRI values will be provided for all street functional classifications in accordance with the AASHTO R 57. The combined PCI and IRI data will be imported to Cartegraph to calculate the Overall Condition Index (OCI).

To complete the automated pavement condition survey, the RAS team will utilize RAC vehicles from the fleet of four (4), equipped with:

- The LCMS-2 camera is a downward-facing laser array providing images used to evaluate data that conforms with ASTM D6433 protocols, which uses **two 1-millimeter-pixel** resolution line scan cameras to **provide a customized digital condition rating system to collect user defined severity/extent-based pavement distresses and rutting.**
- The pavement distress type, density, severity, and extent are collected with the LCMS-2 and are used to calculate a Pavement Condition Index (PCI) score, between 0-100, that represents the condition of 100% of the driven lanes.
- Point Gray Ladybug 5+ 32MP **360-degree High-Definition camera** (**utilized for accurate ROW asset capture, extraction, and pavement QA/QC**) is far superior to multiple independently mounted HD cameras. These images will be supplied to the City at no additional cost as the RAS team feels they are critical for City review and acceptance.
- **Linear distance measuring to within +/-0.5%**.
- A class 1 inertial profiler for simultaneously capturing dual-wheel path (left and right) International Roughness Index (IRI) measurements to the hundredth inch, in accordance with AASHTO R48. The profiler has gone through **ASTM E-950** certification and **was independently certified by Texas A&M Transportation Institute (TTI) in March 2024.** The inertial profiler meets the requirements and will be operated in accordance with **AASHTO Standards M 328, R 57-10, R 56-10, and R43M/R43-7**.
- Applanix POS/LV with DGPS (**Provides accurate internal GPS navigation for geo-locating pavement and right of way asset information**).



The RAS team will conduct pavement survey work on dry pavement and in lighting conditions that ensure accurate crack detection. We will collect imagery during daylight hours only, with no rain, fog, or snow visibility obstructions. Any road segment(s) that exhibits low image quality due to lighting will be recollected at a later time. The industry is currently migrating toward automated intelligence (AI) rating for 100% linear assessment of the roads, in accordance with guidelines within the **ASTM D6433, ASTM E1656, and ASTM E3303**. This methodology removes the subjectivity of rating small sample areas of the road segment where the sample may not represent the condition of the entire roadway segment.

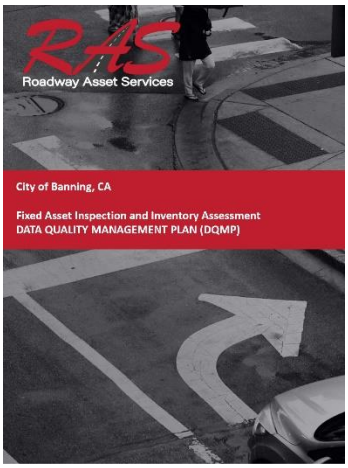
Ladybug 360^{o} Imagery

All collected pavement and ROW imagery will be provided in appropriate state plane coordinates while being collected in one continuous pass at posted roadway speeds for residential roads and two pass-testing arterial and collectors. The high-definition panoramic Ladybug camera will be used to inventory and capture right-of-way (ROW) assets for extraction. The images will be collected as a 360^{o} right-of-way panorama, including forward, rearward, and downward pavement viewing images. Each image will be electronically tagged with location information for plotting within a spatial environment.



Example Ladybug ROW Imagery & Pavement LCMS-2 Imagery Deliverables

Task 4: Detailed Quality Assurance & Quality Control Work Plan



RAS has also developed a detailed 30-page **Data Quality Management Plan (DQMP)** to provide our clients with a systemized method for assuring data is representative of the conditions present. Included in the DQMP is a description of condition survey procedures, data collection vehicle calibration, range of accuracy, data checks, safety procedures, verification by trained engineers, roadway segment review/verification, and integration into Cartegraph. A unique feature of our quality managmenet plans is a 10-mile field verification pilot reviewed by RAS, Bucknam Infrastructure Group, & City Staff that will illustrate the completeness and accuracy of the RAS data stream. We can supply the City of Banning with our published 30-page DQMP at the request of City Staff. The document's length and technical nature didn't make it suitable for inclusion with this proposal submission.

Quality Assurance Step #1– Network Database Review (Completeness / Gap Analysis)

While a simple routine in every project, the cornerstone to project initiation is conducting a complete diagnostic of the roadway network, including a full and thorough assessment of the City's GIS centerline and Cartegraph inventory database. This will include a review of the City's data requirements (i.e., what information is needed/desired) and subsequent data gap analysis (what is missing).

RAS will include the following in this initial review:

a. Base inventory information, (i.e., Functional Class, lengths, areas, surface type, etc.)
b. Historical condition information
c. Status of survey history
d. Construction and maintenance history
e. Review of maintenance and rehabilitation treatments and unit costs
f. Review of existing pavement deterioration curves
g. Review of Scenario Builder routines to ensure City is maximizing latest updates (optional task)

Quality Assurance Step #2 – Mobilization/Calibration/Pilot/Kickoff

> *"The pilot data field validation was crucial to our acceptance and buy-in on our pavement quality assessment. Mr. Gordon explained each condition, the methods of measurement of the distresses, and how the PCI score calculations could help us understand the meaning and relationship of the values to our perceptions of pavement performance. This personalized process allowed us to make maintenance decisions from the data provided with confidence." Zayne Huff, City of Southlake*

The importance of the **field pilot** cannot be understated as it has become a routine milestone for the RAS Team on all pavement condition projects. The pilot allows RAS to collect, process, and review condition data with City Staff to ensure accuracy with the data collection and interpretation protocols. In addition to the City's eventual review of the 10-mile pilot data, **RAS subconsultant Bucknam Infrastructure Group (a local pavement management consultant), will conduct an independent 3rd party review of the 10-mile pilot to assist in the quality review process. The review of the RAS condition data and Bucknam QC will be hosted by Senior Pavement Engineer, Scot Gordon, PE, IAM in the field, where he will review site conditions with City Staff**. Scot uses a field tablet that contains the segment PCI scores along with the deduct points assigned to each distress such that everyone understands the PCI impacts of distresses that are present. The importance of this step is to make necessary corrections to the processing routines that result from local standard construction practices/soil conditions and to ensure accuracy with the approach. As certified ASTM D6433 inspectors, Bucknam will conduct a walking survey on the 10 miles of roadway through the selection of representative samples for each segment, covering a minimum of 20% of the total section area and samples will be 2,500 square feet (+/- 1,000 sqft) in size.



As a cornerstone to the development of quality data deliverables, Scot Gordon, PE has performed a pilot data field validation with agency staff on hundreds of pavement condition surveys. Throughout his career, Scot has worked with various agencies on the **field pilot data validation** including but not limited to:

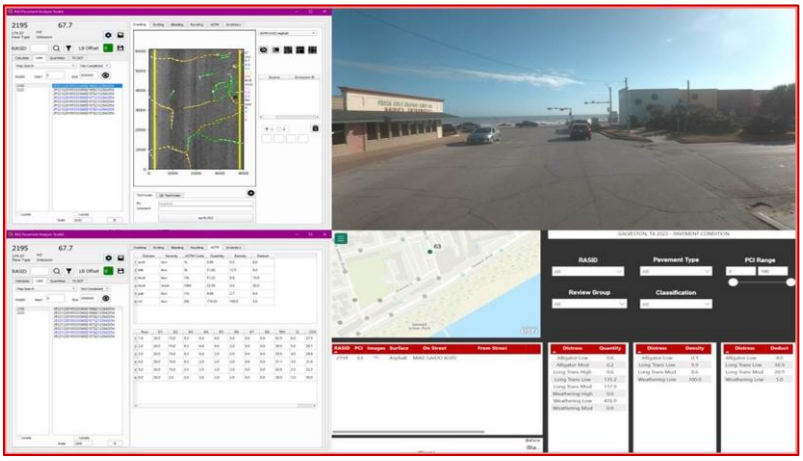
- Houston, TX
- Durham, NC
- Virginia Beach, VA
- Indianapolis, IN
- Fort Worth, TX
- Salt Lake City, UT
- Denver, CO
- Albuquerque, NM
- Charlotte, NC

Quality Assurance Step #3 – Subsystem Monitoring in The Field



During the survey, the RAS collection software monitors the GPS subsystems and alerts the operator if the GPS feed drops out or if GPS quality is compromised. The IMU will provide acceleration-based corrections during this time to ensure that GPS accuracy is maintained as much as possible. The RAS team will also review a randomized sample of images to ensure that it complies with the requirements of the specifications throughout the course of the network matching and event QC. Upon completion of the network matching, an image report shall be generated with the total image count compared with that expected for each road. Daily Progress Reports are produced by uploading sensor, GPS, and event data and matching against the road network definition. Progress reports include the following, road sections collected, length discrepancies, and remaining sections to be completed.

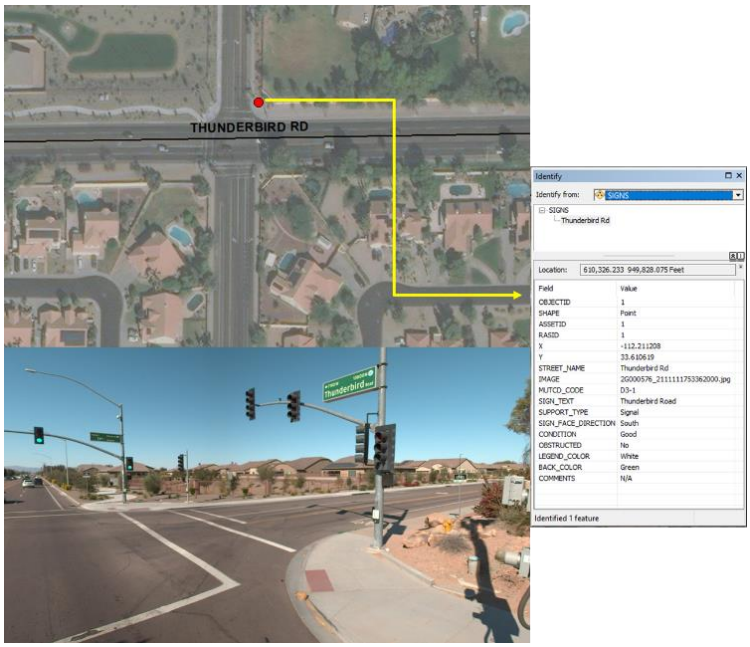
Quality Assurance Step #4 – Automated Crack Analysis & Engineer Review



After data is collected in the field and uploaded to the office environment, it is imported using the RAS AI enhanced pavement rating tool **RoadTRIP™ (Technical Rating Intelligence Program)**. The import process creates mappings to the data so that users do not need to keep track of where the data is stored on central data server(s). At this stage, the major data processing tasks also occur, such as generation of right-of-way and pavement image streams; calculation of profile, roughness, rutting, detection of cracks, lane-markings, man-made objects, and other distresses. The **RoadTRIP™** application was designed around the ASTM D6433 data collection protocols and contains a **PCI calculator** that uses distress deduct curves and Q-correction. This PCI is used for Quality Assurance before importing detailed extent/severity distress data into Cartegraph. **RoadTRIP™** was programmed with sophisticated algorithms that use sound geometry and distress density to properly classify and quantify pavement distresses.

An experienced pavement inspector will perform QC to confirm the distresses and severity of the pavement condition data collected by the automated technology. This manual quality review is performed, in accordance with the principles of the ASTM D6433 standard, using the LCMS pavement images gathered during collection with the distresses superimposed and color coded.

Task 5a: ROW Asset Inventory



RAS has a proven methodology to perform asset inventory and inspection services for **Transportation, Walkability, and Stormwater** infrastructure. At a minimum, each requested asset will receive a photograph and geolocation for plotting within a spatial environment **(with signs, markings/striping, ADA ramps, and sidewalks receiving a condition assessment)**. Eash asset class will be provided to the City as a file geodatabase, with imagery links, and formatted for import to Cartegraph OMS.

The following **Data Dictionary** will be taken to develop the right-of-way asset inventory and condition assessment for the City's requested infrastructure assets.

ROW Asset Data Dictionary

RAS can post-process the Ladybug panoramic imagery using RAS software to collect attributes for each asset type captured. Note that each of these ROW assets will include geolocation and a hyperlinked photo. Each of the attributes *highlighted in light blue* will be included as a **no-cost, value-add to the inventory**.

			City of Banning ROW Asset Data Dictionary					
Selected Asset	**Code**	**Geometry**	**Field 1 Attribute**	**Field 1 Data**	**Field 2 Attribute**	**Field 2 Data**	**Field 3 Attribute**	**Field 3 Data**
Signs	SIGN	Point	SIGN_ID or Client Schema	Unique identifier for each sign e.g. 100000 or Client Schema	SIGN_Condition	An identification of the condition of the sign. Populated as 1-Good 2-Fair 3-Poor	SIGN_MUTCD	Numerical MUTCD Code for the Sign
Supports	SS	Point	SS_ID or Client Schema	Unique identifier for each sign support e.g. 200000 or Client Schema	SS_Type	An identification of the material type of support structure (wood, utility pole, bridge, etc.)	N/A	N/A
Pavement Markings	PM	Point	PM_ID or Client Schema	Unique identifier for each pavement marking e.g. 300000 or Client Schema	PM_Condition	An identification of the condition of the pavement marking. Populated as 1-Good 2-Fair 3-Poor	PM_Type	The type of marking taken from a picklist of custom MUTCD codes (bike symbol, railroad crossing, double arrow LT, etc.)
Pavement Striping	PS	Linear	PS_ID or Client Schema	Unique identifier for each painted/inlaid striping e.g. 400000 or Client Schema	PS_Condition	An identification of the condition of the striping. Populated as 1-Good 2-Fair 3-Poor	PS_Type	The type of striping taken from a picklist of custom codes (solid, dashed, double, etc.)
Light Fixtures	LF	Point	LF_ID or Client Schema	Unique identifier for each light fixture e.g. 500000 or Client Schema	LF_Condition	An identification of the condition of the light structure. Populated as 1-Good 2-Fair 3-Poor	LF_Support Type	The construction style of the support e.g. wood mast, round metal, ornamental, etc.
Guardrails	GR	Linear	GR_ID or Client Schema	Unique identifier for each guardrail e.g. 600000 or Client Schema	GR_Condition	An identification of the condition of the guardrail. Populated as 1-Good 2-Fair 3-Poor	GR_Type	The primary construction material of guardrail e.g. cable, concrete, bike/ped, etc.
Pedestrian Curb Ramps	RAMP	Point	RAMP_ID or Client Schema	Unique identifier for each curb ramp e.g. 700000 or Client Schema	RAMP_Condition	An identification of the condition of the curb ramps. Populated as 1-Good 2-Fair 3-Poor	RAMP_VIF	Identifies the presence of truncated domes or other visual impairment facilities
Sidewalks	SW	Linear	SW_ID or Client Schema	Unique identifier for each sidewalk structure e.g. 800000 or Client Schema	SW_Condition	An identification of the condition of the sidewalk. Populated as 1-Good 2-Fair 3-Poor	SW_Type	A description of the primary method or style of construction (stand-alone, boulevard, etc.)
Trees	TREE	Point or Linear	TREE_ID or City Schema	Unique identifier for each tree withing the adjacent right-of-way e.g. 900000 or City Schema	Note: Trees that are bunched together will be drawn in as a linear asset.	N/A	N/A	N/A
Inlets	INLT	Point	INLT_ID or Client Schema	Unique identifier for each storm inlet e.g. 1000000 or Client Schema	INLT_TYPE	Type of inlet contruction (open, covered, grate, etc.)	N/A	N/A
Outlets	OUT	Point	OUT_ID or Client Schema	Unique identifier for each outlet e.g. 1100000 or Client Schema	OUT_TYPE	Type of outlet constuction (open, covered, grate, etc.)	N/A	N/A
Catch Basins	CABA	Point	CABA_ID or Client Schema	Unique identifier for each catch basin e.g. 1200000 or Client Schema	CABA_TYPE	Type of catch basin construction (open, covered, grate, etc.)	N/A	N/A
Retention Basins	REBA	Point	REBA_ID or Client Schema	Unique identifier for each retention basin e.g. 1300000 or Client Schema	REBA_TYPE	Type of retention basin construction (open, covered, grate, etc.)	N/A	N/A
Culverts	CUL	Point	CUL_ID or Client Schema	Unique identifier for each culvert e.g. 1400000 or Client Schema	CUL_TYPE	Type of culvert construction (open, covered, grate, etc.)	N/A	N/A

			City of Banning ROW Asset Data Dictionary					
Selected Asset	**Code**	**Geometry**	**Field 1 Attribute**	**Field 1 Data**	**Field 2 Attribute**	**Field 2 Data**	**Field 3 Attribute**	**Field 3 Data**
Manholes	MAN	Point	MAN_ID or Client Schema	Unique identifier for each manhole e.g. 1500000 or Client Schema	MAN_TYPE	Style of manhole (circular, rectangular, etc.)	N/A	N/A
Outfalls	OF	Point	OF_ID or Client Schema	Unique identifier for each outfall e.g. 1600000 or Client Schema	OF_TYPE	Type of outfall construction (open, covered, grate, etc.)	N/A	N/A
Trash Capture Devices	TCD	Point	TCD_ID or Client Schema	Unique identifier for each trash capture device e.g. 1700000 or Client Schema	N/A	N/A	N/A	N/A

Sign Retroreflectivity Assessment

RAS is aware that traffic fatality rates are 3 times higher during nighttime than daytime with reduced nighttime roadway visibility as a common factor. RAS also recognizes the importance of nighttime visibility of traffic control devices as our population ages. In general, older individuals have declining vision and slower reaction times. Signs that are easier to see and read at night can help older drivers retain their freedom of mobility and remain independent. RAS can provide the City with a Federal Highway Administration (FHWA) Visual Nighttime Inspection Method and would record in the database whether the sign meets the minimum guidelines in the MUTCD.

Visual Nighttime Inspection Method



The Visual Inspection Method involves an inspector (over age 60) that will assess the visibility and retroreflectivity of the traffic signs as the signs are approached. Signs need to be replaced if they do not meet the comparison defined in one of the three approved procedures: Calibration Signs Procedure, Consistent Parameters Procedure, and the Comparison Panels Procedure. For this project, we will be utilizing a combination of the Calibration Signs Procedure and the Comparison Panels Procedure. The description of these procedures is provided as contained in the FHWA document:

Calibration Signs Procedure **-** Calibration signs are viewed prior to conducting the nighttime inspection. The calibration signs have retroreflectivity levels at or above the minimum levels. These signs are set up where the inspectors can view the calibration signs in a manner similar to how they will conduct the nighttime inspection. The inspector uses the visual appearance of the calibration sign to establish the evaluation threshold for that night's inspection activities.

Calibration signs are needed for each color of sign for which there are minimum levels. The calibration signs are viewed at typical viewing distances and from the same vehicle that will be used for conducting the inspections. The calibration signs need to be safely stored between inspections so that the retroreflectivity of the calibration signs does not deteriorate over time. Calibration signs are checked at periodic intervals to ensure that the calibration panels have the appropriate retroreflectivity levels.

Comparison Panels Procedure **-** Small comparison panels are used to assess the retroreflectivity of questionable signs. The comparison panels are fabricated at retroreflectivity levels that are at or above the minimum levels. When the retroreflectivity of a sign is considered to be questionable, a comparison panel is attached to the sign and the sign/panel combination is viewed by the inspector.

If the comparison panel appears brighter than the sign, the sign needs to be replaced. Utilizing both of these methods will help the inspector in situations where the retroreflectivity is questionable. The inspector will use the Calibration Signs Procedure, and if the inspector encounters a situation where the inspector is not sure, the inspector can then use the Comparison Panels Procedure.

Sign Reflectivity Attribute Model

- **Non Compliant** – Extremely low or no visibility when viewed at distances over 500 feet (greater than 10 skips or at a distance when the sign first comes into view) and/ or not legible at 250 feet or less (i.e. Less than 5 skips).
- **Compliant** – Clearly visible when viewed at distances over 500 feet (greater than 10 skips or at a distance when the sign first comes into view) and good legibility at 250 feet or less (i.e. Less than 5 skips).

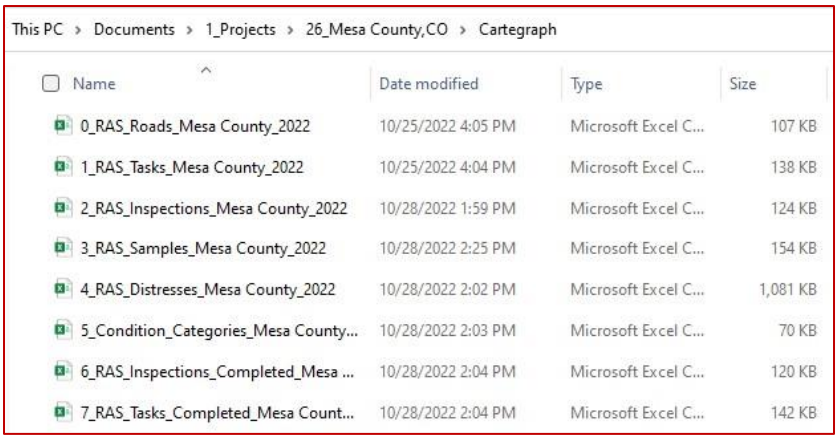
We will utilize the two-person data collection method, where one person drives the vehicle and the second person (over age 60) assesses the retroreflectivity of each sign. The reflectivity assessment will be entered into the project delivery sign geodatabase.

Task 5b: Import to Cartegraph OMS Asset Management System

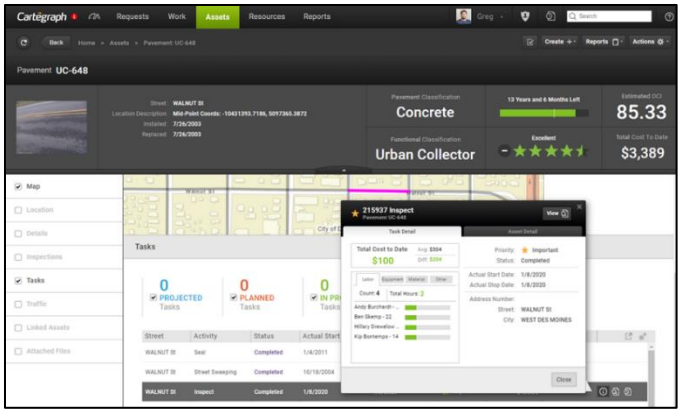
As a strategic business partner of Cartegraph, the RAS team is commonly tasked with importing new pavement inspection data into an agency's production Cartegraph environment. RAS has assigned **Cartegraph's former Senior Vice President of Services, Jeff Booth, MBA,** to manage Cartegraph import and data configuration. RAS Director of Deliverables, Jeff Booth, brings over **10 years of experience intimately working with Cartegraph and 7 years of municipal experience serving as an IT Project Manager**. A typical Cartegraph import happens in two phases as follows:

Phase I: Test Environment – most agencies operating an enterprise system such as Cartegraph OMS have a test environment specifically set up for vendors to test a data load or parameter configuration prior to moving into production. During this stage, the RAS team formats the 2,500 sq.ft. inspection samples or segment level distress data for import into the Cartegraph OMS software. The data is loaded as a new inspection such that it DOES NOT overwrite any legacy data within the software. Old inspections are retained and simply no longer utilized for budgetary modeling purposes.

Data loading for Cartegraph users includes the development of a series of 7 specific import sheets (see image to right) that are formatted for use with the Cartegraph import/export utility. The import sheets cover updates to core segment attribution, tasks, inspections, samples, distress data, and condition categories. The RAS approach to data import is approved and recommended by Cartegraph. While RAS routinely imports data to Cartegraph, we find it imperative to begin with a test environment to fully ensure data integrity.



Phase II: Production Environment – Upon completion of the import to the test environment, the RAS Team has our Cartegraph support team review the loaded data to ensure there are no gaps in the data structure or format. Upon acceptance of Cartegraph, the RAS team moves the database into the City's production environment, generally in off-hours to ensure minimal downtime for City Staff and Services. RAS has the team, resources, and expertise to conduct a seamless production load to Cartegraph.



Task 6a: Final Deliverables and Preparation of Summary Report

Hosted RAS Data Validation Portal

While RAS is passionately dedicated to quality data before it is delivered to our clients, we also firmly believe that every client should have the ability to review that data set without having to be software or database experts. So, while most consultants deliver an Excel spreadsheet or a File Geodatabase that the City has to review internally, RAS takes it one step further by setting up a Microsoft PowerBI dashboard that was specifically designed to assist the City in their review of the RAS data.

Below is an image of the **RAS Data Validation Tool** that resides within PowerBI. As can be seen, City staff will have easy access to a map that displays the **pavement condition data** on a segment-by-segment basis. The user has the ability to filter by unique ID or even a PCI range, pavement type, or functional classification depending on what they would like to visualize. Upon clicking on the desired segment for inspection, the distress deducts are then displayed in the lower right-hand side of the screen, indicating that this particular segment with a PCI of 72 is largely impacted by low severity longitudinal and transverse cracking in addition to low severity rutting. The user can then click on an image link (circled in yellow below) to verify the displayed distress deducts by virtually driving down the segment.

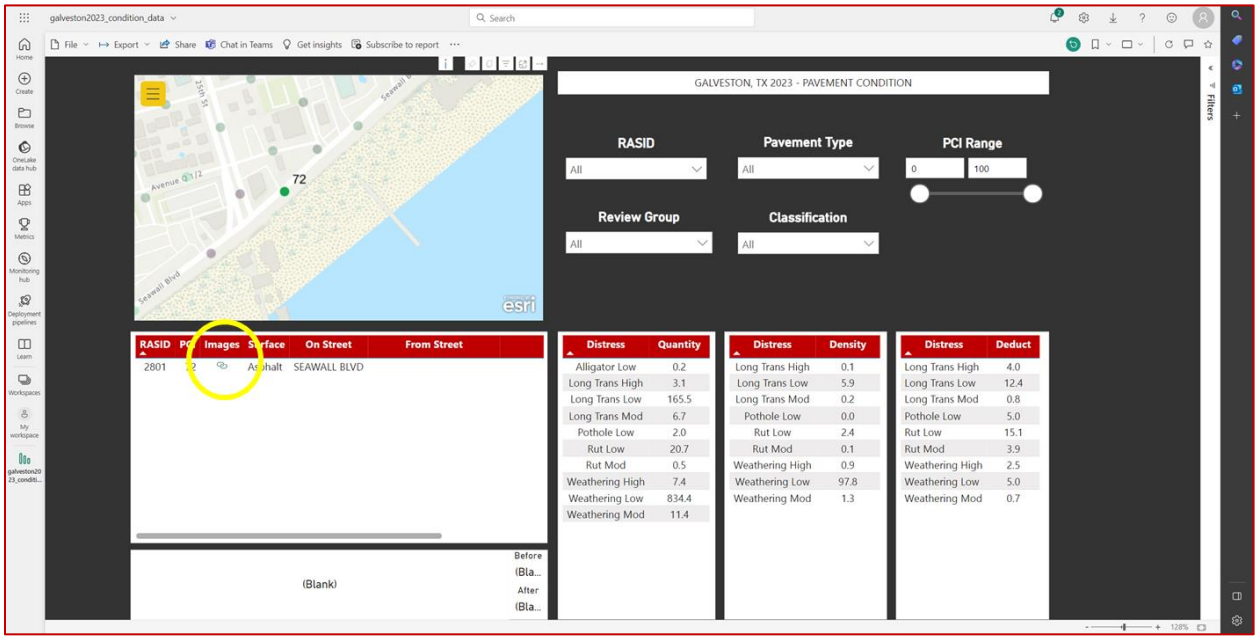
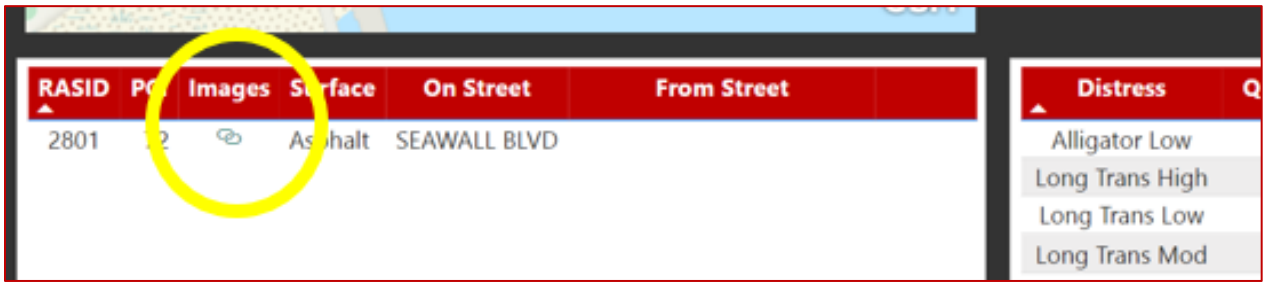


Image Link Zoomed In:



Segment Level Images Every 20-Feet

After clicking the image link for that pavement segment, the high-resolution Ladybug images are then populated such that the user can virtually drive the segment in question to visually verify the average PCI or even the detailed distress deducts. The purpose of this application is to assist the City in their review of the RAS inspection data and create a highly visualized space in which to do so.

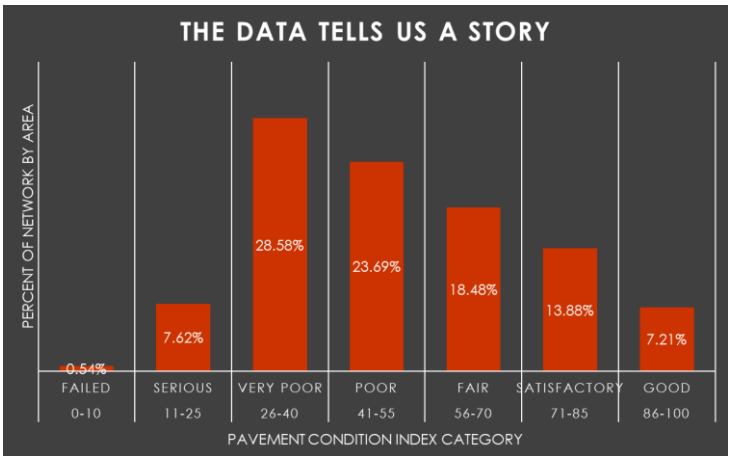


Final Summary Report/Executive Summary

RAS will provide the City a final report/executive summary including study objectives, and description of the methodology utilized. A Letter of Certification will be provided with the report to verify the fixed asset count, methodology, assets inventoried, assets in unserviceable condition, missing assets, assets in a state of disrepair, and recommendations for developing a comprehensive replacement schedule.

In addition to the fixed asset report, RAS will provide a final pavement report including an inventory of all roads, current pavement conditions for each street function classification, and network OCI, PCI, and IRI. The City will receive statistical charts, graphs, and area maps illustrating all PCI results, street segment lengths, widths, area, lane count, pavement type, the overall City's road quality, and findings from the pavement evaluation.

A draft of the Final Summary Report will be presented at approximately 75% completion and will require working sessions and feedback from the City to develop the most accurate report for execution. The report will be provided for review by City staff and modified based on comments to produce a final report which will be delivered as a bound report and in Microsoft Word (.doc and .docx) and Adobe (.pdf) format.



All collected pavement data will be in a format for use with NOBEL GIS software and the Cartegraph OMS software. **RAS is both a preferred Cartegraph Business Partner.** RAS has recently completed imports into Cartegraph for Salt Lake City, UT; Denver, CO; Mesa County, CO; Anderson County, SC; Kingsport, TN; Corpus Christi, TX; New Braunfels, TX; Sarasota, FL; Virginia Beach, VA; Okaloosa County FL; Kansas City, MO; ; San Antonio, TX; South Salt Lake, UT; and Collier County, FL.

Task 6b: City Staff Responsibilities

To complete the City's contract, RAS requires the City's assistance in giving access to NOBEL GIS and existing pavement database, attending the field pilot to review PCI scores and pavement distress interpretations, attending the kickoff meeting and biweekly progress meetings, and reviewing the draft report.

RAS will not lease, purchase, or rent any City owned facilities or properties.

Company Information

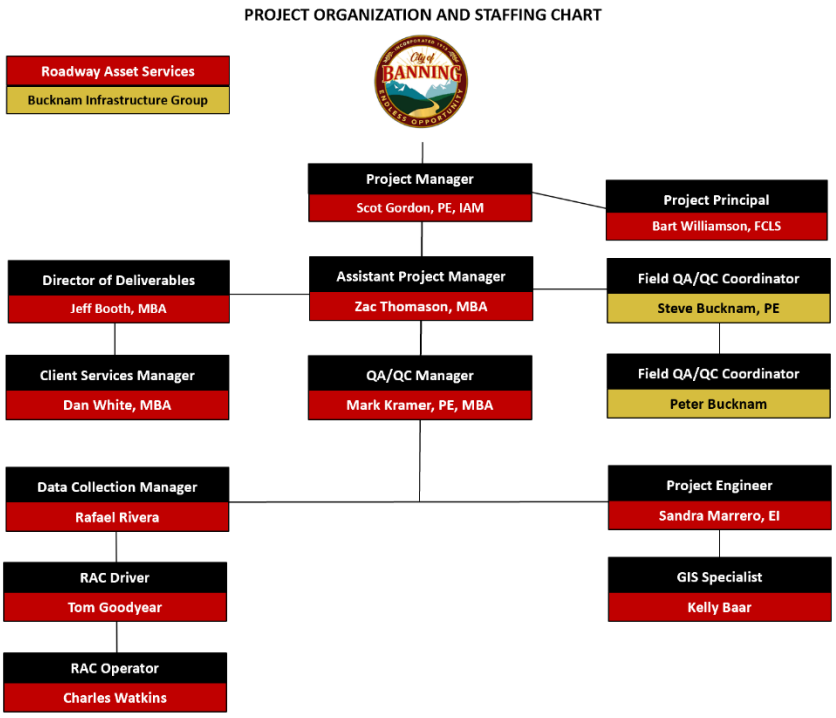
B. Company Information

Roadway Asset Services, LLC	Bart Williamson, Chief Executive Officer (210)837-5249 bwilliamson@roadwayassetservices.com 6001 W Parmer Lane, Ste 370-1102 Austin, TX 78727 (210)837-5249
Bucknam Infrastructure Group, Inc.	Peter Bucknam (714)501-1024 peter@bucknam-inc.com 3548 Seagate Way, Ste 230 Oceanside CA 3548 (760)216-6529

RAS is registered with the California Secretary of State under the following entity number 202252114342. RAS is also a self-certified small business according to the Small Business Administration (SBA) NAICS code designation. Both Roadway Asset Services, LLC and Bucknam Infrastructure Group, Inc are independent of the City of Banning as defined by generally accepted auditing standards in the U.S. General Accounting Office's Government Auditing Standards (1994). RAS has not been involved in any litigation, mediation, or arbitration in the past 5 years and has never had a license or certification claim or disciplinary action taken.

Company Personnel

C. Company Personnel



Organizational structure is important to understand as it can often shed light on whom a municipal agency will really be working with on any given assignment. While the City can select any qualified data collector as a short-term vendor, RAS prefers to **develop long term consultative relationships** with our clients that result in turn-key pavement management implementations that exceed client expectations. The key personnel assigned to this project are all long-time veterans of the industry and have extensive experience in pavement distress field rating, Pavement Condition Index (PCI) processing, multi-year prioritization, Cartegraph configurations, and custom database integrations. All assigned key professional staff are properly licensed to practice in California.

RAS has included Bucknam Infrastructure Group, Inc to conduct a 3rd party QA/QC validation of the field pilot and assist with local management. RAS and Bucknam have worked together since 2021 for the City of Rancho Palos Verdes, CA pavement management and ROW asset inventory project.

- **Project Manager and Senior Pavement Engineer, Scot Gordon, PE, IAM (214)789-9941** who has over 32 years of experience in pavement engineering, design, and transportation planning. Mr. Gordon will review distress interpretations and provide expertise in pavement management optimization. During project initiation, Scot will perform a 10-mile field pilot validation study to make necessary corrections to processing routines and review quality assurance measures with City staff.
- **Assistant Project Manager, Zac Thomason, MBA (623)640-2897** brings extensive experience in pavement management with over 17 years of experience, over **350 condition studies** personally managed, and has served as Assistant Project Manager for pavement condition studies in the following California agencies: **Long Beach, Pasadena, Fontana, Orange County, Yucaipa, La Mesa, Carlsbad, Anaheim, Lancaster, Coachella Valley Association of Governments (CVAG), San Luis Obispo, Modesto, and many other California agencies throughout his career.** Mr. Thomason will serve as a liaison between the RAS team and Bucknam team.
- **Project Principal, Bart Williamson, FCLS (210)837-5249** has over 32 years of project management experience and will work with Mr. Gordon and Mr. Thomason to coordinate project needs, resources, and ensure high-quality deliverables are received in a timely manner.

- **Director of Deliverables, Jeff Booth, MBA (210)837-5249** has over 25 years of experience leading projects of all sizes in the Government Sector. Mr. Booth previously served 10 years as **Cartegraph's Senior Vice President of Services.** Due to his intimate knowledge of Cartegraph, Mr. Booth will be responsible for importing and formatting data into Cartegraph.
- **Client Services Manager, Dan White, MBA (570)394-2959** has over 12 years of experience in pavement condition assessments throughout the Country. Mr. White will coordinate with various RAS team members to ensure continuity and accuracy of the project.
- **Quality Assurance/Quality Control Manager, Mark Kramer, PE (480)606-8775** has 24 years of experience in engineering and information technology projects. He is an expert in custom database integrations, application design/programming, data science, CMMS software, data management, data analysis, and delivery of IT driven projects. Mr. Kramer will coordinate with RAS pavement evaluation team and independent QA/QC coordinators, Bucknam Infrastructure Group, to ensure data collected from automated equipment and artificial intelligence correlates with visual ratings.
- **Field QA/QC Coordinator & Local Pavement Engineer, Steve Bucknam (California PE No. 20903) (714)501-1024** will provide local knowledge on soil conditions, local construction practices, and assist in maintenance recommendations based on knowledge from previous California clients. Steve has assisted the following California agencies in Pavement Condition Assessments: **Monrovia, Covina, Big Bear Lake, Rialto, El Segundo, Norwalk, Laguna Woods, Pomona, Westminster, Buena Park, Huntington Beach, Rancho Palos Verdes, Gardena, Sierra Madre**, and many others.
- **Field QA/QC Coordinator, Peter Bucknam (714)501-1024** will provide local knowledge and conduct a third-party quality assurance evaluation of the 10 mile field pilot validation study. Peter will also participate in the overall management of the project with a local office. He has managed over 70 Southern California clients including: **Santa Ana, Huntington Beach, Ontario, Palmdale, Pomona, Orange, Fullerton, Westminster, Buena Park, Laguna Beach, Glendale, Lomita, Lawndale, and Buena Park.**
- **Data Collection Manager, Rafael Rivera (407)701-6397** has over 13 years of experience in automated pavement and ROW data collection field efforts. Mr. Rivera is responsible for updating schedules based on collection status, overseeing the daily operation crew, and initiating/reviewing the evaluation process for pavement and ROW assets.
- **Project Engineer, Sandra Marrero, EI, (210)837-5249** has over 8 years of experience evaluating pavement conditions, processing pavement ratings, preparing reports, and performing maintenance budget scenarios. Ms. Marrero will lead the pavement analysis team in the review of data.



Roadway Asset Services



G. SCOT GORDON, PE, IAM

PROJECT MANAGER, SENIOR PAVEMENT ENGINEER

Mr. Gordon serves as President and Lead Pavement Engineer at Roadway Asset Services. Mr. Gordon has 32 years of experience in transportation engineering, geotechnical engineering, and construction materials testing including pavement design and optimization for transportation networks. As a professional engineer, he has managed numerous projects such as design/build highway projects, airfield pavement, and other government projects. He is an expert in the design, evaluation, monitoring, and research of pavement as well as pavement rehabilitation and soil stabilization. Scot has completed numerous projects related to pavement management system implementation, pavement condition surveys, sign management surveys, sidewalk condition surveys, and road assessments utilizing LiDAR.

KEY PROJECTS

City of Rancho Palos Verdes, CA– Roadway Asset Management
Mr. Gordon served as the RAS Project Manager for the City of Rancho Palos Verdes' mobile data collection project for its 150 centerline mile network. The project consisted of utilizing RAC vehicles to provide a ROW asset inventory. The ROW Asset inventory included the following assets: curb and gutter, curb ramps, concrete medians, and guardrails.

City and County of Denver, CO– Pavement Condition Assessment
Mr. Gordon was a Project Manager for the automated data collection project of the City's 5,756 miles of roadways. The project assessed various City assets including 3,602 protective barriers, 11,979 pavement markings, 188,019 MUTCD signs and supports, and 3,488 miles of sidewalks. Following collection, PCI and IRI data were integrated into the City's GIS. The pavement data was configured and ingested in Deighton's dTIMS. The ROW assets were imported into **Cartegraph**.

City of Salt Lake City, UT– Pavement Condition Assessment
Mr. Gordon was the Project Manager for Salt Lake City's pavement condition assessment on 592 centerline miles of City-maintained roads, GIS based mapping, geodatabase design for import into **Cartegraph**, and long term pavement preservation plans utilizing historic and current analysis. The project also included budget analysis and maintenance optimization for the City's pavement network in support of the maintenance of these assets relative to the overall network.

Mesa County, CO- Pavement Data Collection
Mr. Gordon served as the Project Manager for the County's pavement condition survey of 698 centerline miles of roads. Mr. Gordon was responsible for assuring data collection by the RAC vehicles developed unique identifiers for each road segment so the County can maintain a persistent link to GIS data. Mr. Gordon selected pavement treatments based on PCI ratings and identified distress types. Pavement imagery and survey results were incorporated into the County's pavement management system, **Cartegraph**.

FIRM
Roadway Asset Services

EXPERIENCE
32 years

EDUCATION
M.E., Civil Engineering, Texas A&M University, 1990
B.S., Civil Engineering, Texas A&M University, 1989

REGISTRATIONS
-TX Professional Engineer, Certificate Number:88099
-CO Professional Engineer, Certificate Number:30239
-MD Professional Engineer, Certificate Number:33493
-FL Professional Engineer, Certificate Number:83979
-NC Professional Engineer, Certificate Number:46459
-NM Professional Engineer, Certificate Number:26330
-GA Professional Engineer, Certificate Number:45916
-Institute of Asset Management Certified

Professional Affiliations
-American Council of Engineering Companies
-Tarrant County Board of Directors, 2015-present
-American Society of Highway Engineers, DFW Section Treasurer, 2015-2017
-American Council of Engineering Companies, Colorado
Board of Directors, 2000-2001
-Charles County Chamber of Commerce, Board of Directors, 2009-2010

City of Albuquerque, NM- Asset Inventory and Pavement Condition Survey
Mr. Gordon served as the Project Manager for the City's pavement condition assessment on 4,548 lane miles and asset inventory on 2,614 miles of sidewalks, 13,731 sidewalk obstructions, 40,198 ramps, 113,673 traffic signs, 28,631 pavement markings, 2,495 miles of pavement striping, 438 miles of bike lanes, 3,337 miles of curb and gutter, 64 miles of guardrail, 1.45 square miles of streetscapes, 1,651 traffic calming devices, 34,531 control boxes/structures, 2,177 backflows, 18,554 storm inlets/drainage, 88,325 manholes, 554 bike lane hazards, & .73 square miles of medians.

Douglas County, CO- Pavement Condition Survey 2022
Mr. Gordon served as the Project Manager for this project which included automated data collection for pavement condition surveys per the ASTM D6433, budget analysis and maintenance optimization for the County's approximately 1,012-mile pavement network. Following collection and analysis, data was formatted into **Cartegraph**. Mr. Gordon prepared and presented pavement management repair recommendations and reports.

City of Kansas City, MO- Pavement Evaluation & ROW Survey
Mr. Gordon is serving as the Project Manager for the City's pavement condition assessment on 3,599 test miles of roadways. Roadway Asset Collection (RAC) vehicles are being utilized for pavement evaluation and ASTM D6433 PCI calculation. Following collection and analysis, RAS will provide the City with a **Cartegraph** import sheet for import into the City's current database. In addition, RAS is providing a Videologger for staff to virtually travel the roadways.

City of San Antonio, TX – Pavement Condition Index Modeling
Mr. Gordon served as the Project Manager for the evaluation of PCI rate deterioration between the 2019 PCI survey results within the **Cartegraph** database and 2022. The project consisted of providing deterioration models, recommending improvements for overall maintenance, and providing an average PCI per year per District. Mr. Gordon managed long-term pavement preservation strategies, pavement treatment, pavement modeling, pavement management system optimization, pavement maintenance prioritization, treatment implementation timelines, alternative pavement material recommendations, and budget optimization. Mr. Gordon evaluated PCI trigger levels in the decision tree to determine the effectiveness of each treatment for improved PCI values and life extension.

City of Corpus Christi, TX- Pavement Data Collection and Integration
Mr. Gordon served as the Project Manager for the City's pavement condition data and ROW asset inventory on 2,448 miles of roadways. In addition to the pavement scope, RAS assessed 1,555 miles of sidewalks, 1,525 miles of curb and gutter, 5,352 pavement markings, 896 miles of pavement striping, 51,872 traffic signs, and 18,009 ADA ramps. Following collection, pavement information was integrated into **Cartegraph**. Mr. Gordon was responsible for performing quality assurance checks to ensure distress interpretations from the RAC vehicle matched field validation results. He was also responsible for establishing monthly coordination meetings with City staff to update project timelines and present current results.

City of South Salt Lake, UT- Pavement Analysis
Mr. Gordon is serving as the Project Manager for the City's ASTM D6433 based pavement condition assessment on 80 test miles. RAC vehicles will be used to calculate PCI scores for import into **Cartegraph**. Following collection and analysis, RAS is creating a Pavement Master Plan to include maintenance rehabilitation options as well as budget scenarios. Mr. Gordon will conduct a field pilot study to validate PCI deduct points and ensure consistency with the City's interpretation of distresses.

Roadway Asset Services

ZAC THOMASON, MBA

ASSISTANT PROJECT MANAGER, SENIOR VICE PRESIDENT



Mr. Thomason brings over 17 years of dedicated pavement and asset management experience where his focus has been on the use of semi-automated and automated technologies for pavement distress surveys, enterprise software implementation, pavement preservation, budget modeling & forecasting, and multi-year rehabilitation plan development. In addition to pavements, Mr. Thomason has vast experience with Right of Way asset inventory development that ranges from roadside features such as signs & supports, sidewalks, pedestrian curb ramps, striping & markings, curb & gutter, guardrail, bike racks, and nearly any asset that can be seen in the right of way. He has also managed complex sidewalk and pedestrian curb ramp inventory assignments that have included off road vehicle data collection, advanced LiDAR surveys to acquire geometric measurements (ramp, landing, & flare), long-range project prioritization sequencing, and project planning.

FIRM
Roadway Asset Services

EXPERIENCE
17 years

EDUCATION
M.B.A., Business Administration, University of Phoenix, 2007
B.S., Global Business, Arizona State University, 2005

Municipal Leadership Experience in California & the Southwest: Long Beach, Pasadena, Fontana, Orange County, Imperial County, Carlsbad, La Mesa, Lancaster, San Luis Obispo, Coachella Valley Association of Governments (CVAG), & Modesto, CA; Yuma, Casa Grande, Marana, Pinal County, Glendale, Goodyear, Scottsdale, Gilbert, Prescott, Coconino County, & Bullhead City, AZ; Albuquerque, Roswell, Las Cruces, Los Alamos County, and Dona Ana County, NM.

PROJECT LEADERSHIP ROLES

City of Long Beach, CA– Pavement Condition Survey and Software Implementation
Mr. Thomason served as the Project Manager for the City's pavement condition survey on 1,000 test miles of roadways. The scope also included a full functional classification review to ensure each roadway was assigned an appropriate traffic range for use in eventual prioritization and assignment of degradation curves. The project also included structural subgrade testing using a Dynaflect device on 270 survey miles of arterial and collector roadways. The condition data was processed into a modified ASTM D6433 PCI score and reported on a district-by-district basis (9 districts). The arterial roadway network was run as a separate model to align with City funding structure and the residential roadways were run as a hybrid between independent district selection and "need" based funding. The results were aggregated to the network level such that the results of the network as a whole could be reported to the County. The condition data was loaded into Lucity.

City of Pasadena, CA– Pavement Condition Survey & Analysis
Mr. Thomason served as the Project Manager for the City's pavement condition assessment on 450 survey miles of roads. Surface distress data was collected using semi-automated laser based technologies following the ASTM D6433 protocols and subgrade condition data was collected via a Dynaflect device on 243 survey miles of arterial and collector roadways. A specialized Sidewalk Surface Tester was mobilized to survey pedestrian curb ramps and capture information such as ramp type, condition, slope (ramp/landing/flare), visual impairment facility presence/condition, and several other attributes. In addition, a series of right of way asset features were also inventoried which included the following: signs & supports, street furniture, street markings, curb markings, traffic signals, speed humps, guardrail, and roadside pedestrian fencing. The pavement inventory and condition data were loaded into Lucity.

Coachella Valley Association of Governments (CVAG) – Surface Condition Survey
Mr. Thomason served as the Assistant Project Manager for the Coachella Valley Association of Governments pavement condition update. Semi-automated data collection equipment was utilized to survey nearly 700 survey miles of arterial roadways for agencies such as Palm Desert, La Quinta, Indio, Indian Wells, Desert Hot Springs, Palm Springs, Rancho Mirage, Cathedral City, Coachella, and Riverside County. The data was collected following ASTM D6433 standards and a Pavement Condition Index (PCI) was calculated for each roadway. A full pavement analysis and modeling exercise was conducted to establish forecasted conditions at various levels of funding. The data was loaded to the PAVER software.

Pima County, AZ- Pavement Condition Index Services
Mr. Thomason served as the Project Manager for the automated data collection of 3,788 lane miles of roadways. A separate PCI was calculated for each StreetSaver management section, which totaled 6,510 sections. Final deliverables included a summary spreadsheet and PCI dataset comparing the PCI per the collected data and the PCI per the StreetSaver current PCI calculation.

City & County of Denver, CO– Pavement Condition Survey & dTIMS Format
Mr. Thomason served as the Assistant Project Manager for the automated data collection project of the City's 5,756 miles of roadways. The project assessed various City assets including 3,602 protective barriers, 11,979 pavement markings, 188,019 MUTCD signs and supports, and 3,488 miles of sidewalks. Following collection, PCI and IRI data were integrated into the City's GIS. The ROW assets were imported into **Cartegraph**. The pavement data was configured and ingested in Deighton's dTIMS. The distress data protocols were customized specifically for the City of Denver to ensure data collection matched the configuration of their Deighton dTIMS software. For example, longitudinal cracking was reported as "wheel path" and "non-wheel path" as set up in their system.

City of Virginia Beach, VA– Pavement Condition Assessment
Mr. Thomason served as the Assistant Project Manager for the City's pavement condition assessment on 2,327 test miles of roadways. The scope of services included pavement condition rating and assessment, pavement management repair recommendations, **Cartegraph** import and training, and collection of assets within the ROW including curb ramps and sidewalks.

Douglas County, CO- Pavement Condition Survey 2022
Mr. Thomason served as the Assistant Project Manager for this project which included automated data collection for pavement condition surveys per the ASTM D6433, budget analysis and maintenance optimization for the County's approximately 1,012-mile pavement network. Following collection and analysis, data was formatted into **Cartegraph**. Mr. Thomason assisted with pavement modeling and worked with County Staff to develop pavement management repair recommendations and reports.

Laramie County, WY- Pavement Condition Survey
Mr. Thomason is serving as the Assistant Project Manager for the County's automated pavement condition assessment on 266 test miles of roadways. RAC vehicles equipped with a LCMS-2 are being utilized to calculate ASTM D6433 PCI scores. Following pavement data collection, RAS is formatting the data for load into **Cartegraph**.

City of Kansas City, MO- Pavement Evaluation & ROW Survey
Mr. Gordon is serving as the Project Manager for the City's ASTM D6433 based pavement condition assessment on 3,599 test miles of roadways. Following collection and analysis, RAS will provide the City with a **Cartegraph** import sheet for import into the current database.

Roadway Asset Services



JEFF BOOTH, MBA
DIRECTOR OF DELIVERABLES

FIRM
Roadway Asset Services

EXPERIENCE
25 years

EDUCATION
B.S., Management/Computer Information Systems, Park University, 2001

M.B.A, Business Administration, Management and Operations, Webster University, 2003

Mr. Booth has 25 years of experience leading projects of all sizes in the Government Sector. With a career that consists of **serving as the Professional Services and Delivery Director at Cartegraph Systems**, serving as the Senior Information Technology Project Manager in the Bexar County Public Works department, and acting as the Project Manager/Delivery Director, Mr. Booth has a professional and customer-centric approach to every project.

KEY PROJECTS

City of San Antonio, TX– Sidewalk Condition Assessment
Mr. Booth is serving as the Director of Deliverables for the City's sidewalk condition assessment on 5,339 miles of sidewalks. RAS is utilizing its bikeRAC solution to continuously capture distress data that will be aggregated to a Sidewalk Condition Rating (SCR) score. The SCR is developed based on vertical discontinuity, horizontal discontinuity, obstructions, and cross slope violations. The City uses **Cartegraph** for asset management.

Bexar County, TX- Transition Plan for Pedestrian Facilities
During his time as the Senior IT Manager at Bexar County Public Works department, Mr. Booth was responsible for updating the transition plan for sidewalks/pedestrian facilities. The transition plan established a database of all pedestrian facilities in the unincorporated areas of Bexar County. Specifically, the study focused on inventorying names of street sections with pedestrian facilities, lengths of those facilities, obstructions and tripping hazards within those facilities, and developing a database of all pedestrian access points (curb ramps, etc) within those facilities.

City of San Antonio, TX- Asset Management System
While working at **Cartegraph OMS**, Mr. Booth served as the Project Manager and Executive Sponsor through the City of San Antonio's deployment of the street operations system and asset collection efforts.

City of Dacono, CO- Pavement Condition Assessment
Mr. Booth is serving as the Project Manager for the City's pavement condition assessment on 66 lane miles of roadways. In addition to a pavement evaluation, RAS is conducting a ROW asset assessment on traffic signs, sidewalks, and pedestrian curb ramps. Following collection and analysis, RAS is formatting data for import into **Cartegraph**.

City of Grapevine, TX- ROW Asset Inventory and Pavement Condition Assessment
Mr. Booth is serving as the Director of Deliverables for the City's ROW asset inventory and pavement condition assessment on 395 miles of roadways. RAS is collecting sidewalk data to include location, length, width, location in relation to curb and gutter, greenspace existence, and sidewalk condition to create a shape file for incorporation into the City's GIS system. RAS is also collecting sidewalk barrier free ramp data to include location, configuration, presence of truncated domes or other detectable warning features, and condition. Following collection, RAS is importing the data into **Cartegraph**.

Roadway Asset Services



BART WILLIAMSON, FCLS

PROJECT PRINCIPAL

Mr. Williamson brings over 30 years of management experience in a wide variety of projects and programs that include public works, insurance and transportation on a national level. He has developed an in-depth understanding of business processes and politics that are germane to governments. Mr. Williamson has assisted with asset management needs assessments, management of pavement condition surveys, and ROW collection projects.

FIRM
Roadway Asset Services

EXPERIENCE
32 years

EDUCATION
B.S., Business Marketing
Honors and Distinction
Indiana University, 1989

KEY PROJECTS

City of Rancho Palos Verdes, CA– Roadway Asset Management
Mr. Williamson served as the RAS Project Principal for the City of Rancho Palos Verdes' mobile data collection project for its 150 centerline mile network. The project consisted of utilizing RAC vehicles to provide a ROW asset inventory. The ROW Asset inventory included the following assets: curb and gutter, curb ramps, concrete medians, and guardrails.

Arizona Department of Transportation- Pavement Condition Survey
Mr. Williamson was RAS Project Principal for the Arizona Department of Transportation's pavement condition survey of 5,000 test miles. Automated data collection vehicles were utilized to provide pavement data and imagery in accordance with the HPMS guidelines. Mr. Williamson coordinated project needs and established channels of communication with the Department staff.

Coconino County, AZ- Pavement & Asset Management Services
Mr. Williamson was the Project Principal for the County's pavement condition assessment on 511 test miles of roadways. Automated data collection vehicles were utilized to collect pavement distress data for an ASTM D6433 compliant rating. Following collection and analysis, RAS loaded data into Lucity for pavement analysis and multi-year plan development.

City of Prescott, AZ- Pavement Condition Survey
Mr. Williamson is serving as the Project Principal for the City's pavement condition assessment on 458 test miles of roads. In addition to calculating a Pavement Condition Index (PCI), RAS is performing deflection testing utilizing a Falling Weight Deflectometer (FWD) on 189 test miles of roadways. A comprehensive ROW assessment is being conducted on signs, sidewalks, pedestrian curb ramps, curb and gutter, driveways, and guardrails. Following collection and analysis, data will be imported into Lucity for running budgetary models.

City of Albuquerque, NM– Pavement Condition Survey
Mr. Williamson served as the Project Principal for the City's pavement condition assessment on 4,548 lane miles and asset inventory on 2,614 miles of sidewalks, 13,731 sidewalk obstructions, 40,198 ramps, 113,673 traffic signs, 28,631 pavement markings, 2,495 miles of pavement striping, 438 miles of bike lanes, 3,337 miles of curb and gutter, 64 miles of guardrail, 1.45 square miles of streetscapes, 1,651 traffic calming devices, 34,531 control boxes/structures, 2,177 backflows, 18,554 storm inlets/drainage, 88,325 manholes, 554 bike lane hazards, & .73 square miles of medians. Mr. Williamson coordinated project needs and met with the City to understand goals for the project.

Sarasota County, FL- Pavement Condition Survey
Mr. Williamson served as the Project Principal for Sarasota County's 1,500 centerline miles of paved roads. The project included pavement data collection utilizing automated data collection vehicles, QA/QC checks to confirm accuracy of the AI processing routines, and data import into **Cartegraph**.

Anderson County, SC- Road Condition Survey
Mr. Williamson is serving as the Project Principal for Anderson County's pavement condition assessment on 1,785 test miles of roadways. Automated RAC vehicles are being used to collect pavement distress imagery for evaluation according to the ASTM D6433 definitions. Following data collection, RAS will format data for import into **Cartegraph** and will work with County staff to configure budget scenarios within Cartegraph Scenario Builder.

City of Salt Lake City, Utah – Pavement Condition Assessment
Mr. Williamson was the Project Principal for Salt Lake City's pavement condition assessment. The project included an automated pavement surface inventory and distress survey on approximately 592 centerline miles of City-maintained roadways, GIS based mapping, geodatabase design, implementation for an import into the City's **Cartegraph** pavement management system, and long term pavement preservation plans utilizing historic and current analysis. The project also included data and budget analysis and maintenance optimization for the City's pavement network in support of the maintenance of these assets relative to the overall transportation network.

Bexar County, TX– Pavement and ROW Asset Management
Mr. Williamson was the Project Manager of four automated data collection projects for Bexar County. The projects consisted of collecting roadway asset data related to the County's pavement network and traffic infrastructure including 30,837 traffic signs, sidewalks, pavement markings, and guardrails. The network was collected utilizing an automated data collection vehicle to capture street level imagery for use in pavement and asset extraction. The image database was comprised of industry standard JPEGs, with geo-referenced information being delivered via an Esri geodatabase and linked to **Cartegraph**.

Town of Frederick, CO- Pavement Condition Survey
Mr. Williamson is serving as the Project Principal for the Town's pavement condition assessment on 130 test miles of roadways. RAC vehicles are utilized to collect pavement distress imagery for ASTM D6433 PCI processing. Following collection and data analysis, RAS will format the data for import into **Cartegraph**.

Laramie County, WY- Pavement Condition Survey
Mr. Williamson is serving as the Project Principal for the County's automated pavement condition assessment on 266 test miles of roadways. RAC vehicles equipped with a LCMS-2 are being utilized to calculate ASTM D6433 PCI scores. Following pavement data collection, RAS is formatting the data for load into **Cartegraph**. Mr. Williamson is responsible for project coordination, scope development, and RAC van mobilization.

City of Corpus Christi, TX- Pavement Data Collection and Integration
Mr. Williamson served as the Project Principal for the City's pavement condition data and ROW asset inventory on 2,448 miles of roadways. In addition to the pavement scope, RAS assessed 1,555 miles of sidewalks, 1,525 miles of curb and gutter, 5,352 pavement markings, 896 miles of pavement striping, 51,872 traffic signs, and 18,009 ADA ramps. Following collection, pavement information was integrated into **Cartegraph**.

DAN WHITE, MBA

CLIENT SERVICES MANAGER



Mr. White has been at the helm of over 150 right-of-way asset inventories and pavement management projects ranging from small cities to large government municipalities. With a career focused in project management and client relationship development, he understands the nuances of muncipal client project administration for consulting services. Mr. White has spent the last 12 years dedicated to the field of professional engineering services, specializing in asset management, and pavement data collection technologies.

FIRM
Roadway Asset Services

EXPERIENCE
12 years

EDUCATION
MBA, Project Management
University of Wisconsin-Whitewater, 2020

KEY PROJECTS

City of Conroe, TX- Pavement Data Collection and Extraction Services
Mr. White is serving as the Client Services Manager for the City of Conroe's pavement data collection on 475 centerline miles of roadways. Automated Roadway Asset Collection (RAC) vehicles are being utilized to collect 2D/3D pavement imagery used for pavement distress rating according to the ASTM D6433. Following collection, RAS will integrate data with the City's existing ArcGIS system and deliver a **Cartegraph** import data sheet. Mr. White assisted in the kick-off meeting and led final scope negotiations with City Staff.

City of Denver, CO –Pavement Condition Assessment and Asset Inventory
Mr. White served as the Client Services Manager for the automated data collection project of the City's 5,756 miles of roadways. The project analyzed various City assets including 3,602 protective barriers, 11,979 pavement markings, 118,019 MUTCD specialty signs and supports, and 3,488 miles of sidewalks. Following collection, PCI and IRI data were implemented into the City's GIS. The pavement data was configured and ingested in Deighton's dTIMS. The ROW assets were imported into **Cartegraph.**

City of Las Cruces, NM- Pavement Condition Survey
Mr. White is serving as the Client Services Manager for the City's pavement condition assessment on 658 test miles of roadways. In addition to the base pavement scope, RAS is conducting a ROW asset inventory on pavement striping, pavement markings, bike lanes, and traffic signs and supports. RAS will load the data into the City's existing Lucity software and perform pavement analysis including running budgetary models and updating supersegments.

Anderson County, SC- Road Condition Survey
Mr. White is serving as the Client Services Manager for Anderson County's pavement condition assessment on 1,785 test miles of roadways. Automated RAC vehicles are being used to collect pavement distress imagery for evaluation according to the ASTM D6433 definitions. Following data collection, RAS will format data for import into **Cartegraph** and will work with County staff to configure budget scenarios within Cartegraph Scenario Builder.

Town of Gilbert, AZ- 2024 Pavement Rating Services
Mr. White is serving as the Client Services Manager for the Town's pavement condition assessment on 550 test miles of roadways. In addition to PCI rating, RAS is conducting Falling Weight Deflectometer (FWD) testing on 125 test miles of roadways. Following collection and analysis, RAS will import data into Lucity for multi-year plan development.



Mark Kramer, PE, MBA
QA/QC MANAGER

FIRM
Roadway Asset Services

EXPERIENCE
26 years

EDUCATION
MBA-IT Western International,2003
B.S., Civil Engineering, Arizona State University, 1998

REGISTRATIONS
-AZ Professional Engineer, Certificate Number: 40225

Professional Certifications
Microsoft SQL Server
Microsoft Power BI

Mr. Kramer serves as the Chief Data Officer at Roadway Asset Services. Mr. Kramer has 26 years of experience in engineering and information technology projects including pavement condition, sign inventory, and sidewalk condition surveys. He is an expert in commercial off the shelf software, data management, data analysis, and delivery of technology projects. The following is a brief list of projects he has managed.

PAVEMENT AND ASSET PROJECT EXPERIENCE

City of Long Beach, CA– Pavement Condition Survey

Mr. Kramer served as the QA/QC Manager for the City's pavement condition survey on 1,000 test miles of roadways. The scope also included a full functional classification review to ensure each roadway was assigned an appropriate traffic range for use in eventual prioritization and assignment of degradation curves. The project also included structural subgrade testing using a Dynaflect device on 270 survey miles of arterial and collector roadways. The condition data was processed into a modified ASTM D6433 PCI score and reported on a district-by-district basis (9 districts). The arterial roadway network was run as a separate model to align with City funding structure and the residential roadways were run as a hybrid between independent district selection and "need" based funding. The results were aggregated to the network level such that the results of the network as a whole could be reported to the County. The condition data was loaded into Lucity.

City of Pasadena, CA– Pavement Condition Survey & Analysis

Mr. Kramer served as the Project Manager for the City's pavement condition assessment on 450 survey miles of roads. Surface distress data was collected using semi-automated laser based technologies following the ASTM D6433 protocols and subgrade condition data was collected via a Dynaflect device on 243 survey miles of arterial and collector roadways. A specialized Sidewalk Surface Tester was mobilized to survey pedestrian curb ramps and capture information such as ramp type, condition, slope (ramp/landing/flare), visual impairment facility presence/condition, and several other attributes. In addition, a series of right of way asset features were also inventoried which included the following: signs & supports, street furniture, street markings, curb markings, traffic signals, speed humps, guardrail, and roadside pedestrian fencing. The pavement inventory and condition data were loaded into Lucity.

City of Kansas City, MO- Pavement Evaluation & ROW Survey

Mr. Kramer is serving as the QA/QC Manager for the City's pavement condition assessment on 3,599 test miles of roadways. Roadway Asset Collection (RAC) vehicles are being utilized for pavement evaluation and ASTM D6433 PCI calculation. Following collection and analysis, RAS will provide the City with a **Cartegraph** import sheet for import into the City's current database. In addition, RAS is providing a Videologger for staff to virtually travel the roadways.

Roadway Asset Services



RAFAEL RIVERA
DATA COLLECTION MANAGER

Mr. Rivera has over 12 years of experience in automated data collection of pavement and ROW asset inventories. Mr. Rivera has been involved with collection and management of over 100,000 miles of roadways. Mr. Rivera's positions have included automated data collection vehicle operator, pavement analyst, LiDAR analyst, and GIS analyst.

FIRM
Roadway Asset Services

EXPERIENCE
14 years

EDUCATION
B.S., Mechanical Engineering, University of Central Florida, 2011
B.S., Aerospace Engineering, University of Central Florida, 2016

KEY PROJECTS

City of Rancho Palos Verdes, CA– Roadway Asset Management
Mr. Rivera served as the Data Collection Manager for the City of Rancho Palos Verdes' mobile data collection project for its 150 centerline mile network. The project consisted of utilizing RAC vehicles to provide a ROW asset inventory. The ROW Asset inventory included the following assets: curb and gutter, curb ramps, concrete medians, and guardrails.

City of Salt Lake City, UT– Pavement Condition Assessment
Mr. Rivera was the Data Collection Manager for the City's automated pavement surface inventory and distress survey on approximately 592 centerline miles. Final deliverables consisted of PCI values, GIS based mapping, geodatabase design, import into **Cartegraph**, data and budget analysis, maintenance optimization, and pavement preservation plans with an examination of historic and current analysis. Mr. Rivera provided route tracking for field operation crew and ensured 100% of the network was collected.

Arizona Department of Transportation- City of Buckeye- Sign Data Collection
Mr. Rivera was the Data Collection Manager for the collection of a road sign inventory and visual nighttime retroreflectivity inspection of all road signs located within the LPA jurisdictional boundaries. The daytime inventory and condition assessment of the City's 1,850 test miles of roadway was collected via automated data collection vehicles. The retroreflectivity assessment was conducted using an FHWA approved nighttime visual assessment methodology.

City of Denver, CO– Pavement Condition Assessment
Mr. Rivera served as the Data Collection Manager for the automated data collection project of the City's 5,756 miles of roadways. The project analyzed various City assets including protective barriers, pavement markings, MUTCD specialty signs, sign support, sidewalks, and sidewalk obstructions. Following collection, PCI and IRI data were implemented into the City's GIS. The ROW assets are being imported into **Cartegraph.**

Pima County, AZ- Pavement Condition Survey
Mr. Rivera was the Data Collection Manager for Pima County's pavement data collection on 2,248 test miles of roadways. RAC vehicles were utilized to collect pavement condition imagery for automated crack detection and PCI rating. The project was completed within a strict 3-month timeline to meet the County's reporting goals. Mr. Rivera was responsible for providing route tracking to RAC vehicle operators and ensuring automated data collection equipment was functioning properly.



C. Stephen Bucknam, Jr., P.E.
StreetSaver Supervisor

Mr. Bucknam has over forty years of experience in the administration, management, planning, design and construction management of public works, and development programs and projects including: pavement management programs, transportation, street, highway, alley, project management, capital improvement programming and budgeting, and council presentation. Mr. Bucknam previously served as Contract City Engineer for the City of Arcadia responsible for long range advanced planning of the City's transportation engineering program. Directed the preparation of the City's Transportation Master Plan which identified, consistent with the City's General Plan the transportation related needs under these requirements so of AB 1600 nexus constraints.

- 2023 Pavement Management Program, City of Santa Ana
- 2023 Pavement Management Program, City of Orange
- 2023 Pavement Management Program, City of RSM
- 2023 Pavement Management Program, City of Laguna Hills
- 2023 Pavement Management Program, City of Del Mar
- 2023-24 GIS Enterprise Support Services, City of Fountain Valley
- 2023 Pavement Management Program, City of Fountain Valley
- 2023 Pavement Management Program, City of Compton
- 2023 Pavement Management Program, City of Lomita
- 2023 Pavement Management Program, City of Coronado
- 2023 Pavement Management Program, Orange County Water District
- 2023 Pavement Management Program, City of Huntington Beach
- 2023 Pavement Management Program, City of Lake Elsinore
- 2023 Pavement Management Program, City of Placentia
- 2023 Sign Management Program, City of Placentia
- 2023 Pavement Management Program, City of Norwalk
- 2023 PMP Program Management, Inland Empire Utilities Agency
- 2021-23 Pavement Preservation Plan, OCTA
- 2023 Pavement Management Program, City of Fullerton
- 2023 Pavement Management Program, City of Vista
- 2023 Sidewalk Management Program, City of Fullerton
- 2022-26 Pavement Management Program, City of Indian Wells
- 2022 Pavement Management Program, City of Ontario
- 2022 Pavement Management Program, City of Lakewood
- 2022 Pavement Management Program, City of Commerce
- 2022 Pavement Management Program, City of Lynwood
- 2022 Pavement Management Program, City of Monrovia
- 2022 Pavement Management Program, City of Covina
- 2022 Pavement Management Program, City of La Habra Heights
- 2022 Pavement Management Program, City of Laguna Hills
- 2022 GIS Enterprise Support Services, City of Alhambra

FIRM
Bucknam Infrastructure Group

EXPERIENCE
40 years

EDUCATION
B.S., Civil Engineering, Loyola University of Los Angeles, 1967
M.S., Environmental Engineering, Loyola University of Los Angeles, 1972

PROFESSIONAL DATA
-Professional Engineer CA 20903
-Professional Engineer WA 17310
-Fellow, American Society of Civil Engineers
-Former, City Engineer, Deputy City Manager, City of Norwalk
-Life Member, American Public Works Association

Peter J. Bucknam
StreetSaver Coordinator



Peter Bucknam is an expert in infrastructure project management, pavement management-training, planning, resource management, implementation and program management. Mr. Bucknam has managed a wide range of Pavement Management infrastructure project tasks including the collection and input of PMP - ROW conditional survey data, preparation of Public Works capital improvement program projections and reports, infrastructure/software needs assessments, GIS/GPS data collection, data conversion and quality control. Mr. Bucknam has performed infrastructure management services for over 70+ agencies and has personally served as project manager for 750+ PMP projects.

FIRM
Bucknam Infrastructure Group

EXPERIENCE
27 years

EDUCATION
B.A., Geography- Urban Planning, San Diego State University, 1997

PROFESSIONAL DATA
-Certificate of Completion- OCTA StreetSaver & MicroPAVER Distress Training
-Certificate (2015) ASTM D6433-18
-Certificate (2011-2013) MicroPAVER
-NASSCO Certificate
-Chair, Transportation Committee, Inland Empire Report Card (ASCE), 2005-2006 & 2008-2009

PROJECT MANAGEMENT EXPERIENCE (1997-2024)

- 2024 Pavement Management Program, City of Westminster
- 2024 Pavement Management Program, City of Norwalk
- 2024 Pavement Management Program, City of Buena Park
- 2024 Pavement Management Program, City of Duarte
- 2023 Pavement Management Program, City of Ontario
- 2023 Pavement Management Program, City of Santa Ana
- 2023 Pavement Management Program, City of Orange
- 2023 Pavement Management Program, City of RSM
- 2023 Pavement Management Program, City of Laguna Hills
- 2023 Pavement Management Program, City of Del Mar
- 2023-24 GIS Enterprise Support Services, City of Fountain Valley
- 2023 Pavement Management Program, City of Fountain Valley
- 2023 Pavement Management Program, City of Compton
- 2023 Pavement Management Program, City of Lomita
- 2023 Pavement Management Program, City of Coronado
- 2023 Pavement Management Program, Orange County Water District
- 2023 Pavement Management Program, City of Huntington Beach
- 2023 Pavement Management Program, City of Lake Elsinore
- 2023 Pavement Management Program, City of Placentia
- 2023 Sign Management Program, City of Placentia
- 2023 Pavement Management Program, City of Norwalk
- 2023 PMP Program Management, Inland Empire Utilities Agency
- 2021-23 Pavement Preservation Plan, OCTA
- 2023 Pavement Management Program, City of Fullerton
- 2023 Pavement Management Program, City of Vista
- 2023 Sidewalk Management Program, City of Fullerton
- 2023 Sign Inventory Program, City of Big Bear Lake
- 2023 GIS Enterprise Support Services, City of South Pasadena
- 2023 Pavement Management Program, City of South Pasadena
- 2023 GIS Support Services – Storm Drain Pilot, City of Fullerton
- 2022-27 Pavement Management Program, City of Fullerton
- 2023-24 GIS Enterprise Support Services, City of Alhambra
- 2022-23 GIS Enterprise Support Services, City of Big Bear Lake
- 2022-23 GIS Enterprise Support Services, City of Duarte
- 2021-22 GIS Enterprise Support Services, City of Lawndale
- 2023 Infrastructure Management Program, City of Vista

- 2023 Pavement Management Program, City of Alhambra
- 2023 Pavement Management Program, City of Santa Ana
- 2023 Pavement Management Program, City of South El Monte
- 2023 Pavement Management Program, City of Rosemead
- 2023 Sidewalk Management Program, City of Rosemead
- 2023 Pavement Management Program, City of West Covina
- 2023 Pavement Management Program, City of San Juan Capo
- 2023 Sidewalk-ROW Management Program, City of Lakewood
- 2023 Pavement Management Program, City of Sierra Madre
- 2023 Alley Pavement Management Program, City of Monterey Park
- 2023 Sidewalk Management Program Pilot, City of Ontario
- 2023 Pavement Management Program, City of La Verne
- 2023 Pavement Management Program, City of Tustin
- 2023 Sidewalk Management Program, City of Tustin
- 2023 Pavement Management Program, City of Cypress
- 2023 Pavement Management Program, City of Stanton
- 2023 Pavement Management Program, City of Brea
- 2023 Pavement Management Program, City of La Habra
- 2023 Pavement Management Program, City of Ontario
- 2023 Pavement Management Program, City of Commerce
- 2023 Pavement Management Program, City of Lynwood
- 2022 Pavement Management Program, City of National City
- 2022 Pavement Management Program, City of Covina
- 2022 Pavement Management Program, City of La Habra Heights
- 2022 Pavement Management Program, City of Monrovia
- 2022 Pavement Management Program, City of Laguna Hills
- 2022 Pavement Management Program, City of Big Bear Lake
- 2022 Pavement Management Program, City of Rialto
- 2022 Pavement Management Program, City of Vista
- 2022 Pavement Management Program, City of Rancho Santa Margarita
- 2022 Pavement Management Program, City of El Segundo
- 2022 Sign Inventory Program, City of Norwalk
- 2022 Pavement Management Program, City of La Palma
- 2022 Pavement Management Program, City of Laguna Woods
- 2022 Pavement Management Program, City of Culver City
- 2022 Pavement Management Program, City of Pomona
- 2022 Pavement Management Program, City of Westminster
- 2022 Sign Inventory Program, City of Tustin
- 2022 Pavement Management Program, City of Placentia
- 2022 Pavement Management Program, City of Buena Park
- 2022 Pavement Management Program, City of Huntington Beach
- 2022 Pavement Management Program, City of Rancho Palos Verdes
- 2022 Pavement Management Program, City of Laguna Beach
- 2022 Pavement Management Program, City of Signal Hill
- 2022 Pavement Management Program, City of Seal Beach
- 2022 Pavement Management Program, City of Inland Empire Utilities Agency
- 2022 Pavement Management Program, City of Costa Mesa
- 2021 Pavement Management Program, City of Monterey Park
- 2021 Pavement Management Program, City of Santa Ana
- 2021 OCTA Pavement Management Plan (10-Year Study – OCTA)

Roadway Asset Services



SANDRA MARRERO, E.I.

PROJECT ENGINEER

FIRM
Roadway Asset Services

EXPERIENCE
10 years

EDUCATION
B.S., Civil Engineering, University of Puerto Rico, 2013

REGISTRATIONS
-FL Engineer Intern, Certificate Number:1100023293

Ms. Marrero works on the firm's roadway asset collection projects with a pavement analysis component. Sandra has over ten years of experience evaluating pavement conditions, processing pavement ratings, preparing reports, performing maintenance budget scenarios, reporting the results of project finding in meetings, and discussing with the Client. Her software experience includes **Cartegraph**, Streetlogix, PAVER, VUEWorks, ArcGIS, AutoCAD, and Civil 3D.

KEY PROJECTS

City of Kingsport, TN – Pavement Condition Survey
Ms. Marrero served as a Project Engineer for the City's Pavement Condition Survey which included network database development, automated field surveys, budget analysis, and maintenance optimization for the City's approximately 400 centerline-mile pavement network. This project also included training of the City's engineering and field staff, the development of repair and rehabilitation scenarios, and the creation of budgeting decision trees to assist in optimization. Additionally, the data was imported into **Cartegraph.**

City of New Braunfels, TX– Pavement Data Collection
Ms. Marrero served as a Project Engineer for the City's pavement condition survey of its more than 469 test miles of roadways. Pavement data was collected utilizing an RAC vehicle that captures images for all pavement and ROW assets. Following collection, PCI survey results were analyzed utilizing RAS' Road TRIP software to identify distresses. Pavement imagery and data was integrated into **Cartegraph**.

City of Salt Lake City, UT– Pavement Condition Assessment
Ms. Marrero served as a Project Engineer for the automated pavement condition survey on 592 centerline miles of roadways. The project included PCI scores, GIS based mapping, geodatabase design and implementation for an import into **Cartegraph**, pavement preservation plans with respect to the historic and current analysis, and data and budget analysis. Ms. Marrero performed a PCI review and assisted in the preparation of the pavement final report/executive summary.

City of Albuquerque, NM– Pavement Condition Survey
Ms. Marrero served as a Project Engineer for the mobile image data collection project of the City's 4,548 lane mile network. RAC vehicles were utilized, in accordance with the ASTM D6433, to provide the City with a PCI value for each street segment and the overall PCI value for the network. The project also included an extensive ROW asset inventory on 2,614 miles of sidewalks, 13,731 sidewalk obstructions, 40,198 ramps, 113,673 traffic signs, 28,631 pavement markings, 2,495 miles of pavement striping, 438 miles of bike lanes, 3,337 miles of curb and gutter, 64 miles of guardrail, 1.45 square miles of streetscapes, 1,651 traffic calming devices, 34,531 control boxes/structures, 2,177 backflows, 18,554 storm inlets/drainage, 88,325 manholes, 554 bike lane hazards, & .73 square miles of medians. Ms. Marrero assisted with data integration in the City's pavement management software, VUEWorks.

Disclosure

D. Disclosure

RAS has no past or current business and personal relationships with any current Banning elected official, appointed official, City employee, or family member of any current Banning elected official, appointed official, or City employee.

Experience and References

E. Experience and References



Roadway Asset Services, LLC (RAS) is an Engineering Firm (License #: F-22104) headquartered in Austin, TX. As a pavement and asset management consulting firm, RAS specializes in automated pavement inspections, field pilot validations, AI processing supplemented with manual pavement engineer QC, ROW imagery capture, pavement analysis optimization, asset extraction, image viewer software, Cartegraph inspection imports, and consulting services to transportation agencies and municipalities across the U.S. RAS offers comprehensive experience and subject matter expertise in the fields of engineering, surveying, asset management, transportation planning, and GIS. **RAS was founded on the core principles of collaborating with our clients, cultivating those relationships, and embracing innovation in technology resources.** RAS Team Members strive to provide accurate data-driven results that allow our clients to make the best possible management decisions while enjoying the passion we all share in improving infrastructure. Within the past 4 years, **RAS has obtained over 100 contracts from transportation agencies for pavement condition surveys, ROW asset inventories, and data analysis which translates to approximately 75,000 miles of roadways processed, QC validated, and analyzed. In addition, the RAS executive team brings a combined 150 years of experience in pavement condition survey management.** Throughout their careers, the RAS leadership team has been involved in pavement condition and ROW asset surveys for agencies of similar size across the country including:

Rancho Palos Verdes, CA	Long Beach, CA	Pasadena, CA
Oceanside, CA	Albuquerque, NM	Pima County, AZ
Prescott, AZ	Gilbert, AZ	Coconino County, AZ
Salt Lake City, UT	West Jordan, UT	South Salt Lake, UT
Denver, CO	Grand Junction, CO	Mesa County, CO

As a local subconsultant to the team, Bucknam Infrastructure Group will assist the RAS team by conducting a 3rd party field pilot verification (10-mile pilot) and local project management coordination of resources. **The Bucknam team is located in Southern California and is composed of registered civil engineers, former Director of Public Works, City Engineers, and maintenance specialists who will implement solutions based on specific infrastructure needs**. RAS and Bucknam Infrastructure Group represent a powerhouse of pavement management expertise when combined as a unified team and have previously worked together on Pavement Condition Assessments for Rancho Palos Verdes and Pomona. **Bucknam Infrastructure Group has assisted more than 70 Southern California local agencies in Pavement Management Programs**. A sample of these clients is listed below and throughout this proposal:

Ontario	Monrovia	Laguna Hills
Rancho Palos Verdes	Fullerton	El Segundo
Redlands	Pomona	Laguna Beach
Lomita	Huntington Beach	Orange

The RAS team offers the City of Banning unmatched subject matter expertise and knowledge ranging from managing and delivering municipal automated pavement data collection projects, to pavement engineering and configuration of the analysis operating parameters of the City's Cartegraph OMS asset management system. Our team is uniquely qualified to exceed the requirements of this project through the use of advanced data collection technology, Artificial Intelligence (AI) processing routines, and rigorous hands-on Quality Control (QC) by an experienced pavement engineering team. RAS is a **Strategic Business Partner with Cartegraph**, which enables the leadership team to have a complete understanding of the **Cartegraph OMS pavement management modules.** The RAS team are experts in the import of new pavement inspection data into Cartegraph without losing any historical data. RAS does not overwrite any legacy data in the Cartegraph OMS system, we simply add a new inspection to avoid losing system integrity. Throughout their careers, the RAS leadership team has managed Cartegraph implementations or conversions with other Cities and Counties, including:

- Virginia Beach, VA
- San Antonio, TX
- Anderson County, SC
- Corpus Christi, TX
- Kingsport, TN
- Denton, TX
- Okaloosa County, FL
- Salt Lake City, UT
- Sarasota County, FL
- Denver, CO
- South Salt Lake, UT
- New Braunfels, TX
- Collier County, FL
- Kansas City, MO
- Cheyenne, WY
- Laramie County, WY
- Mesa County, CO
- Douglas County, CO

The RAS key personnel's combined experience exceeds 150 years in asset and pavement management. While RAS has only been registered since July 2020, the following lists RAS key personnel's experience within the industry.

RAS Staff	Title & Project Role	Years in Industry
Bart Williamson, FCLS	CEO & Principal-in-Charge	18 Years
Scot Gordon, PE, IAM	President & Principal Engineer	32 Years
Mark Kramer, PE, MBA	Chief Data Officer & QA Manager	26 Years
Rafael Rivera	Chief Technical Officer & Field Manager	13 Years
Zac Thomason, MBA	Sr. VP, Business and Client Services	18 Years

RAS is a limited liability company with strong internal controls and conservative business practices for continued financial growth. RAS has never filed for bankruptcy and has attached the following 3 years of financial statements to demonstrate stability and excellence in the industry.

Main

Main : RAS

Roadway Asset Services: Balance Sheet
End of Dec 2023

Financial Row	Amount
Assets	
Current Assets	
Bank	$1,858,762.73
Accounts Receivable	$1,296,570.68
Other Current Asset	$10,000.00
Total Current Assets	$3,165,333.41
Fixed Assets	$2,161,995.62
Other Assets	$234,897.43
Total Assets	$5,562,226.46
Liabilities & Equity	
Current Liabilities	$521,475.88
Long Term Liabilities	$2,230,304.37
Equity	
Capital Accounts	$785,795.28
Net Income	$1,091,853.68
Total Equity	$2,810,446.21
Total Liabilities & Equity	$5,562,226.46

Main : RAS

Balance Sheet
End of Dec 2022

Financial Row	Amount
ASSETS	
Current Assets	$1,583,307.92
Fixed Assets	$2,829,007.80
Other Assets	$231,344.42
Total ASSETS	$4,643,660.14
Liabilities & Equity	
Current Liabilities	$377,595.27
Long Term Liabilities	$1,547,472.34
Equity	$2,718,592.53
Total Liabilities & Equity	$4,643,660.14

Balance Sheet
End of Dec 2021

Financial Row	Amount
ASSETS	
Current Assets	$2,277,214.68
Fixed Assets	$1,422,467.97
Other Assets	$22,952.31
Total ASSETS	$3,722,634.96
Liabilities & Equity	
Current Liabilities	$599,692.88
Long Term Liabilities	$1,037,146.80
Equity	$2,085,795.28
Total Liabilities & Equity	$3,722,634.96

Experience With Conducting Pavement Condition Assessments

Unlike many other proposing firms, RAS is solely dedicated to providing pavement and asset management services to agencies throughout the Country. Throughout the last 4 years, RAS has worked with various municipalities and departments to improve the overall street networks. Below is a sample list of completed and active projects and their associated scope of work.

Project	Contract Amount	Test Miles	Client Name	Pavement Condition Survey								
				International Roughness Index (IRI)	Pavement Evaluation	Pavement Condition Index	GIS Segmentation	ROW Asset Inventory	Pilot Program and Field QA/QC	Deterioration Curves and Modeling	PMS/AMS Integration	System Training
Pavement Condition and ROW Asset Survey	$ 2,841,146.00	4,548	Albuquerque, NM	X	X	X	X	X	X	X	X	X
Pavement Data Collection and Traffic Sign Data Collection	$ 326,250.00	3,750	Austin, TX	X	X	X	X	X	X	X		
Pavement Evaluation	$ 440,736.00	3,599	Kansas City, MO	X	X	X	X		X	X	X	X
Pavement Condition and ROW Asset Survey	$ 549,810.00	3,340	Charlotte, NC	X	X	X	X		X	X		X
Pavement Data Assessment	$ 772,789.00	3,086	Denver, CO	X	X	X	X	X	X	X	X	X
Pavement Condition Survey	$ 682,500.00	3,048	Memphis, TN	X	X	X	X		X	X	X	X
Pavement Condition Assessment and ROW Asset Inventory	$ 1,441,076.00	2,650	Columbus, OH	X	X	X	X	X	X	X	X	X
Pavement Condition Survey	$ 432,486.00	2,248	Pima County, AZ	X	X	X	X		X	X		
Street and Alley Pavement Assessment	$ 634,415.00	1,362	Amarillo, TX	X	X	X	X	X	X	X	X	X
City-wide Pavement Survey and Analysis	$ 199,950.00	1,259	Sioux Falls, SD	X	X	X	X		X	X	X	X
Pavement Condition Assessment	$ 209,168.00	1,097	Mesa County, CO	X	X	X	X	X	X	X	X	X
Pavement Condition Survey and ROW Asset Inventory	$ 374,712.00	1,023	Durham, NC	X	X	X	X	X	X	X	X	X
Pavement Condition Survey 2022	$ 171,914.00	876	Topeka, KS	X	X	X	X		X	X	X	X
Pavement Condition Survey	$ 202,975.00	730	Salt Lake City, UT	X	X	X	X		X	X	X	X
Data Collection for Pavement Condition Index	$ 102,807.00	684	Pennington County, SD	X	X	X	X		X	X	X	X
Pavement Condition Assessment	$ 149,503.00	500	Cheyenne, WY	X	X	X	X		X	X	X	X
Pavement Condition Survey	$ 108,760.00	473	Kingsport, TN	X	X	X	X		X	X	X	X
Pavement Condition Survey	$ 207,694.00	266	Laramie County, WY	X	X	X	X	X	X	X	X	X



City of Salt Lake City, UT- Pavement Condition Survey

RAS performed the 2021 pavement condition survey for Salt Lake City's 730 test mile network. RAS completed the ASTM D6433 based survey using its fleet of RAC vehicles. RAS provided GIS based deliverables and formatted the data for import into **Cartegraph**. RAS performed a pilot study, provided a final report, produced a Videologger, and assisted City staff in presenting data to City Council regarding various funding amounts and strategies for improving the City's PCI and its level of service.

RAS produced a videologger for the City to take a virtual drive down a roadway for a snapshot of pavement and ROW conditions. The videologger provides the client with access to ROW and pavement imagery in an organized manner to quickly make informed decisions on conditions within various areas of the City's network without having to leave the office.

The evaluation project also included a technical report presenting the predominate distresses and statistical analysis of the condition results and repair recommendations. The report provided results based upon surface type and division of functional classification for all roadways. The results were used to develop a more cost-effective approach to maintenance, improving the City's preservation techniques and optimizing budgetary expenditures.

Project Manager Scot Gordon, PE, IAM
Assistant Project Manager: Zac Thomason, MBA
Project Principal: Bart Williamson, FCLS
QA/QC Manager: Mark Kramer, PE
Data Collection Manager: Rafael Rivera
Project Engineer: Sandra Marrero, EI

Contact

David Jones,
Program Manager
City of Salt Lake City
2001 S State St N3-600
Salt Lake City, UT 84190
(801)535-6425
David.jones@slcgov.com

Scope

Time Period: 2021-2022 (est. and final)

Project Budget: $202,975 (est. and final)

Responsibilities:

- Pavement Evaluation
- IRI Measurement
- Deterioration Curves
- PCI Calculation
- GIS Segmentation
- Cartegraph Import
- RAS Videologger

RAS Role: RAS served as the Prime Consultant

June 1, 2022

Letter of Recommendation for Roadway Asset Services (RAS)

To Whom It May Concern,

In 2021, RAS was chosen from a list of highly competitive Pavement Asset Surveyors and Management Professionals to provide services to Salt Lake City Engineering. During the past nine months, we have worked with RAS to update our current pavement condition survey for the City's 575 centerline miles of roadway. We had prior experience with the executive management team of RAS preparing a previous pavement condition survey and trusted them to help us with this update. Bart Williamson and Scot Gordon have been instrumental providing meaningful data to refresh SLC's overall pavement condition ratings and deterioration modeling for the City.

The City's pavement assets were collected throughout the years using various older collection techniques and methodologies adhering to the standard ASTM D6433. Scot Gordon helped us understand the transition from our older survey sections to the latest LCMS technology and rating program. These cutting-edge techniques allow for 100 percent analysis of the evaluated lanes. Scot took the time to visit during our pilot evaluation stage and walked the streets with our staff. He carefully explained how the rating and deduct values vary with the specific distress types. Scot's unique understanding of distress conditions and the relationships to the various soil types, along with the weather conditions, in the Salt Lake City area has been invaluable. He explained these relationships and the underlying causes including potential damage from each distress type.

In addition, Scot worked with our staff to identify rating scores based upon the pavement type, the asset condition, and the recommended maintenance improvements. He also helped us refine our deterioration curves to better model our future pavement performance. This understanding of our unique pavement environment along with his guidance has provided our staff with valuable tools to improve our roadway network and management system.

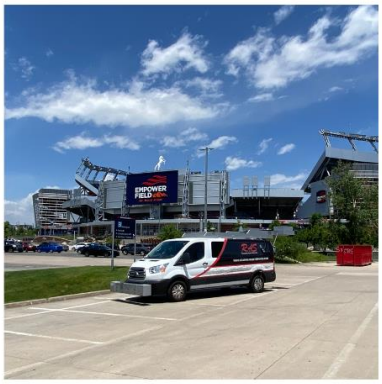
Based on my involvement and working relationship with the staff at RAS, I would highly recommend RAS for any City or County pavement condition assessment or ROW asset management project. RAS has proven to be flexible, knowledgeable, and honest with our team. They have provided valuable tools which enhance Salt Lake City's pavement management system and improved the accuracy of our infrastructure data. We look forward to working with RAS on future projects and thank them again for the commitment to the Salt Lake City asset management endeavors. Please feel free to contact me if you have further questions.

Sincerely,

David Jones David Jones
Public Way Coordination Program Manager - Engineering Division

DEPARTMENT *of* PUBLIC SERVICES

SALT LAKE CITY CORPORATION



City & County of Denver, CO- Pavement Condition Assessment & Asset Inventory

RAS conducted an Asset Inventory for the City and County of Denver that consisted of a pavement condition and ROW assessment on 3,086 test miles of roadways. Pavement distress imagery was collected using Roadway Asset Collection (RAC) vehicles. In addition to the pavement condition assessment, RAS completed a ROW asset inventory on 3,602 protective barriers (guardrail, bollard, jersey barrier), 11,979 pavement markings (linear, specialized, etc), 188,019 MUTCD signs and sign supports,1,740 miles of striping, and 3,488 miles of sidewalks.

RAS provided the City and County with street level 360 imagery of assets for all roads within the City limit. RAS utilized the Ladybug 360 camera to extrapolate MUTCD sign data per the identified schema. Delivery of ROW data was in an ESRI Geodatabase and formatted for import into the City's asset management software, **Cartegraph**. The pavement condition data was imported into Deighton dTIMS.

RAS provided DOTI with a summary report detailing findings and conclusions. The report included statistical charts, graphs, and area mas illustrating all PCI results. The report was delivered in Microsoft Word (.doc and.docx) and Adobe (.pdf) formats.

Project Manager: Scot Gordon, PE, IAM
Project Principal: Bart Williamson, FCLS
Assistant Project Manager: Zac Thomason, MBA
Client Services Manager: Dan White, MBA
Quality Assurance Manager: Mark Kramer, PE, IAM
Data Collection Manager: Rafael Rivera
Project Engineer: Sandra Marrero, EI

Contact

Jason Smiley, GISP
GIS Data Administrator
City & County of Denver
201 W Colfax Ave
Denver, CO 80202
(720)913-4586
Jason.Smiley@
denvergov.org

Scope

Estimated and Completed Time Period: 2022-2023

Estimated and Completed Budget: $772,265

Responsibilities:

- Pavement Evaluation
- PCI Calculation
- IRI Measurement
- GIS Segmentation
- ROW Assets
- AMS Integration

RAS Role: RAS served as the Prime Consultant

January 9th, 2024

Letter of Recommendation for Roadway Asset Services (RAS)

To Whom It May Concern,

RAS provided professional services for the City and County of Denver to complete a comprehensive ROW asset inventory and pavement condition assessment. The scope of work included an inventory and assessment on 3,488 linear miles of sidewalks, 20,687 pavement markings, 3,642 protective barriers, 213,439 MUTCD signs, 117,242 sign supports, 1,789 miles of striping, 380 linear miles of bike lanes, and nearly 2,000 centerline miles of roadway inspections. All ROW asset data was delivered in an ESRI Geodatabase and captured specific attributes to align with the City's existing Cartegraph database schema for implantation into the OMS software.

To meet the specific needs of the Department of Transportation and Infrastructure (DOTI), RAS conducted a parcel-based sidewalk inventory and assessment to ensure the data capture was granular enough for the City's use. The RAS team developed the sidewalk feature class such that there was a unique ID for each sidewalk parcel and that each parcel was related to the pavement segment ID. In addition, the RAS team extracted the following attribution from the sidewalk imagery (FacilityID, MasterID, UniqueID (Sidewalk ParcelID), X/Y start and end points, sidewalk type (present or missing), street name, surface type, detached (yes or now), condition, length, width, and the image path). DOTI intends to use the parcel level sidewalk inspection data to assist in further sidewalk analysis to acquire the necessary funding to begin mitigating sidewalk deficiencies on a parcel-by-parcel basis. In addition, this inventory will service as the foundation for future ADA transition planning endeavors.

The RAS team also conducted a pavement condition assessment on 3,086 test miles of roadways using a modified ASTM D6433 evaluation criteria. The Pavement Condition Index (PCI) score that is calculated by the DOTI pavement management program is utilized to assist the department in allocating resources and prioritizing the multi-year planning effort.

Based on my involvement and working relationship with the staff at RAS, I would highly recommend the RAS team for any City or County asset management project. They have proven to be an invaluable consulting partner in the City and County of Denver's asset management system and are clearly dedicated to the accuracy of our infrastructure data. We look forward to working with RAS on future projects and thank them again for their commitment to our asset management endeavors.

Sincerely,

Jason Smiley

Jason Smiley, GISP
GIS Data Administrator
Department of Transportation and Infrastructure



Contact

Doug Rizor, Retired Systems Programmer
City of Albuquerque
1Civic Plaza NW #7057
Albuquerque, NM 87102
(505)321-8145
rizor.d.abq@gmail.com

Scope

Time Period: 2021-2022 (est. and final)

Project Budget: $2,841,146 (est. and final)

Responsibilities:

- Pavement Evaluation
- IRI Measurement
- Review Soil Conditions
- Deterioration Curves
- PCI Calculation
- ROW Assets
- PMS Implementation
- RAS Videologger

RAS Role: RAS served as the Prime Consultant

City of Albuquerque, NM- Pavement Condition Survey and ROW Asset Inventory

RAS completed a pavement condition survey for the City's 4,548 lane mile network of roadways and alleys. The RAC vehicle drove all roads in both directions to provide the most expansive collection for the City. Additionally, RAS completed an extensive ROW inventory on the following assets for the City: **113,673 traffic signs, 28,631 pavement markings, 2,495 miles of pavement striping, 2,614 miles of sidewalks, 40,198 ramps, 438 miles of bike lanes, 3,337 miles of curb and gutter, 64 miles of guardrail, 1.45 square miles of streetscapes, 1,651 traffic calming devices, 34,531 control boxes, 2,177 backflows, 18,554 storm inlets, 13,731 sidewalk hazards, 88,325 manholes, 554 bike lane hazards, 13,731 sidewalk hazards, .73 square miles of medians.** All GIS based deliverables were imported into VUEWorks.

For the traffic sign inventory, RAS extracted the following attributes: Asset ID, X,Y location, MUTCD code, sign text, photo image link, physical condition rating (good, fair, poor), location, post total, sign facing direction, travel direction, obstructions, legend color, back color, hump case, and support structure type.

A unique service RAS completed for the City is polygon mapping of all areas of City maintained roads. Polygon mapping divides intersections as a separate area of consideration based on the increased flow of traffic. This allows the City to order precise amounts of materials when developing specific projects.

Project Manager: Scot Gordon, PE, IAM
Assistant Project Manager: Zac Thomason, MBA
Project Principal: Bart Williamson, FCLS
QA/QC Manager: Mark Kramer, PE
Data Collection Manager: Rafael Rivera
Project Engineer: Sandra Marrero, EI

May 5, 2022

Letter of Recommendation for Roadway Asset Services (RAS)

To Whom It May Concern,

RAS completed a Citywide inventory of our pedestrian access throughout the City of Albuquerque by completing an inventory and condition assessment of the City's sidewalks, sidewalk obstructions which were geopoint located, ADA ramps and driveways that form the basis of our pedestrian network. The sidewalk inventory conducted by RAS allowed the City to begin tracking its needs related to pedestrian accessibility throughout the City.

For this project, RAS inventoried 2,614 linear miles of sidewalk throughout the City of Albuquerque. The project began with an initial data set that was delivered to the City for acceptance and feedback prior to performing the Citywide assessment. Additionally, the inventory included a curb ramp assessment of 40,198 ramps which were located and assessed within the City. All deliverables for the sidewalk and ADA ramp inventory were provided in City defined segments as GIS based deliverables as well as imported into the City's enterprise asset management software solution, VUEWorks. As a part of the pedestrian access project for the City, RAS also conducted an inventory and review of over 400 miles of bike lanes.

I have also worked with the executive management team of RAS during previous asset management endeavors for the City's ROW inventory and pavement management program updates. The Executive Leadership Team of Bart Williamson, Scot Gordon, and Rafael Rivera have been critical in working with the City in providing meaningful data to move forward with our asset management program and deterioration modeling to determining funding and management needs.

In addition to the sidewalk and ADA ramp assessment, the RAS Team has worked with the City to inventory and assess other Right-of-Way assets including a detailed traffic sign inventory and condition assessment on over 113,000 signs throughout the City. The latest Traffic Sign Inventory provided a gap analysis review of signage that had been added since the previous inventory. The updated database is being managed in both GIS and VUEWorks.

Based on my involvement and working relationship with Bart Williamson, Scot Gordon, and Rafael Rivera I would highly recommend RAS for any City or County considering a sidewalk inventory and condition assessment. They have improved the City of Albuquerque's asset management system and the accuracy of our infrastructure data. We look forward to working with RAS on future projects and thank them again for their commitment to the City of Albuquerque.

Sincerely,



Doug Rizor
Retired-Systems Program Manager II (Retired as of 6/1/2022)
505-321-8145
Rizor.d.abq@gmail.com

Dear Members of the Selection Committee,

As an enterprise software solutions company who works with over 900 municipal agencies across the Country, we are dedicated to developing best-in-class CMMS software solutions that government agencies can leverage to harness data gathered by Public Works and Engineering departments. There is a very close relationship between software and the data it houses as both require the other to get the most out of each. To this end, Opengov / Cartegraph prides itself in developing a team of partners who can assist in the implementation of Cartegraph across the Country.

Roadway Asset Services, LLC (RAS), is a full-service asset management consulting firm that Cartegraph fully supports and often recommends for the acquisition of powerful data such as objective pavement condition data using automated technologies and right of way asset inventories that are developed in a spatial environment. RAS' services often expand beyond the field of data collection and commonly migrate the production load of their collected data into the OMS platform. In addition, as Subject Matter Experts in the field of pavement management, RAS commonly assists agencies in the configuration of the Scenario Builder operating parameters to ensure the analysis results are in alignment with each agency's real world activities and priorities.

RAS is actively working with 10 municipal agencies who utilize the OpenGov / Cartegraph OMS software and this does not account for any contracts that they successfully closed out at the time of this writing. These are simply active contracts that they are working on today that are dedicated to the Opengov / Cartegraph OMS system.

OpenGov / Cartegraph fully supports the RAS team in this proposal effort and would recommend their services as a means to acquire highly objective data and additional 3rd party Cartegraph configuration expertise. If any questions arise as a result of this letter of support, please do not hesitate to reach out for any additional clarification.

Thank you,

Chloe Cowart
OpenGov, Account Executive
ccowart@opengov.com

(816) 716-8335

Value Added Services

Value Added Services

Optional Services: Council Presentation (Included with Base Scope of Work)

The RAS team can provide a Client Presentation that includes data, charts, and all final summary report data to showcase the results of the pavement condition survey. Our Leadership Team has extensive experience preparing and presenting results of pavement and asset condition assessments, as well as pavement budget scenarios and maintenance plans to elected officials and constituents.



The Client Presentations are a standard scope that we provide to all our asset management clients. Our team has worked with City Councils with several agencies including San Antonio, TX; Corpus Christi, TX; Durham, NC; Pitkin County, CO; Indianapolis, IN; Rowlett, TX; and Laredo, TX to name a few.

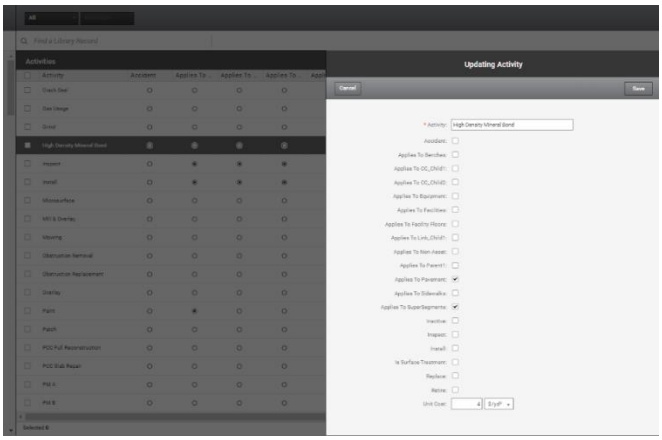
Optional Service: Cartegraph OMS Configuration & Pavement Analysis (Additional Fee)

Scenario Builder Configuration and Optimization for Pavement Management

While running the Scenario Builder models themselves might seem straight-forward, the RAS approach to such an analysis involves the following sequences and client engagements during the process in an effort to configure the parameters that serve as the intelligence within Scenario Builder:

- **Current database review** – most issues can be resolved at the initiation of a project by completing a brief review of the City's existing GIS and Cartegraph OMS setup. All RAS projects begin with a review by our Project Manager. Any recommended changes to the segmentation or budgetary model configuration will be discussed during this stage. The benefit of the RAS team in this stage is in their intimate knowledge of Cartegraph OMS configuration, including areas of recommended improvement.

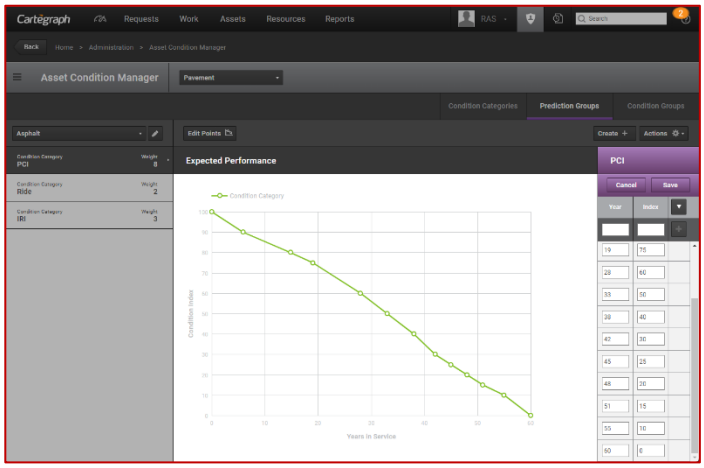
- **Maintenance & Rehabilitation Setup** – to ensure the results of the budget model runs meet the City's expectations, Scot Gordon will discuss the City's current Maintenance and Rehabilitation setup within the Cartegraph OMS system under the "**Protocol Library**". As a Professional Engineer with extensive pavement experience, Scot is well versed with the application of pavement rehabilitation techniques, trigger points, real-world impact to OCI, and life cycles. As a part of this process, RAS will work with the City to determine the right treatment (prescription) at the right time. As completed with many agencies across the Country, RAS will work with City staff to review the existing pavement rehabilitation model parameters that are currently setup within the Scenario



Builder Protocol Library. These parameters will be updated based on actual City expenditures for each activity and real world life cycle estimates that relate to OCI impact. This includes reviewing Min/Max PCI, Breakpoint PCI, decision trees for treatments (using the advanced filter text in the Protocol Library), costs, and OCI impact values.

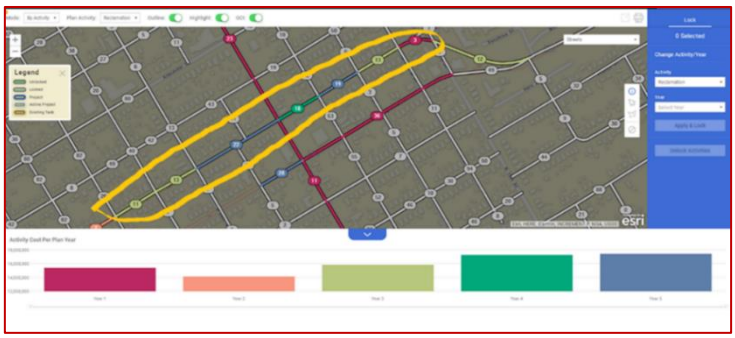
RAS can also discuss other treatments that the City may or may not be using, their benefits, their return on investment, and their adoption across the Country. The results of the scenarios would include investment benefit information indicating the cost per square foot of benefit for each maintenance strategy based on maintenance rehabilitation costs. This can be reported in a number of ways, but commonly as the cost per sqft to increase the PCI by increments of 1 point.

- **Deterioration Curves** – forecasting pavement conditions within Cartegraph requires a detailed set of pavement deterioration curves for each roadway traffic classification, pavement material type, etc. as designated by the City. Scot will review the existing OMS "**Prediction Groups**" to ensure there is enough granularity within the functional classes, pavement types, and that the deterioration curves assigned to each Prediction Group reflects realistic degradation rates in the City. If alterations to the curves are necessary, Scot will lead the update with the City and RAS team. Scenario Builder will pull the data configurations used in the Prediction Groups and Protocol Library to create clear, accurate predictions on everything from OCI gains to budget impacts over time. Scot Gordon and the RAS team have developed hundreds of deterioration curves based on collected data. Scot will work with the historical data, along with the collected data from this project, to develop updated and further refined deterioration curves for each combination of street classification and pavement surface type, representative of the climate.



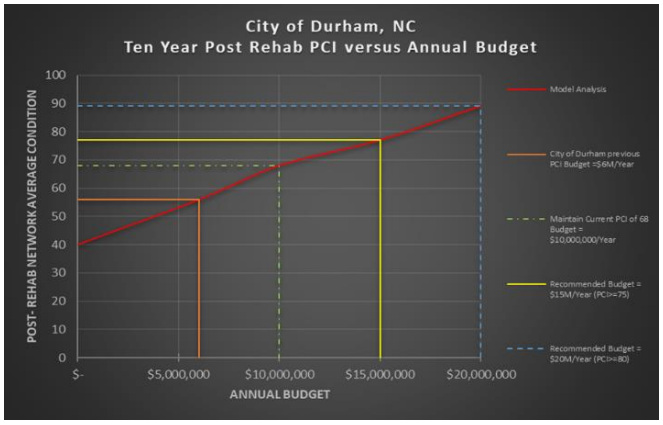
RAS has protocols in place that preserve historical collection data and use past surveys to assist in modeling through documenting the change in conditions between past surveys and the current collected data. RAS will make the comparisons between the surveys easily viewable for City staff to determine if outliers exist.

- **Supersegment Development** – the Cartegraph Scenario Builder module runs models on the layers loaded into the system. While older versions of Cartegraph could only house a single layer, Cartegraph now gives users the ability to house a



Supersegment layer, which is simply multiple segments stitched together to form a logical project or management section. The benefit of utilizing a Supersegment layer for use in Scenario Builder is that it runs the budgetary scenario at the project level, producing real-world rehabilitation plans that are ready for City review, modification, or acceptance. Our team will also provide recommendations to City staff for best practices in developing practically sized Supersegments to yield model results that can be acted upon. RAS also utilizes Cartegraph's "**Automation Manager**" when developing or updating an agencies budgetary models using the Supersegment approach.

Budget Model Development



The RAS Team separates itself from our competition through our devotion to the most critical aspect of the project, which is collaborating with the City on how to take the objective condition data and utilize it to make meaningful decisions involving the City's infrastructure.

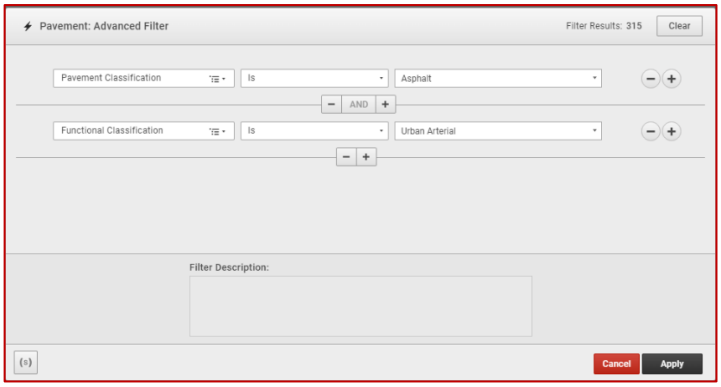
RAS follows the "AASHTO Transportation Asset Management Guide – A Focus on Implementation" which provides a framework for organizations to utilize and update the management of their assets to improve decision-making, monitor performance, and support integrated decisions in programming projects. The observed distresses and calculated OCI values will be used within Cartegraph to rank projects using distress types indicating load, non-load, and environmental related causes of each distress.

Running budgetary models within a pavement management system requires a deep understanding of the database structure behind the application. The RAS approach to budgetary modeling will involve up to 10 pavement management scenarios using different philosophies, budget levels, and distributions. While **RAS will define the scenarios to be run with City staff, at a minimum the following questions should be answered with the scenarios:**

- How much funding will be required to maintain an OCI of 70 over the next 5 years?
- How much funding is required annually to maintain my existing pavement conditions?
- What will the estimated network OCI be over the next 5 years if current funding levels are maintained?
- What budget is required to control the growth in backlog?
- What are the recommended pavement strategies?

RAS will also consult with City staff to develop models utilizing different types of rehabilitation strategies (worst first, best first, most economic, need year, etc.). RAS understands that getting buy-in from City Administrators and Elected Officials means developing a long-range rehabilitation plan that considers local priorities. The RAS team will ensure that already approved rehabilitation work is programmed into the budgetary models for selection during the run. In addition, RAS will consult with City staff to identity the total cost (mill, overlay, traffic control, striping, etc.) of each rehabilitation method.

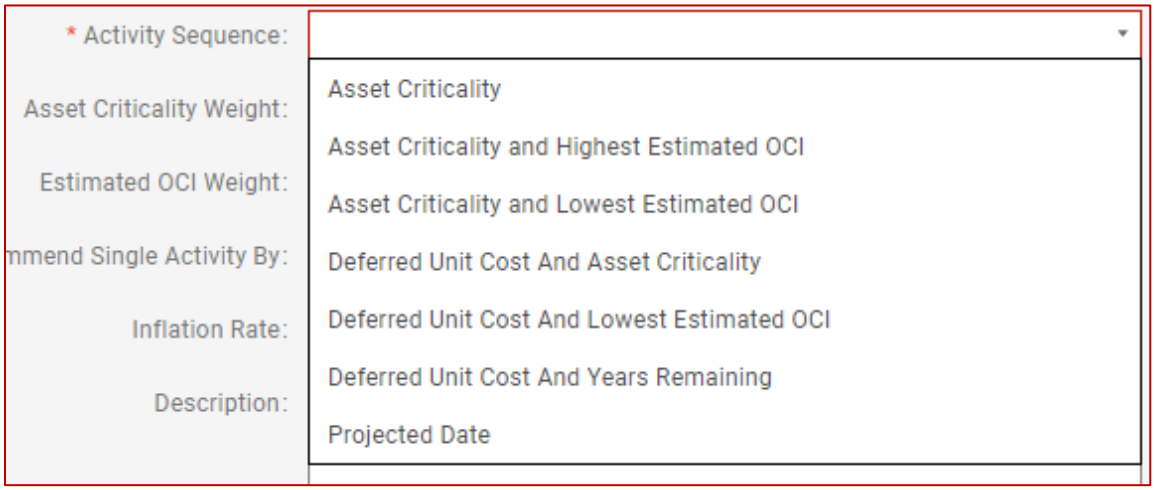
Infusing Optimization into the Cartegraph OMS Analysis



Optimization is a broad-based term that has many different definitions. For most pavement management systems, optimization is the ability to prioritize a multi-year rehabilitation plan using several different factors that are important to the City and based on sound engineering constraints. For example, RAS commonly configures the Scenario Builder models using "Asset Filters" that allows our team to include a different set of maintenance and rehabilitation activities for roadways of different pavement types, traffic, and strength.

With the Asset Filters setup, our team can then assign "Criticality" factors to each functional classification, pavement type, and pavement strength rating that assist in prioritizing the multi-year plan and the development of an optimized rehabilitation plan. **However, this is only the beginning of an RAS Optimized Multi-Year Plan.**

The RAS team also includes a true **Financial Optimization Framework (FOF)** as a part of the Cartegraph OMS analysis. While the user could run a multi-year plan using the assigned "Asset Criticality" only, RAS prefers to infuse financial optimization through the use of the "Deferred Unit Cost" sequence logic.



This sequence option allows the analysis to consider the future costs of deferring segments and allowing them to fall into the next more expensive rehab category. By calculating the cost of deferral, the sequence also identifies the "Need Year" of each segment and prioritizes the highest cost of deferrals while focusing on selecting critical roads that are within a few points of dropping into the next category. The "Deferred Unit Cost" sequencing is traditionally combined with the customized criticality assignments in an effort to generate a truly financially optimized pavement management program.

Mark Kramer, QA/QC Manager, and Zac Thomason, Assistant Project Manager, participated in the initial development of this financial optimization logic in the Cartegraph OMS Scenario Builder through multiple conversations and demonstrations with the Cartegraph software development team.

To further enhance upon optimization, Project Manager and Senior Pavement Engineer, Scot Gordon looks forward to visiting with City staff on other **innovative considerations** to pavement management such as **including OCI of curb and gutter in selecting roads for maintenance; whether or not to deduct for potholes if the City has a pothole repair crew; how to get all council districts above a specific PCI threshold; and focused analysis on top traveled corridors where you are improving the level of service on the roads receiving the greatest traffic while also analyzing the impacts to the remainder of the network.**

For example, Scot performed additional analysis scenarios for the City of San Antonio to identify variable funding needs to achieve and maintain the set goals for each Council District (minimum PCI of 70), based on pavement condition performance. To accomplish this, Mr. Gordon worked with the City to determine the proper mix between preservation and reconstruction within each of the 10 Council Districts to achieve the minimum baseline number of a PCI of 70 per district.

For example, in the City of Fort Worth, Scot worked with City Staff to incorporate curb and gutter as a factor in street selection for maintenance. In addition, the previous evaluation deducted for potholes in their PCI score, while the most recent survey reversed this decision as their crews were repairing these distresses daily and a preference to not have potholes influence the PCI value were expressed.

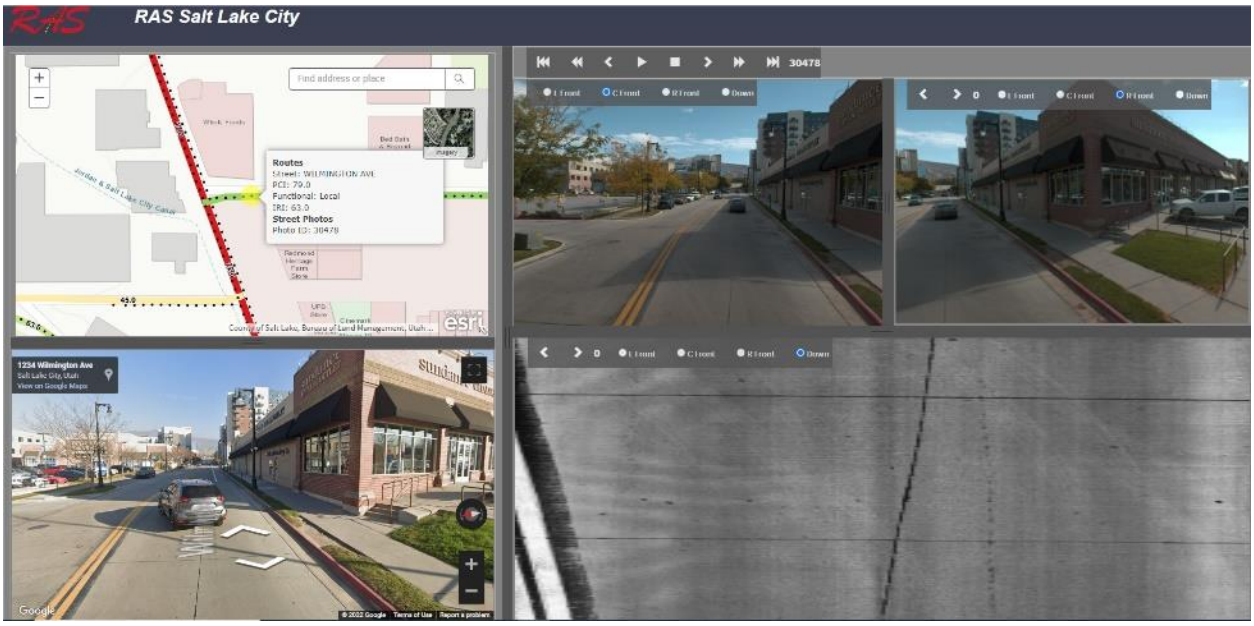
For the City of Durham, NC we used the most recent census data and the City's Federal Information Processing Series (FIPS) codes to review social-economic factors such as median household income and racial diversity to further factor optimization to ensure equal street maintenance across the City.

Each of the examples above were combined with sound financial optimization that allowed for a truly customized multi-year plan that met the needs of local constituents, elected officials, and City staff.

Optional Services: RAS Data Viewer & Videologger (Additional Fee)

If the City desires web-hosted condition photos, as an optional service RAS can provide the City with the RAS Videologger which is a web hosted full-service image viewer that allows our clients to select a section of roadway from the GIS-based map to visually display the inventory elements and the results of their survey. The viewer is hosted on a reliable web platform such as Amazon Web Services (AWS). The RAS Videologger allows the City to load pavement and ROW imagery for a specific location within the City and sequentially travel down the roadway. If needed within the Videologger, the City can load high-resolution images to provide more detailed site investigation while displaying OCI, PCI, and IRI data for the selected section. In addition, the Videologger **houses the Ladybug Panoramic ROW imagery, LCMS downward pavement imagery**, PCI scores, and right of way inventories.

Following the Pavement Condition Assessment, all **LCMS-2 camera imagery** will be loaded to the videologger with each image resulting in 1 mm-pixel resolution and horizontal resolution of 4,000 pixels. The benefit of having the LCMS imagery on the same platform as the Ladybug imagery is the ability to use the forward-facing camera to see what a typical driver would see from a windshield while comparing it against the downward LCMS laser array that focuses only on the pavement surface itself.



Optional Services: Detailed Sidewalk and Ramp Condition Assessment (Additional Fee)

RAS can provide the City with a detailed and comprehensive sidewalk condition assessment. The expanded scope would include utilizing one or more e-bikes (PROWagon™) to drive every sidewalk for assessment and digital image capture. The data collection would happen independently of the street assessment as the PROWagon™ was designed specifically for sidewalk condition assessments. The PROWagon™ is equipped to accurately capture individual distresses for a 0-100 sidewalk condition index (SCI).



Upon completion of the sidewalk network HD video capture, the imagery is processed using a custom rating application that begins the process by linking the corresponding imagery to its appropriate sidewalk segment. From here, the rating software is utilized by each RAS Sidewalk Inspector to individually map all moderate/severe distresses (distress type following Banning's distresses, distress severity, & XY coordinate), allowing RAS to develop heat maps for each distress type with XY locations. Each distress encountered is tagged to the corresponding sidewalk image and assigned the image XY for mapping purposes.

The individual distress data is then processed to calculate a distress density per sidewalk segment and calculate a Sidewalk Condition Index (SCI) using the distress data collected in the field such as **surface deterioration or spalling, missing pavement, vertical displacements, holes or cracks, missing or damaged castings, and root intrusion.**

Required Forms

COMPLIANCE WITH PRESIDENTIAL EXECUTIVE ORDERS IMPOSING SANCTIONS AGAINST THE RUSSIAN FEDERATION (RUSSIA)

Executive Order Nos. 13660, 13661, 13662, 13685, 13849, and 14065, and the Directives thereunder, (collectively "Orders"), impose economic sanctions against Russia ("Sanctions"), and establish prohibitions that include, but are not limited to:

(i) engaging in certain commercial transactions with a person or entity whose property or interest is blocked and/or who is listed on the Treasury Department's List of Specially Designated Nationals and Blocked Persons ("SDN List") or Sectoral Sanctions Identification List ("SSI List"); and

(ii) exporting or importing goods, services, or technology, to or from Crimea, or the Donetsk or Luhansk region, in Ukraine.

Please review the economic sanctions imposed in response to Russia's actions in Ukraine, including, but not limited to, the Orders, Directives, and sanctions identified on the U.S. Department of the Treasury website (or any successor website): https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information/ukraine-russia-related-sanctions

Based on your review of the Sanctions and/or your personal knowledge, by signing below you certify that (i) no person, or entity or any owner thereof, submitting this bid or proposal, is a Blocked Person or is a person or entity listed on the SDN List or the SSI List; or is otherwise subject to any of the prohibitions created by the Sanctions or any of the Orders; and (ii) no performance required by a contract awarded by the City to the bidder or proposer signed for below will involve the prohibited exporting or importing of goods, services, or technology, to or from Crimea, or the Donetsk or Luhansk region, in Ukraine, or will otherwise involve conduct prohibited by any of the Sanctions.

Bidder/Proposer: Roadway Asset Services, LLC

Signature: Name: Bart Williamson, CEO

Dated: 03/25/2024

City of Banning
Finance Department
99 East Ramsey Street / P.O. Box 998
Banning, CA 92220-0998
(951) 922-3129

Dear New Vendor,

The City of Banning is pleased to inform you that we are in the process of setting up your company as a new vendor in our system for the purpose of initiating future purchase orders, and/or enabling payment(s). The City would like to request the following information from your company that is required in order for us to complete your profile, and any further transactions:

- Vendor Masterfile Sheet (enclosed, please complete and return with the following applicable documentation - page 2)
- W9 form (required) (attached if needed pages 3-8, please return only first page {3})
- City of Banning Business Tax Certificate Application [with Business Tax Summary](may not apply if you are not conducting business in Banning - pages 9-10)
- Certificate(s) of liability insurance naming the City of Banning as additional insured with corresponding endorsement pages (may not be required if no on-site work is being performed - Requirements listed page 11)

For convenience, completed documents may be returned to the City Requestor via email, or mailed to the address stated above.

Feel free to reach out to us if you have any questions.

Sincerely,

City of Banning
Finance Department

Vendor Master File

Name: Roadway Asset Services, LLC

Address: 6001 W Parmer Lane, Ste 370-1102

City, State, Zip: Austin, Texas 78727

Phone Number: (210)837-5249

Contact Person: Bart Williamson

Email Address: bwilliamson@roadwayassetservices.com

Business Description: Pavement and Asset Management Firm

Remittance Address (if different from above)

Name: Roadway Asset Services, LLC

Address: 1545 E Commerce Dr.

City, State, Zip: St. George, UT 84790

Company License (if Applicable):

City: _____ State: California SOS Contractors: 202252114342 DIR: _____

Office Use Only

Vendor Number: _____

W-9 Attached: _____ Licenses Verified: _____

Comm/Serv: _____ E/X Code _____

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▸ **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See **Specific Instructions** on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Roadway Asset Services, LLC

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☑ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▸ **P**

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▸

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any)

Exemption from FATCA reporting code (if any)

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

6001 West Parmer Lane, Suite 370-1102

Requester's name and address (optional)

6 City, state, and ZIP code

Austin, Texas 78727

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

8	5	–	1	9	3	9	4	5	4

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person** ▸ Bart Wilson **Date** ▸ 3/25/2024

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

City of Banning

99 East Ramsey Street, PO Box 998, Banning, CA 92220
Attn: Business Taxes Phone: (951) 922-3126 Fax: (951) 922-3165

BUSINESS TAX CERTIFICATE APPLICATION

Please Check One	
New Application	☑
Change of Owner	☐
Change of Address	☐
Change of Business Name	☐
Home Occupation	☐

PLEASE TYPE OR PRINT CLEARLY

Business Name Roadway Asset Services, LLC
Business Location 6001 W Parmer Lane, Ste 370-1102
(Not P.O. Box) Austin, TX 78727

Bus. Phone (210)837-5249 Bus. Fax 1(512)727-3378
Mailing Address _____
(If Different) _____

Email Address bwilliamson@roadwayassetservices.com

Ownership ☐ Corporation ☑ Limited Liability Corp. ☐ Partnership ☐ Sole Proprietor ☐ Trust
(A Federal ID Number Is Required For All Business Types except Sole Proprietor)

Banning Start Date	Description of Business / Contractor Job

Business Type ☐ Retail / Wholesale Service ☐ Manufacturing ☑ Professional ☐ Contractor

State Lic. No. _____ License Type _____ Expiration date _____
Resale No. _____ Federal ID No. 85-1939454 State ID No. 202252114342

OFFICIAL USE ONLY

Account No. _____
Expiration Date _____
License Tax $ _____
Penalty _____
Total Fee $ _____
Date Paid _____ ☐ Cash
Check No. _____ By _____

Reviewed and Approved by

Bus. Lic. Dept. _____/_____
Planning Dept. _____/_____
Bldg. & Safety Dept. _____/_____
Fire Dept. _____/_____
Public Works _____/_____
Home Occup. Permit Required- YES ☐ NO ☐

BELOW ENTER THE NAMES OF OWNERS, PARTNERS, OR CORPORATE OFFICERS – use additional sheets if necessary

Owner Name Bart Williamson Title CEO Phone ( ) _____
Home Address 7716 Tessera Parkway, Lago Vista, TX 78645 Cell No. (210) 837-5249
(Street Number, Street Name, City, State, Zip)
Driver's Lic. No. 15581086 Social Security No. 306-56-6117

Owner Name Scot Gordon Title President Phone ( ) _____
Home Address 602 Sante Fe Dr, Highland Village, TX 75077 Cell No. (214) 789-9941
(Street Number, Street Name, City, State, Zip)
Driver's Lic. No. 14111907 Social Security No. 464-53-0281

In Case of Emergency, Please Contact (Required for In-Town Location)

Name Rafael Rivera Title Data Officer Phone ( ) _____
Home Address 14869 SW 43rd Ct, Ocala, FL 34473 Cell No. (407) 701-6397
(Street Number, Street Name, City, State, Zip)

PLEASE COMPLETE THE FOLLOWING:

No. of Employees	
No. of Professionals	18
No. of Non Professionals	3
No. of Rental Units	
No. of Coin Operated Machines	

NOTE: Sales or use tax may apply to your business activities. You may seek written advice regarding the application of tax to your particular business by writing to the nearest Board of Equalization office. For general information, please call the Board of equalization at 1-800-400-7115

CONTRACTORS- Please provide **ONLY** the number of employees working on the project here in the City of Banning.

PLEASE CALCULATE AMOUNT DUE BY ENTERING INFORMATION IN BOXES BELOW AND SIGN.

Business Tax -	$ 330
Fire Inspection -	$
Building Inspection -	$
Home Occupation Fee -	$
Other Fee -	$
State CASp Fee -	$ 4.00
TOTAL FEES -	$ 334

I understand that the acceptance of this application does not give me the right to occupy any building until I receive a Certificate of Occupancy. I declare under penalty of perjury, that I am authorized to complete this application and, that to the best of my knowledge, the Information provided herein is true and correct.

Date: 3/27/2024 Title: Chief Executive Officer
Signature: Bart Williamson

****Any Business License Applications/Renewals Submitted Without a Signature, Will Not Be Processed****

NOTICE: Under Federal and State law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:
The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx
The Department of Rehabilitation at www.rehab.cahwnet.gov
The California Commission on Disability Access at www.ccda.ca.gov

City of Banning

BUSINESS TAX SUMMARY

Every Person Who Engages in Business in the City Shall Pay a Business Tax Based Upon Number of Employees Unless Specifically Assigned A Different Tax.

General Service Businesses

Use Number of Employees Tax Calculation Below

0-5 Persons	$50.00
6-10 Persons	$110.00
11-15 Persons	$165.00
16-20 Persons	$220.00
21-25 Persons	$275.00
26 + Persons	$330.00

Retail and Wholesale and Other Businesses

Adjustor or Claims Agencies
Advertising Agencies
Aircraft Services
Alarm Services
Armored Car Services
Animals, Board and Care
Barber Shops
Beauty Shops
Business Services
Check-Cashing Services
Data Processing Services
Detective Agency
Ditching and Backhoe Services
Drafting Services
Employment Services
Equipment Rental (all types)
Escrow or Title Companies
Finance, Savings & Loans
Fire Extinguisher Services
Guard and Patrol Services
Health Salons
Herbalists
Interior Decorators
Janitor Service
Laundry and cleaning services
Locksmiths
Messenger Services
Miscellaneous as determined
News Agencies
Newspaper Dealers
Odor Control Services
Pest Control Services
Photographers
Piano Tuning Services
Printers
Professional Schools (all types)
Publications and Periodicals
Public Utilities
Radio, Television, and other Communication Services
Repair & Maintenance Services (All Types)
Sign Printers
Swimming Pools and Clubs
Tailors or Dressmakers
Tax Services
Ticket Agencies
Trash Collection Services
Travel Agencies
Tree, Lawn & Weed Control
Vehicle Rental or Leasing agencies
Warehouse Storage Services
Water Softener Services
Real Estate Offices

Miscellaneous Businesses

Advertising-Outdoor	$125.00 per year for 1-8 billboards/displays $15.00 per year ea. Additional billboard/display
Ambulance Service	$55.00 per year- First Ambulance $12.00 per year- Each Additional Ambulance
Automobile, RV, Trailer and Boat Storage Units	$25.00 per year for 1-10 Units $2.00 per year ea. additional unit over 10
Day Nurseries/Nursery Schools	$15.00 per year for 1-6 children $2.00 per year each additional child over 6
Delivery Vehicles	$55.00 per year
Dog kennels	$20.00 per year each 15 animals
Pawnbrokers	$110.00 per year
Shoeshine Stand	$15.00 per year
Christmas Tree Lot	$15.00 per season
Swap Meet-each location	$250.00 per year

See Section 5 of the City of Banning Code Book for additional Business Categories.

These types of businesses require Council Approval

Auto Wrecking/Junk Dealers	$110.00 per year
Massage Parlor-Baths	$220.00 per year
Taxicabs/Limousines	$30.00 per year / per unit

Name and/or Location Change

$ 5.00 Flat Fee

Professional Services

$80.00 for each professional per year PLUS
$5.00 for each non-professional employee per year

Accountants, CPA OR PA
Appraisers
Architects (including landscape)
Assayers
Attorneys
Chiropodists
Chiropractors
Consultants
Dentists
Engineers (all types)
Geologists
Morticians
Oculists
Optometrists (non-dispensing)
--Osteopaths
Physicians Chemists
Physiologists
Physiotherapists
Psychologists
Veterinarians
Brokers and Agents
Laboratory Workers

Recreation and Entertainment Services

Amusement Centers Includes any flying horses, merry-go-rounds, ferris wheels or other riding devices, giant slides, shooting galleries, etc.	$40.00 PLUS First six devices, rides, lanes, etc. $ 7.00 for each additional device, ride lane, etc.
Amusement Centers, Temporary No fixed place of business includes kiddie rides in shopping centers, pony rides, etc.	$40.00 PLUS First six devices, rides, lanes, etc. $3.00 for each additional ride, lane, etc.
Dance, Public (Nightclubs, etc.)	$12.00 per day $85.00 per year
Dancing Club (where admission is charged, dues paid or donations accepted)	$85.00 per year
Astrology, Palmistry, etc.	$110.00 per year
Theaters and Shows	$110.00 First 500 seats per year $12.00 ea. additional 100 seats/year
Golf Course - 18 hole	$110.00 per year
Golf- Driving Range, Miniature	$85.00 per year or Pitch and Putt

Opening New Businesses

Industrial Waste Inspection Fee	$175.00
Fire Inspection Fee	$182.00 per unit / per hour
Building and Safety Inspection Fee	$110.00 per unit per / hour
Sign Permit	$537.00
Home Occupation	$307.50 plus applicable business license Fee

Coin Operated Machines

1 – 5 Machines	$20.00 per year
Each additional machine	$5.00

Contractors

For each first member or employee	$80.00
For each employee in excess of one (1)	$5.00

Must submit proof of State Contractors License and Worker's Compensation with the application.

Rentals- Not to exceed $330.00 per year

Hotels, Motels, Rooming houses, Duplexes and Multiple-dwellings	$12.00 per unit / per year
Commercial and Business Rentals	$20.00 per unit / per year
Single Family Residences (3 to 5)	$20.00 per unit / per year
6 to 10 residences	$30.00 per unit / per year
over 10 residences	$40.00 per unit / per year
Mobile Home Parks	$1.25 per space / per year
RV Campground	$1.25 per space / per year
Mini-warehouse (Storage)	$1.00 per each unit / per year

Summary of Vendor Insurance Requirements

1) Limits of insurance*:

   (a) General Liability insurance with limits of not less than $1,000,000 for bodily injury and property damage; $1,000,000 for personal and advertising injury; $2,000,000 products and completed operations aggregate and $2,000,000 general aggregate.
   (b) Auto Liability insurance endorsed for “any auto” with limits of liability of not less than $1,000,000 per accident for bodily injury and property damage.
   (c) Professional Liability (Errors and Omissions) insurance appropriate to Consultant’s profession, with limits of liability of not less than $1,000,000 per claim/occurrence and $2,000,000 policy aggregate **(only required if contract involves the rendering of a professional service).**
   (d) Workers' Compensation insurance as required under the California Labor Code.
   (e) Employer's Liability insurance with limits of liability of not less than $1,000,000, each accident; $1,000,000 disease each employee; and $1,000,000 disease policy limit.
   (f) California Insurance Commissioner to do business in the State of California and rated not less than “A- VII” in Best's Insurance Rating Guide.

   *Limits can be adjusted based on the City of Banning judgement based on services provided.

Certificate holder should appear as follows:

City of Banning
Attn: Purchasing Division
99 E. Ramsey Street
Banning, CA 92220-4837

2) The certificate of insurance should read "The City of Banning, its officers, officials, employees and agents are additional insured as respects to General Liability and Auto Liability insurance. This insurance is primary, and our obligations are not affected by any other insurance carried by such additional insured whether primary, excess, contingent, or on any other basis. Waiver of subrogation for Workers’ Compensation insurance as respects to the City of Banning, its officers, officials, employees and agents.”

3) Additional insured endorsement, with primary and non-contributory language or a primary insurance endorsement, for General Liability insurance **(including ongoing operations and completed operations)**. The additional insured should read, "The City of Banning, its officers, officials, employees, agents and volunteers". Examples of primary insurance language are "Such insurance as is afforded by the policy is primary and any other insurance shall be excess and not contribute to the insurance afforded by this endorsement" or "This insurance is primary, and our obligations are not affected by any other insurance carried by such additional insured whether primary, excess, contingent, or on any other basis". The endorsement number needs to be included in the accord description of certificate of insurance.

4) Additional insured endorsement for Auto Liability insurance. The additional insured should read, "The City of Banning, its officers, officials, employees and agents.” The endorsement number needs to be included in the accord description of certificate of insurance.

5) Waiver of subrogation endorsement for Workers’ Compensation insurance should read, “the City of Banning, its officers, officials, employees and agents.” The endorsement number needs to be included in the accord description of certificate of insurance.

6) The “Retro Date” must be shown for the Professional Liability insurance. **(only required if contract involves the rendering of a professional service).**

7) A copy of the Declarations & Policy Endorsements page for the General Liability policy.

Should you have any questions with respect to the foregoing, please do not hesitate in contacting the Purchasing Division at (951) 922-3129. Thank you.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 03/25/2024

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Brittany Davis	
Landmark Risk Management 107 S 1470 East #302 Saint George, UT 84790	PHONE (A/C, No, Ext): (435)656-4586	FAX (A/C, No): (435)673-3621
	E-MAIL ADDRESS: brittany@lmx180.com	

INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A :	Travelers Casualty Insurance Co of America	19038
INSURER B :	Travelers Casualty Insurance Co of America	19046
INSURER C :	Travelers Property Casualty Company of America	19038
INSURER D :	Underwriters at Lloyds of London	15792
INSURER E :	State National Insurance Company Inc.	10665
INSURER F :		

INSURED

Roadway Asset Services, LLC
6001 W Parmer Lane, Suite 370-1102
Austin, TX 78727

COVERAGES **CERTIFICATE NUMBER: 00008927-1148519** **REVISION NUMBER: 147**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [X] PRO-JECT [ ] LOC [ ] OTHER:	Y	Y	680-1W860284	12/18/2023	12/18/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
B	AUTOMOBILE LIABILITY X ANY AUTO [ ] OWNED AUTOS ONLY [ ] SCHEDULED AUTOS X HIRED AUTOS ONLY [X] NON-OWNED AUTOS ONLY	Y	Y	BA-1-W-860407	12/18/2023	12/18/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 1,000,000 $ $ $
C	X UMBRELLA LIAB [X] OCCUR EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [X] RETENTION $ 10,000			CUP1W860616	12/18/2023	12/18/2024	EACH OCCURRENCE AGGREGATE	$ 10,000,000 $ 10,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N: N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A	Y	UB1W86055A	12/18/2023	12/18/2024	X PER STATUTE [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
D	Professional/Polluti			ANE5366238.23	09/10/2023	09/10/2024	Per/Aggregate	2,000,000/2,000,000
E	Cyber Liability			HCXCYB-P-5057394	01/26/2024	01/26/2025	Per/Aggregate	2,000,000/2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

City of Banning,its officers, officials, employees and agents are additional insured as respects to General Liability (CG D3 81 09 15) and Auto Liability (CA T3 53 02 15) insurance . This insurance is primary and non-contributory, waiver of subrogation applies in favor of the City of Banning, its officers, officials, employees and agents.

CERTIFICATE HOLDER

City of Banning
Attn: Purchasing Division
99 E. Ramsey Street
Banning, CA 92220

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

(BCD)

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Price Proposal

Pricing Proposal

The total fee is an all-inclusive maximum price that contains all direct and indirect costs including all out-of-pocket expenses, reimbursable expenses sub-consultant expenses, mileage and/or travel cost, miscellaneous fees, etc., for all required scope of services. All built-in costs for travel, lodging, and per-diem shall not exceed the current IRS rates.

	Hourly Rates											
	$275.00	$210.00	$210.00	$185.00	$150.00	$110.00	$100.00					
Task Descriptions	Principal	Project Manager	Sr. Pavement Consultant	Pavement Consultant	Sr. GIS Analyst	GIS Analyst	Field Tech	Total Hours	Labor Cost	Expenses / Sub-contractor		Total Fee
A. Pavement Management Services	**12**	**46**	**36**	**58**	**38**	**54**	**142**	**386**	**$57,090.00**	**$11,090.00**		**$68,180.00**
1. Project Initiation, Centerline Identification & Review (lump sum)	8	8	4	8	2	10		40	$7,600.00	$1,150.00		$8,750.00
2. Field Set-Up & GPS Network Creation (lump sum)	2	2		2	8	12		26	$3,860.00	$140.00		$4,000.00
3. Collect Street Network (160 test miles)				8		8	140	156	$16,360.00	$8,390.00		$24,750.00
4. Roadway Evaluation: ASTM D6433 Distress Processing (160 test miles)		4	16	32	16	4		72	$12,960.00	$240.00		$13,200.00
5. Pavement Widths Verification (300 lane miles)					2	12	2	16	$1,820.00	$160.00		$1,980.00
6. On-site RAS Data Review of Pilot Area		10						10	$2,100.00	$900.00		$3,000.00
7. Cartegraph OMS Pavement Data Import (Test & Production Loads)		2	8	4	8	4		26	$4,480.00	$20.00		$4,500.00
8. Draft and Final Summary Pavement Condition Report	2	20	8	4	2	4		40	$7,910.00	$90.00		$8,000.00
B. Fixed ROW Asset Inventories	**14**	**68**	**24**	**18**	**148**	**1332**	**70**	**1674**	**$202,220.00**	**$4,220.00**		**$206,440.00**
ROW-1 Signs Inventory (Photograph, geolocation, condition, MUTCD)		2			4	155		161	$18,070.00	$230.00		$18,300.00
ROW-2 Markings Inventory (Photograph, mapping, geolocation, condition)		2			4	177		183	$20,490.00	$300.00		$20,790.00
ROW-3 Supports Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-4 Light Fixtures Inventory (Photograph, geolocation)		2			4	61		67	$7,730.00	$70.00		$7,800.00
ROW-5 Guardrails Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-6 ADA Ramps Inventory (Photograph, geolocation, condition)		2			4	88		94	$10,700.00	$100.00		$10,800.00
ROW-7 Sidewalks Inventory (Photograph, geolocation, condition)		2			4	107		113	$12,790.00	$110.00		$12,900.00
ROW-8 Trees Inventory (Photograph, geolocation)		2			4	139		145	$16,310.00	$190.00		$16,500.00
ROW-9 Inlets Inventory (Photograph, geolocation)		2			4	88		94	$10,700.00	$100.00		$10,800.00
ROW-10 Outlets Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-11 Catch Basins Inventory (Photograph, geolocation)		2			4	88		94	$10,700.00	$100.00		$10,800.00
ROW-12 Retention Basins Inventory (above ground, photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-13 Culverts Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-14 Manholes Inventory (Photograph, mapping, geolocation)		2			4	61		67	$7,730.00	$70.00		$7,800.00
ROW-15 Outfalls Inventory (Photograph, geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-16 Trash Capture Devices Inventory (geolocation)		2			4	34		40	$4,760.00	$40.00		$4,800.00
ROW-17 Number of Lanes (Count Per Segment)		2			4	50		56	$6,520.00	$80.00		$6,600.00
ROW-18 Retro-reflectivity Surveys (Warning and Regulatory Signs)	2	2	8	8	16	16	70	122	$15,290.00	$1,570.00		$16,860.00
ROW-19 ROW Asset Inventory Import to Cartegraph (17 Asset Features)	4	8	8	8	40	40		108	$16,340.00	$660.00		$17,000.00
ROW-20 Fixed Asset Inventory Draft and Final Report Addition	8	24	8	2	24	24		90	$15,530.00	$360.00		$15,890.00
Project Total (Hours & Fees)	**26**	**114**	**60**	**76**	**186**	**1386**	**212**	**2060**	**$259,310.00**	**$15,310.00**		**$274,620.00**

Total Fee: $274,620.00

Optional Value-Add Services:

The following services are related to the additional scope items included in the proposal.

Task	Additional Professional Services	Units	Unit Cost	Fee
O-1	Cartegraph OMS Scenario Builder Configuration, Optimized Pavement Analysis, Budget Scenarios, and Maintenance / Improvement Recommendations	1	$20,000	$20,000.00
O-2	RAS Hosted Data Viewer & Videologger (Service Provided Until Next Project)	1	$9,000	$9,000.00
O-3	Detailed Sidewalk and Ramp Condition Assessment (Estimated Sidewalk Miles)	225	$395	$88,875

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Doug Schulze, City Manager**
Doug Schulze, City Manager

MEETING DATE: **July 9, 2024**

SUBJECT: **Consideration of Resolution 2024-117, Approving an Exclusive Negotiating Agreement with Investel Development LLC for City-Owned Real Property Located at 150 E. Ramsey Street, Banning (APNs 541-181-032, 541-181-033, 541-181-034, AND 541-181-035)**

RECOMMENDATION:

Adopt Resolution 2024-117.

BACKGROUND:

Investel Development LLC ("Investel") and the City of Banning entered into an Exclusive Negotiating Agreement (ENA) on February 23, 2023. The term of the ENA ended on January 10, 2024. Investel has submitted a Preliminary Application Conference application for the proposed development of the property and that PAC was held in early 2024. The developer has been working to refine the project based on input received during the PAC and has been in continuous contact with City staff. Investel is in the process of preparing documents required for the Uniform Development Application, which includes a variety of engineering studies and reports. Investel has requested that the City enter into a new ENA with a term through the end of 2024.

JUSTIFICATION:

Development of 150 E. Ramsey Street is a priority for the City of Banning and will serve as a catalyst for downtown redevelopment. The project will generate property taxes, sales taxes, temporary occupancy taxes (Hotel tax), and jobs. In addition, the project will create housing within the downtown that will result in a demand for services in the area as well as increase the median income.

FISCAL IMPACT:

Entering into a new ENA will not have any additional financial impact. The remaining work on the project application is the responsibility of the owner/developer.

ALTERNATIVES:

Do not adopt Resolution 2024-117 and provide direction to staff.

ATTACHMENTS:

1. 070102024_ENA_150 E Ramsey St_Investel Development LLC final.pdf
1. Resolution 2024-117, Investel ENA 150 E Ramsey.docx
3. 231228_Banning Development_Pre-app.pdf
4. 2023 02 23_ENA_150 E Ramsey St_Investel Development LLC.pdf

EXCLUSIVE NEGOTIATING AGREEMENT

This EXCLUSIVE NEGOTIATING AGREEMENT ("ENA") is dated as of July 10, 2024 and is entered into by and between the CITY OF BANNING ("City") and Investel Development, LLC ("Developer"). The City and the Developer are sometimes individually referred to herein as a "Party" and are sometimes collectively referred to herein as the "Parties."

RECITALS

A. The City owns the land in the City of Banning, California described on Exhibit "A" (the Property) and desires to invite the Developer to propose a development plan for a mixed use of Hotel and Apartment/Retail project on the Property (the "Project").

B. The City intends to incur significant costs in negotiating and preparing a disposition and development agreement or "DDA".

C. The Developer has therefore requested that the City negotiate with the Developer on an exclusive basis for a specified period of time to establish the terms and conditions of the DDA.

D. It is anticipated that during the term of this ENA, City staff and consultants and attorneys of the City will devote substantial time and effort in meeting with the Developer and its representatives and consultants, reviewing proposals, plans and reports, negotiating and preparing and revising the DDA, obtaining consultant advice and reports including an appraisal.

NOW, THEREFORE, The Developer has proposed the follows:

1. The term of The ENA shall commence on the date hereof and shall end on the earlier of: (i): December 31, 2024, or (ii) the date on which the City of the Developer terminates this ENA provided in Sections 2 below (the "ENA Period").

2. The City Manager may terminate this ENA by written notice to the Developer if the Developer should fail to comply with or perform any material provisions of this ENA and such failure is not cured within thirty (30) days after City Manger's delivery of written notice to the Developer (or such other period of time if such failure cannot by its nature be cured within such thirty (30) day period, so long as Developer diligently proceeds with efforts to cure such failure), or if reasonable progress is not being made in negotiations hereunder as determined by the City Manager in good faith. The Developer may terminate this ENA by written notice to the City if the Developer determines that it does not wish to pursue the Project any further.

3. During the ENA Period, the City shall not negotiate with any person or entity other than the Developer for the sale, lease, or development of the Property.

4. City must comply with California's surplus property statutes (Government Code Sections 54220-54234). City shall be solely responsible for all costs associated with the negotiation with California state.

5. City shall agree to convey the Property to Developer at no cost to Developer and Developer will agree to accept such conveyance.

6. The City shall confirm that the CEQA/EIR process is not a requirement for Project entitlement if the total site area of the Project is under five (5) acres.

7. City has provided to Developer phase one environment report and will be responsible for all costs associated with preparation of the report.

8. City has provided to Developer ALTA land title survey and will be responsible for all costs associated with preparation of the survey.

9. Developer desires to have the flexibility to merge and redivide the parcel within the parcel 1, 2, 3, and 4 boundaries (see EXHIBIT A).

10. City has confirmed that N. Alessandro St. does not need to be kept as a public through street on the Property.

11. City shall confirm that all utility lines are ready to be connected to the Property, and the capacity is sufficient. City shall be solely responsible for payment of all fees and charges in case of public utility line upgrade is needed.

12. In connection with the initial operation of the Project, to assist in creating future financial feasibility necessary to allow the operation of the project to proceed, the Developer has proposed certain financial assistance from the City including the rebates of a portion of the Transient Occupancy Tax Revenues and Sales Tax Revenues generated by the Project.

13. City shall provide to the Developer copies of all currently written information regarding the Property in its processions, to the extent not previously delivered to the Developer and to the extend material to the Property or Project and not subject to the attorney-client attorney work-product privilege.

14. The Parties understand and agree that no Party is under any obligation whatsoever to approve or enter into the DDA, and that notwithstanding its approval of this ENA, each party shall have the right to disapprove the DDA, its sole and absolute discretion, and in that regard, the Developer hereby expressly agrees that City shall not be bound by any implied covenant of good faith and fair dealing in connection with such approval or disapproval of any of the DDA. In the event of the expiration or earlier termination of this ENA, the City shall be free to negotiate with any persons or entities with respect to Property.

15. The Developer shall indemnify, defend, and hold the City and its officers, directors, members, employees, agents and contractors harmless from any and all claims, liabilities, losses, damages, costs and expenses relating to or arising out of this ENA or the Developer's failure to perform any obligation of the Developer under this ENA, or any challenges to the validity

of this ENA. The Developer's obligations under the preceding sentence shall survive the expiration or earlier termination of this ENA.

16. The Developer represents and warrants that its undertakings pursuant to this ENA are for the purpose of development of the Property and not for speculation in land, and the Developer recognized that, in view of the importance of the development of the Property to the general welfare of the community, the qualifications and identity of the Developer and its principals are of particular concern to the City; therefore, this ENA may not be assigned by the Developer without the prior express written consent of the City Manager in his sole and absolute discretion. However, the City acknowledges that the Developer may intend to form a new entity to be party to the DDA, and Developer may do so provided that such new entity is controlled and majority-owned by Developer or by owners of Developer, and provided, further, that the Developer first delivers to City a copy of new entity's organizational documents and any amendments thereto, and any other documents necessary for the City to confirm compliance with the foregoing ownership and control conditions.

17. Any notice, request, approval or other communication to be provided by one Party to the other shall be in writing and provided by certified mail, return receipt requested, or a reputable overnight delivery service and addressed as follows:

Developer:
SCG America
12966 Euclid Street Suite 300
Garden Grove, CA 92840

City:
City of Banning
99 E. Ramsey Street
Banning, CA 92220
Attn: City Manager

Notice shall be deemed delivered: (i) if sent by certified mail, then upon the date of delivery or attempted delivery shown on the return receipt; or (ii) if delivery by overnight delivery service, then one (1) business day after delivery to the service as shown by records of the service.

18. This ENA constitutes the entire agreement of the Parties hereto with respect to the subject matter hereof. There are no agreements or understandings between the Parties and no representations by either Party to the other as an inducement to enter into this ENA, except as may be expressly set forth herein, and any and all prior discussions and negotiations between the Parties are superseded by this ENA.

19. This ENA may not be altered, amended or modified except by a writing duly authorized and executed by all Parties.

20. No provision of this ENA may be waived except by an express written waiver duly authorized and executed by the waiving Party.

21. If any Party should bring any legal action or proceeding relating to this ENA or to enforce any provision hereof, the Party in whose favor a judgment or decision is rendered shall be entitled to recover reasonable attorneys' fees and expenses from the other. The Parties agree that any legal action shall be filed in and shall occur in the County of Los Angeles.

22. The interpretation and enforcement of this ENA shall be governed by the laws of the State of California.

23. Time is of the essence of each and every provision hereof in which time is a factor.

24. This ENA may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same ENA. Executed counterparts of this ENA may be delivered electronically by email to: dschulze@banningca.gov (for City) and to kenhao.hsu@scgamerica.com (for Developer).

IN WITNESS WHEREOF, the Parties hereto have executed this ENA as of the day and year first written above.

CITY:

CITY OF BANNING

Douglas Schulze, City Manager

DEVELOPER:

INVESTEL DEVELOPMENT, LLC

42DE327D4F1...

Danny Yinfeng Wei, Executive Vice President

ATTEST:

C25A97A47...

Caroline Patton, Deputy City Clerk

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE LOT LINE ADJUSTMENT

LLA 21-5001

PARCEL 1 (APN 541-181-032)

PARCEL 1 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN.

CONTAINING 2.48 ACRES.

PARCEL 2 (APN 541-181-033)

PARCEL 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN.

CONTAINING 0.83 ACRE.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.
PREPARED UNDER MY SUPERVISION

MICHAEL E. JOHNSON, L.S. 7673 DATE 4/5/21



PREPARED BY: LB
CHECKED BY: MJ

EXHIBIT "A"
LEGAL DESCRIPTION
AFTER LOT LINE ADJUSTMENT
LLA 21-5001

PARCEL A

PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (WIDTH VARIES);

THENCE SOUTH 89°35'53" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 19.27 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 45°15'40" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 2 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89°35'53" EAST CONTINUING ALONG SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHERLY LINE OF PARCEL 2 AND SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 00°00'00" EAST, A DISTANCE OF 288.80 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE SOUTH 89°46'39" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 222.77 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 1, SAID CORNER BEING ON THE WESTERLY RIGHT OF WAY LINE OF MARTIN STREET (30.00 FEET IN WESTERLY HALF WIDTH);

THENCE NORTH 00°07'55" EAST ALONG THE EASTERLY LINE OF SAID PARCEL 1 AND ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 279.19 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1, SAID POINT BEING ON SAID SOUTHERLY RIGHT OF WAY LINE OF RAMSEY STREET;

THENCE NORTH 65°32'39" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 1 AND SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 21.85 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1;

THENCE NORTH 89°35'53" WEST ALONG SAID NORTHERLY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 203.52 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1.48 ACRES, MORE OR LESS.

PARCEL B

PORTION OF PARCELS 1 AND 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBEDAS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (WIDTH VARIES);

THENCE SOUTH 89°35'53" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 19.27 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 45°15'40" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 2 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89°35'53" EAST CONTINUING ALONG SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET;

THENCE LEAVING SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE SOUTH 00°00'00" EAST, A DISTANCE OF 288.80 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE NORTH 89°46'39" WEST ALONG SAID SOUTHERLY LINE OF PARCEL 1, A DISTANCE OF 669.26 FEET TO THE SOUTHWESTERLY CORNER THEREOF;

THENCE NORTH 0°06'51" EAST ALONG THE WESTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 17.12 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89°46'41" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 29.01 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 0°07'01" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 94.50 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 1;

THENCE NORTH 90°00'00" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 1 AND ALONG THE SOUTHERLY LINE OF PARCEL 3 AND 4 OF SAID PARCEL MAP, A DISTANCE OF 594.72 FEET TO THE SOUTHEASTERLY CORNER THEREOF;

THENCE NORTH 0°00'00" WEST ALONG THE EASTERLY LINE OF SAID PARCEL 3, A DISTANCE OF 158.02 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.84 ACRES, MORE OR LESS.

SUBJECT TO ALL CONDITIONS, RESERVATIONS, RESTRICTIONS, EASEMENTS, OFFERS OF DEDICATIONS, RIGHTS AND RIGHT OF WAYS OF RECORD, IF ANY.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

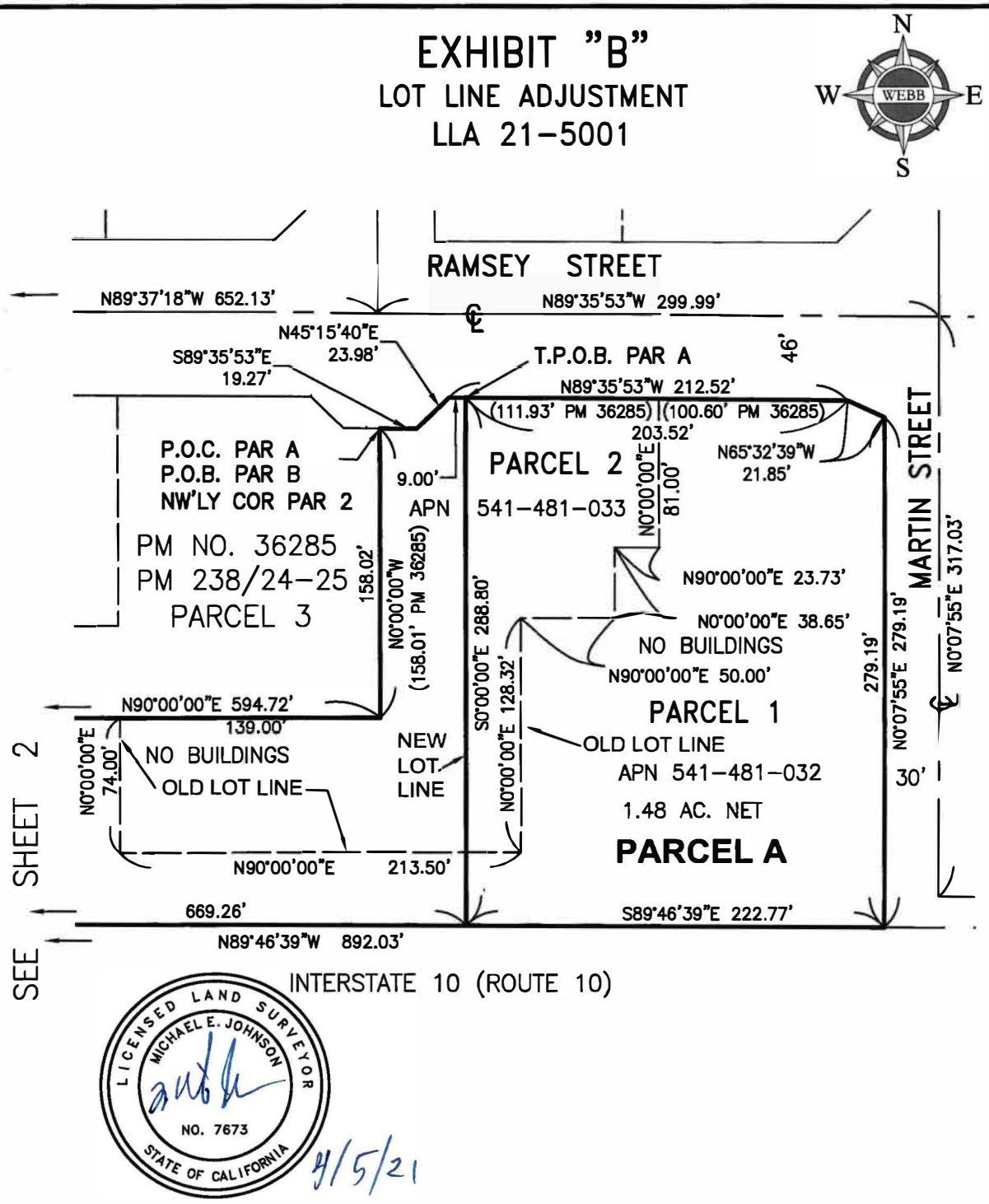
PREPARED UNDER MY SUPERVISION



MICHAEL E. JOHNSON, L.S. 7673 DATE 4/5/21

PREPARED BY: LB
CHECKED BY: mj

EXHIBIT "B"
LOT LINE ADJUSTMENT
LLA 21-5001



LICENSED LAND SURVEYOR
MICHAEL E. JOHNSON
NO. 7673
STATE OF CALIFORNIA
4/5/21

ALBERT A. WEBB ASSOCIATES

CITY OF BANNING

G:\2018\18-0271\Drawings\Mapping\LLA\18-0271 LLA.dwg

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 2

W.O. 18-0271

SCALE: 1"=80'

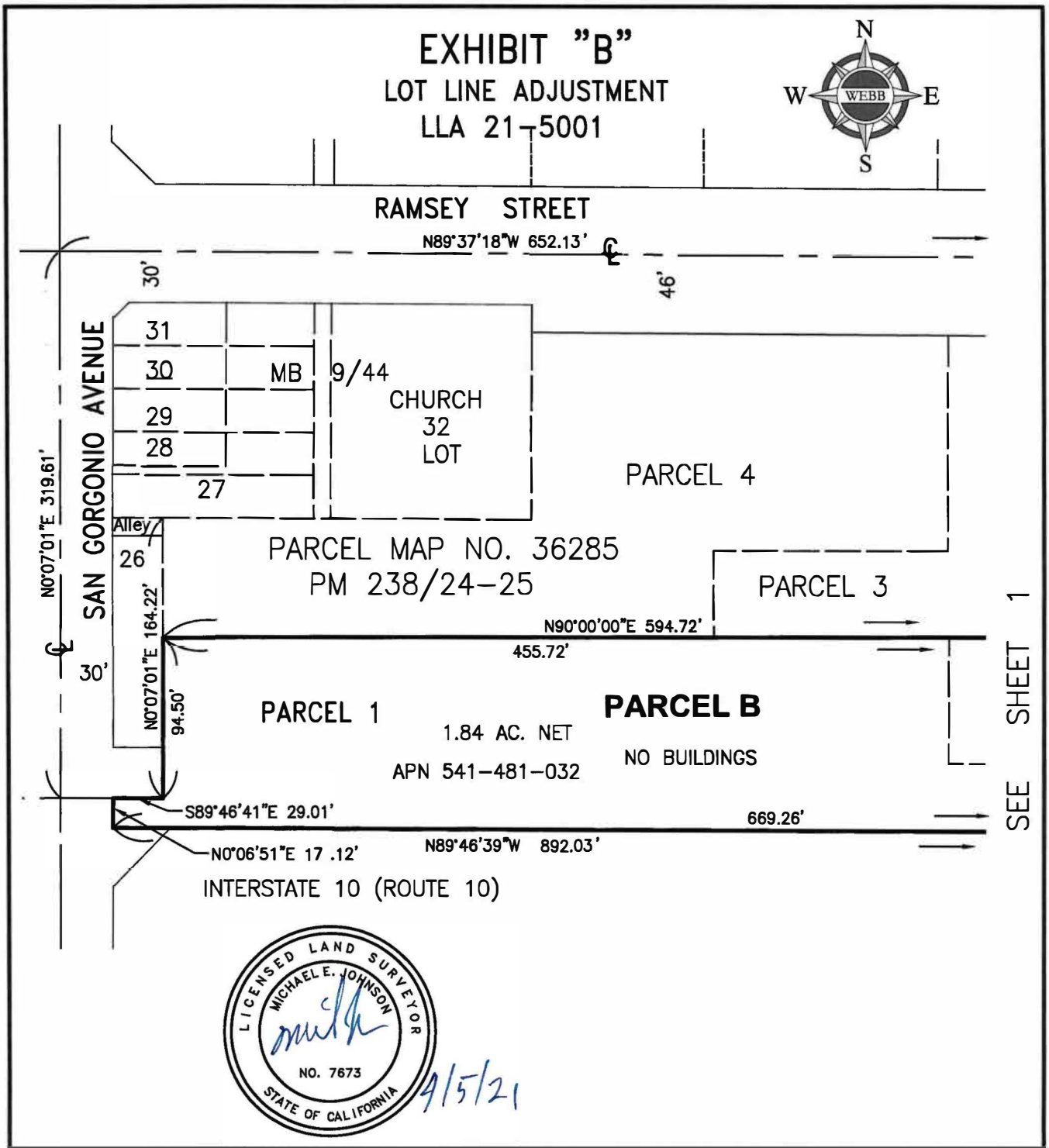
DRWN BY LD
CHKD BY mm

DATE 03/11/21
DATE 03/11/21

SUBJECT: LOT LINE ADJUSTMENT LLA 21-5001

EXHIBIT "B"

LOT LINE ADJUSTMENT
LLA 21-5001



LICENSED LAND SURVEYOR
MICHAEL E. JOHNSON
NO. 7673
STATE OF CALIFORNIA

4/5/21

ALBERT A. WEBB ASSOCIATES

CITY OF BANNING

G:\2018\18-0271\Drawings\Mapping\LLA\18-0271 LLA.dwg

THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 2 OF 2

W.O. 18-0271

SCALE: 1"=80'

DRWN BY JR DATE 03/11/21

CHKD BY MJ DATE 03/11/21

SUBJECT: LOT LINE ADJUSTMENT LLA 21-5001

Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

22-B49171

FILED

In the office of the Secretary of State of the State of California

MAR 08, 2022

This Space For Office Use Only

IMPORTANT — This form can be filed online at bizfile.sos.ca.gov.

Read instructions **before completing this form.**

Filing Fee - $20.00

Copy Fees - First page $1.00; each attachment page $0.50; Certification Fee - $5.00 plus copy fees

1. Limited Liability Company Name (Enter the **exact** name of the LLC. If you registered in California using an alternate name, see instructions.)

INVESTEL DEVELOPMENT LLC

2. 12-Digit Secretary of State Entity Number	**3. State, Foreign Country or Place of Organization** (only if formed outside of California)
202003410101	CALIFORNIA

4. Business Addresses

	City (no abbreviations)	State	Zip Code
a. Street Address of Principal Office - Do not list a P.O. Box 12966 Euclid Street , Suite 300	Garden Grove	CA	92840
b. Mailing Address of LLC, **if different than item 4a** 12966 Euclid Street , Suite 300	Garden Grove	CA	92840
c. Street Address of **California** Office, if Item 4a is not in California Do not list a P.O. Box 12966 Euclid Street , Suite 300	Garden Grove	**CA**	92840

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on Form LLC-12A.

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix

b. Entity Name - Do not complete Item 5a
SCG AMERICA CONSTRUCTION INC

c. Address	City (no abbreviations)	State	Zip Code
12966 Euclid Street , Suite 300	Garden Grove	CA	92840

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is **not** a corporation)	Middle Name	Last Name	Suffix
DANNY YINFENG		WEI	

b. Street Address (if agent is **not** a corporation) - **Do not enter a P.O. Box**	City (no abbreviations)	State	Zip Code
12966 Euclid Street , Suite 300	Garden Grove	**CA**	92840

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Limited Liability Company
Hotel and Hospitality Holding Company

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix

b. Address	City (no abbreviations)	State	Zip Code

9. Labor Judgment

Does a Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	☐ Yes ☑ No

10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

03/08/2022	DANNY YINFENG WEI	MANAGER	
Date	Type or Print Name	Title	Signature

RESOLUTION 2024-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH INVESTEL DEVELOPMENT LLC FOR CITY-OWNED REAL PROPERTY LOCATED AT 150 EAST RAMSEY STREET, BANNING (APNS 541-181-032, 541-181-033, 541-181-034, AND 541-181-035)

WHEREAS, Investel Development LLC ("Investel") is a California limited liability company based in Garden Grove, California; and

WHEREAS, the City of Banning is the owner of real property located at 150 East Ramsey Street, Banning, California 92220 (APNs 541-181-032, -033, -034, and -035); and

WHEREAS, on January 10, 2023, the City Council adopted Resolution 2023-13, approving an Exclusive Negotiating Agreement ("ENA") with Investel , which ENA expired on January 10, 2024; and

WHEREAS, Investel has submitted an application for a Preliminary Application Conference to the City's Planning Division and has discussed a proposed apartment/retail building and hotel project ("proposed project") with City staff; and

WHEREAS, Investel is revising the proposed project based on City staff input and is completing required studies and reports; and

WHEREAS, Investel will be investing substantial time and money to complete the entitlement process and desires to enter into a new ENA with the City to secure their investment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the Exclusive Negotiating Agreement for 150 E. Ramsey Street, Banning, CA 92220, attached hereto as Exhibit A.

SECTION 2. The City Council authorizes and directs the City Manager ("Authorized Representative"), or his designee, to sign the Exclusive Negotiating Agreement with Investel Development LLC on behalf of the City Council.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-117, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

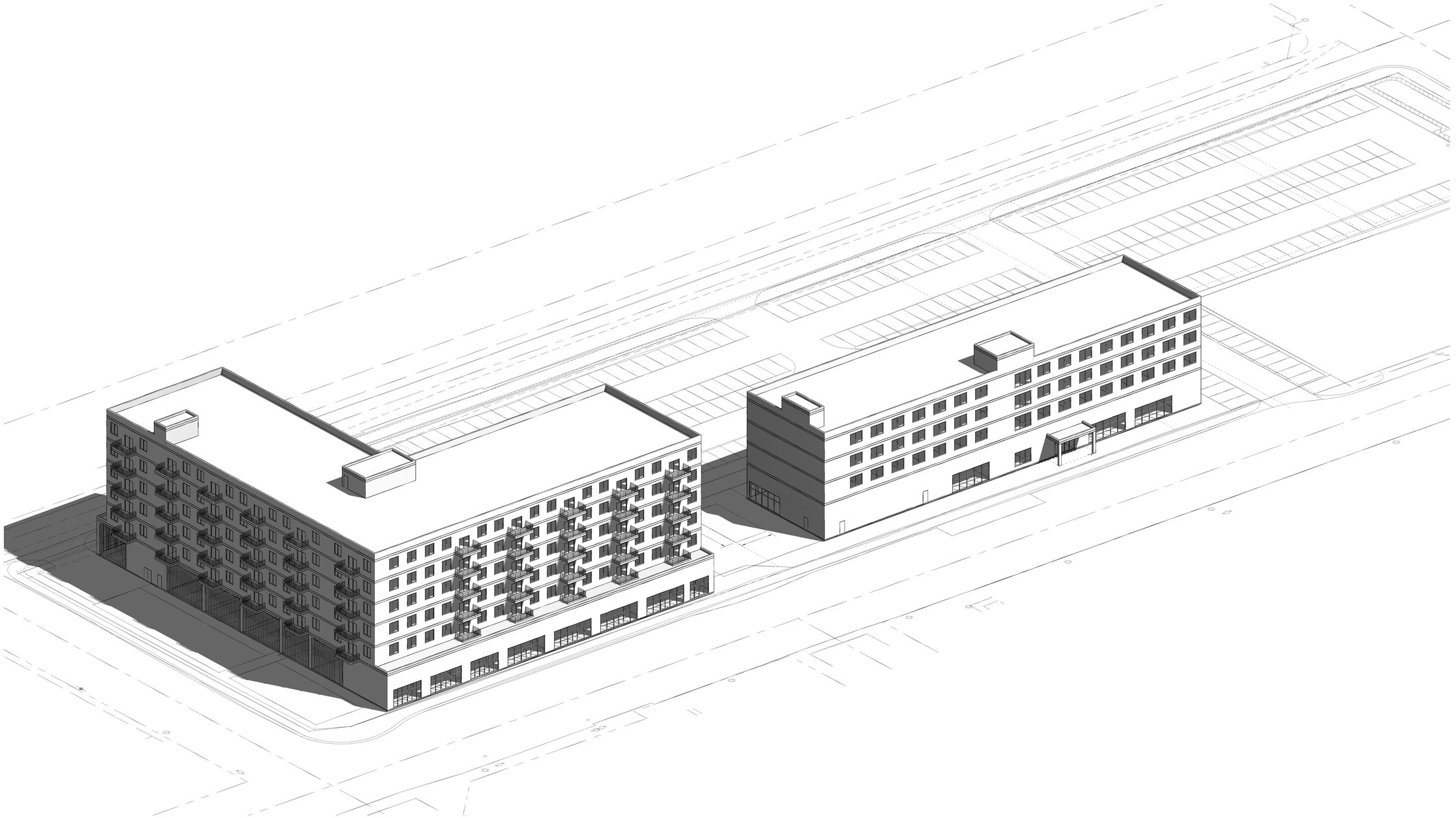
NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Exhibit A
Exclusive Negotiating Agreement with Investel Development LLC for 150 E Ramsey Street



BANNING DEVELOPMENT
PRE-APPLICATION DESIGN PACKAGE

DEC 2023

SCG AMERICA
CONSTRUCTION INC.
12966 Euclid St, Suite 300,
Garden Grove, CA, 92840
T 714.696.0000

BANNING
DEVELOPMENT

150 E. Ramsey St.,
Banning, CA, 92220

No.	Description	Date

Sheet Title: COVER PAGE

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	

Sheet Number
A0-000

ABBREVIATIONS

°	DEGREE	LAM	LAMINATE
±	PLUS OR MINUS	LAV	LAVATORY
Ø	DIAMETER	LBR	LUMBER
≈	ALMOST EQUAL	LDG	LANDING
≠	NOT EQUAL	LGTH	LENGTH
∠	ANGLE	LIN	LINEAR
	BOUNDARY LINE	LKR	LOCKER
℄	CENTER LINE	LONG	LONGITUDINAL
Δ	DELTA	LT	LIGHT
		LTG	LIGHTING
A/C	AIR CONDITIONING	LT WT	LIGHT WEIGHT
ACST	ACOUSTIC	LVR	LOUVER
AD	AREA DRAIN		
ADA	AMERICAN WITH DISABILITIES ACT	MACH	MACHINE
ADJ	ADJACENT / ADJUSTABLE	MAINT	MAINTENANCE
ADR	ACCESS DOOR	MAR	MARBLE
AFF	ABOVE FINISH FLOOR	MAS	MASONRY
AGG	AGGREGATE	MATL	MATERIAL
ALUM	ALUMINUM	MAX	MAXIMUM
ALT	ALTERNATE	MECH	MECHANICAL
APPROX	APPROXIMATELY	MEMB	MEMBRANE
APT	APARTMENT	MET	METAL
ARCH	ARCHITECTURAL	MFG	MANUFACTURING
ASPH	ASPHALT	MFR	MANUFACTURER
AUTO	AUTOMATIC	MIN	MINIMUM
AVG	AVERAGE	MISC	MISCELANEOUS
		MLDG	MOULDING
BATH	BATHROOM	MO	MASONRY OPENING
BD	BOARD	MTD	MOUNTED
BE	BOTTOM ELEVATION	MUL	MULLION
BL	BUILDING LINE		
BLDG	BUILDING	N	NORTH
BLKG	BLOCKING	(N)	NEW
BM	BENCH MARK / BEAM	NIC	NOT IN CONTRACT
BR	BARE ROOT	NG	NATURAL GRADE
BRG	BEARING	NO	NUMBER
		NOM	NOMINAL
CAB	CABINET	NTS	NOT TO SCALE
CB	CATCH BASIN	#	NUMBER
C/C	CENTER TO CENTER		
CE	COVER ELEVATION	OBSC	OBSCURE
CEM	CEMENT	OC	ON CENTER
CG	CORNER GUARD	OD	OUTSIDE DIAMETER
CIP	CAST IRON PIPE	OFF	OFFICE
CJ	CEILING JOIST	OH	OVERHEAD
CL	CENTER LINE	OPNG	OPENING
CLG	CEILING	OPP	OPPOSITE
CLO	CLOSET	OPS	OPERATIONS
CLR	CLEAR	OV	OVEN
CMU	CONCRETE MASONRY UNIT	OVFL	OVERFLOW
CO	CLEANOUT		
COL	COLUMN	P	POINT
COM	COMMON	PART	PARTITION
COMB	COMBINATION / COMBINE	PAVT	PAVEMENT
COMP	COMPOSITION	PED	PEDESTAL
CONC	CONCRETE	PKG	PARKING
CONN	CONNECTION	PL	PLATE / PROPERTY LINE
CONST	CONSTRUCTION	PLAS	PLASTER
CONT	CONTINUOUS / CONTINUATION	PLBG	PLUMBING
CONTR	CONTRACTOR	PLWD	PLYWOOD
COR	CORNER	PNL	PANEL
CORR	CORRIDOR	PR	PAIR
CTR	CENTER	PRC	PORCELAIN
CUYD	CUBIC YARD	PRCST	PRECAST
CW	COLD WATER	PREFAB	PREFABRICATED
CYL	CYLINDER	PROP	PROPERTY
		PROJ	PROJECTION
D	DRAIN / DIFFUSER	PRTN	PARTITION
DIFF	DIFFUSER	PVMT	PAVEMENT
DBL	DOUBLE		
DET	DETAIL	R	RISER
DEPT	DEPARTMENT	RAD	RADIUS
DF	DRINKING FOUNTAIN	RD	ROOF DRAIN
DIAG	DIAGONAL	RECP	RECEPTACLE
DIAM	DIAMETER	REF	REFERENCE
DIM	DIMENSION	REFR	REFRIGERATOR
DISC	DISCONNECT	REINF	REINFORCMENT
DISP	DISPENSER	REQD	REQUIRED
DIST	DISTRIBUTION	REV	REVISIONS
DK	DECK	RFG	ROOFING
DN	DOWN	RGH	ROUGH
DR	DOOR	RM	ROOM
DS	DOWNSPOUT	RND	ROUND
DW	DISHWASHER	RO	ROUGH OPENING
DWG	DRAWING	RUB	RUBBER
DWT	DRAWER		
		S	SOUTH
E	EAST	SC	SOLID CORE
(E)	EXISTING	SD	SMOKE DETECTOR
EA	EACH	SHT	SHEET
EL	ELEVATION	SHT MET	SHEET METAL
ELEC	ELECTRIC	SHTHG	SHEATHING
ELEV	ELEVATOR	SHWR	SHOWER
EMERG	EMERGENCY	SIM	SIMILAR
ENCL	ENCLOSURE	SPECS	SPECIFICATIONS
ENTR	ENTRANCE	SPKR	SPEAKER
EQ	EQUAL	SQ	SQUARE
EQUIP	EQUIPMENT	SS	STAINLESS STEEL
EXH	EXHAUST	STC	SOUND TRANS CLASS
EXIST	EXISTING	STD	STANDARD
EXP JT	EXPANSION JOINT	STL	STEEL
EXPN	EXPANSION	STOR	STORAGE
EXPO	EXPOSED	STRL	STRUCTURAL
EXT	EXTERIOR	STWY	STAIRWAY
		SUSP	SUSPENDED
F	FIRE MAIN	SYM	SYMMETRICAL
FA	FIRE ALARM		
FCU	FAN COIL UNIT	TB	TOWEL BAR
FD	FLOOR DRAIN	TBD	TO BE DETERMINED
FDN	FOUNDATION	TEL	TELEPHONE
FE	FIRE EXTINGUISHER	TEMP	TEMPERATURE
FEC	FIRE EXTINGUISHER CABINET	THERMO	THERMOSTAT
FG	FUEL GAS	THK	THICK
FGL	FIXED GLASS	THRES	THRESHOLD
FH	FIRE HYDRANT	TOC	TOP OF CURB
FHC	FIRE HOSE CABINET	TOF	TOP OF FENCE
FIN	FINISH	TOW	TOP OF WALL
FIXT	FIXTURE	TOL	TOILET
FJ	FLOOR JOIST	TOPO	TOPOGRAPHY
FL	FLOOR	TPD	TOILET PAPER DISPENSER
FLASH	FLASHING	TV	TELEVISION
FLG	FLOORING	TYP	TYPICAL
FLUOR	FLUORESCENT	THRU	THROUGH
FPRF	FIRE PROOF		
FR	FIRE RATED	UNFIN	UNFINISHED
FS	FLOW SWITCH / FLOOR SINK	UON	UNLESS OTHERWISE NOTED
FTG	FOOTING	UR	URINAL
G	GAS / GRILLE	VCT	VINYL COMPOSITE TILE
GA	GAGE	VENT	VENTILATOR
GALV	GALVANIZED	VERT	VERTICAL
GB	GRAB BAR	VIF	VERIFY IN FIELD
GEN	GENERAL	VTR	VENT THROUGH ROOF
GI	GALVANIZED IRON		
GL	GLASS / GLAZE	W	WEST
GLB	GLASS BLOCK	W/	WITH
GND	GROUND	W.C	WATER CLOSET
GOVT	GOVERNMENT	WD	WOOD
GR	GRADE	WDT	WIDTH
GYP	GYPSUM	WDW	WINDOW
GYP BD	GYPSUM WALL BOARD	WNSCT	WAINSCOT
		W/O	WITHOUT
HB	HOSE BIB	WP	WATERPROOF
HC	HOLLOW COR / HEATING COIL	WT	WEIGHT
HD	HEAD		
HDR	HEADER	MISCELLANEOUS REFERENCE	
HDRL	HANDRAIL	AA	ARTWORK / ARTIFACTS
HDW	HARDWARE	ACT	ACOUSTICAL TILE
HDWD	HARDWOOD	C	CARPET
HORIZ	HORIZONTAL	CT	CERAMIC TILES
HP	HORSEPOWER	LP	LAMINATED PLASTIC
HPT	HIGH POINT	MT	METAL FINISH
HR	HOUR	MIR	MIOORO / GLASS
HT	HEIGHT	PL	PLASTER
HTG	HEATING	PT	PAINT FINISH
HTR	HEATER	QT	QUAFFY TILES
HVAC	HEATING, VENTILATING AND AIR CONDITIONING	RF	RESILENT FINISH
		SF	SPECIAL FINISH
HW	HOT WATER	ST	STONE / MARBLE / TRAVERTINE
		UP	UPHOLSTEPY
ID	INSIDE DIAMETER	WC	WALL COVERING
IN	INCH	WD	WOOD FINISH
INSUL	INSULATION		
INT	INTERIOR	MATERIAL FINISH REFERENCE	
INTERMD	INTERMEDIATE	FF	FIXTURE & FURNITURE
INV	INVERT	FF&E	FIXTURE, FURNITURE & EQUIPMENT
IPS	IRON PIPE SIZE	FC	FLOOR COVERING
		G.R	GUESTROOM
JAN	JANITOR	GC	GENERAL CONTRACTOR
JB	JUNCTION BOX	IE	INTERIOR ELEVATION
JST	JOIST	IF	INTERIOR FURNISHING
JT	JOINT	KEC	KITCHEN EQUIPMENT CONTRACTOR
		MUR	MOCK-UP ROOM
KC	KEENE'S CEMENT	PS	POWER SUPPLY
KIT	KITCHEN	RC	REFLECTED CEILING
KP	KICK PLATE	RP	REFERENCE PLAN

PROJECT DATA

PROJECT ADDREASS: 150 E. RAMSEY ST.,
BANNING, CA 92220
LEGAL DESCRIPTION:
GENERAL PLAN LAND USE & ZONING: DOWNTOWN COMMERCIAL

BUILDING TYPE: RETAIL, HOTEL AND APARTMENT BUILDINGS
SPRINKLER: YES (FULLY SPRINKLED)

	HOTEL	APARTMENT
OCCUPANCY:	R-1 (TRANSIENT HOTEL)	R-2 (APARTMENT HOUSES)
	A-2 (RESTAURANT, BANQUET HALL)	S-2 (PARKING GARAGE)
	A-3 (LOBBY, GYM)	M (RETAIL)
	B (OFFICE, KITCHEN)	
	S-1 (BOH,STORAGE)	

	HOTEL	APARTMENT
CONST. TYPE:	TYPE IA FOR LEVEL 1	TYPE IA FOR S-2 (LEVEL 1)
	TYPE IIIA FOR LEVEL 2-6	TYPE IIIA FOR R-2 (LEVEL 2-6)

FIRE SEPARATIONS: LEVEL 1 TO LEVEL 2 - 3 HOURS
A-2, A-3 TO B - 1 HOUR

FIRE WALL	=2 HOURS
FIRE PARTITION BETWEEN UNIT AND CORRIDOR	=1 HOUR
FIRE BARRIER AT STAIRWAY, SHAFT ENCLOSURE	=2 HOURS

SITE AREA: 4.2331± ARCE (184,393.836± S.F.)
BUILDING AREA: 225,434 S.F.
LANDSCAPE AREA: 44,441 S.F. (24.1%)
PAVING AREA: 96,326 S.F.

A) PARKING BREAKDOWN:

STANDARD PARKING STALLS	170
COMPACT PARKING STALLS	0
ACCESSIBLE STALLS PROVIDED (# VAN STALLS)	8 (3)
EVCS PARKING STALLS	13
EVCS ACCESSIBLE PARKING STALL	1
EVCS ACCESSIBLE VAN PARKING STALL	1
EV READY PARKING STALLS	75
EV CAPABLE PARKING STALLS	30
TOTAL PARKING STALLS PROVIDED	298

A-1) APARTMENT BUILDING GROSS SQ. FT. AND OCC. LOAD TABULATION:

PARKING GARAGE: (S-2 OCCUPANCY)		OCC. FACTOR	OCC. LOAD
LEVEL 01	= 21,437 S.F.	200 SF/OCC	107 OCC.
RETAIL: (M OCCUPANCY)			
LEVEL 01	= 7,326 S.F.	60 SF/OCC	122 OCC.
APARTMENT HOUSES: (R-2 OCCUPANCY)			
LEVEL 02 - 06	= 27,443 S.F.	200 SF/OCC	137 OCC.
SUB-TOTAL	= 137,215 S.F.		685 OCC.
TOTAL BGSF	= 165,978 S.F.		914 OCC.

A-2) HOTEL BUILDING GROSS SQ. FT. AND OCC. LOAD TABULATION:

RESTAURANT: (A-2 OCCUPANCY)		OCC. FACTOR	OCC. LOAD
LEVEL 01	= 2,250 S.F.	15 SF/OCC	150 OCC.
BANQUET HALL: (A-2 OCCUPANCY)			
LEVEL 01	= 4,221 S.F.	15 SF/OCC	281 OCC.
PRE-FUNCTION: (A-2 OCCUPANCY)			
LEVEL 01	= 824 S.F.	7 SF/OCC	118 OCC.
LOBBY: (A-3 OCCUPANCY)			
LEVEL 01	= 885 S.F.	15 SF/OCC	59 OCC.
GYM: (A-3 OCCUPANCY)			
LEVEL 01	= 747 S.F.	50 SF/OCC	15 OCC.
FRONT DESK & OFFICE: (B OCCUPANCY)			
LEVEL 01	= 982 S.F.	150 SF/OCC	7 OCC.
KITCHEN: (B OCCUPANCY)			
LEVEL 01	= 1,494 S.F.	200 SF/OCC	7 OCC.
BOH & ACCESORY: (S-1 OCCUPANCY)			
LEVEL 01	= 3,460 S.F.	300 SF/OCC	12 OCC.
LEVEL 02 - 04	= 3,267 S.F.	300 SF/OCC	11 OCC.
SUB-TOTAL	= 13,261 S.F		45 OCC.
HOTEL: (R-1 OCCUPANCY)			
LEVEL 02 - 04	= 11,597 S.F.	200 SF/OCC	58 OCC.
SUB-TOTAL	= 34,791 S.F		174 OCC.
TOTAL BGSF	= 59,456 S.F.		856 OCC.

B-1) APARTMENT DWELLING UNIT TABULATION (95 UNITS):

TYPE	1-BEDROOM	2-BEDROOM	3-BEDROOM	TOTAL
2/F	2	16	1	19
3/F	2	16	1	19
4/F	2	16	1	19
5/F	2	16	1	19
6/F	2	16	1	19
TOTAL	10	80	5	95

B-2) HOTEL GUESTROOM TABULATION (87 UNITS):

TYPE	STD	SUITE	TOTAL
2/F	27	2	29
3/F	27	2	29
4/F	27	2	29
TOTAL	81	6	87

PROJECT CONTACTS

OWNER:	SCG AMERICA DANNY WEI 714.696.0000 danny.wei@scgamerica.com
DESIGN ARCHITECT:	SCG AMERICA CONSTRUCTION INC. KENHAO HSU 714.696.0000 kenhao.hsu@scgamerica.com
EXECUTIVE ARCHITECT:	TBD
CIVIL ENGINEER:	TBD
PLUMBING / ELECTRICAL ENGINEER:	SCG AMERICA CONSTRUCTION INC. TEE YATPIYAKUL 714.696.0000 tee.yatpiyakul@scgamerica.com
STRUCTURAL ENGINEER:	TBD
MECHANICAL ENGINEER:	TBD

SCOPE OF WORK

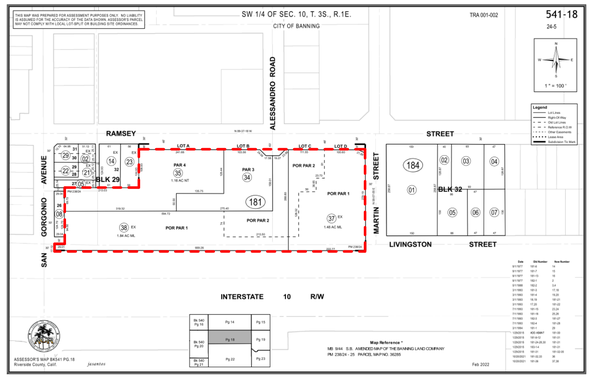
GENERAL SITE DESIGN AND PLANNING, INCLUDING ONE APARTMENT BUILDING AND ONE HOTEL BUILDING.

GENERAL:
1. NEW 6-STORY (1-STORY PARKING GARAGE AND 5-STORY RESIDENTIAL UNITS) CONSTRUCTION OF APARTMENT HOUSING BUILDING
2. NEW 4-STORY (1-STORY COMMON SPACE AND 3-STORY GUESTROOMS) CONSTRUCTION OF HOTEL BUILDING
3. PLANNING OF THE SITE INCLUDING THE MAIN ENTRANCE, PARKING ENTRANCE, AND DRIVEWAY
4. LANDSCAPING OF THE SITE

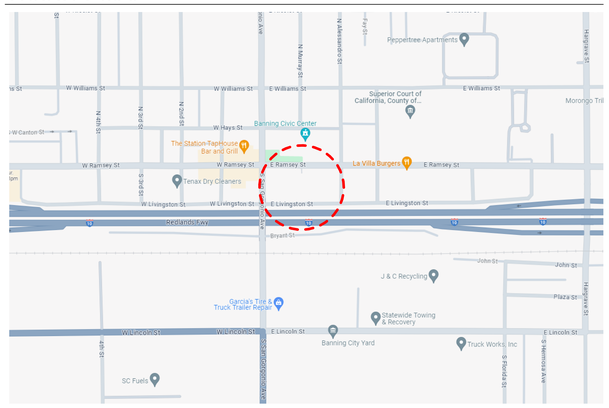
CODE COMPLIANCE

THIS PROJECT SHALL COMPLY WITH THE FOLLOWING CODES AND REGULATIONS:
2022 CALIFORNIA BUILDING CODE WITH LOCAL AMENDMENTS
2022 CALIFORNIA ELECTRICAL CODE WITH LOCAL AMENDMENTS
2022 CALIFORNIA ENERGY CODE (TITLE 24 PARTG)
2022 CALIFORNIA GREEN BUILDING CODE
2022 CALIFORNIA MECHANICAL CODE WITH LOCAL AMENDMENTS
2022 CALIFORNIA PLUMBING CODE WITH LOCAL AMENDMENTS
2022 CALIFORNIA FIRE CODE

ASSESSOR MAP



VICINITY MAP



INDEX OF SHEETS

LEGEND: X - SHEET ISSUED
R - SHEET ISSUED FOR REFERENCE AND COORDINATION ONLY
SEE TITLEBLOCK FOR REVISION ISSUE DATE(S)

SHEET NUMBER	SHEET TITLE	PRE-APPLICATION	ENTITTLEMENT	RESUBMITTAL	REVISION 1	REVISION 2	REVISION 3
A0-000	COVER PAGE						
A0-001	GENERAL INFORMATION	X					
A0-100	SITE PLAN (GROUND FLOOR)	X					
A1-101	HT FLOOR PLAN - LEVEL 1	X					
A1-102	HT FLOOR PLAN - LEVEL 2-4 & ROOF PLAN	X					
A1-301	HT BUILDING ELEVATOINS - NORTH & SOUTH	X					
A1-302	HT BUILDING ELEVATOINS - WEST & EAST	X					
A2-101	AP FLOOR PLAN - LEVEL 1	X					
A2-102	AP FLOOR PLAN - LEVEL 2	X					
A2-103	AP FLOOR PLAN - LEVEL 3-6	X					
A2-104	AP ROOF PLAN	X					
A2-301	HT BUILDING ELEVATOINS - NORTH & SOUTH	X					
A2-302	HT BUILDING ELEVATOINS - WEST & EAST	X					
ALTA-1	GENERAL INFORMATION	X					
ALTA-2	SURVEY PLAN	X					
ALTA-3	SURVEY PLAN	X					

MEP SYMBOLS

- DOWNLIGHTS, INCANDESCENT
- DECORATIVE FIXTURE
- WALLWASHER
- SPEAKER
- WALLSCONCE
- JUNCTION BOX
- PENDANT LIGHTING FIXTURE
- TRACK LIGHT
- CEILING FAN
- COVE LIGHTING
- PROJECTOR MOUNT & FEED (ABOVE CEILING)
- SPRINKLER / WALL
- SPRINKLER
- THERMOSTAT
- HVAC REMOTE CONTROLLER
- DOOR BELL
- PENDANT LIGHTING FIXTURE
- SMOKE DETECTOR
- EXHAUST FAN
- TELEVISION OUTLET
- DOOR CONTACT SWITCH
- FLUORESCENT "STRIP LIGHT" UNDER CABINET FIXTURE
- DUPLEX RECEPTACLE OUTLET
- DUPLEX WATERPROOF OUTLET
- GROUND FAULT INTERRUPT
- DUPLEX RECEPTACLE OUTLET - HALF HOT SWITCH
- RANGE OUTLET
- REFRIGERATOR OUTLET
- QUADPLEX RECEPTACLE OUTLET
- SINGLE SWITCH
- DIMMER SWITCH
- 3-WAY SWITCH
- 4-WAY SWITCH
- FLOOR DUPLEX OUTLET
- FLOOR QUADPLEX OUTLET
- TELEPHONE OUTLET
- USB CHANGING PORT

DRAWING SYMBOLS

- SECTION / EXTERIOR ELEVATION INDICATOR
- INTERIOR ELEVATION INDICATOR
- DETAIL INDICATOR
- DRAWING TITLE
- COLUMN GRID INDICATOR
- ROOM NUMBER / ROOM TYPE
- DOOR NUMBER INDICATOR
- WINDOW NUMBER INDICATOR
- PARTITION TYPE
- FF&E ITEM AND NUMBER
- MATERIAL FINISH AND NUMBER
- KEYNOTE INDICATOR
- BATHROOM ACCESSORY KEY
- CENTER LINE
- DEMOLITION LINE
- CEILING HEIGHT TO FINISH FLOOR
- ROOM NUMBER / ROOM TYPE / SHEET NUMBER
- REVISION INDICATOR
- REVISION CLOUD
- LINE BREAK
- DENOTES HEARING IMPAIRED ROOMS
- DENOTES ACCESSIBLE ROOMS
- BUILDING EXIT OR EXIT ACCESS
- DETAIL INDICATOR

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BANNING DEVELOPMENT

150 E. Ramsey St.,
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No.	Description	Date

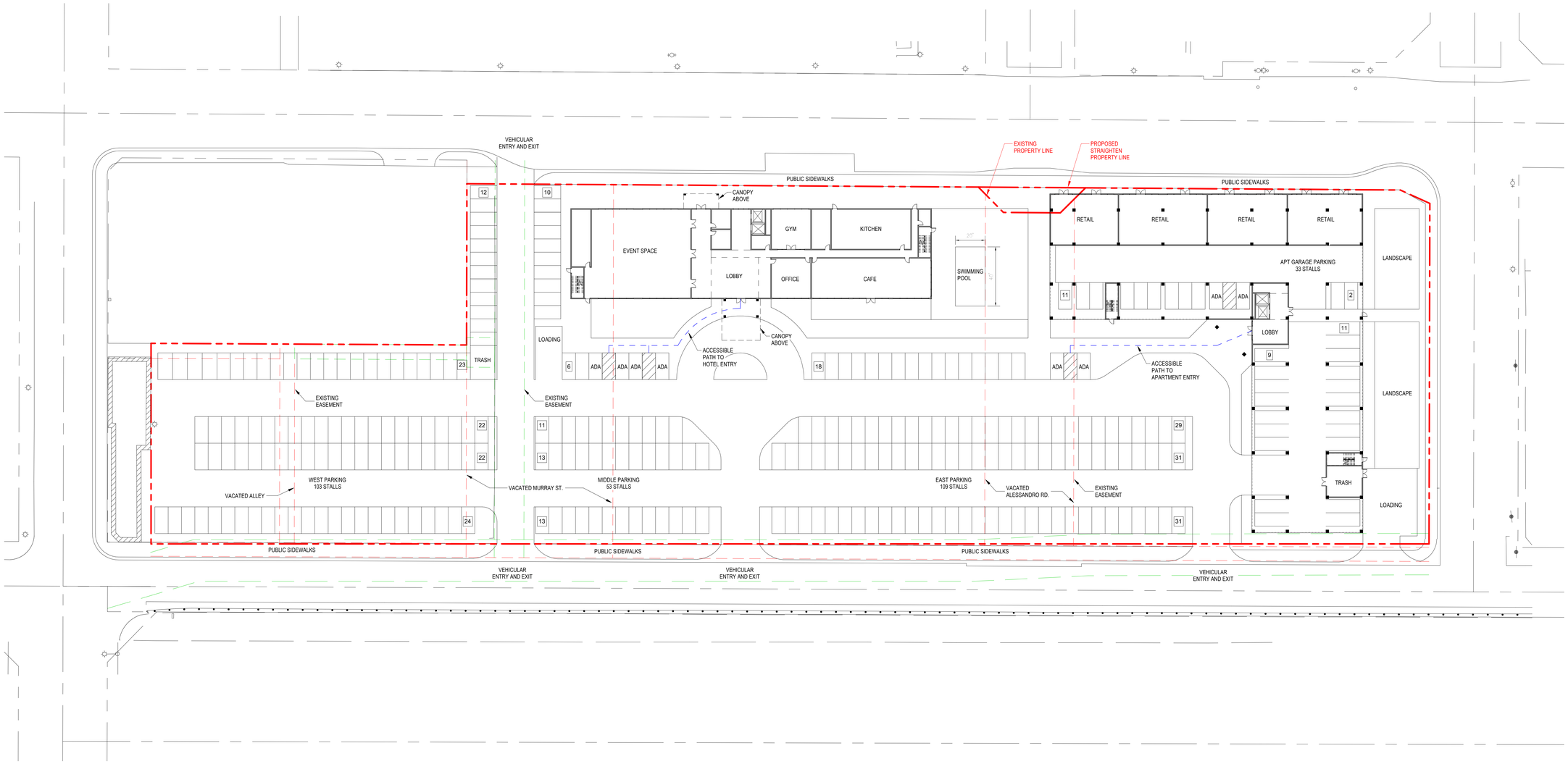
Sheet Title

GENERAL INFORMATION

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	As indicated

Sheet Number

A0-001



SITE PLAN (GROUND FLOOR) | 1 | SCALE: 1/16"=1'-0"

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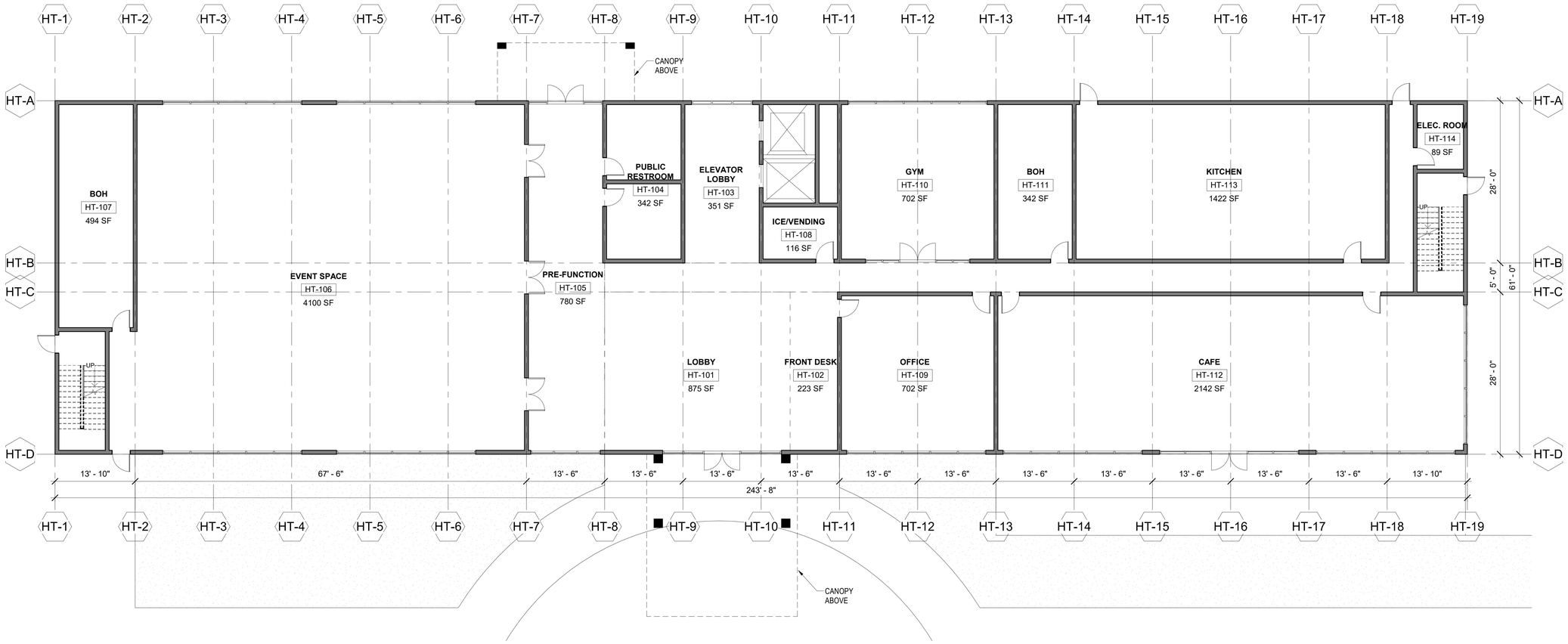
150 E. Ramsey St.,
Banning, CA, 92220

No.	Description	Date

Sheet Title: SITE PLAN (GROUND FLOOR)

Project Number	Date	Drawn By	Checked By	Scale
2023001	12/28/2023	CL	KH	1" = 30'-0"

Sheet Number: A0-100



HT FLOOR PLAN - LEVEL 1 | 1 | SCALE: 1/8"=1'-0"

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No.	Description	Date

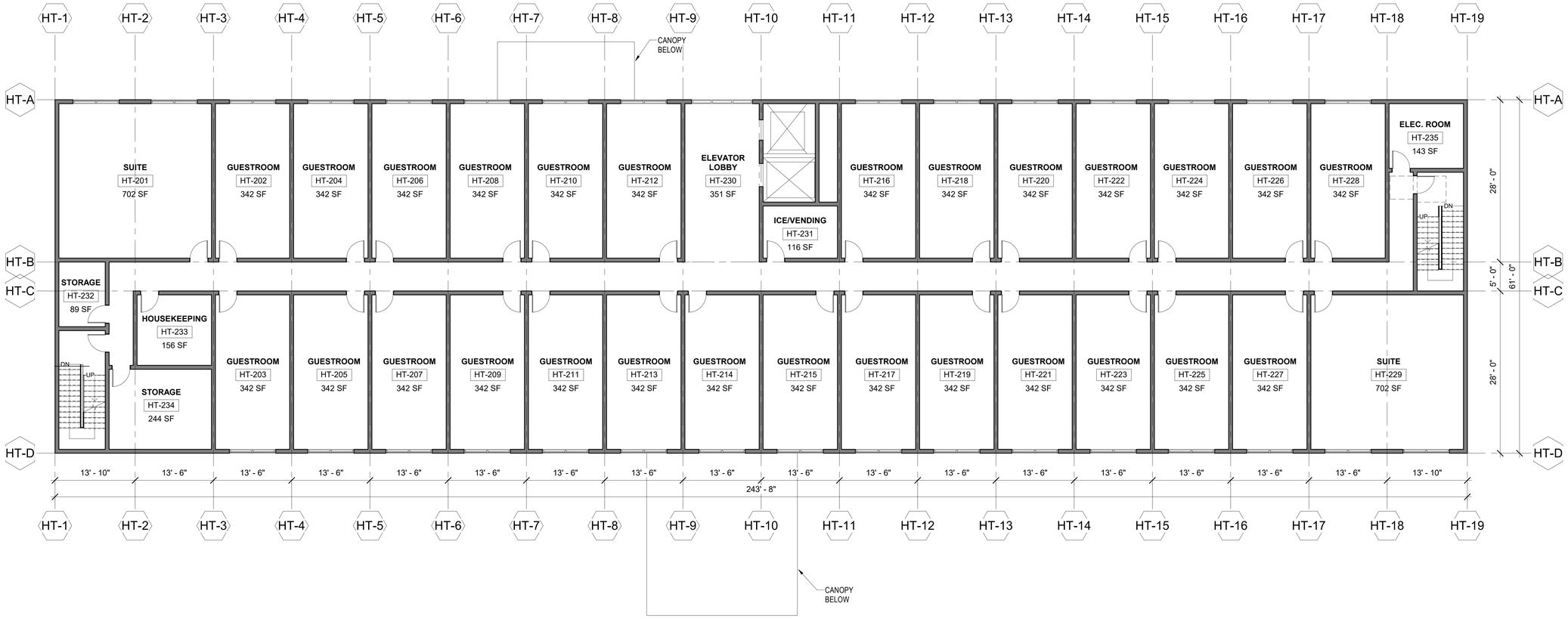
Sheet Title

HT FLOOR PLAN - LEVEL 1

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1/8" = 1'-0"

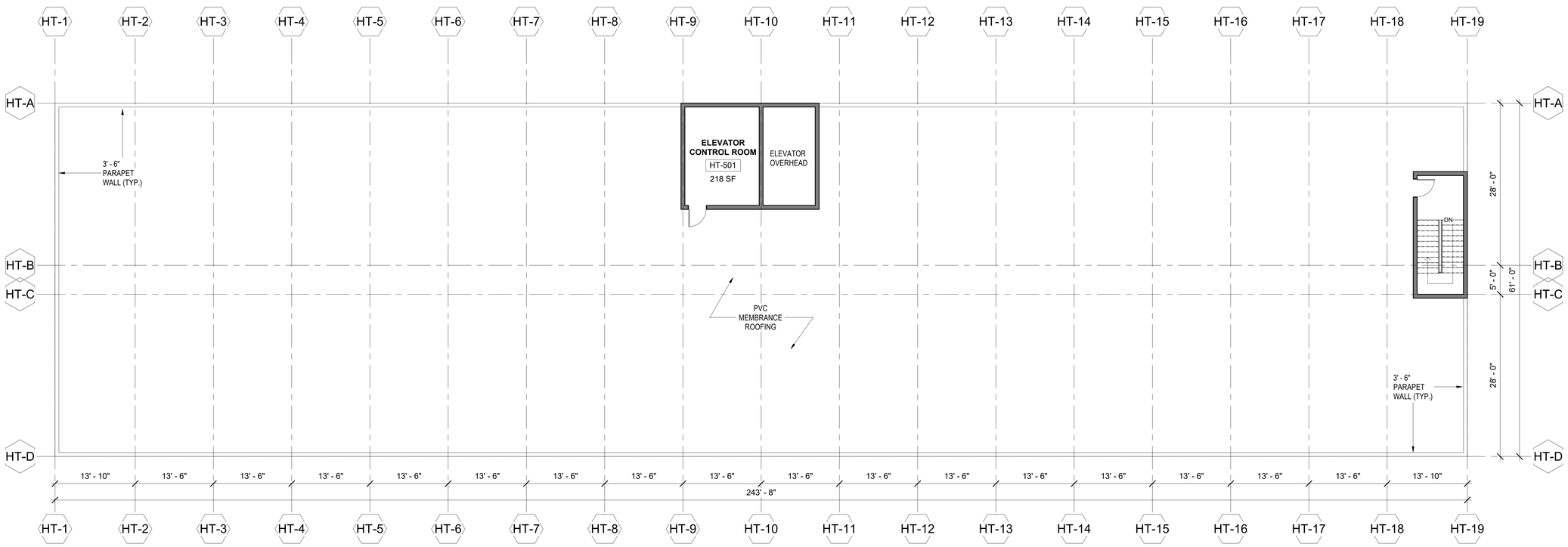
Sheet Number

A1-101



HT FLOOR PLAN - LEVEL 2-4

1 SCALE: 1/8"=1'-0"



HT ROOF PLAN

2 SCALE: 1/8"=1'-0"

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No.	Description	Date

Sheet Title

HT FLOOR PLAN - LEVEL 2-4 & ROOF PLAN

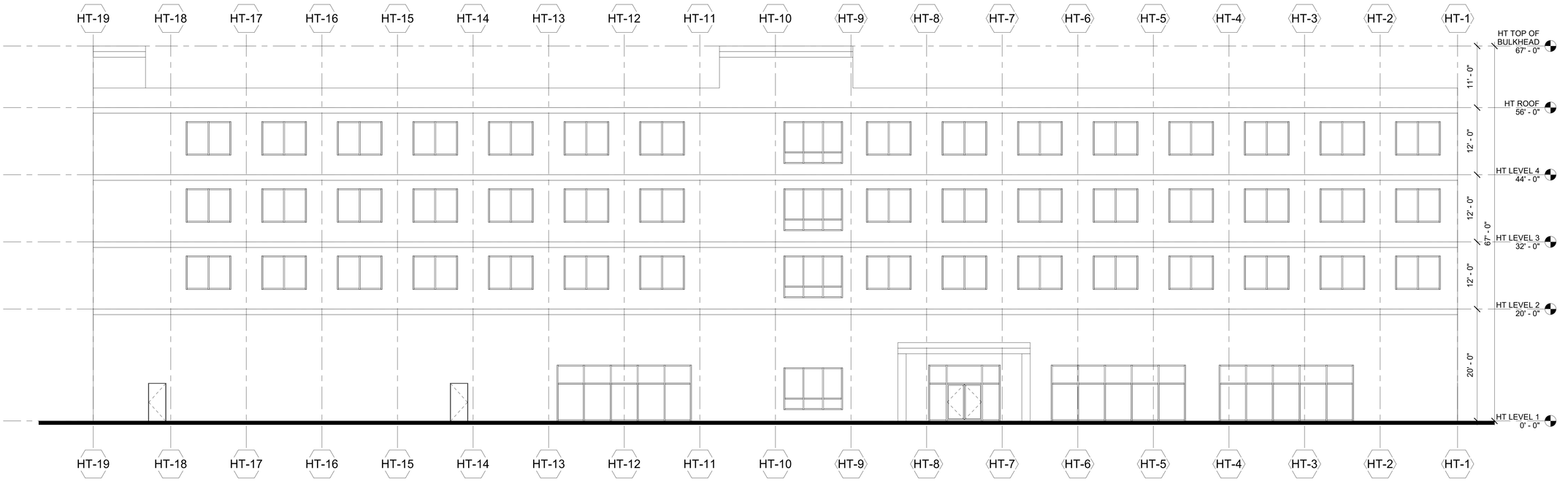
Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1/8" = 1'-0"

Sheet Number

A1-102



BUILDING ELEVATION - SOUTH 2 SCALE: 1/8"=1'-0"



BUILDING ELEVATION - NORTH 1 SCALE: 1/8"=1'-0"

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BANNING DEVELOPMENT

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No.	Description	Date

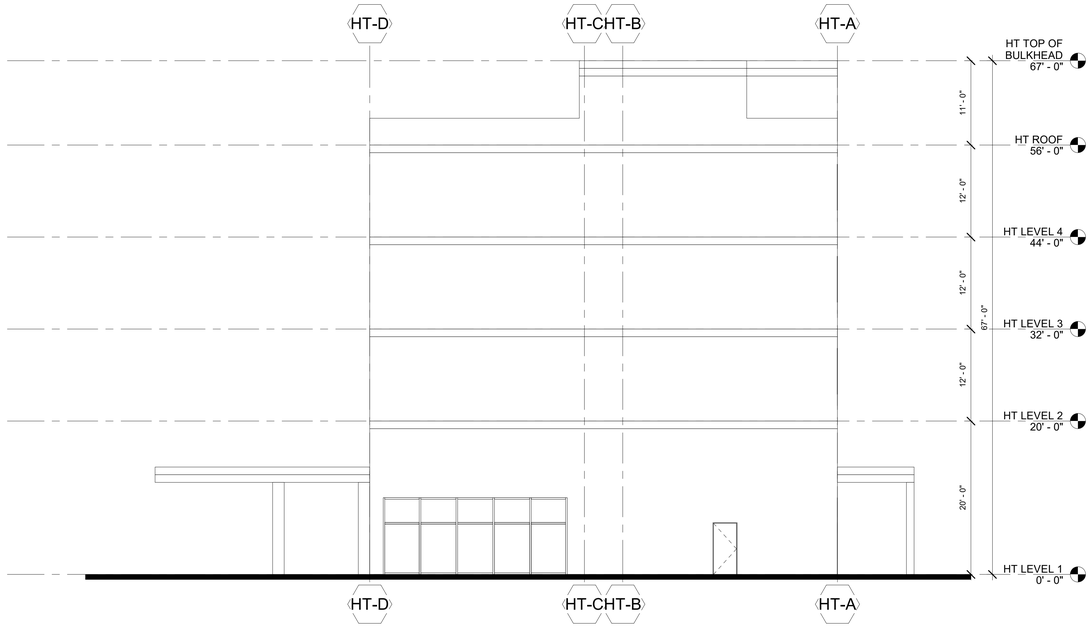
Sheet Title

HT BUILDING ELEVATOINS - NORTH & SOUTH

Project Number	Date	Drawn By	Checked By	Scale
2023001	12/28/2023	CL	KH	1/8" = 1'-0"

Sheet Number

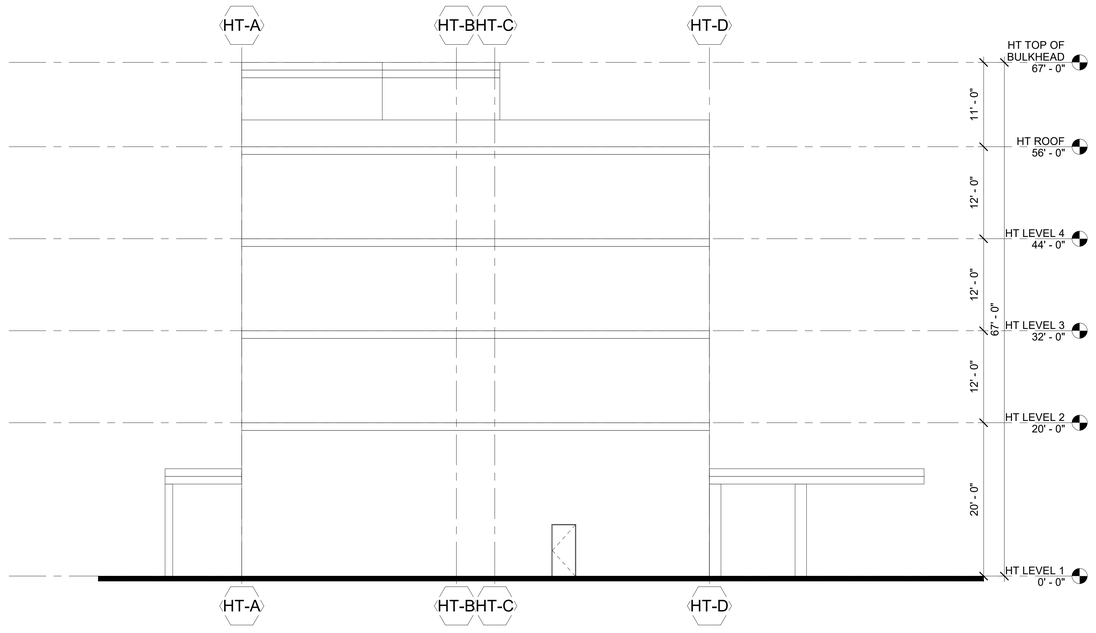
A1-301



BUILDING ELEVATION - EAST

2

SCALE: 1/8"=1'-0"



BUILDING ELEVATION - WEST

1

SCALE: 1/8"=1'-0"

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BANNING DEVELOPMENT

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No.	Description	Date

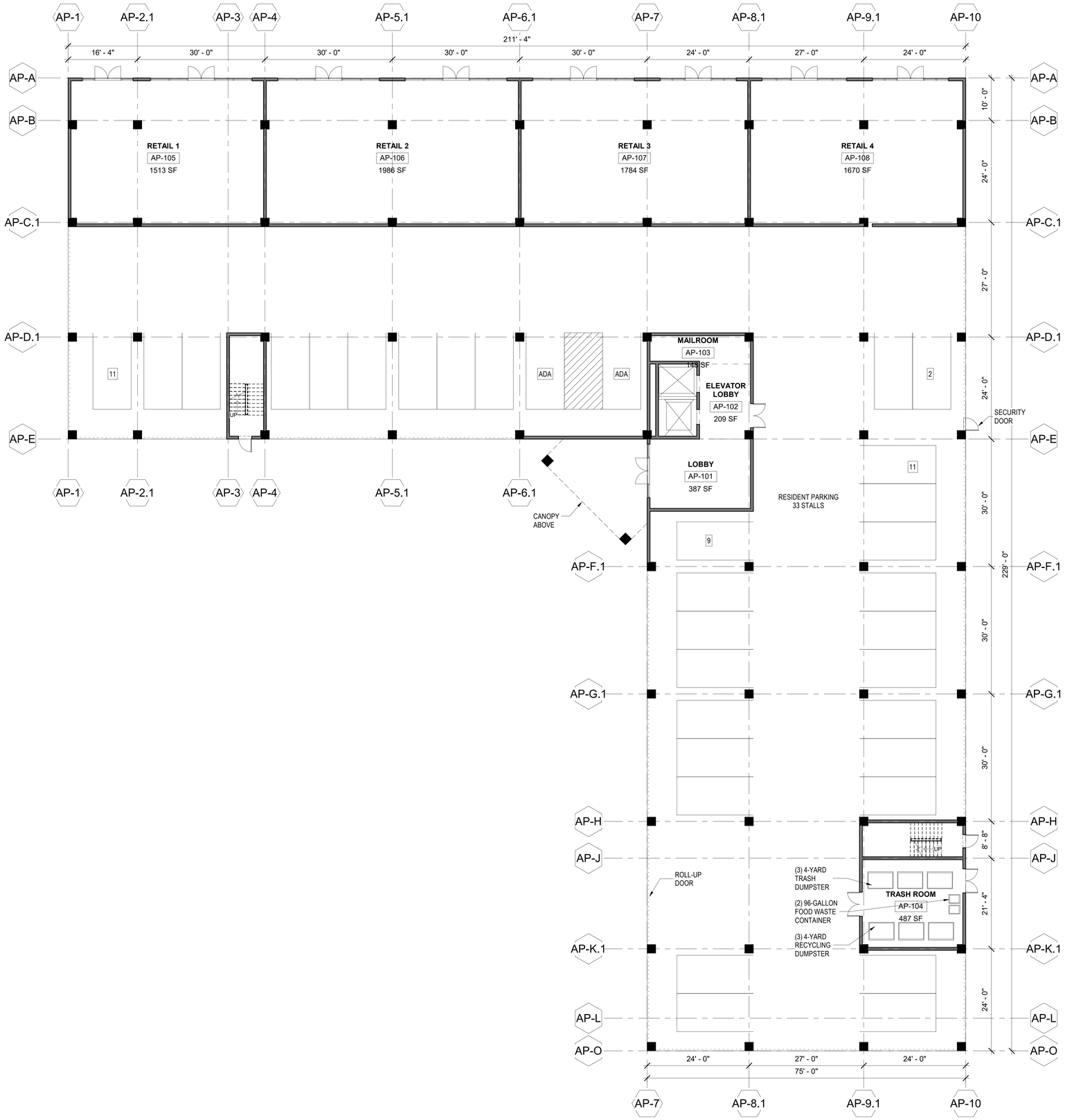
Sheet Title

HT BUILDING ELEVATOINS - WEST & EAST

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1/8" = 1'-0"

Sheet Number

A1-302



AP FLOOR PLAN - LEVEL 1 1 SCALE: 1"=10'-0"

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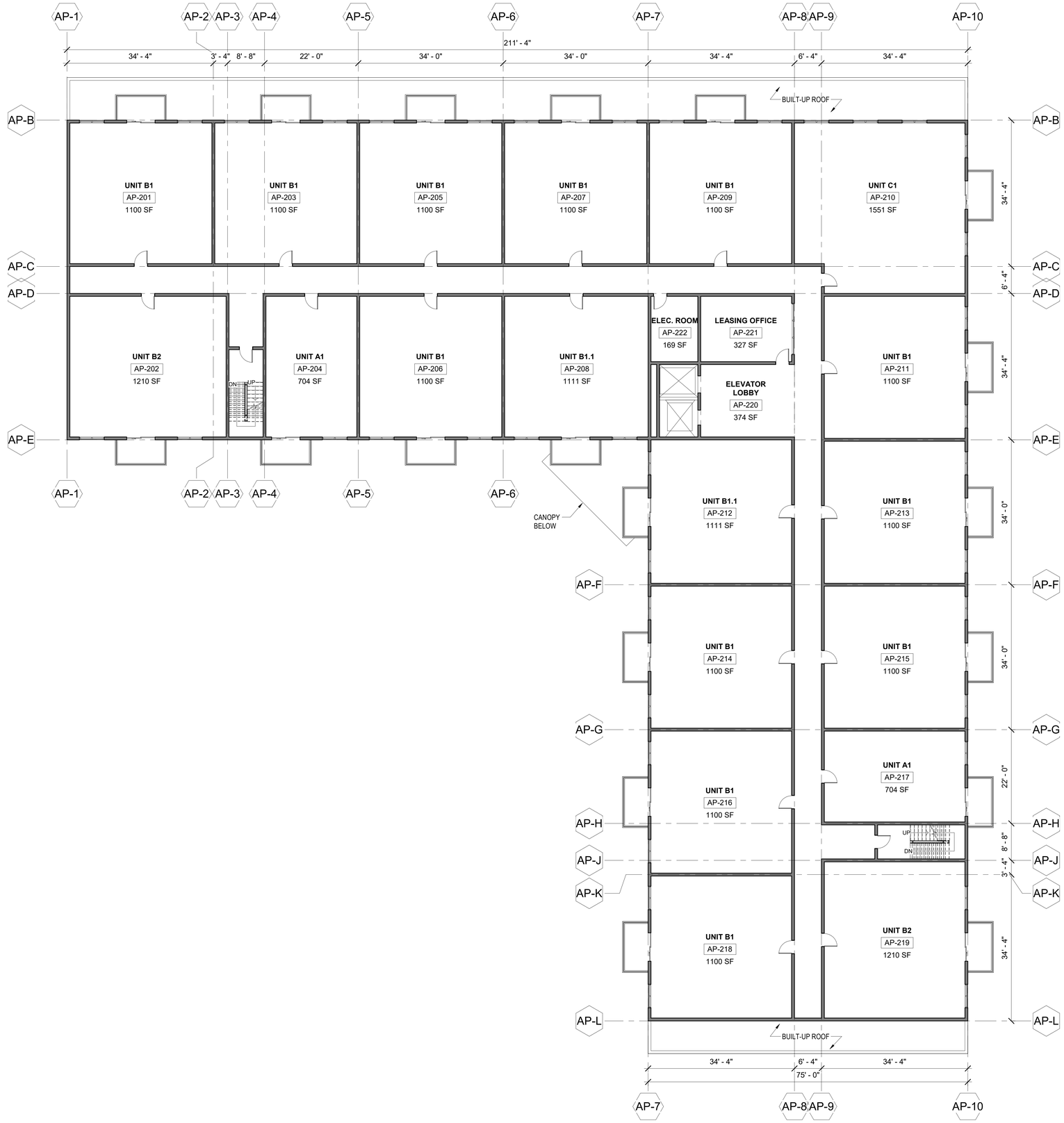
150 E. Ramsey St.,
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No.	Description	Date

Sheet Title: AP FLOOR PLAN - LEVEL 1

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1" = 10'-0"

Sheet Number: A2-101



AP FLOOR PLAN - LEVEL 2 | 1 | SCALE: 1"=10'-0"

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BANNING DEVELOPMENT

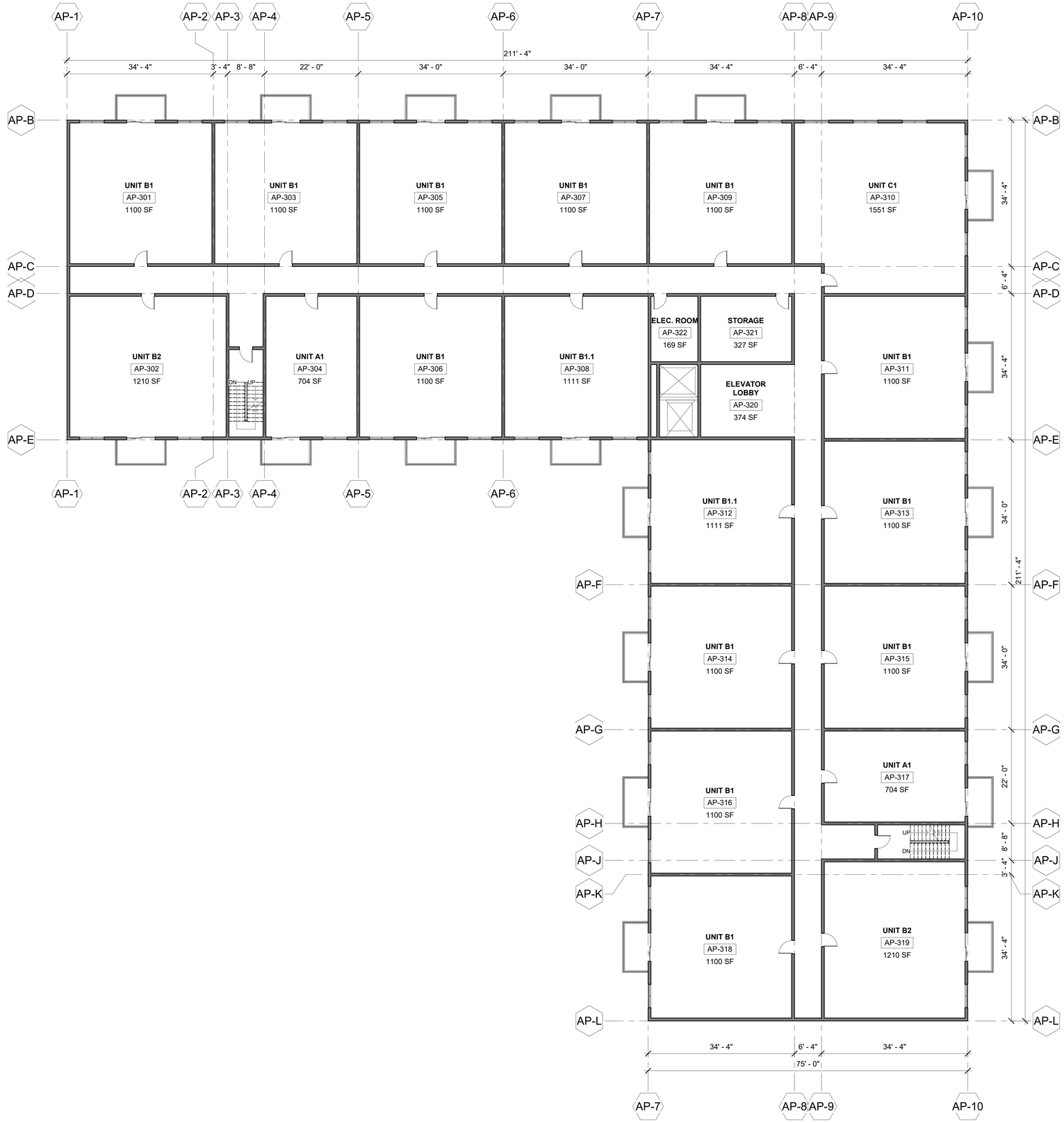
150 E. Ramsey St.,
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No.	Description	Date

Sheet Title: AP FLOOR PLAN - LEVEL 2

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1" = 10'-0"

Sheet Number: A2-102



AP FLOOR PLAN - LEVEL 3-6 | 1 | SCALE: 1"=10'-0"

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BANNING DEVELOPMENT

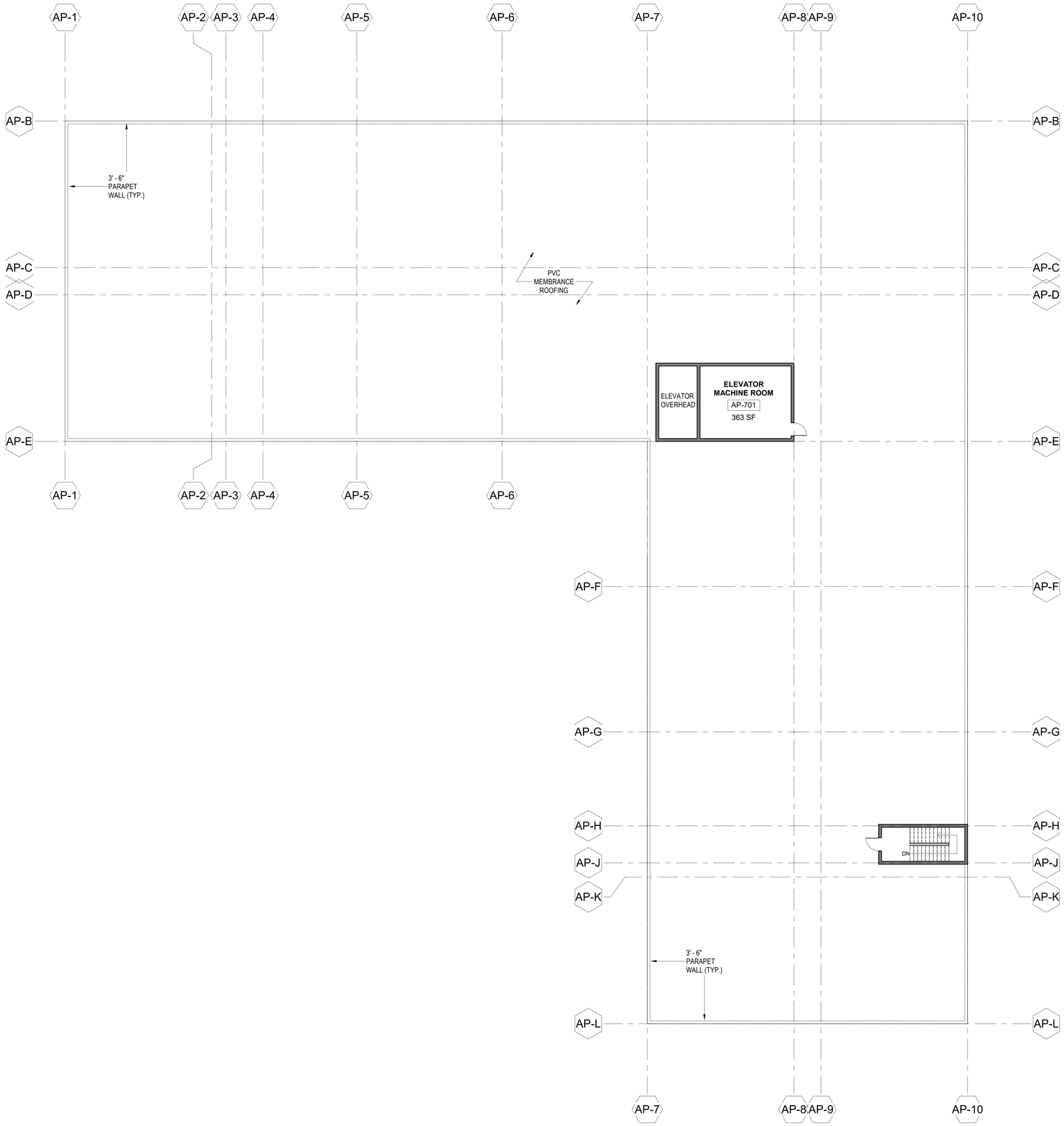
150 E. Ramsey St.,
Banning, CA, 92220

No.	Description	Date

Sheet Title: AP FLOOR PLAN - LEVEL 3-6

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1" = 10'-0"

Sheet Number: A2-103



AP ROOF PLAN

1

SCALE: 1"= 10'-0"

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BANNING DEVELOPMENT

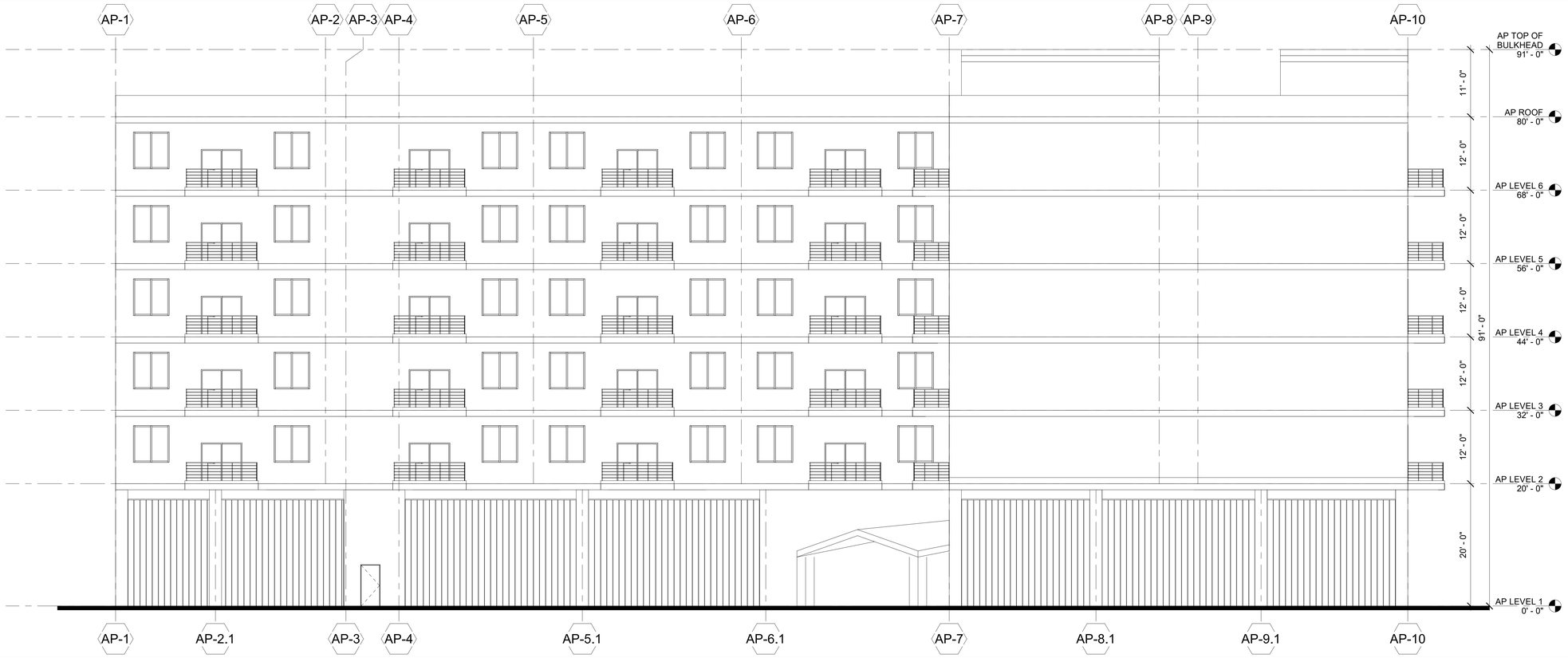
150 E. Ramsey St.,
Banning, CA, 92220

No.	Description	Date

Sheet Title: AP ROOF PLAN

Project Number	Date	Drawn By	Checked By	Scale
2023001	12/28/2023	CL	KH	1" = 10'-0"

Sheet Number: A2-104



BUILDING ELEVATION - SOUTH 2 SCALE: 1/8"=1'-0"



BUILDING ELEVATION - NORTH 1 SCALE: 1/8"=1'-0"

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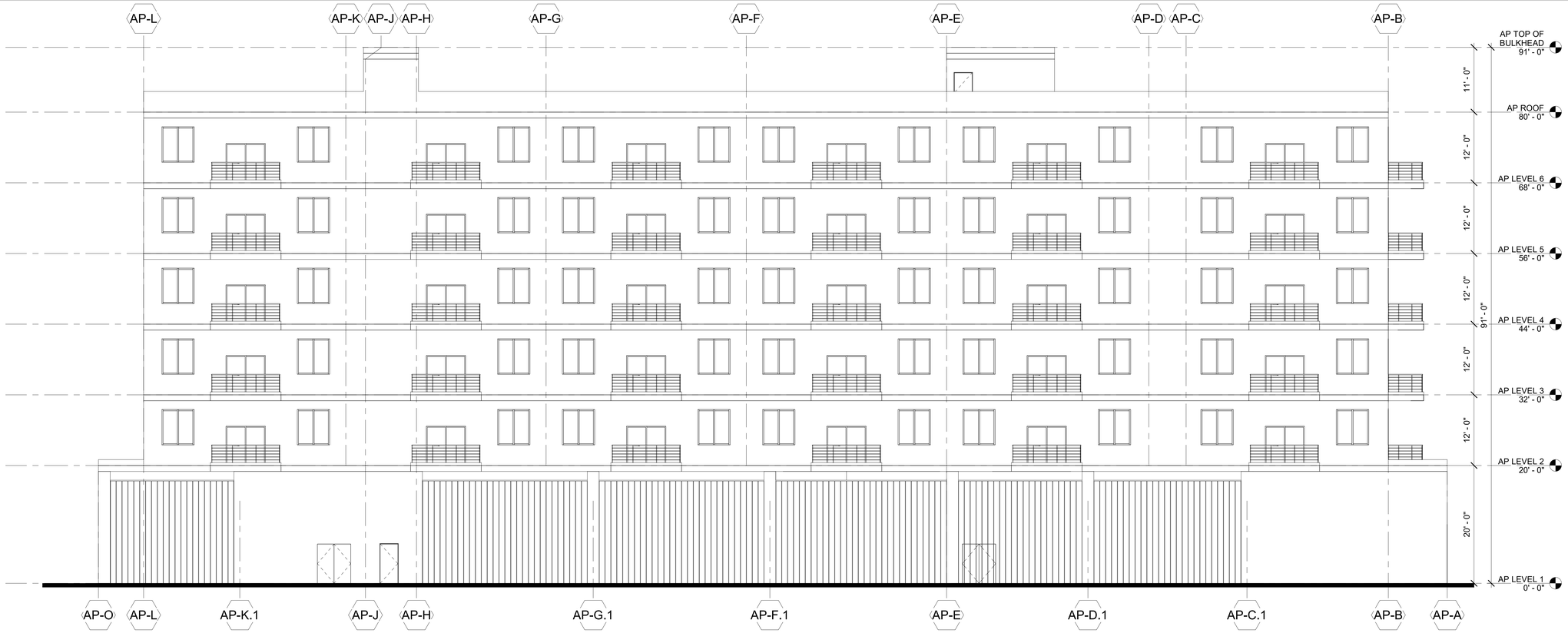
150 E. Ramsey St.,
Banning, CA, 92220

No.	Description	Date

Sheet Title: HT BUILDING ELEVATOINS - NORTH & SOUTH

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1/8" = 1'-0"

Sheet Number: A2-301



BUILDING ELEVATION - EAST

2

SCALE: 1/8"=1'-0"



BUILDING ELEVATION - WEST

1

SCALE: 1/8"=1'-0"

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BANNING DEVELOPMENT

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No.	Description	Date

Sheet Title

HT BUILDING ELEVATOINS - WEST & EAST

Project Number	2023001
Date	12/28/2023
Drawn By	CL
Checked By	KH
Scale	1/8" = 1'-0"

Sheet Number

A2-302

LEGAL DESCRIPTION

THIS PROPERTY SURVEYED AND SHOWN HEREON IS THE SAME PROPERTY AS DESCRIBED IN SCHEDULE A OF STEWART TITLE GUARANTY COMPANY ORDER NO. 23000110392, DATED MARCH 30, 2023.

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF RIVERSIDE UNINCORPORATED AND DESCRIBED AS FOLLOWS:

PARCEL 1: APN 541–181–39 (UNDERLYING APNS 541–181–34; 541–181–35 AND 541–181–38)

PARCEL B OF LOT LINE ADJUSTMENT 21–5001 RECORDED MAY 28, 2021 AS DOCUMENT NO. 2021–0329136, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF PARCELS 1 AND 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (WIDTH VARIES);

THENCE SOUTH 89° 35' 53" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 19.27 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 45° 15' 40" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 2 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89° 35' 53" EAST CONTINUING ALONG SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET;

THENCE LEAVING SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE SOUTH 00° 00' 00" EAST, A DISTANCE OF 288.80 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE NORTH 89° 46' 39" WEST ALONG SAID SOUTHERLY LINE OF PARCEL 1, A DISTANCE OF 669.26 FEET TO THE SOUTHWESTERLY CORNER THEREOF;

THENCE NORTH 0° 06' 51" EAST ALONG THE WESTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 17.12 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89° 46' 41" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 29.01 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 0° 07' 01" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 94.50 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 1;

THENCE NORTH 90° 00' 00" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 1 AND ALONG THE SOUTHERLY LINE OF PARCEL 3 AND 4 OF SAID PARCEL MAP, A DISTANCE OF 594.72 FEET TO THE SOUTHEASTERLY CORNER THEREOF;

THENCE NORTH 0° 00' 00" WEST ALONG THE EASTERLY LINE OF SAID PARCEL 3, A DISTANCE OF 158.02 FEET TO THE **POINT OF BEGINNING**.

TOGETHER WITH PARCELS 3 AND 4 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN.

PARCEL 2: APN 541–181–37

PARCEL A OF LOT LINE ADJUSTMENT 21–5001 RECORDED MAY 28, 2021 AS DOCUMENT NO. 2021–0329136, OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (WIDTH VARIES);

THENCE SOUTH 89° 35' 53" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 19.27 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 45° 15' 40" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 2 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89° 35' 53" EAST CONTINUING ALONG SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE LEAVING SAID NORTHERLY LINE OF PARCEL 2 AND SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 00° 00' 00" EAST, A DISTANCE OF 288.80 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE SOUTH 89° 46' 39" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 222.77 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 1, SAID CORNER BEING ON THE WESTERLY RIGHT OF WAY LINE OF MARTIN STREET (30.00FEET IN WESTERLY HALF WIDTH);

THENCE NORTH 00° 07' 55" EAST ALONG THE EASTERLY LINE OF SAID PARCEL 1 AND ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 279.19 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1, SAID POINT BEING ON SAID SOUTHERLY RIGHT OF WAY LINE OF RAMSEY STREET;

THENCE NORTH 65° 32' 39" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 1 AND SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 21.85 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1;

THENCE NORTH 89° 35' 53" WEST ALONG SAID NORTHERLY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 203.52 FEET TO THE **TRUE POINT OF BEGINNING**.

APN: 541–181–039, 541–181–037
APN: 541–181–034, 541–181–035, 541–181–037, AND 541–181–038

(END OF LEGAL DESCRIPTION)

ENCUMBRANCE NOTES

THE FOLLOWING ENCUMBRANCES ITEMS ARE THOSE CONTAINED IN STEWART TITLE GUARANTY COMPANY ORDER NO. 23000110392, DATED MARCH 30, 2023 AND HAVE THE SAME NUMERICAL DESIGNATION AS IN THE REPORT. THOSE WHICH CAN BE PLOTTED ON THE SURVEY AS SHOWN THUS ○ . THE REMAINING ITEMS CANNOT BE PLOTTED AND REFERENCE TO THE RECORDED DOCUMENT SHOULD BE MADE FOR FURTHER PARTICULARS.
[....] INDICATES SURVEYOR'S COMMENTS.

EXCEPTIONS

1 WATER RIGHTS, CLAIMS OR TITLE TO WATER IN, OR, UNDER THE PROPERTY, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

2 OWNERSHIP OF, OR RIGHTS TO, MINERALS OR OTHER SUBSTANCES, SUBSURFACE AND SURFACE, OF WHATSOEVER KIND, INCLUDING, BUT NOT LIMITED TO COAL, ORES, METALS, LIGNITE, OIL, GAS, GEOTHERMAL RESOURCES, BRINE, URANIUM, CLAY, ROCK, SAND AND GRAVEL IN, ON, UNDER AND THAT MAY BE PRODUCED FROM THE LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, WHETHER THE OWNERSHIP OR RIGHTS ARISE BY LEASE, GRANT, EXCEPTION, CONVEYANCE, RESERVATION OR OTHERWISE, AND WHETHER OR NOT APPEARING IN THE PUBLIC RECORDS OR LISTED IN SCHEDULE B. STEWART TITLE GUARANTY COMPANY AND ITS ISSUING AGENT MAKE NO REPRESENTATION AS TO THE PRESENT OWNERSHIP OF ANY SUCH INTERESTS. THERE MAY BE LEASES, GRANTS, EXCEPTIONS, OR RESERVATIONS OF INTERESTS THAT ARE NOT LISTED.

3 ANY INTERESTS (INCLUDING RIGHTS OF THE PUBLIC) IN AND TO ANY PORTION OF THE PROPERTY LYING WITHIN ROADS, STREETS, ALLEYS OR HIGHWAYS.

(4) EASEMENT AND RIGHTS INCIDENTAL THERETO FOR SANITARY SEWER, TO LAY, CONSTRUCT, MAINTAIN, OPERATE, REPAIR, RENEW, CHANGE THE SIZE OR GRADE OF, REMOVE ALL OR A PORTION OF THE PIPES OR APPURTENANCES OF THE SAID SEWER LINE WITH THE RIGHT OF INGRESS AND EGRESS TO AND FROM THE SAME, AS SET FORTH IN A DOCUMENT RECORDED SEPTEMBER 14, 1977, AS INSTRUMENT NO. 179864, OF OFFICIAL RECORDS. **[PLOTTED ON THIS ALTA]**

5 RIGHTS OF THE SUCCESSOR AGENCY(IES) AS TO MATTERS CONTAINED IN THE PROJECT PLAN RECORDED JUNE 12, 1980 AS INSTRUMENT NO. 108342 OF OFFICIAL RECORDS.

6 RIGHTS OF THE SUCCESSOR AGENCY(IES) AS TO MATTERS CONTAINED IN THE PROJECT PLAN RECORDED JANUARY 28, 2008, AS INSTRUMENT NO. 2008–0041511, OF OFFICIAL RECORDS.

7 COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN A DOCUMENT RECORDED MARCH 3, 2011 AS INSTRUMENT NO. 2011–0113337, INSTRUMENT NO. 2011–0113345, AND INSTRUMENT NO. 2011–0113355, ALL OF OFFICIAL RECORDS.

SAID COVENANTS, CONDITIONS, AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

8 COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN A DOCUMENT RECORDED MAY 3, 2012 AS INSTRUMENT NO. 2012–0201442, OF OFFICIAL RECORDS.

SAID COVENANTS, CONDITIONS, AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

9 COVENANTS, CONDITIONS AND RESTRICTIONS AS SET FORTH IN A DOCUMENT RECORDED MAY 3, 2012 AS INSTRUMENT NO. 2012–0201443, OF OFFICIAL RECORDS AND RE–RECORDED MAY 15, 2012 AS INSTRUMENT NO. 2012–0224277, OF OFFICIAL RECORDS.

SAID COVENANTS, CONDITIONS, AND RESTRICTIONS PROVIDE THAT A VIOLATION THEREOF SHALL NOT DEFEAT OR RENDER INVALID THE LIEN OF ANY MORTGAGE OR DEED OF TRUST MADE IN GOOD FAITH AND FOR VALUE.

(10) RIGHTS OF ACCESS TO OR FROM THE PUBLIC ROAD OR STREET, HIGHWAY OR FREEWAY ADJACENT TO THE PROPERTY, AS RELINQUISHED OR SEVERED IN DEED RECORDED DECEMBER 9, 2014, AS INSTRUMENT NO. 2014–0470135, OF OFFICIAL RECORDS.

(11) MATTERS AS SHOWN ON THE PARCEL MAP NO. 36285 FILED IN BOOK 238, PAGES 24 AND 25, INCLUSIVE, OF MAP, TOGETHER WITH ANY PROVISIONS AND RECITALS CONTAINED THEREIN.
[DEDICATED TO THE CITY OF BANNING, A 28' WIDE EASEMENT FOR PUBLIC INGRESS, EGRESS AND UTILITIES]

12 DEED OF TRUST TO SECURE AN INDEBTEDNESS IN THE AMOUNT SHOWN BELOW, AND ANY OTHER OBLIGATIONS SECURED THEREBY:
AMOUNT : $1,020,000.00
TRUSTOR : JMA VILLAGE LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
TRUSTEE : CHICAGO TITLE COMPANY
BENEFICIARY : THE CITY OF BANNING
RECORDED : MAY 3, 2012, AS INSTRUMENT NO. 2012–0201444, OF OFFICIAL RECORDS

MATTERS CONTAINED IN A DOCUMENT ENTITLED "ASSIGNMENT AND ASSUMPTION AGREEMENT AND CONSENT", BY AND BETWEEN JMA VILLAGE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND BANNING OFFICE VENTURE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY RECORDED DECEMBER 11, 2015, AS INSTRUMENT NO. 2015–0537493, OF OFFICIAL RECORDS.

MATTERS CONTAINED IN A DOCUMENT ENTITLED **"AMENDED AND RESTATED AGREEMENT FOR THE REVERTER OF REAL PROPERTY PURSUANT TO PURCHASE AND SALE AGREEMENT"**, BY AND BETWEEN CITY OF BANNING, A CALIFORNIA MUNICIPAL CORPORATION ("CITY"), BANNING OFFICE VENTURE, LLC ("BOV"), AND VANIR GROUP OF COMPANIES, INC., A CALIFORNIA CORPORATION ("VANIR") RECORDED MARCH 13, 2018, AS INSTRUMENT NO. 2018–0095158, OF OFFICIAL RECORDS.

MATTERS CONTAINED IN A DOCUMENT ENTITLED **"LIMITED RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS"**, BY AND BETWEEN JMA VILLAGE LLC AND THE CITY OF BANNING RECORDED DECEMBER 9, 2014, AS INSTRUMENT NO. 2014–0470137, OF OFFICIAL RECORDS. **[BLANKET IN NATURE – AFFECTS ALL PARCELS OF PM 238/24–25]**

13 MATTERS CONTAINED IN A DOCUMENT ENTITLED **"RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS, CONDITIONS AND RESTRICTIONS"**, BY AND BETWEEN JMA BILLAGE LLC AND THE CITY OF BANNING RECORDED DECEMBER 9, 2014, AS INSTRUMENT NO. 2014–0470138, OF OFFICIAL RECORDS. **[BLANKET IN NATURE – AFFECTS ALL PARCELS OF PM 238/24–25]**

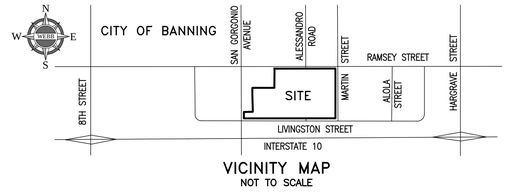
14 MATTERS CONTAINED IN A DOCUMENT ENTITLED "LOT LINE ADJUSTMENT", RECORDED MAY 28, 2021, AS INSTRUMENT NO. 2021–0329136, OF OFFICIAL RECORDS.

15 MATTERS CONTAINED IN A DOCUMENT ENTITLED "PARCEL MERGER", RECORDED JULY 14, 2021, AS INSTRUMENT NO. 2021–0423779, OF OFFICIAL RECORDS.

16 RIGHTS OR CLAIMS OF PARTIES IN POSSESSION WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

17 ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH WOULD BE DISCLOSED BY AN INSPECTION OF THE LAND.

(END OF EXCEPTIONS)



VICINITY MAP
NOT TO SCALE

ZONING & DEVELOPMENT STANDARDS

THIS SITE IS ZONED "DC" (DOWNTOWN COMMERCIAL) PER CITY OF BANNING GENERAL PLAN LAND USE & ZONING, DATED 06/14/2021.

17.12.030 - Table of commercial and industrial development standards.

Table 17.12.030

Commercial and Industrial Development Standards

	DC	GC	HSC	PO	I	AI	BP	IMR
Min. Lot Size (Ac. or s.f.)	—	6,000 s.f.	6,000 s.f.	6,000 s.f.	10,000 s.f.	5 ac.	1 ac.	10 ac.
Min. Lot Width (Feet)	—	60	60	60	70	150	100	300
Min. Lot Depth (Feet)	—	100	100	100	100	150	150	300
Min. Front Setback (Feet)	0	10	10	0	10	10	10	50
Min. Rear Setback (Feet) [12]	0	0	0	0	0	0	0	50
Min. Side Yard Setback (Feet) [13] Min. Street Side (Feet)	0	0 5	0 5	0 5	0 10	0 10	0 10	0 20
Max. Bldg. Coverage (%)	75	35	35	35	60	75	60	25
Maximum Height (stories/feet) [14, 15]	4/60	2/35	2/35	2/35	2/50	2/50	2/50	2/50
Fence/Wall Height (ft.) [16]	6	6	6	6	8	8	6	8

[12] If a commercially or industrially zoned lot is located adjacent to a residentially zoned lot, the minimum setback shall be 10 feet.

[13] If a commercially or industrially zoned lot is located adjacent to a residentially zoned lot, the minimum setback shall be 10 feet.

[14] Not including belltowers, steeples and similar architectural embellishments not exceeding 10% of the total building area.

[15] Additional height may be permitted with approval of a Conditional Use Permit.

[16] Additional height may be permitted for security as approved by the director through a technical staff review.

(Zoning Ord. dated 1/31/06, § 9103.03 (part); Ord. No. 1355, § 3 (part).)

(Ord. No. 1469, § 5, 10-8-13)

THIS SURVEY WAS BASED ON AVAILABLE RECORD INFORMATION AT THE TIME OF SURVEY. ALL LINE WORK SHOWN HAS BEEN VERIFIED TO THE REFERENCE INFORMATION AS INDICATED ON THE SURVEY.

SURVEYOR'S CERTIFICATE

TO: CITY OF BANNING, A CALIFORNIA MUNICIPAL CORPORATION AND STEWART TITLE GUARANTY COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES 4, 11(a), 14, 15, 17, 18 AND 19 ITEMS OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 13, 2023.

DATE OF PLAT OR MAP: 05/10/23

MICHAEL E. JOHNSON, P.L.S. 7673

LICENSED LAND SURVEYOR
MICHAEL E. JOHNSON
NO. 7673
STATE OF CALIFORNIA

REVISIONS	DATE	BY

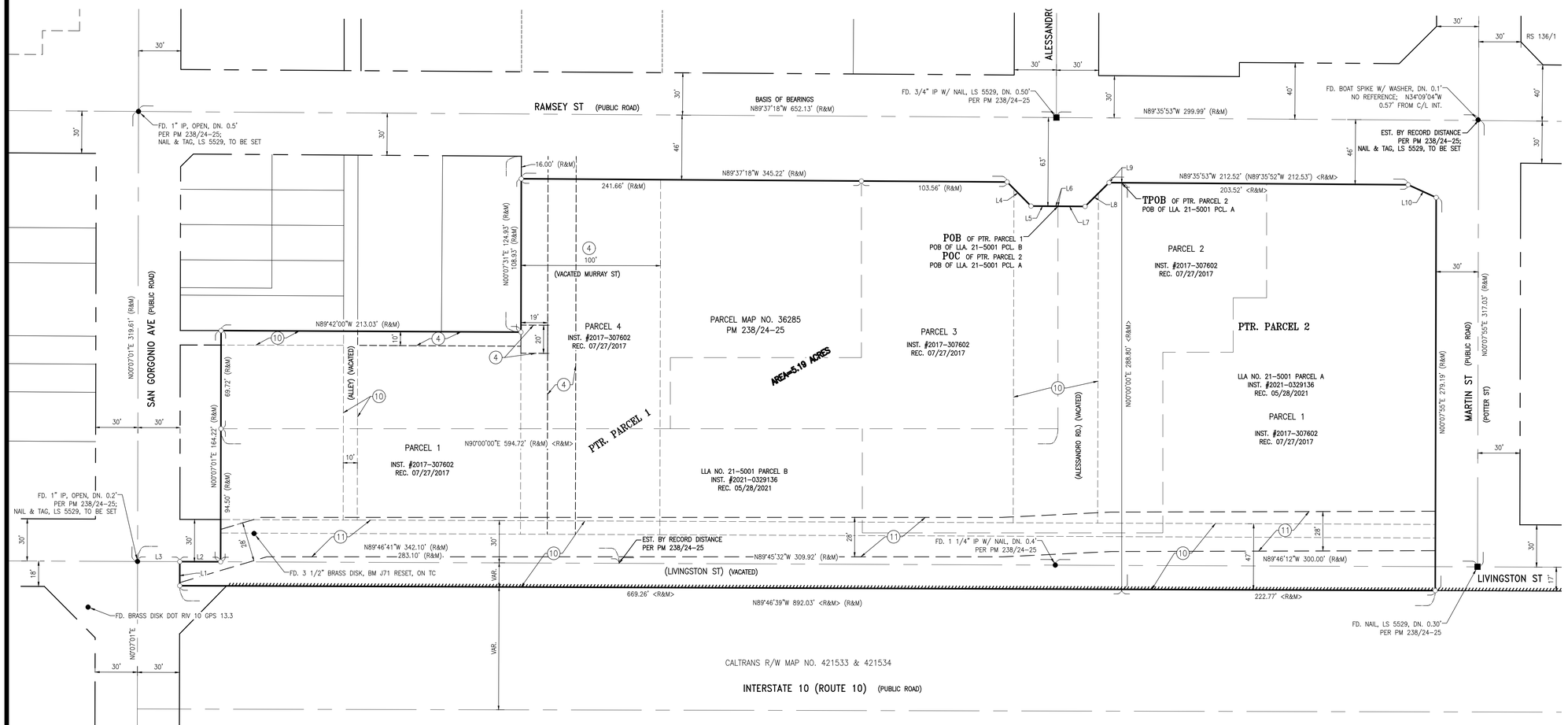
150 E. RAMSEY ST
CITY OF BANNING

ALTA/NSPS LAND TITLE SURVEY
PARCELS 1 THRU 4 OF PARCEL MAP NO. 36285, PM 238/24–25,
IN THE CITY OF BANNING, LYING IN SECTION 10,
TOWNSHIP 3 SOUTH, SBM, RIVERSIDE COUNTY, CALIFORNIA

SCALE:	1"=40'	ALBERT A. WEBB ASSOCIATES — ENGINEERING CONSULTANTS, 3788 McCRAY STREET, RIVERSIDE CA. 92506, PH. (951) 686–1070, FAX (951) 788–1256	W.O. 2023–0074
DATE:	04/06/2023		SHEET 1
DESIGNED:	JCR		OF 3 SHEETS
CHECKED:	MEJ		
PLN CK REF:	O–C		DWG. NO. 23–0074–ALTA.dwg
F.B.	N/A		

H:\2023\23–0074\DRAWINGS\MAPPING\ALTA & BOUNDARY\23–0074–ALTA.DWG 5/9/2023 4:22:06 PM John

FOR ZONING & DEVELOPMENT STANDARDS, SEE SHEET 2.



LINE TABLE				
LINE #	DIRECTION	LENGTH	DIRECTION	LENGTH
L1	N0°06'51"E	17.12'	(R&M)	(R&M)
L2	N89°46'41"W	29.00'	(R&M)	<29.01'>
L3	N89°46'41"W	30.00'	(R&M)	(R&M)
L4	N44°43'57"W	24.09'	(R&M)	(R&M)
L5	N89°37'18"W	17.58'	(R&M)	(R&M)
L6	N89°35'53"W	1.56'	(N89°35'52"W)	(R&M)
L7	N89°35'53"W	19.27'	(N89°35'52"W)	(R&M)
L8	N45°15'40"E	23.98'	(R&M)	(R&M)
L9	N89°35'53"W	9.00'	<R&M>	<R&M>
L10	N65°32'39"W	21.85'	(R&M)	(R&M)

SURVEYOR'S NOTES

1. BASIS OF BEARINGS IS THE CENTERLINE OF RAMSEY STREET TAKEN AS NORTH 89°37'18" EAST PER PARCEL MAP NO. 36285, PM 238/24-25.
2. —●— INDICATES FOUND MONUMENTS AS NOTED.
3. ■ INDICATES MONUMENTS PER PREVIOUS WEBB SURVEY UNDER W.O. 19-123 AS SHOWN ON PM 238/24-25.
4. ○ INDICATES MONUMENT TO BE SET PER PM 238/24-25
5. ALL DIMENSIONS ARE MEASURED IN FEET AND DECIMAL PARTS THEREOF.
6. ALL BEARINGS READ IN A NORTHERLY DIRECTION UNLESS OTHERWISE NOTED.
7. TOTAL AREA OF THE SUBJECT PROPERTY IS 5.19 ACRES, MORE OR LESS.
8. PROPERTY WAS SURVEYED IN ACCORDANCE WITH STEWART TITLE GUARANTY COMPANY ORDER NO. 23000110392, DATED MARCH 30, 2023.
9. THIS SURVEY WAS PERFORMED WITH TRIMBLE S7 TOTAL STATIONS & TRIMBLE 12i GPS RECEIVERS, AND COMPLETED ON APRIL 13, 2023.
10. ( ) INDICATES RECORD OR CALCULATED DATA PER PM 238/24-25, UNLESS OTHERWISE NOTED
11. < > INDICATES RECORD OR CALCULATED DATA PER LLA NO. 21-5001, INST. #2021-0329136 O.R., REC. 05/28/2021.
12. SYMBOLS SHOWN ON THE SURVEY ARE NOT DRAFTED TO SCALE.
13. ////// INDICATED RESTRICTED ACCESS.

ALTA NOTES:

1. NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES MADE AVAILABLE TO THE SURVEYOR. NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
2. NO PLOTTABLE OFFSITE (I.E., APPURTENANT) EASEMENTS OR SERVITUDES DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR.
3. PROPERTY HAS ACCESS TO AND FROM SAN GORGONIO AVE., RAMSEY ST. & MARTIN AVE. BEING PUBLIC ROADS.

1" = 40'

40 0 40 80 120

THIS SURVEY WAS BASED ON AVAILABLE RECORD INFORMATION AT THE TIME OF SURVEY. ALL LINE WORK SHOWN HAS BEEN VERIFIED TO THE REFERENCE INFORMATION AS INDICATED ON THE SURVEY.

BASIS OF COORDINATES

ASSUMED 10000.00,10000.00 PER AA WEBB PREVIOUS W.O. 2019-0123.

BENCHMARK DATA

NGS BM #H 1311 (DX3597)
ELEV. = 2364.82 FEET (NAVD 88)

RECOVERY NOTE BY NATIONAL GEODETIC SURVEY 1988.
RECOVERED IN GOOD CONDITION.
NEW DESCRIPTION FOLLOWS:
IN BANNING, AT THE CROSSING OF THE SOUTHERN PACIFIC RAILROAD AND 8TH STREET, INTHE NORTHEAST END OF THE ABUTMENT OF A RAILROAD BRIDGE, 4.8 M (15.7 FT) NORTH OF THE NORTH RAIL, 0.9 M (3.0 FT) WEST OF THE EAST END OF THE BRIDGE. THE MARK IS 0.3 M BELOW THE RAILROAD.

DATUM SHIFT TO NGVD 29 IS -2.67 FEET.

REVISIONS	DATE	BY

150 E. RAMSEY ST
CITY OF BANNING

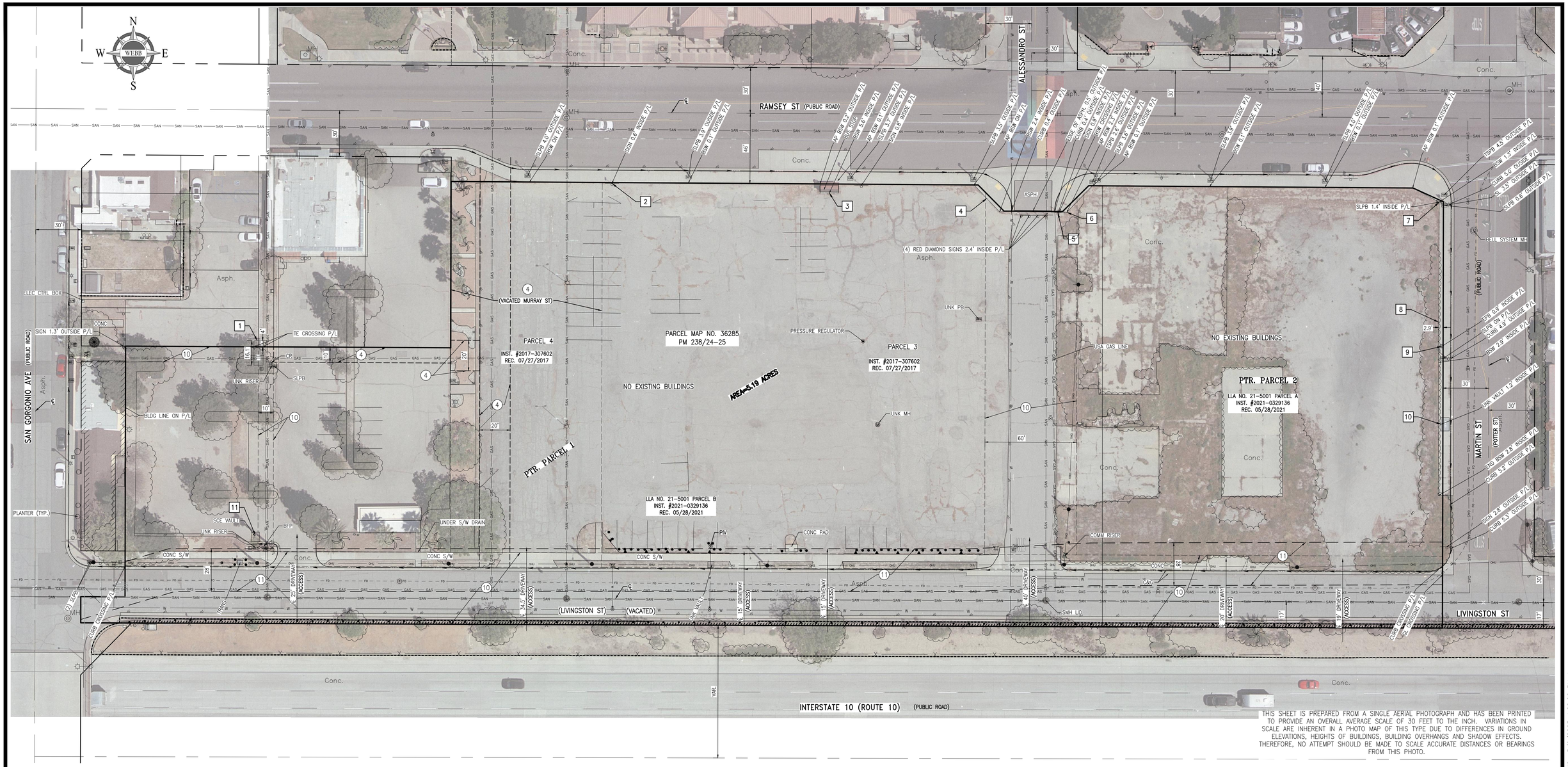
ALTA/NSPS LAND TITLE SURVEY
PARCELS 1 THRU 4 OF PARCEL MAP NO. 36285, PM 238/24-25,
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DATE:	04/06/2023
DESIGNED:	JCR
CHECKED:	MEJ
PLN CK REF:	O-C
F.B.	N/A

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS
3788 McCRAY STREET
RIVERSIDE, CA. 92506
PH. (951) 686-1070
FAX (951) 788-1256

W.O.	2023-0074
SHEET	2
OF	3 SHEETS
DWG. NO.	23-0074-ALTA.dwg

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THIS SHEET IS PREPARED FROM A SINGLE AERIAL PHOTOGRAPH AND HAS BEEN PRINTED TO PROVIDE AN OVERALL AVERAGE SCALE OF 30 FEET TO THE INCH. VARIATIONS IN SCALE ARE INHERENT IN A PHOTO MAP OF THIS TYPE DUE TO DIFFERENCES IN GROUND ELEVATIONS, HEIGHTS OF BUILDINGS, BUILDING OVERHANGS AND SHADOW EFFECTS. THEREFORE, NO ATTEMPT SHOULD BE MADE TO SCALE ACCURATE DISTANCES OR BEARINGS FROM THIS PHOTO.

LEGEND

- BFP — BACKFLOW PREVENTOR
- COMM RISER — COMMUNICATION RISER
- E — ELECTRIC PULLBOX
- FIRE HYDRANT
- GV — GAS VALVE
- GUARD POST
- GUY ANCHOR
- LIGHT STANDARD
- MB — MAILBOX
- MH — MANHOLE
- PALM
- POST INDICATOR VALVE
- POWER POLE
- S — SEWER MANHOLE
- SIGN
- STREET LIGHT
- SLPB — STREET LIGHT PULLBOX
- T — TELEPHONE MANHOLE
- TSPB — TRAFFIC SIGNAL PULLBOX
- TREE
- TREE (SINGLE)
- TREES
- UKPB — UNKNOWN PULLBOX
- WM — WATER METER
- WV — WATER VALVE
- BOUNDARY
- CENTERLINE
- FO — FIBER OPTIC LINE
- FLOWLINE
- x — x — FENCE
- GAS — GAS — GAS LINE
- OHU — OVERHEAD UTILITY LINE
- MINIMUM BUILDING SETBACK LINE
- SAN — SAN — SANITARY SEWER LINE
- RETAINING WALL
- W — WATER LINE
- BUIDING

ABBREVIATIONS

AP	ANGLE POINT
APPROX.	APPROXIMATE
ASPH.	ASPHALT
BEG.	BEGIN
BFP	BACKFLOW PREVENTOR
BLDG	BUILDING
BSW	BACK OF SIDEWALK
C&G	CURB & GUTTER
COMM	COMMUNICATION
CONC	CONCRETE
COR.	CORNER
CR	COMMUNICATION RISER
CTRL	CONTROL
D/W	DRIVEWAY
EPB	ELECTRIC PULLBOX
ELEC	ELECTRIC
EST.	ESTABLISHED
EX.	EXISTING
FH	FIRE HYDRANT
INT.	INTERSECTION
MH	MANHOLE
MISC	MISCELLANEOUS
P/L	PROPERTY LINE
R	PROPERTY LINE
PB	PULLBOX
PIV	POST INDICATOR VALVE
PP	POWER POLE
POR.	PORTION OF
PROP.	PROPERTY
PTR	PRELIMINARY TITLE REPORT
PWR	POWER
R/W	RIGHT OF WAY
RET WALL	RETAINING WALL
S/W	SIDEWALK
SFN	SEARCHED, FOUND NOTHING
SWR	SEWER
TE	TRASH ENCLOSURE
TEL	TELEPHONE
TR	TELEPHONE RISER
TRANS	TRANSFORMER
TS	TRAFFIC SIGNAL
TSPB	TRAFFIC SIGNAL PULLBOX
UKPB	UNKNOWN PULLBOX
UNK	UNKNOWN
VAR.	VARIABLE
W/	WITH

ENCROACHMENT NOTES

1. TRASH ENCLOSURE (POSSIBLE) ENCROACHES INTO ADJOING PROPERTY BY 4.0'.
2. TRAFFIC SIGN (SPEED LIMIT) ENCROACHES INTO THE SUBJECT PROPERTY BY 0.6'.
3. BACK OF SIDEWALK (BUS STOP) ENCROACHES INTO THE SUBJECT PROPERTY BY 5.6'.
4. BACK OF SIDEWALK (IMPROVEMENT) ENCROACHES INTO THE SUBJECT PROPERTY BY 2.4'.
5. STOP SIGN ENCROACHES INTO THE SUBJECT PROPERTY BY 0.9'.
6. BACK OF SIDEWALK (IMPROVEMENT) ENCROACHES INTO THE SUBJECT PROPERTY BY 2.6'.
7. STREET LIGHT PULLBOX ENCROACHES INTO THE SUBJECT PROPERTY BY 1.4'.
8. BACK OF SIDEWALK (IMPROVEMENT) ENCROACHES INTO THE SUBJECT PROPERTY BY 2.9'.
9. ELECTRIC PULLBOX ENCROACHES INTO THE SUBJECT PROPERTY BY 0.9'.
10. UNKNOWN VAULT ENCROACHES INTO THE SUBJECT PROPERTY BY 1.2'.
11. EXISTING SC EDSION VAULT WITHOUT AN EASEMENT.

1" = 30'

30 0 30 60 90

THIS SURVEY WAS BASED ON AVAILABLE RECORD INFORMATION AT THE TIME OF SURVEY. ALL LINE WORK SHOWN HAS BEEN VERIFIED TO THE REFERENCE INFORMATION AS INDICATED ON THE SURVEY.

REVISIONS	DATE	BY

150 E. RAMSEY ST
CITY OF BANNING

ALTA/NSPS LAND TITLE SURVEY
PARCELS 1 THRU 4 OF PARCEL MAP NO. 36285, PM 238/24-25,
IN THE CITY OF BANNING, LYING IN SECTION 10,
TOWNSHIP 3 SOUTH, SBM, RIVERSIDE COUNTY, CALIFORNIA

SCALE:	1"=30'
DATE:	04/06/2023
DESIGNED:	JCR
CHECKED:	MEJ
PLN CK REF:	O-C
F.B.	N/A

ALBERT A. WEBB ASSOCIATES
ENGINEERING CONSULTANTS
3788 McCRAY STREET
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EXCLUSIVE NEGOTIATING AGREEMENT

This EXCLUSIVE NEGOTIATING AGREEMENT ("ENA") is dated as of February 23, 2023 and is entered into by and between the CITY OF BANNING ("City") and Investel Development, LLC ("Developer"). The City and the Developer are sometimes individually referred to herein as a "Party" and are sometimes collectively referred to herein as the "Parties."

RECITALS

A. The City owns the land in the City of Banning, California described on Exhibit "A" (the Property) and desires to invite the Developer to propose a development plan for a mixed use of Hotel and Retail project on the Property (the "Project").

B. The City intends to incur significant costs in negotiating and preparing a disposition and development agreement or "DDA".

C. The Developer has therefore requested that the City negotiate with the Developer on an exclusive basis for a specified period of time to establish the terms and conditions of the DDA.

D. It is anticipated that during the term of this ENA, City staff and consultants and attorneys of the City will devote substantial time and effort in meeting with the Developer and its representatives and consultants, reviewing proposals, plans and reports, negotiating and preparing and revising the DDA, obtaining consultant advice and reports including an appraisal.

NOW, THEREFORE, The Developer has proposed the follows:

1. The term of The ENA shall commence on the date hereof and shall end on the earlier of: (i): January 10, 2024, or (ii) the date on which the City of the Developer terminates this ENA provided in Sections 2 below (the "ENA Period").

2. The City Manager may terminate this ENA by written notice to the Developer if the Developer should fail to comply with or perform any material provisions of this ENA and such failure is not cured within thirty (30) days after City Manger's delivery of written notice to the Developer (or such other period of time if such failure cannot by its nature be cured within such thirty (30) day period, so long as Developer diligently proceeds with efforts to cure such failure), or if reasonable progress is not being made in negotiations hereunder as determined by the City Manager in good faith. The Developer may terminate this ENA by written notice to the City if the Developer determines that it does not wish to pursue the Project any further.

3. During the ENA Period, the City shall not negotiate with any person or entity other than the Developer for the sale, lease, or development of the Property.

4. City must comply with California's surplus property statutes (Government Code Sections 54220-54234). City shall be solely responsible for all costs associated with the negotiation with California state.

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5. City shall agree to convey the Property to Developer at no cost to Developer and Developer will agree to accept such conveyance.

6. The City shall confirm that the CEQA/EIR process is not a requirement for Project entitlement if the total site area of the Project is under five (5) acres.

7. City shall provide to Developer phase one environment report and will be responsible for all costs associated with preparation of the report.

8. City shall provide to Developer ALTA land title survey and will be responsible for all costs associated with preparation of the survey.

9. Developer desires to have the flexibility to merge and redivide the parcel within the parcel 1, 2, 3, and 4 boundaries (see EXHIBIT A).

10. City shall confirm if N. Alessandro St. needs to be kept as a public through street on the Property.

11. City shall confirm that all utility lines are ready to be connected to the Property, and the capacity is sufficient. City shall be solely responsible for payment of all fees and charges in case of public utility line upgrade is needed.

12. In connection with the initial operation of the Project, to assist in creating future financial feasibility necessary to allow the operation of the project to proceed, the Developer has proposed certain financial assistance from the City including the rebates of a portion of the Transient Occupancy Tax Revenues and Sales Tax Revenues generated by the Project.

13. City shall provide to the Developer copies of all currently written information regarding the Property in its processions, to the extent not previously delivered to the Developer and to the extend material to the Property or Project and not subject to the attorney-client attorney work-product privilege.

14. The Parties understand and agree that no Party is under any obligation whatsoever to approve or enter into the DDA, and that notwithstanding its approval of this ENA, each party shall have the right to disapprove the DDA, its sole and absolute discretion, and in that regard, the Developer hereby expressly agrees that City shall not be bound by any implied covenant of good faith and fair dealing in connection with such approval or disapproval of any of the DDA. In the event of the expiration or earlier termination of this ENA, the City shall be free to negotiate with any persons or entities with respect to Property.

15. The Developer shall indemnify, defend, and hold the City and its officers, directors, members, employees, agents and contractors harmless from any and all claims, liabilities, losses, damages, costs and expenses relating to or arising out of this ENA or the Developer's failure to perform any obligation of the Developer under this ENA, or any challenges to the validity

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of this ENA. The Developer's obligations under the preceding sentence shall survive the expiration or earlier termination of this ENA.

16. The Developer represents and warrants that its undertakings pursuant to this ENA are for the purpose of development of the Property and not for speculation in land, and the Developer recognized that, in view of the importance of the development of the Property to the general welfare of the community, the qualifications and identity of the Developer and its principals are of particular concern to the City; therefore, this ENA may not be assigned by the Developer without the prior express written consent of the City Manager in his sole and absolute discretion. However, the City acknowledges that the Developer may intend to form a new entity to be party to the DDA, and Developer may do so provided that such new entity is controlled and majority-owned by Developer or by owners of Developer, and provided, further, that the Developer first delivers to City a copy of new entity's organizational documents and any amendments thereto, and any other documents necessary for the City to confirm compliance with the foregoing ownership and control conditions.

17. Any notice, request, approval or other communication to be provided by one Party to the other shall be in writing and provided by certified mail, return receipt requested, or a reputable overnight delivery service and addressed as follows:

Developer:
SCG America
12966 Euclid Street Suite 300
Garden Grove, CA 92840

City:
City of Banning
99 E. Ramsey Street
Banning, CA 92220
Attn: City Manager

Notice shall be deemed delivered: (i) if sent by certified mail, then upon the date of delivery or attempted delivery shown on the return receipt; or (ii) if delivery by overnight delivery service, then one (1) business day after delivery to the service as shown by records of the service.

18. This ENA constitutes the entire agreement of the Parties hereto with respect to the subject matter hereof. There are no agreements or understandings between the Parties and no representations by either Party to the other as an inducement to enter into this ENA, except as may be expressly set forth herein, and any and all prior discussions and negotiations between the Parties are superseded by this ENA.

19. This ENA may not be altered, amended or modified except by a writing duly authorized and executed by all Parties.

DocuSign Envelope ID: FD3C2E48-3812-4B66-AB43-63F909B13C1C

20. No provision of this ENA may be waived except by an express written waiver duly authorized and executed by the waiving Party.

21. If any Party should bring any legal action or proceeding relating to this ENA or to enforce any provision hereof, the Party in whose favor a judgment or decision is rendered shall be entitled to recover reasonable attorneys' fees and expenses from the other. The Parties agree that any legal action shall be filed in and shall occur in the County of Los Angeles.

22. The interpretation and enforcement of this ENA shall be governed by the laws of the State of California.

23. Time is of the essence of each and every provision hereof in which time is a factor.

24. This ENA may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same ENA. Executed counterparts of this ENA may be delivered electronically by email to: dschulze@banningca.gov (for City) and to kenhao.hsu@scgamerica.com (for Developer).

IN WITNESS WHEREOF, the Parties hereto have executed this ENA as of the day and year first written above.

CITY:

CITY OF BANNING

DocuSigned by:
Doug Schulze 2/21/2023
0AD14BA217CE497...
Douglas Schulze, City Manager

DEVELOPER:

INVESTEL DEVELOPMENT, LLC

DocuSigned by:
2/22/2023
370D42DE327D4F1...
Danny Yinfeng Wei, Executive Vice President

ATTEST:

DocuSigned by:
2/23/2023
C25A97A47354489...
Caroline Patton, Deputy City Clerk

APPROVED AS TO FORM AND LEGAL CONTENT:

DocuSigned by:
Serita Young 2/21/2023
F3821C827AF84EF...
Serita R. Young, City Attorney
Richards, Watson & Gershon

DocuSign Envelope ID: FD3C2E48-3812-4B66-AB43-63F909B13C1C

EXHIBIT "A"
LEGAL DESCRIPTION
BEFORE LOT LINE ADJUSTMENT

LLA 21-5001

PARCEL 1 (APN 541-181-032)

PARCEL 1 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN.

CONTAINING 2.48 ACRES.

PARCEL 2 (APN 541-181-033)

PARCEL 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN.

CONTAINING 0.83 ACRE.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.
PREPARED UNDER MY SUPERVISION

MICHAEL E. JOHNSON, L.S. 7673 DATE 4/5/21



PREPARED BY: LB
CHECKED BY: MJ

DocuSign Envelope ID: FD3C2E48-3812-4B66-AB43-63F909B13C1C

EXHIBIT "A"
LEGAL DESCRIPTION
AFTER LOT LINE ADJUSTMENT
LLA 21-5001

PARCEL A

PORTIONS OF PARCELS 1 AND 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (WIDTH VARIES);

THENCE SOUTH 89°35'53" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 19.27 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 45°15'40" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 2 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89°35'53" EAST CONTINUING ALONG SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHERLY LINE OF PARCEL 2 AND SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 00°00'00" EAST, A DISTANCE OF 288.80 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE SOUTH 89°46'39" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 222.77 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL 1, SAID CORNER BEING ON THE WESTERLY RIGHT OF WAY LINE OF MARTIN STREET (30.00 FEET IN WESTERLY HALF WIDTH);

THENCE NORTH 00°07'55" EAST ALONG THE EASTERLY LINE OF SAID PARCEL 1 AND ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 279.19 FEET TO THE NORTHEASTERLY CORNER OF SAID PARCEL 1, SAID POINT BEING ON SAID SOUTHERLY RIGHT OF WAY LINE OF RAMSEY STREET;

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THENCE NORTH 65°32'39" WEST ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 1 AND SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 21.85 FEET TO THE NORTHERLY LINE OF SAID PARCEL 1;

THENCE NORTH 89°35'53" WEST ALONG SAID NORTHERLY LINE AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 203.52 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1.48 ACRES, MORE OR LESS.

PARCEL B

PORTION OF PARCELS 1 AND 2 OF PARCEL MAP NO. 36285 AS SHOWN BY MAP ON FILE IN BOOK 238 OF PARCEL MAPS AT PAGES 24 THROUGH 25, INCLUSIVE THEREOF, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING WITHIN SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, DESCRIBEDAS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID PARCEL 2, SAID CORNER BEING ON THE SOUTHERLY RIGHT OF WAY OF RAMSEY STREET (WIDTH VARIES);

THENCE SOUTH 89°35'53" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 19.27 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 45°15'40" EAST CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 2 AND SAID RIGHT OF WAY LINE, A DISTANCE OF 23.98 FEET TO AN ANGLE POINT THEREON;

THENCE SOUTH 89°35'53" EAST CONTINUING ALONG SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE, A DISTANCE OF 9.00 FEET;

THENCE LEAVING SAID NORTHERLY LINE AND SAID RIGHT OF WAY LINE SOUTH 00°00'00" EAST, A DISTANCE OF 288.80 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 1;

THENCE NORTH 89°46'39" WEST ALONG SAID SOUTHERLY LINE OF PARCEL 1, A DISTANCE OF 669.26 FEET TO THE SOUTHWESTERLY CORNER THEREOF;

THENCE NORTH 0°06'51" EAST ALONG THE WESTERLY LINE OF SAID PARCEL 1, A DISTANCE OF 17.12 FEET TO AN ANGLE POINT THEREON;

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THENCE SOUTH 89°46'41" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 29.01 FEET TO AN ANGLE POINT THEREON;

THENCE NORTH 0°07'01" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 94.50 FEET TO THE NORTHWESTERLY CORNER OF SAID PARCEL 1;

THENCE NORTH 90°00'00" EAST ALONG THE NORTHERLY LINE OF SAID PARCEL 1 AND ALONG THE SOUTHERLY LINE OF PARCEL 3 AND 4 OF SAID PARCEL MAP, A DISTANCE OF 594.72 FEET TO THE SOUTHEASTERLY CORNER THEREOF;

THENCE NORTH 0°00'00" WEST ALONG THE EASTERLY LINE OF SAID PARCEL 3, A DISTANCE OF 158.02 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 1.84 ACRES, MORE OR LESS.

SUBJECT TO ALL CONDITIONS, RESERVATIONS, RESTRICTIONS, EASEMENTS, OFFERS OF DEDICATIONS, RIGHTS AND RIGHT OF WAYS OF RECORD, IF ANY.

SEE PLAT ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART HEREOF.

PREPARED UNDER MY SUPERVISION

MICHAEL E. JOHNSON, L.S. 7673 DATE 4/5/21

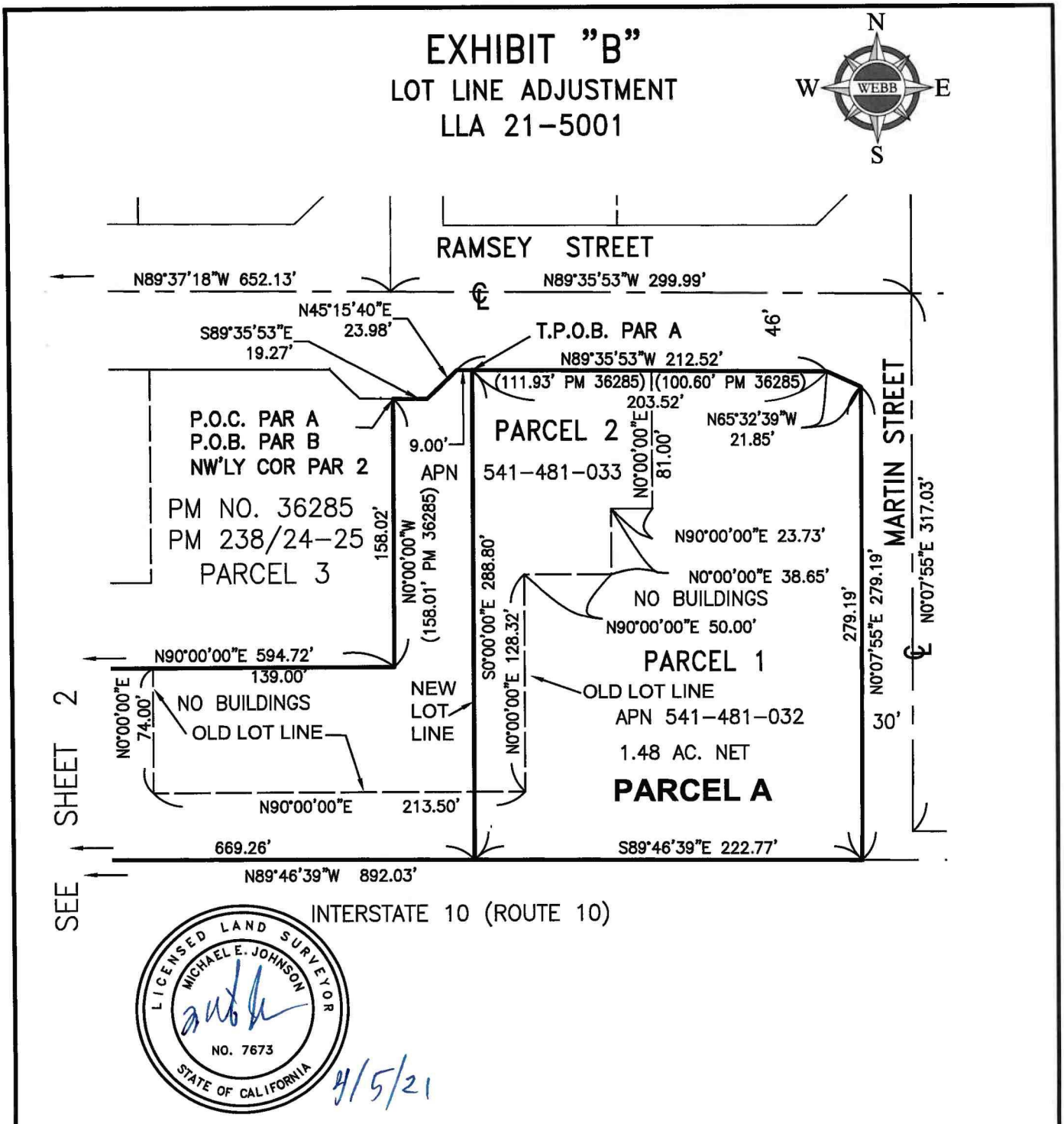


PREPARED BY: LB
CHECKED BY: mj

DocuSign Envelope ID: FD3C2E48-3812-4B66-AB43-63F909B13C1C

EXHIBIT "B"

LOT LINE ADJUSTMENT
LLA 21-5001



LICENSED LAND SURVEYOR
MICHAEL E. JOHNSON
NO. 7673
STATE OF CALIFORNIA

4/5/21

ALBERT A. WEBB ASSOCIATES

CITY OF BANNING

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 1 OF 2

W.O. 18-0271

SCALE: 1"=80'

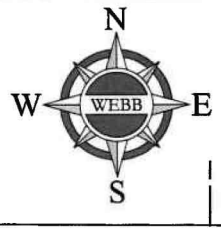
DRWN BY LD DATE 03/11/21
CHKD BY MJ DATE 03/11/21

SUBJECT: LOT LINE ADJUSTMENT LLA 21-5001

DocuSign Envelope ID: FD3C2E48-3812-4B66-AB43-63F909B13C1C

EXHIBIT "B"

LOT LINE ADJUSTMENT
LLA 21-5001



RAMSEY STREET

N89°37'18"W 652.13'

30'

46'

SAN GORGONIO AVENUE

N0°07'01"E 319.61'

31
30
29
28
27

MB 9/44

CHURCH
32
LOT

PARCEL 4

Alley

26

PARCEL MAP NO. 36285
PM 238/24-25

PARCEL 3

N90°00'00"E 594.72'

455.72'

30'

N0°07'01"E 164.22'

94.50'

PARCEL 1

PARCEL B

1.84 AC. NET

NO BUILDINGS

APN 541-481-032

SEE SHEET 1

S89°46'41"E 29.01'

669.26'

N0°06'51"E 17.12'

N89°46'39"W 892.03'

INTERSTATE 10 (ROUTE 10)



4/5/21

ALBERT A. WEBB ASSOCIATES

CITY OF BANNING

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THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL(S) IN THE ATTACHED DOCUMENT. ALL PRIMARY CALLS ARE LOCATED IN THE WRITTEN DOCUMENT.

SHEET 2 OF 2

W.O. 18-0271

SCALE: 1"=80'

DRWN BY JB DATE 03/11/21

CHKD BY MJ DATE 03/11/21

SUBJECT: LOT LINE ADJUSTMENT LLA 21-5001

DocuSign Envelope ID: FD3C2E48-3812-4B66-AB43-63F909B13C1C

Secretary of State
Statement of Information
(Limited Liability Company)

LLC-12

22-B49171

FILED

In the office of the Secretary of State of the State of California

MAR 08, 2022

This Space For Office Use Only

IMPORTANT — This form can be filed online at bizfile.sos.ca.gov.

Read instructions **before completing this form.**

Filing Fee - $20.00

Copy Fees - First page $1.00; each attachment page $0.50; Certification Fee - $5.00 plus copy fees

1. Limited Liability Company Name (Enter the **exact** name of the LLC. If you registered in California using an alternate name, see instructions.)

INVESTEL DEVELOPMENT LLC

2. 12-Digit Secretary of State Entity Number	**3. State, Foreign Country or Place of Organization** (only if formed outside of California)
202003410101	CALIFORNIA

4. Business Addresses

	City (no abbreviations)	State	Zip Code
a. Street Address of Principal Office - Do not list a P.O. Box 12966 Euclid Street , Suite 300	Garden Grove	CA	92840
b. Mailing Address of LLC, **if different than item 4a** 12966 Euclid Street , Suite 300	Garden Grove	CA	92840
c. Street Address of **California** Office, if Item 4a is not in California Do not list a P.O. Box 12966 Euclid Street , Suite 300	Garden Grove	**CA**	92840

5. Manager(s) or Member(s)

If no managers have been appointed or elected, provide the name and address of each member. At least one name and address must be listed. If the manager/member is an individual, complete Items 5a and 5c (leave Item 5b blank). If the manager/member is an additional managers/members, enter the names(s) and address(es) on Form LLC-12A.

a. First Name, if an individual - Do not complete Item 5b	Middle Name	Last Name	Suffix

b. Entity Name - Do not complete Item 5a
SCG AMERICA CONSTRUCTION INC

c. Address	City (no abbreviations)	State	Zip Code
12966 Euclid Street , Suite 300	Garden Grove	CA	92840

6. Service of Process (Must provide either Individual **OR** Corporation.)

INDIVIDUAL – Complete Items 6a and 6b only. Must include agent's full name and California street address.

a. California Agent's First Name (if agent is **not** a corporation)	Middle Name	Last Name	Suffix
DANNY YINFENG		WEI	

b. Street Address (if agent is **not** a corporation) - **Do not enter a P.O. Box**	City (no abbreviations)	State	Zip Code
12966 Euclid Street , Suite 300	Garden Grove	**CA**	92840

CORPORATION – Complete Item 6c only. Only include the name of the registered agent Corporation.

c. California Registered Corporate Agent's Name (if agent is a corporation) – Do not complete Item 6a or 6b

7. Type of Business

Describe the type of business or services of the Limited Liability Company
Hotel and Hospitality Holding Company

8. Chief Executive Officer, if elected or appointed

a. First Name	Middle Name	Last Name	Suffix

b. Address	City (no abbreviations)	State	Zip Code

9. Labor Judgment

Does a Manager or Member have an outstanding final judgment issued by the Division of Labor Standards Enforcement or a court of law, for which no appeal therefrom is pending, for the violation of any wage order or provision of the Labor Code?	☐ Yes ☑ No

10. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.

03/08/2022	DANNY YINFENG WEI	MANAGER	
Date	Type or Print Name	Title	Signature

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Laurie Sampson, Assistant City Manager** **Doug Schulze, City Manager**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consider Resolution 2024-118, Rescinding its Adoption of Resolution 2024-66, and Approving an Office Lease with Riverside County on Behalf of the Emergency Management Department for Office Space within the Armory Located at 2041 W. Nicolet St. to be used by the Radio Amateur Emergency Service (RACES)**

RECOMMENDATION:

Adopt Resolution 2024-118.

BACKGROUND:

RACES stands for "Radio Amateur Civil Emergency Service" a protocol created by the Federal Emergency Management Agency (FEMA) and the Federal Communications Commission (FCC). Many government agencies across the county train their Auxiliary Communications Service volunteers using RACES protocol. Amateur Radio Operators, also known as Ham Radio Operators, are an important component in an Emergency Communication Plan. The Radios will still operate without cell towers and phone lines.

JUSTIFICATION:

The Pass Area RACES organization is highly trained and is an integral part of the Emergency Response Plan should an emergency occur. The Armory has been designated as the Emergency Operations Command (EOC) and having RACES located in the building will ensure any emergency operation is conducted efficiently.

On May 14, 2024, the Council adopted Resolution 2024-66, approving an Office Lease Agreement with Riverside County Emergency Management Services. RACES provides a public benefit and Riverside County has requested the $100 per month utility charge included on page 6, paragraph 10, be waived. City staff have deemed this an acceptable request.

FISCAL IMPACT:

RACES will pay $1 per year for a total of three years, with an option to renew. They will no longer be required to contribute to the utilities of the Armory $100 per month.

ALTERNATIVES:

The Pass Area RACES groups have used several locations to train and store their equipment. None have worked out long term. As the Armory is now our designated Emergency Operations Center, housing RACES there is the best solution to the needs of RACES and the City. If RACES must find another location it would impede communications in the event of an emergency.

ATTACHMENTS:

1. Banning - Office Lease_Armory Bldg (RACES).docx
2. CC Resolution No. 2024-066.pdf
3. Original Office Lease_Armory Bldg (RACES).pdf
4. Resolution 2024-118, RivCo EM Lease.docx

OFFICE LEASE

(Space in Armory Building)

This OFFICE LEASE ("Lease") is dated _____, 2024, and is entered into by and between the CITY OF BANNING (the "Landlord") and the COUNTY OF RIVERSIDE (the "Tenant") on behalf of the Emergency Management Department.

RECITALS

A. Landlord is the owner of certain real property (the "Property") located in the City of Banning, County of Riverside, State of California, commonly known as the Armory Building (the "Building"), located at 2041 Nicolet Street (APN: 538-082-013).

B. Tenant desires to lease from Landlord, and Landlord desires to lease to Tenant, office space in the Building commonly known as the south office room (approximately 162 square feet of space) described on Exhibit "A" (the "Premises"), upon and subject to the terms and conditions hereinafter set forth.

AGREEMENT

1. Memorandum of Lease; Term; Termination Option.

(a) Concurrently with its execution and delivery of a counterpart original of this Lease, Tenant shall also execute and deliver to Landlord a counterpart of the Memorandum of Lease in substantially the form attached hereto as Exhibit "B" for execution and recording by Landlord, as required by California law.

(b) The term of this Lease shall commence on _____, 2024, and shall expire three (3) calendar years thereafter ("Term"), unless terminated earlier in accordance with the terms of this Lease. Landlord shall give Tenant keys to the door of the Building and the door of the Premises and the alarm code, and Tenant shall not change any locks or codes. Tenant acknowledges that its use of the areas of any portions of the Building and parking areas other than the actual Premises is non-exclusive and is in common with the Landlord and other tenants of the Building.

(c) Either party may terminate this Lease at any time upon sixty (60) days' prior written notice to the other party.

2. Use: Compliance with Laws.

(a) The Premises may be used by Tenant solely for City of Banning and County of Riverside emergency response operations performed by Tenant's volunteer operators of Radio Amateur Civil Emergency Service ("RACES"). RACES is a protocol created by the Federal Emergency Management Agency and the Federal Communications Commission (FCC Part 97, Section 407). The RACES volunteer operators serve Tenant pursuant to guidelines and mandates established by Riverside County emergency management officials. The RACES volunteer operators are: (1) licensed Radio Amateurs; (2) certified by a civil defense agency; (3) able to

communicate on Amateur Radio frequencies during drills, exercises, and emergencies; and (4) the only Amateur Radio operators authorized to transmit during declared emergencies when the President of the United States specifically invokes the *War Powers Act*.

(b) Tenant agrees that the Premises and its use of the Premises will at all times be in strict compliance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction, and Tenant, at its sole cost and expense, agrees to comply with all such laws, rules, and regulations, including, without limitation, all laws, rules, and regulations requiring the making of structural or extraordinary repairs or replacements to the Premises and all laws, rules, and regulations relating to the use, generation, storage, or release of Hazardous Materials. In addition to Tenant's other obligations of indemnity under this Lease, Tenant agrees to indemnify, protect, defend (by counsel reasonably satisfactory to Landlord) and hold Landlord and its officials, officers, agents, and employees, and each of them, harmless from and against all claims, losses, liabilities, actions, judgments, costs, and expenses (including reasonable attorneys' fees and costs) which they, or any of them, may suffer or incur arising from or relating to the use, generation, storage or release by Tenant, its agents, employees, contractors, guests or invitees of any Hazardous Materials in, on, or about the Premises.

(c) "Hazardous Materials" shall mean any and all of the following:

(i) any substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or for which liability arises for misuse, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C.A. § 9601 *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C.A. § 1801 *et seq.*; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C.A. § 6901 *et seq.*; the Toxic Substances Control Act, 15 U.S.C.A. § 2601 *et seq.*; the Clean Water Act, 33 U.S.C.A. § 1251 *et seq.*; the Insecticide, Fungicide, Rodenticide Act, 7 U.S.C.A. § 136 *et seq.*; the Superfund Amendments and Reauthorization Act, 42 U.S.C.A. § 6901 *et seq.*; the Clean Air Act, 42 U.S.C.A. § 7401 *et seq.*; the Safe Drinking Water Act, 42 U.S.C.A. § 300f *et seq.*; the Solid Waste Disposal Act, 42 U.S.C.A. § 6901 *et seq.*; the Surface Mining Control and Reclamation Act, 30 U.S.C.A. § 1201 *et seq.*; the Emergency Planning and Community Right to Know Act, 42 U.S.C.A. § 11001 *et seq.*; the Occupational Safety and Health Act, 29 U.S.C.A. §§ 655 and 657; the Hazardous Waste Control Act, Health & Saf. Code, § 25100 *et seq.*; the Hazardous Substance Account Act, Health & Saf. Code, § 25330 *et seq.*; the California Safe Drinking Water and Toxic Enforcement Act, Health & Saf. Code, § 25249.5 *et seq.*; the Underground Storage of Hazardous Substances, Health & Saf. Code, § 25280 *et seq.*; the Carpenter-Presley-Tanner Hazardous Substance Account Act, Health & Saf. Code, § 25300 *et seq.*; the Hazardous Waste Management Act, Health & Saf. Code, § 25170.1 *et seq.*; the Hazardous Materials Response Plans and Inventory, Health & Saf. Code, § 25001 *et seq.*; the Porter-Cologne Water Quality Control Act, Wat. Code, § 13000 *et seq.*, all as they may from time to time be amended;

(ii) any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or for which liability for misuse arises pursuant to any other federal, state, or local statute, law, ordinance, resolution, code, rule, regulation, order, or decree due to its hazardous, toxic or dangerous nature;

(iii) any petroleum, crude oil, or any substance, product, waste, or other material of any nature whatsoever that contains gasoline, diesel fuel, or other petroleum hydrocarbons other than petroleum and petroleum products contained within regularly operated motor vehicles; and

(iv) polychlorinated biphenyls (PCB), radon gas, urea formaldehyde, asbestos, and lead.

3. Rent. As rent for the Premises, Tenant agrees to pay to Landlord the sum of One and No/100 Dollar ($1.00) per year without prior notice and without offset or deduction.

4. Concessions. Landlord is not providing any so-called tenant concessions or allowances.

5. CASp Statement; "AS-IS" Premises.

(a) The Premises have not been inspected by a Certified Access Specialist (CASp). A CASp can inspect the subject premises and determine whether they comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject premises, a commercial property owner or lessor may not prohibit Tenant or a tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of Tenant or a tenant, if requested by Tenant or a tenant. The parties must mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the subject premises.

(b) Landlord and Tenant hereby agree that Landlord will not be obligated to obtain or pay for such an inspection report, and will not make or pay for any necessary repairs or alterations (all of which shall be the responsibility of the Tenant under this Lease).

(c) Tenant acknowledges that it has inspected the Premises and Tenant warrants and agrees that it is thoroughly familiar with the Premises and all aspects thereof, including, without limitation, the physical condition of the Premises, the zoning of the Premises and all other restrictions and limitations applicable to the Premises (whether or not of public record).

(d) Tenant acknowledges and agrees that the Premises are satisfactory to Tenant in all respects. Tenant agrees that neither Landlord nor any one acting on Landlord's behalf has made any representation or warranty of any kind or nature whatsoever respecting the condition of the Premises, their suitability for Tenant's use, or any other matter relating to the Premises (including, without limitation, the environmental condition of the Premises) or this Lease, and Tenant agrees that it is leasing the Premises in their "AS-IS CONDITION AND WITH ALL FAULTS."

6. Maintenance.

(a) Tenant agrees that it will, at its sole cost and expense, maintain the Premises and all portions thereof in a good, clean, and safe condition and state of repair. Tenant agrees that

Landlord has no obligation of any kind or nature to maintain, repair, or replace the Premises or any portion of the Premises.

(b) Tenant agrees that Tenant is solely responsible for the security, protection, and insuring of its equipment, materials, and other property, and that of its employees, servants, and contractors, located on or about the Premises. Tenant agrees that Landlord will have no liability of any kind or nature respecting any loss or theft of, or damage to, any such equipment, materials, or other property.

7. Insurance.

(a) Throughout the term of this Lease, Tenant shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) authorized by the City Manager or his/her designee at any time and in his/her sole discretion, including Tenant's self-insurance program. The following policies of insurance or their equivalent as part of a program(s) of self-insurance acceptable to both parties, are required:

(i) Commercial general liability insurance which shall be at least as broad as Insurance Services Office (ISO) form CG 00 01 and shall include insurance for "bodily injury" and "property damage," including premises and operation, completed operations, and contractual liability (including, without limitation, indemnity obligations under this Lease) with limits of liability of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) general aggregate for bodily injury and property damage.

(ii) Commercial automobile liability insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than One Million Dollars ($1,000,000) per accident for bodily injury and property.

(iii) Workers' compensation insurance as required under the California Labor Code.

(iv) Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

(b) In the event Tenant purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

(c) Tenant shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Tenant shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his or her designee. At the option of the City Manager, or his or her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects Landlord, its officers, officials, employees, agents and volunteers; or (ii) Tenant shall

provide a financial guarantee, satisfactory to the City Manager, or his or her designee, guaranteeing payment of losses and related investigations, claim administration, and defense expenses. At no time shall Landlord, its officers, officials, employees, agents, or volunteers be responsible for the payment of any deductibles or self-insured retentions.

(d) All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, or reduced in coverage or in limits except after thirty (30) calendar days' written notice by certified mail, return receipt requested, has been given to Landlord. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Tenant shall furnish Landlord with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during this Lease, Tenant shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than fifteen (15) calendar days prior to the expiration date of the expiring policy.

(e) The General Liability insurance policy shall be written on an occurrence form and shall name Landlord and its officers, officials, employees, agents, and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Tenant's insurance shall be primary and no contribution shall be required of Landlord, its officers, officials, employees, agents, or volunteers. The coverage(s) shall contain no special limitations on the scope of protection afforded to Landlord and its officers, officials, employees, agents, and volunteers. Should Tenant maintain insurance with broader coverage and/or limits of liability greater than those shown above, Landlord requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Tenant. Any workers' compensation insurance policy shall contain a waiver of subrogation as to Landlord and its officers, officials, employees, agents, and volunteers. The property insurance policy shall name Landlord as a loss payee.

(f) Upon Landlord's request, Tenant shall immediately furnish Landlord with a complete copy of any insurance policy required under this Lease, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Lease.

(g) The fact that insurance is obtained by Tenant shall not be deemed to release or diminish Tenant's liability, including, without limitation, liability under the indemnity provisions of this Lease. The duty to indemnify Landlord and its officers, officials, employees, agents, and volunteers shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Tenant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Tenant, its board members, officers, officials, employees, members, agents, volunteers, persons under Tenant's supervision, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

(h) Tenant and its insurers hereby waive all rights of recovery against Landlord and its officers, officials, employees, agents, and volunteers, on account of injury, loss by, or damage to Tenant or its officers, officials, employees, members, agents, volunteers, persons under Tenant's supervision, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or

anyone employed directly or indirectly by any of them, or its property or the property of others under its care, custody and control. Tenant shall give notice to its insurers that this waiver of subrogation is contained in this Lease. This requirement shall survive termination or expiration of this Lease.

(i) If Tenant should sublease the Premises under this Lease, Tenant shall require sub-lessee to provide insurance protection in favor of Landlord, its officers, officials, employees, agents, and volunteers in accordance with the terms of each of the preceding paragraphs, except that the sub-lessee's certificates and endorsements shall be on file with Tenant and Landlord prior to the commencement of any sublease.

8. Damage/Destruction of Tenant Property. Landlord has no obligation to reimburse Tenant for the loss of or damage to fixtures, equipment or other personal property, except for loss or damage as is caused by the active gross negligence or willful misconduct of Landlord or its officers, employees, or agents. Tenant may insure all fixtures, equipment, or other personal property for its own protection if it so desires.

9. Indemnification.

(a) Tenant shall indemnify, hold harmless, and defend Landlord and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including, without limitation, personal injury, death at any time, and property damage, including damage by fire or other casualty) incurred by Landlord, Tenant, or any other person, and from any and all claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of: (i) the occupancy, maintenance, and use of the Premises and/or; (ii) the performance of this Lease. Tenant's obligations under the preceding sentence shall apply regardless of whether Landlord or any of its officers, officials, employees, agents, or volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs, or damages caused solely by the gross negligence, or by the willful misconduct, of Landlord or any of its officers, officials, employees, agents, or volunteers.

(b) Should Tenant sublease the Premises under this Lease, Tenant shall require each sub-lessee to indemnify, hold harmless, and defend Landlord and each of its officers, officials, employees, agents, and volunteers in accordance with the terms of the preceding paragraph.

(c) This requirement shall survive termination or expiration of this Lease.

10. Utilities. Landlord shall be responsible for the cost of utilities (i.e., water, sewer, gas, heat, light, power, and all other utilities supplied to the Premises). It is agreed that Landlord is not liable for any failure or interruption of any utility or service, and the failure or interruption of any utility or service will not entitle Tenant to terminate this Lease or stop making any rental or other payments due under this Lease.

11. Taxes. Tenant acknowledges that this Lease may create a possessory interest subject to taxation and that Tenant may be subject to payment of any and all taxes levied on that possessory interest. Tenant shall also pay any property taxes assessed on its personal property.

12. Alterations.

(a) Tenant agrees that it will not make any alterations or improvements to the Premises, or any portion of the Premises, without Landlord's prior written consent in its sole and absolute discretion. No alterations or additions may affect the structural portions of the Premises, including, without limitation, the exterior or interior load-bearing walls, the foundation, or the roof of the Premises. Landlord shall be under no obligation to give its consent. If Landlord consents to the making of any alterations or improvements, Tenant agrees that such alterations or improvements will be made in strict compliance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction, will be performed in a good and workmanlike manner, and will be made in compliance with such other conditions, including, without limitation, the obtaining of performance and completion bonds, as Landlord may require in connection with the granting of its consent.

(b) Tenant agrees that it will pay, when due, all claims for labor or materials furnished or alleged to have been furnished to or for Tenant at or for use on the Premises, which claims are or may be secured by any mechanics' or materialmen's lien against the Premises or any interest therein. All alterations and improvements made by Tenant shall, at Landlord's option and at Tenant's sole cost and expense, be removed from the Premises at the end of the term of this Lease and the Premises restored to their condition prior to the making of such alterations or improvements.

13. Tenant's Property. All trade fixtures, equipment, and personal property of Tenant located at the Premises will remain the property of Tenant during the term of this Lease and may be removed by Tenant at any time and shall be removed by Tenant prior to the expiration or other termination of the term of this Lease. If Tenant does not do so, Landlord may retain or dispose of any such remaining fixtures, equipment, and personal property without obligation or liability to Tenant, and Tenant hereby waives all statutes and other laws to the contrary. Tenant, at Tenant's cost and expense, must promptly repair all damage to the Premises occasioned by Tenant's removal of its trade fixtures, equipment, and personal property.

14. Premises Damage and Destruction. If the Premises or any portion thereof are damaged or destroyed by any casualty (whether or not insured), either party may terminate this Lease by written notice to the other.

15. Assignment, Subletting, and Invitees. Tenant may not assign any of its rights or delegate any of its duties under this Lease, or sublet all or any part of the Premises nor permit the occupancy thereof by any other person or entity, except that the RACES volunteers operators shall be permitted invitees of Tenant's in the Premises. Within seven (7) business days of the date of this Lease, Tenant shall provide Landlord with a list of names of the RACES volunteer operators who Tenant intends to invite and permit on the Premises, and shall provide Landlord with an updated list of such operators within five (5) calendar days of Tenant's subsequent changes to permitted invitees.

16. Tenant Default. The occurrence of any one or more of the following shall constitute a default by Tenant:

(a) Failure by Tenant to make payment of rent or any other payments required to be made by Tenant hereunder within five (5) business days after written notice that they are past due.

(b) Failure by Tenant to keep and maintain any of the insurance required to be kept and maintained by Tenant under this Lease.

(c) Failure by Tenant to observe or perform any of the covenants or provisions of this Lease, other than as provided in subsections (b) and (c) of this Section 16, when such failure continues for a period of thirty (30) days after written notice of such failure is given by Landlord to Tenant; provided, that if the nature of Tenant's failure is such that more than thirty (30) days are reasonably required for its cure, then Tenant will not be deemed to be in default if Tenant promptly commences such cure and thereafter diligently prosecutes such cure to completion.

17. Remedies. If Tenant is in default, then, in addition to all other rights and remedies which Landlord may have at law or in equity, Landlord has the following rights and remedies which are not exclusive but are cumulative:

(a) To the extent permitted by law, Landlord can, with or without terminating this Lease, reenter the Premises and remove all property and persons therefrom, and any such property may be removed and stored in a public warehouse or elsewhere at the cost and for the account of Tenant. If Landlord elects to reenter or shall take possession of the Premises pursuant to legal proceedings or pursuant to any notice provided by law, and if Landlord has not elected to terminate this Lease, Landlord may either recover all rent as it becomes due under this Lease or relet the Premises or any part or parts thereof for such term or terms and upon such provisions as Landlord may deem advisable and will have the right to make repairs to and alterations of the Premises. No reentry or taking possession of the Premises by Landlord is to be construed as an election to terminate this Lease unless a written notice of such intention is given to Tenant by Landlord. Notwithstanding any reletting without termination by Landlord because of Tenant's default, Landlord may at any time after such reletting elect to terminate this Lease because of such default if Landlord elects to relet the Premises without terminating this Lease, then rent received by Landlord therefrom will be applied as follows:

(i) First, to any indebtedness from Tenant to Landlord other than rent due from Tenant;

(ii) Second, to all costs and expenses, including, without limitation, for maintenance, repairs, or alterations, incurred by Landlord in connection with reletting the Premises; and

(iii) Third, to the payment of rent due and unpaid under this Lease and the residual, if any, will be held by Landlord and applied in payment of future rent as the same may become due and payable under this Lease and to any damages and other amounts that Landlord is otherwise entitled to under this Lease. Should that portion of such rent received from such reletting during any month, which is applied to the payment of rent hereunder, be less than the rent payable hereunder during that month by Tenant, then Tenant agrees to pay such deficiency

to Landlord immediately upon demand. In no event will Tenant be entitled to any excess rent received by Landlord from such reletting.

(b) Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving written notice to Tenant will terminate this Lease. Acts of maintenance, efforts to relet the Premises, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this Lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant any amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

(c) Without waiving the default, Landlord can, at its sole option, pay such sums and/or take such actions as are necessary in Landlord's reasonable judgment in order to cure the default, and all sums expended or incurred by Landlord in connection therewith, together with interest thereon at the maximum rate permitted by law, shall be paid by Tenant to Landlord immediately on demand.

18. Landlord Entry. Landlord and its authorized representatives shall have the right upon reasonable prior written notice to Tenant to enter all portions of the Premises for any of the following purposes: (a) to determine whether the Premises are in good condition and whether Tenant is complying with its obligations under this Lease; (b) to inspect the Premises; (c) in connection with Landlord's design and construction planning respecting Landlord's future use of the Premises; and (d) to post notices of non-responsibility. Notwithstanding the foregoing to the contrary, Landlord and its authorized representatives shall have the right to enter the Premises at any time, and without notice to Tenant, where an emergency situation necessitates such entry. No exercise by Landlord of its rights under this Section shall entitle Tenant to any damages for any injury or inconvenience occasioned thereby or to any abatement of rent or other amounts payable under this Lease.

19. Surrender of Premises. Upon the expiration or other termination of the term of this Lease, Tenant agrees to surrender possession of the Premises, and every part thereof, to Landlord in good order, condition, and repair, ordinary wear and tear alone excepted. "Ordinary wear and tear" does not include any damage or deterioration that would have been prevented by good maintenance practice or by Tenant performing all of its obligations under this Lease.

20. Notices. Except as otherwise provided, all notices required or permitted to be given under this Lease must be in writing and addressed to the parties at their respective notice addresses set forth below; provided, that notices to Tenant may also be effectively given in writing and addressed to Tenant at the Premises address. Notices must be given by commercial delivery service) or by first-class mail, postage prepaid. Notices will be deemed effectively given, in the case of overnight messenger delivery, upon receipt (or if receipt is refused, upon attempted delivery), and in the case of mailing, three (3) days following deposit into the custody of the United States Postal Service (or inability to deliver, as shown on the return receipt). The notice addresses of the parties are as follows:

If to Landlord:

City of Banning
Attention: City Manager
99 East Ramsey Street
Banning, California 92220

If to Tenant:

Radio Amateur Civil Emergency Service
c/o Riverside County Emergency Management Department
Attention: Erik Ramirez
450 E. Alessandro Boulevard
Riverside, California 92508

21. Waiver and Release of Relocation Benefits. Tenant acknowledges that upon the expiration or earlier termination of the Term, including any extension thereof, or upon termination of any holdover tenancy (collectively "Expiration of Tenancy"), Tenant might be or become eligible to receive compensation, reimbursement, assistance, including, without limitation, the fair market value of real and personal property, loss of goodwill, loss of profits, actual and reasonable expenses for moving a business, loss of tangible personal property as a result of moving the business, expenses incurred in searching for a replacement site for the business, expenses to reestablish the business at the new site, "in-lieu payments," and other such benefits (collectively "Benefits") under the California Relocation Assistance Act (Gov. Code, § 7260 *et seq.*), Title 25 of the California Code of Regulations, Article 1, § 19 of the California Constitution, the California Eminent Domain Law (Code Civ. Proc., § 1230.010 *et seq.)*, or other similar local, state, or federal statute, ordinance, regulation, rule, or decisional law (collectively "Compensatory Laws"). Tenant further acknowledges that it has received full and fair compensation of all Benefits Tenant is or might be or might become entitled to recover from Landlord as a result of, or in any way related to, Expiration of the Tenancy, Landlord's acquisition of the Premises, and Landlord's occupancy and possession of the Premises. Therefore, being fully informed of and understanding the acknowledgments made herein and of Tenant's rights or potential rights to Benefits under the Compensatory Laws, Tenant hereby expressly and unconditionally waives, and releases Landlord from, any and all rights of Tenant to claim, demand, sue for, or receive any Benefits which Tenant is or might be or might become entitled to recover from Landlord as a result of, or in any way related to, Expiration of the Tenancy, Landlord's acquisition of the Premises, and Landlord's occupancy and possession of the Premises.

22. General.

(a) The acceptance by Landlord of any rental or other payments due hereunder with knowledge of the breach of any of the terms, covenants, or provisions of this Lease by Tenant shall not be construed as a waiver of any such breach. The acceptance at any time or times by Landlord of any sum less than that which is required to be paid by Tenant shall, unless Landlord specifically agrees otherwise in writing, be deemed to have been received only on account of the obligation for which it is paid, and shall not be deemed an accord and satisfaction notwithstanding

any provisions to the contrary written on any check or contained in any writing transmitting the same.

(b) The titles to the sections of this Lease are for convenience of reference only and are not a part of this Lease and shall have no effect upon the construction or interpretation of any part of this Lease. Any exhibits attached to this Lease are, however, a part of this Lease. This Lease shall be governed by and construed in accordance with the laws of the State of California, without regard to any otherwise governing principles of conflicts of law. In construing this Lease, none of the parties to it shall have any term or provision construed against it solely by reason of its having drafted the same.

(c) Any provision of this Lease that is invalid, illegal, or unenforceable shall be ineffective to the extent of such invalidity, illegality, or unenforceability without invalidating, diminishing, or rendering unenforceable the rights and obligations of the parties under the remaining provisions of this Lease.

(d) No term or provision of this Lease may be amended, altered, modified, or waived orally or by a course of conduct, but only by an instrument in writing signed by a duly authorized officer or representative of the party against which enforcement of such amendment, alteration, modification, or waiver is sought. Any amendment, alteration, modification, or waiver shall be for such period and subject to such conditions as shall be specified in the written instrument effecting the same. Any waiver shall be effective only in the specific instance and for the specific purpose for which given.

(e) This Lease and all exhibits attached to it constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements (whether written or oral) with respect to that subject matter.

(f) This Lease may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(g) If either party hereto brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in such action, on trial or appeal, shall be entitled to reasonable attorneys' fees to be paid by the losing party as fixed by the court.

(h) Time is of the essence of each provision hereof in which time is a factor.

The parties have caused this Lease to be duly executed by their respective duly authorized officers or representatives as of the date first set forth above.

SIGNATURES ON FOLLOWING PAGE

LANDLORD:

CITY OF BANNING

By: _____
Doug Schulze, City Manager
City of Banning

Attest:

_____
Caroline Patton, Administrative City Clerk

Approved as to Form:

By: _____
Serita Young,
City Attorney

TENANT:

COUNTY OF RIVERSIDE

By: _____
Print Name: _____
Title: _____

Attest:

_____
Name:
Title:

Approved as to Form:

Minh C. Tran,
County Counsel

By: _____
Melissa R. Cushman,
Deputy County Counsel

EXHIBIT "A"

DESCRIPTION OF LEASED PREMISES

(Attached.)

EXHIBIT "B"

FORM OF MEMORANDUM OF LEASE

(Attached.)

RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL
TO:

City of Banning
99 East Ramsey Street
Banning, California 92220
Attention: City Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declares that this Memorandum of Lease is exempt from Recording Fees pursuant to California Government Code Section 27383.

Exempt from Documentary Transfer Tax: Lease term less than 35 years.

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE (this "**Memorandum**") is dated as of _____, 2024, and is entered into by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("**Tenant**") and the CITY OF BANNING, a California municipal corporation ("**Landlord**").

R E C I T A L S

A. Landlord and Tenant executed that certain Office Lease dated _____, 2024 (the "**Lease**") for space in certain real property located in the City of Banning, County of Riverside, State of California commonly known as the Armory Building, located at 2041 Nicolet Street (APN: 538-082-013) (the "**Property**") described on Exhibit "A" (the "**Premises**").

B. Landlord and Tenant now desire to record this Memorandum in order to comply with California law requiring that municipal leases be recorded.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions contained in the Lease, Landlord and Tenant hereby agree as follows:

1. Lease. Landlord has leased the Premises to Tenant, and Tenant has leased the Premises from Landlord, upon and subject to the terms and conditions set forth in the Lease. The Lease is hereby incorporated herein by this reference.

2. Term. The term of the Lease commences on _____, 2024, and expires on _____, 2027, unless the Lease is terminated earlier in accordance with the provisions of the Lease.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum as of the date and year first above written.

TENANT:

COUNTY OF RIVERSIDE
a political subdivision of the State of California

By: _____
Print Name: _____
Title: _____

Attest:

_____
Name:
Title:

LANDLORD:

CITY OF BANNING,
a municipal corporation

By: _____
Doug Schulze, City Manager

Attest:

_____
Caroline Patton,
Administrative City Clerk

EXHIBIT “A”

DESCRIPTION OF LEASED PREMISES

(Attached.)

RESOLUTION 2024-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AN OFFICE LEASE WITH RIVERSIDE COUNTY ON BEHALF OF THE EMERGENCY MANAGEMENT DEPARTMENT FOR OFFICE SPACE WITHIN THE ARMORY LOCATED AT 2041 W. NICOLET ST. TO BE USED BY THE RADIO AMATEUR EMERGENCY SERVICES (RACES)

WHEREAS, RACES stands for "Radio Amateur Civil Emergency Service" a protocol created by the Federal Emergency Management Agency (FEMA) and the Federal Communications Commission (FCC). Many government agencies across the county train their Auxiliary Communications Service volunteers using RACES protocol. Amateur Radio Operators, also known as Ham Radio Operators, are an important component in an Emergency Communication Plan. The Radios will still operate without cell towers and phone lines; and

WHEREAS, the Pass Area RACES organization is highly trained and is an integral part of the Emergency Response Plan should an emergency occur. The Armory has been designated as the Emergency Operations Command (EOC) and having RACES located in the building will ensure any emergency operation is conducted efficiently; and

WHEREAS, RACES will pay $1 per year for a total of three years, with an option to renew. They will also contribute to the utilities of the Armory at a rate of $100 per month.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the Office Lease Agreement with Riverside County Emergency Management Services and authorizes the City Manager to sign said agreement.

SECTION 2. The City Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions, and record the Agreement with he County of Riverside

PASSED, APPROVED AND ADOPTED this 14th day of May 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:



Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-66, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 14th day of May 2024 by the following vote, to wit:

AYES: Flynn, Happe, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Office Lease Agreement with Riverside County
on Behalf of the Emergency Management Department

OFFICE LEASE

(Space in Armory Building)

This OFFICE LEASE ("Lease") is dated _____, 2024, and is entered into by and between the CITY OF BANNING (the "Landlord") and the COUNTY OF RIVERSIDE (the "Tenant") on behalf of the Emergency Management Department.

RECITALS

A. Landlord is the owner of certain real property (the "Property") located in the City of Banning, County of Riverside, State of California, commonly known as the Armory Building (the "Building"), located at 2041 Nicolet Street (APN: 538-082-013).

B. Tenant desires to lease from Landlord, and Landlord desires to lease to Tenant, office space in the Building commonly known as the south office room (approximately 162 square feet of space) described on Exhibit "A" (the "Premises"), upon and subject to the terms and conditions hereinafter set forth.

AGREEMENT

1. Memorandum of Lease; Term; Termination Option.

(a) Concurrently with its execution and delivery of a counterpart original of this Lease, Tenant shall also execute and deliver to Landlord a counterpart of the Memorandum of Lease in substantially the form attached hereto as Exhibit "B" for execution and recording by Landlord, as required by California law.

(b) The term of this Lease shall commence on _____, 2024, and shall expire three (3) calendar years thereafter ("Term"), unless terminated earlier in accordance with the terms of this Lease. Landlord shall give Tenant keys to the door of the Building and the door of the Premises and the alarm code, and Tenant shall not change any locks or codes. Tenant acknowledges that its use of the areas of any portions of the Building and parking areas other than the actual Premises is non-exclusive and is in common with the Landlord and other tenants of the Building.

(c) Either party may terminate this Lease at any time upon sixty (60) days' prior written notice to the other party.

2. Use: Compliance with Laws.

(a) The Premises may be used by Tenant solely for City of Banning and County of Riverside emergency response operations performed by Tenant's volunteer operators of Radio Amateur Civil Emergency Service ("RACES"). RACES is a protocol created by the Federal Emergency Management Agency and the Federal Communications Commission (FCC Part 97, Section 407). The RACES volunteer operators serve Tenant pursuant to guidelines and mandates established by Riverside County emergency management officials. The RACES volunteer operators are: (1) licensed Radio Amateurs; (2) certified by a civil defense agency; (3) able to

communicate on Amateur Radio frequencies during drills, exercises, and emergencies; and (4) the only Amateur Radio operators authorized to transmit during declared emergencies when the President of the United States specifically invokes the *War Powers Act.*

(b) Tenant agrees that the Premises and its use of the Premises will at all times be in strict compliance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction, and Tenant, at its sole cost and expense, agrees to comply with all such laws, rules, and regulations, including, without limitation, all laws, rules, and regulations requiring the making of structural or extraordinary repairs or replacements to the Premises and all laws, rules, and regulations relating to the use, generation, storage, or release of Hazardous Materials. In addition to Tenant's other obligations of indemnity under this Lease, Tenant agrees to indemnify, protect, defend (by counsel reasonably satisfactory to Landlord) and hold Landlord and its officials, officers, agents, and employees, and each of them, harmless from and against all claims, losses, liabilities, actions, judgments, costs, and expenses (including reasonable attorneys' fees and costs) which they, or any of them, may suffer or incur arising from or relating to the use, generation, storage or release by Tenant, its agents, employees, contractors, guests or invitees of any Hazardous Materials in, on, or about the Premises.

(c) "Hazardous Materials" shall mean any and all of the following:

(i) any substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or for which liability arises for misuse, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C.A. § 9601 *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C.A. § 1801 *et seq.*; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C.A. § 6901 *et seq.*; the Toxic Substances Control Act, 15 U.S.C.A. § 2601 *et seq.*; the Clean Water Act, 33 U.S.C.A. § 1251 *et seq.*; the Insecticide, Fungicide, Rodenticide Act, 7 U.S.C.A. § 136 *et seq.*; the Superfund Amendments and Reauthorization Act, 42 U.S.C.A. § 6901 *et seq.*; the Clean Air Act, 42 U.S.C.A. § 7401 *et seq.*; the Safe Drinking Water Act, 42 U.S.C.A. § 300f *et seq.*; the Solid Waste Disposal Act, 42 U.S.C.A. § 6901 *et seq.*; the Surface Mining Control and Reclamation Act, 30 U.S.C.A. § 1201 *et seq.*; the Emergency Planning and Community Right to Know Act, 42 U.S.C.A. § 11001 *et seq.*; the Occupational Safety and Health Act, 29 U.S.C.A. §§ 655 and 657; the Hazardous Waste Control Act, Health & Saf. Code, § 25100 *et seq.*; the Hazardous Substance Account Act, Health & Saf. Code, § 25330 *et seq.*; the California Safe Drinking Water and Toxic Enforcement Act, Health & Saf. Code, § 25249.5 *et seq.*; the Underground Storage of Hazardous Substances, Health & Saf. Code, § 25280 *et seq.*; the Carpenter-Presley-Tanner Hazardous Substance Account Act, Health & Saf. Code, § 25300 *et seq.*; the Hazardous Waste Management Act, Health & Saf. Code, § 25170.1 *et seq.*; the Hazardous Materials Response Plans and Inventory, Health & Saf. Code, § 25001 *et seq.*; the Porter-Cologne Water Quality Control Act, Wat. Code, § 13000 *et seq.*, all as they may from time to time be amended;

(ii) any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or for which liability for misuse arises pursuant to any other federal, state, or local statute, law, ordinance, resolution, code, rule, regulation, order, or decree due to its hazardous, toxic or dangerous nature;

(iii) any petroleum, crude oil, or any substance, product, waste, or other material of any nature whatsoever that contains gasoline, diesel fuel, or other petroleum hydrocarbons other than petroleum and petroleum products contained within regularly operated motor vehicles; and

(iv) polychlorinated biphenyls (PCB), radon gas, urea formaldehyde, asbestos, and lead.

3. Rent. As rent for the Premises, Tenant agrees to pay to Landlord the sum of One and No/100 Dollar ($1.00) per year without prior notice and without offset or deduction.

4. Concessions. Landlord is not providing any so-called tenant concessions or allowances.

5. CASp Statement; "AS-IS" Premises.

(a) The Premises have not been inspected by a Certified Access Specialist (CASp). A CASp can inspect the subject premises and determine whether they comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject premises, a commercial property owner or lessor may not prohibit Tenant or a tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of Tenant or a tenant, if requested by Tenant or a tenant. The parties must mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the subject premises.

(b) Landlord and Tenant hereby agree that Landlord will not be obligated to obtain or pay for such an inspection report, and will not make or pay for any necessary repairs or alterations (all of which shall be the responsibility of the Tenant under this Lease).

(c) Tenant acknowledges that it has inspected the Premises and Tenant warrants and agrees that it is thoroughly familiar with the Premises and all aspects thereof, including, without limitation, the physical condition of the Premises, the zoning of the Premises and all other restrictions and limitations applicable to the Premises (whether or not of public record).

(d) Tenant acknowledges and agrees that the Premises are satisfactory to Tenant in all respects. Tenant agrees that neither Landlord nor any one acting on Landlord's behalf has made any representation or warranty of any kind or nature whatsoever respecting the condition of the Premises, their suitability for Tenant's use, or any other matter relating to the Premises (including, without limitation, the environmental condition of the Premises) or this Lease, and Tenant agrees that it is leasing the Premises in their "AS-IS CONDITION AND WITH ALL FAULTS."

6. Maintenance.

(a) Tenant agrees that it will, at its sole cost and expense, maintain the Premises and all portions thereof in a good, clean, and safe condition and state of repair. Tenant agrees that

Landlord has no obligation of any kind or nature to maintain, repair, or replace the Premises or any portion of the Premises.

(b) Tenant agrees that Tenant is solely responsible for the security, protection, and insuring of its equipment, materials, and other property, and that of its employees, servants, and contractors, located on or about the Premises. Tenant agrees that Landlord will have no liability of any kind or nature respecting any loss or theft of, or damage to, any such equipment, materials, or other property.

7. Insurance.

(a) Throughout the term of this Lease, Tenant shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) authorized by the City Manager or his/her designee at any time and in his/her sole discretion, including Tenant's self-insurance program. The following policies of insurance or their equivalent as part of a program(s) of self-insurance acceptable to both parties, are required:

(i) Commercial general liability insurance which shall be at least as broad as Insurance Services Office (ISO) form CG 00 01 and shall include insurance for "bodily injury" and "property damage," including premises and operation, completed operations, and contractual liability (including, without limitation, indemnity obligations under this Lease) with limits of liability of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) general aggregate for bodily injury and property damage.

(ii) Commercial automobile liability insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than One Million Dollars ($1,000,000) per accident for bodily injury and property.

(iii) Workers' compensation insurance as required under the California Labor Code.

(iv) Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

(b) In the event Tenant purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

(c) Tenant shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Tenant shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his or her designee. At the option of the City Manager, or his or her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects Landlord, its officers, officials, employees, agents and volunteers; or (ii) Tenant shall

provide a financial guarantee, satisfactory to the City Manager, or his or her designee, guaranteeing payment of losses and related investigations, claim administration, and defense expenses. At no time shall Landlord, its officers, officials, employees, agents, or volunteers be responsible for the payment of any deductibles or self-insured retentions.

(d) All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, or reduced in coverage or in limits except after thirty (30) calendar days' written notice by certified mail, return receipt requested, has been given to Landlord. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Tenant shall furnish Landlord with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during this Lease, Tenant shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than fifteen (15) calendar days prior to the expiration date of the expiring policy.

(e) The General Liability insurance policy shall be written on an occurrence form and shall name Landlord and its officers, officials, employees, agents, and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Tenant's insurance shall be primary and no contribution shall be required of Landlord, its officers, officials, employees, agents, or volunteers. The coverage(s) shall contain no special limitations on the scope of protection afforded to Landlord and its officers, officials, employees, agents, and volunteers. Should Tenant maintain insurance with broader coverage and/or limits of liability greater than those shown above, Landlord requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Tenant. Any workers' compensation insurance policy shall contain a waiver of subrogation as to Landlord and its officers, officials, employees, agents, and volunteers. The property insurance policy shall name Landlord as a loss payee.

(f) Upon Landlord's request, Tenant shall immediately furnish Landlord with a complete copy of any insurance policy required under this Lease, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Lease.

(g) The fact that insurance is obtained by Tenant shall not be deemed to release or diminish Tenant's liability, including, without limitation, liability under the indemnity provisions of this Lease. The duty to indemnify Landlord and its officers, officials, employees, agents, and volunteers shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Tenant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Tenant, its board members, officers, officials, employees, members, agents, volunteers, persons under Tenant's supervision, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

(h) Tenant and its insurers hereby waive all rights of recovery against Landlord and its officers, officials, employees, agents, and volunteers, on account of injury, loss by, or damage to Tenant or its officers, officials, employees, members, agents, volunteers, persons under Tenant's supervision, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or

anyone employed directly or indirectly by any of them, or its property or the property of others under its care, custody and control. Tenant shall give notice to its insurers that this waiver of subrogation is contained in this Lease. This requirement shall survive termination or expiration of this Lease.

(i) If Tenant should sublease the Premises under this Lease, Tenant shall require sub-lessee to provide insurance protection in favor of Landlord, its officers, officials, employees, agents, and volunteers in accordance with the terms of each of the preceding paragraphs, except that the sub-lessee's certificates and endorsements shall be on file with Tenant and Landlord prior to the commencement of any sublease.

8. Damage/Destruction of Tenant Property. Landlord has no obligation to reimburse Tenant for the loss of or damage to fixtures, equipment or other personal property, except for loss or damage as is caused by the active gross negligence or willful misconduct of Landlord or its officers, employees, or agents. Tenant may insure all fixtures, equipment, or other personal property for its own protection if it so desires.

9. Indemnification.

(a) Tenant shall indemnify, hold harmless, and defend Landlord and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including, without limitation, personal injury, death at any time, and property damage, including damage by fire or other casualty) incurred by Landlord, Tenant, or any other person, and from any and all claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of: (i) the occupancy, maintenance, and use of the Premises and/or; (ii) the performance of this Lease. Tenant's obligations under the preceding sentence shall apply regardless of whether Landlord or any of its officers, officials, employees, agents, or volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs, or damages caused solely by the gross negligence, or by the willful misconduct, of Landlord or any of its officers, officials, employees, agents, or volunteers.

(b) Should Tenant sublease the Premises under this Lease, Tenant shall require each sub-lessee to indemnify, hold harmless, and defend Landlord and each of its officers, officials, employees, agents, and volunteers in accordance with the terms of the preceding paragraph.

(c) This requirement shall survive termination or expiration of this Lease.

10. Utilities. Tenant agrees to pay, as additional rent, without prior demand and without deduction or offset, on or before the first business day of each calendar month (prorated for any partial calendar month during the Term of this Lease), the sum of One Hundred and No/100 Dollars ($100.00) per month for water, sewer, gas, heat, light, power, and all other utilities or services of any kind supplied to the Premises. It is agreed that Landlord is not liable for any failure or interruption of any utility or service, and the failure or interruption of any utility or service will not entitle Tenant to terminate this Lease or stop making any rental or other payments due under this Lease.

11. Taxes. Tenant acknowledges that this Lease may create a possessory interest subject to taxation and that Tenant may be subject to payment of any and all taxes levied on that possessory interest. Tenant shall also pay any property taxes assessed on its personal property.

12. Alterations.

(a) Tenant agrees that it will not make any alterations or improvements to the Premises, or any portion of the Premises, without Landlord's prior written consent in its sole and absolute discretion. No alterations or additions may affect the structural portions of the Premises, including, without limitation, the exterior or interior load-bearing walls, the foundation, or the roof of the Premises. Landlord shall be under no obligation to give its consent. If Landlord consents to the making of any alterations or improvements, Tenant agrees that such alterations or improvements will be made in strict compliance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction, will be performed in a good and workmanlike manner, and will be made in compliance with such other conditions, including, without limitation, the obtaining of performance and completion bonds, as Landlord may require in connection with the granting of its consent.

(b) Tenant agrees that it will pay, when due, all claims for labor or materials furnished or alleged to have been furnished to or for Tenant at or for use on the Premises, which claims are or may be secured by any mechanics' or materialmen's lien against the Premises or any interest therein. All alterations and improvements made by Tenant shall, at Landlord's option and at Tenant's sole cost and expense, be removed from the Premises at the end of the term of this Lease and the Premises restored to their condition prior to the making of such alterations or improvements.

13. Tenant's Property. All trade fixtures, equipment, and personal property of Tenant located at the Premises will remain the property of Tenant during the term of this Lease and may be removed by Tenant at any time and shall be removed by Tenant prior to the expiration or other termination of the term of this Lease. If Tenant does not do so, Landlord may retain or dispose of any such remaining fixtures, equipment, and personal property without obligation or liability to Tenant, and Tenant hereby waives all statutes and other laws to the contrary. Tenant, at Tenant's cost and expense, must promptly repair all damage to the Premises occasioned by Tenant's removal of its trade fixtures, equipment, and personal property.

14. Premises Damage and Destruction. If the Premises or any portion thereof are damaged or destroyed by any casualty (whether or not insured), either party may terminate this Lease by written notice to the other.

15. Assignment, Subletting, and Invitees. Tenant may not assign any of its rights or delegate any of its duties under this Lease, or sublet all or any part of the Premises nor permit the occupancy thereof by any other person or entity, except that the RACES volunteers operators shall be permitted invitees of Tenant's in the Premises. Within seven (7) business days of the date of this Lease, Tenant shall provide Landlord with a list of names of the RACES volunteer operators who Tenant intends to invite and permit on the Premises, and shall provide Landlord with an updated list of such operators within five (5) calendar days of Tenant's subsequent changes to permitted invitees.

16. Tenant Default. The occurrence of any one or more of the following shall constitute a default by Tenant:

(a) Failure by Tenant to make payment of rent or any other payments required to be made by Tenant hereunder within five (5) business days after written notice that they are past due.

(b) Failure by Tenant to keep and maintain any of the insurance required to be kept and maintained by Tenant under this Lease.

(c) Failure by Tenant to observe or perform any of the covenants or provisions of this Lease, other than as provided in subsections (b) and (c) of this Section 16, when such failure continues for a period of thirty (30) days after written notice of such failure is given by Landlord to Tenant; provided, that if the nature of Tenant's failure is such that more than thirty (30) days are reasonably required for its cure, then Tenant will not be deemed to be in default if Tenant promptly commences such cure and thereafter diligently prosecutes such cure to completion.

17. Remedies. If Tenant is in default, then, in addition to all other rights and remedies which Landlord may have at law or in equity, Landlord has the following rights and remedies which are not exclusive but are cumulative:

(a) To the extent permitted by law, Landlord can, with or without terminating this Lease, reenter the Premises and remove all property and persons therefrom, and any such property may be removed and stored in a public warehouse or elsewhere at the cost and for the account of Tenant. If Landlord elects to reenter or shall take possession of the Premises pursuant to legal proceedings or pursuant to any notice provided by law, and if Landlord has not elected to terminate this Lease, Landlord may either recover all rent as it becomes due under this Lease or relet the Premises or any part or parts thereof for such term or terms and upon such provisions as Landlord may deem advisable and will have the right to make repairs to and alterations of the Premises. No reentry or taking possession of the Premises by Landlord is to be construed as an election to terminate this Lease unless a written notice of such intention is given to Tenant by Landlord. Notwithstanding any reletting without termination by Landlord because of Tenant's default, Landlord may at any time after such reletting elect to terminate this Lease because of such default if Landlord elects to relet the Premises without terminating this Lease, then rent received by Landlord therefrom will be applied as follows:

(i) First, to any indebtedness from Tenant to Landlord other than rent due from Tenant;

(ii) Second, to all costs and expenses, including, without limitation, for maintenance, repairs, or alterations, incurred by Landlord in connection with reletting the Premises; and

(iii) Third, to the payment of rent due and unpaid under this Lease and the residual, if any, will be held by Landlord and applied in payment of future rent as the same may become due and payable under this Lease and to any damages and other amounts that Landlord is otherwise entitled to under this Lease. Should that portion of such rent received from such reletting during any month, which is applied to the payment of rent hereunder, be less than

the rent payable hereunder during that month by Tenant, then Tenant agrees to pay such deficiency to Landlord immediately upon demand. In no event will Tenant be entitled to any excess rent received by Landlord from such reletting.

(b) Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving written notice to Tenant will terminate this Lease. Acts of maintenance, efforts to relet the Premises, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this Lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant any amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

(c) Without waiving the default, Landlord can, at its sole option, pay such sums and/or take such actions as are necessary in Landlord's reasonable judgment in order to cure the default, and all sums expended or incurred by Landlord in connection therewith, together with interest thereon at the maximum rate permitted by law, shall be paid by Tenant to Landlord immediately on demand.

18. Landlord Entry. Landlord and its authorized representatives shall have the right upon reasonable prior written notice to Tenant to enter all portions of the Premises for any of the following purposes: (a) to determine whether the Premises are in good condition and whether Tenant is complying with its obligations under this Lease; (b) to inspect the Premises; (c) in connection with Landlord's design and construction planning respecting Landlord's future use of the Premises; and (d) to post notices of non-responsibility. Notwithstanding the foregoing to the contrary, Landlord and its authorized representatives shall have the right to enter the Premises at any time, and without notice to Tenant, where an emergency situation necessitates such entry. No exercise by Landlord of its rights under this Section shall entitle Tenant to any damages for any injury or inconvenience occasioned thereby or to any abatement of rent or other amounts payable under this Lease.

19. Surrender of Premises. Upon the expiration or other termination of the term of this Lease, Tenant agrees to surrender possession of the Premises, and every part thereof, to Landlord in good order, condition, and repair, ordinary wear and tear alone excepted. "Ordinary wear and tear" does not include any damage or deterioration that would have been prevented by good maintenance practice or by Tenant performing all of its obligations under this Lease.

20. Notices. Except as otherwise provided, all notices required or permitted to be given under this Lease must be in writing and addressed to the parties at their respective notice addresses set forth below; provided, that notices to Tenant may also be effectively given in writing and addressed to Tenant at the Premises address. Notices must be given by commercial delivery service) or by first-class mail, postage prepaid. Notices will be deemed effectively given, in the case of overnight messenger delivery, upon receipt (or if receipt is refused, upon attempted delivery), and in the case of mailing, three (3) days following deposit into the custody of the United States Postal Service (or inability to deliver, as shown on the return receipt). The notice addresses of the parties are as follows:

If to Landlord:

City of Banning
Attention: City Manager
99 East Ramsey Street
Banning, California 92220

If to Tenant:

Radio Amateur Civil Emergency Service
c/o Riverside County Emergency Management Department
Attention: Erik Ramirez
450 E. Alessandro Boulevard
Riverside, California 92508

21. Waiver and Release of Relocation Benefits. Tenant acknowledges that upon the expiration or earlier termination of the Term, including any extension thereof, or upon termination of any holdover tenancy (collectively "Expiration of Tenancy"), Tenant might be or become eligible to receive compensation, reimbursement, assistance, including, without limitation, the fair market value of real and personal property, loss of goodwill, loss of profits, actual and reasonable expenses for moving a business, loss of tangible personal property as a result of moving the business, expenses incurred in searching for a replacement site for the business, expenses to reestablish the business at the new site, "in-lieu payments," and other such benefits (collectively "Benefits") under the California Relocation Assistance Act (Gov. Code, § 7260 *et seq.*), Title 25 of the California Code of Regulations, Article 1, § 19 of the California Constitution, the California Eminent Domain Law (Code Civ. Proc., § 1230.010 *et seq.),* or other similar local, state, or federal statute, ordinance, regulation, rule, or decisional law (collectively "Compensatory Laws"). Tenant further acknowledges that it has received full and fair compensation of all Benefits Tenant is or might be or might become entitled to recover from Landlord as a result of, or in any way related to, Expiration of the Tenancy, Landlord's acquisition of the Premises, and Landlord's occupancy and possession of the Premises. Therefore, being fully informed of and understanding the acknowledgments made herein and of Tenant's rights or potential rights to Benefits under the Compensatory Laws, Tenant hereby expressly and unconditionally waives, and releases Landlord from, any and all rights of Tenant to claim, demand, sue for, or receive any Benefits which Tenant is or might be or might become entitled to recover from Landlord as a result of, or in any way related to, Expiration of the Tenancy, Landlord's acquisition of the Premises, and Landlord's occupancy and possession of the Premises.

22. General.

(a) The acceptance by Landlord of any rental or other payments due hereunder with knowledge of the breach of any of the terms, covenants, or provisions of this Lease by Tenant shall not be construed as a waiver of any such breach. The acceptance at any time or times by Landlord of any sum less than that which is required to be paid by Tenant shall, unless Landlord specifically agrees otherwise in writing, be deemed to have been received only on account of the obligation for which it is paid, and shall not be deemed an accord and satisfaction notwithstanding any provisions to the contrary written on any check or contained in any writing transmitting the same.

(b) The titles to the sections of this Lease are for convenience of reference only and are not a part of this Lease and shall have no effect upon the construction or interpretation of any part of this Lease. Any exhibits attached to this Lease are, however, a part of this Lease. This Lease shall be governed by and construed in accordance with the laws of the State of California, without regard to any otherwise governing principles of conflicts of law. In construing this Lease, none of the parties to it shall have any term or provision construed against it solely by reason of its having drafted the same.

(c) Any provision of this Lease that is invalid, illegal, or unenforceable shall be ineffective to the extent of such invalidity, illegality, or unenforceability without invalidating, diminishing, or rendering unenforceable the rights and obligations of the parties under the remaining provisions of this Lease.

(d) No term or provision of this Lease may be amended, altered, modified, or waived orally or by a course of conduct, but only by an instrument in writing signed by a duly authorized officer or representative of the party against which enforcement of such amendment, alteration, modification, or waiver is sought. Any amendment, alteration, modification, or waiver shall be for such period and subject to such conditions as shall be specified in the written instrument effecting the same. Any waiver shall be effective only in the specific instance and for the specific purpose for which given.

(e) This Lease and all exhibits attached to it constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements (whether written or oral) with respect to that subject matter.

(f) This Lease may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(g) If either party hereto brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in such action, on trial or appeal, shall be entitled to reasonable attorneys' fees to be paid by the losing party as fixed by the court.

(h) Time is of the essence of each provision hereof in which time is a factor.

The parties have caused this Lease to be duly executed by their respective duly authorized officers or representatives as of the date first set forth above.

LANDLORD:

CITY OF BANNING

_____

Alberto Sanchez, Mayor_____

Attest:

_____

Caroline Patton, Administrative City Clerk

Approved as to Form:

By: _____
Serita Young,
City Attorney

TENANT:

COUNTY OF RIVERSIDE

By: _____
Print Name: _____
Title: _____

Attest:

_____
Name:
Title:

Approved as to Form:

_____

Minh C. Tran,
County Counsel

By: _____
Melissa R. Cushman,
Deputy County Counsel

EXHIBIT "A"

DESCRIPTION OF LEASED PREMISES

(Attached.)

Armory Building Floorplan
(Not to scale)

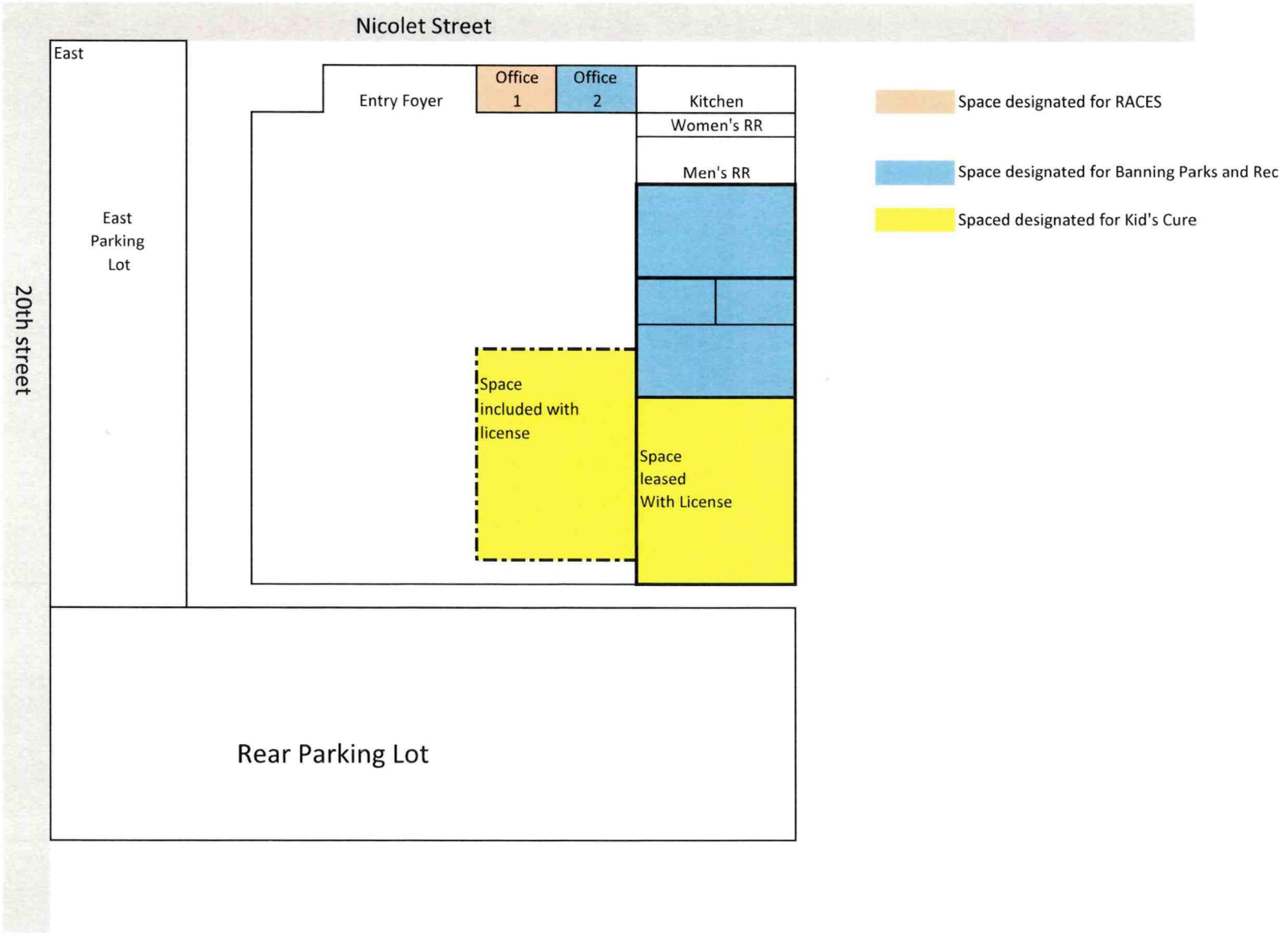


EXHIBIT "B"

FORM OF MEMORANDUM OF LEASE

(Attached.)

RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL
TO:

City of Banning
99 East Ramsey Street
Banning, California 92220
Attention: City Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declares that this Memorandum of Lease is exempt from Recording Fees pursuant to California Government Code Section 27383.

Exempt from Documentary Transfer Tax: Lease term less than 35 years.

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE (this "**Memorandum**") is dated as of _____, 2024, and is entered into by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("**Tenant**") and the CITY OF BANNING, a California municipal corporation ("**Landlord**").

RECITALS

A. Landlord and Tenant executed that certain Office Lease dated _____, 2024 (the "**Lease**") for space in certain real property located in the City of Banning, County of Riverside, State of California commonly known as the Armory Building, located at 2041 Nicolet Street (APN: 538-082-013) (the "**Property**") described on Exhibit "A" (the "**Premises**").

B. Landlord and Tenant now desire to record this Memorandum in order to comply with California law requiring that municipal leases be recorded.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions contained in the Lease, Landlord and Tenant hereby agree as follows:

1. Lease. Landlord has leased the Premises to Tenant, and Tenant has leased the Premises from Landlord, upon and subject to the terms and conditions set forth in the Lease. The Lease is hereby incorporated herein by this reference.

2. Term. The term of the Lease commences on _____, 2024, and expires on _____, 2027, unless the Lease is terminated earlier in accordance with the provisions of the Lease.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum as of the date and year first above written.

TENANT:

COUNTY OF RIVERSIDE
a political subdivision of the State of California

By: _____
Print Name: _____
Title: _____

Attest:

_____
_____

Name:
Title:

LANDLORD:

CITY OF BANNING,
a municipal corporation

By: _____
Doug Schulze, City Manager

Attest:

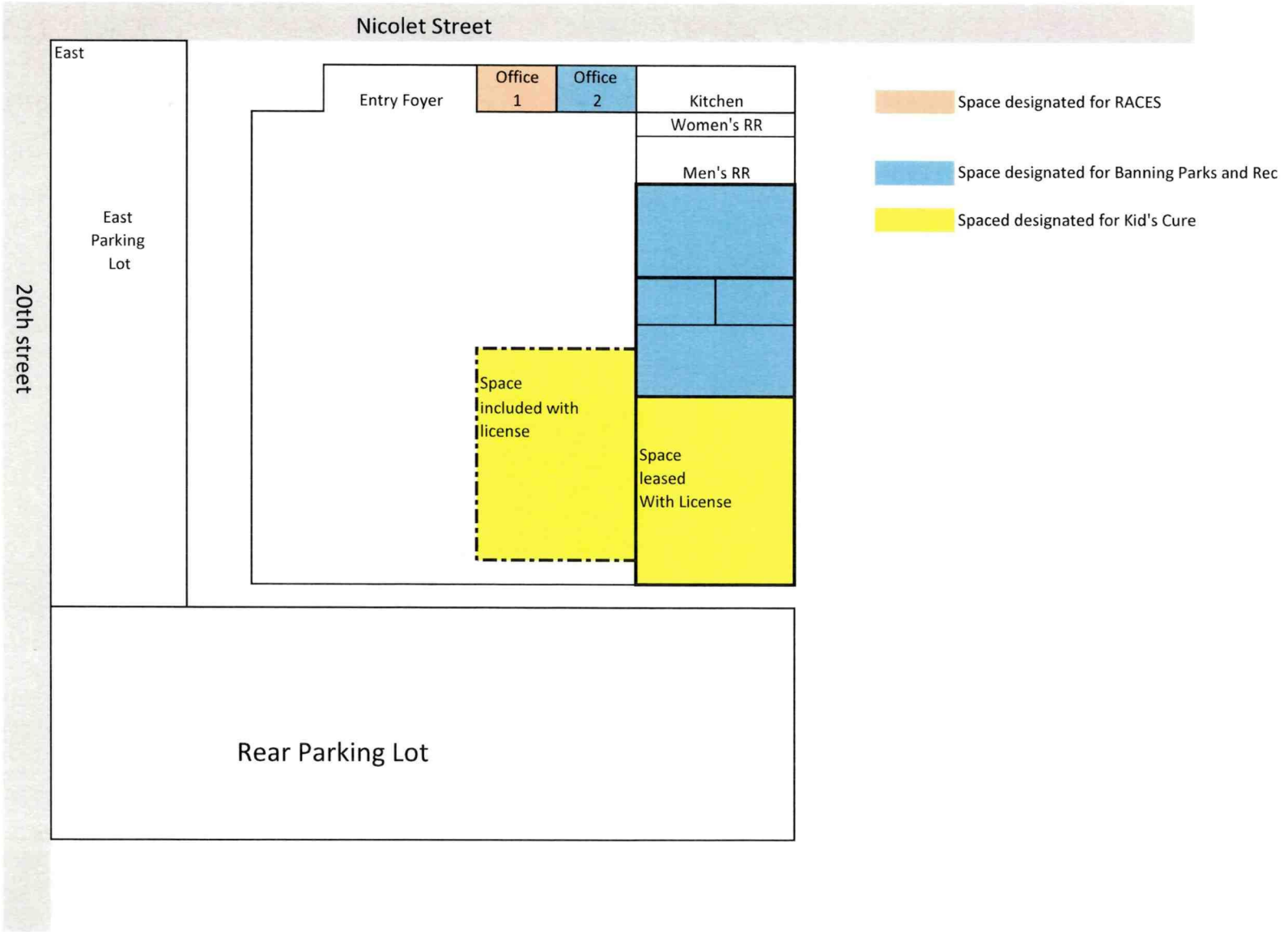
_____
Caroline Patton,
Administrative City Clerk

EXHIBIT "A"

DESCRIPTION OF LEASED PREMISES

(Attached.)

Armory Building Floorplan
(Not to scale)



OFFICE LEASE

(Space in Armory Building)

This OFFICE LEASE ("Lease") is dated _____, 2024, and is entered into by and between the CITY OF BANNING (the "Landlord") and the COUNTY OF RIVERSIDE (the "Tenant") on behalf of the Emergency Management Department.

RECITALS

A. Landlord is the owner of certain real property (the "Property") located in the City of Banning, County of Riverside, State of California, commonly known as the Armory Building (the "Building"), located at 2041 Nicolet Street (APN: 538-082-013).

B. Tenant desires to lease from Landlord, and Landlord desires to lease to Tenant, office space in the Building commonly known as the south office room (approximately 162 square feet of space) described on Exhibit "A" (the "Premises"), upon and subject to the terms and conditions hereinafter set forth.

AGREEMENT

1. Memorandum of Lease; Term; Termination Option.

(a) Concurrently with its execution and delivery of a counterpart original of this Lease, Tenant shall also execute and deliver to Landlord a counterpart of the Memorandum of Lease in substantially the form attached hereto as Exhibit "B" for execution and recording by Landlord, as required by California law.

(b) The term of this Lease shall commence on _____, 2024, and shall expire three (3) calendar years thereafter ("Term"), unless terminated earlier in accordance with the terms of this Lease. Landlord shall give Tenant keys to the door of the Building and the door of the Premises and the alarm code, and Tenant shall not change any locks or codes. Tenant acknowledges that its use of the areas of any portions of the Building and parking areas other than the actual Premises is non-exclusive and is in common with the Landlord and other tenants of the Building.

(c) Either party may terminate this Lease at any time upon sixty (60) days' prior written notice to the other party.

2. Use: Compliance with Laws.

(a) The Premises may be used by Tenant solely for City of Banning and County of Riverside emergency response operations performed by Tenant's volunteer operators of Radio Amateur Civil Emergency Service ("RACES"). RACES is a protocol created by the Federal Emergency Management Agency and the Federal Communications Commission (FCC Part 97, Section 407). The RACES volunteer operators serve Tenant pursuant to guidelines and mandates established by Riverside County emergency management officials. The RACES volunteer operators are: (1) licensed Radio Amateurs; (2) certified by a civil defense agency; (3) able to

communicate on Amateur Radio frequencies during drills, exercises, and emergencies; and (4) the only Amateur Radio operators authorized to transmit during declared emergencies when the President of the United States specifically invokes the *War Powers Act*.

(b) Tenant agrees that the Premises and its use of the Premises will at all times be in strict compliance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction, and Tenant, at its sole cost and expense, agrees to comply with all such laws, rules, and regulations, including, without limitation, all laws, rules, and regulations requiring the making of structural or extraordinary repairs or replacements to the Premises and all laws, rules, and regulations relating to the use, generation, storage, or release of Hazardous Materials. In addition to Tenant's other obligations of indemnity under this Lease, Tenant agrees to indemnify, protect, defend (by counsel reasonably satisfactory to Landlord) and hold Landlord and its officials, officers, agents, and employees, and each of them, harmless from and against all claims, losses, liabilities, actions, judgments, costs, and expenses (including reasonable attorneys' fees and costs) which they, or any of them, may suffer or incur arising from or relating to the use, generation, storage or release by Tenant, its agents, employees, contractors, guests or invitees of any Hazardous Materials in, on, or about the Premises.

(c) "Hazardous Materials" shall mean any and all of the following:

(i) any substance, product, waste, or other material of any nature whatsoever which is or becomes listed, regulated, or for which liability arises for misuse, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C.A. § 9601 *et seq.*; the Hazardous Materials Transportation Act, 49 U.S.C.A. § 1801 *et seq.*; the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C.A. § 6901 *et seq.*; the Toxic Substances Control Act, 15 U.S.C.A. § 2601 *et seq.*; the Clean Water Act, 33 U.S.C.A. § 1251 *et seq.*; the Insecticide, Fungicide, Rodenticide Act, 7 U.S.C.A. § 136 *et seq.*; the Superfund Amendments and Reauthorization Act, 42 U.S.C.A. § 6901 *et seq.*; the Clean Air Act, 42 U.S.C.A. § 7401 *et seq.*; the Safe Drinking Water Act, 42 U.S.C.A. § 300f *et seq.*; the Solid Waste Disposal Act, 42 U.S.C.A. § 6901 *et seq.*; the Surface Mining Control and Reclamation Act, 30 U.S.C.A. § 1201 *et seq.*; the Emergency Planning and Community Right to Know Act, 42 U.S.C.A. § 11001 *et seq.*; the Occupational Safety and Health Act, 29 U.S.C.A. §§ 655 and 657; the Hazardous Waste Control Act, Health & Saf. Code, § 25100 *et seq.*; the Hazardous Substance Account Act, Health & Saf. Code, § 25330 *et seq.*; the California Safe Drinking Water and Toxic Enforcement Act, Health & Saf. Code, § 25249.5 *et seq.*; the Underground Storage of Hazardous Substances, Health & Saf. Code, § 25280 *et seq.*; the Carpenter-Presley-Tanner Hazardous Substance Account Act, Health & Saf. Code, § 25300 *et seq.*; the Hazardous Waste Management Act, Health & Saf. Code, § 25170.1 *et seq.*; the Hazardous Materials Response Plans and Inventory, Health & Saf. Code, § 25001 *et seq.*; the Porter-Cologne Water Quality Control Act, Wat. Code, § 13000 *et seq.*, all as they may from time to time be amended;

(ii) any substance, product, waste, or other material of any nature whatsoever that is or becomes listed, regulated, or for which liability for misuse arises pursuant to any other federal, state, or local statute, law, ordinance, resolution, code, rule, regulation, order, or decree due to its hazardous, toxic or dangerous nature;

(iii) any petroleum, crude oil, or any substance, product, waste, or other material of any nature whatsoever that contains gasoline, diesel fuel, or other petroleum hydrocarbons other than petroleum and petroleum products contained within regularly operated motor vehicles; and

(iv) polychlorinated biphenyls (PCB), radon gas, urea formaldehyde, asbestos, and lead.

3. Rent. As rent for the Premises, Tenant agrees to pay to Landlord the sum of One and No/100 Dollar ($1.00) per year without prior notice and without offset or deduction.

4. Concessions. Landlord is not providing any so-called tenant concessions or allowances.

5. CASp Statement; "AS-IS" Premises.

(a) The Premises have not been inspected by a Certified Access Specialist (CASp). A CASp can inspect the subject premises and determine whether they comply with all of the applicable construction-related accessibility standards under state law. Although state law does not require a CASp inspection of the subject premises, a commercial property owner or lessor may not prohibit Tenant or a tenant from obtaining a CASp inspection of the subject premises for the occupancy or potential occupancy of Tenant or a tenant, if requested by Tenant or a tenant. The parties must mutually agree on the arrangements for the time and manner of the CASp inspection, the payment of the fee for the CASp inspection, and the cost of making any repairs necessary to correct violations of construction-related accessibility standards within the subject premises.

(b) Landlord and Tenant hereby agree that Landlord will not be obligated to obtain or pay for such an inspection report, and will not make or pay for any necessary repairs or alterations (all of which shall be the responsibility of the Tenant under this Lease).

(c) Tenant acknowledges that it has inspected the Premises and Tenant warrants and agrees that it is thoroughly familiar with the Premises and all aspects thereof, including, without limitation, the physical condition of the Premises, the zoning of the Premises and all other restrictions and limitations applicable to the Premises (whether or not of public record).

(d) Tenant acknowledges and agrees that the Premises are satisfactory to Tenant in all respects. Tenant agrees that neither Landlord nor any one acting on Landlord's behalf has made any representation or warranty of any kind or nature whatsoever respecting the condition of the Premises, their suitability for Tenant's use, or any other matter relating to the Premises (including, without limitation, the environmental condition of the Premises) or this Lease, and Tenant agrees that it is leasing the Premises in their "AS-IS CONDITION AND WITH ALL FAULTS."

6. Maintenance.

(a) Tenant agrees that it will, at its sole cost and expense, maintain the Premises and all portions thereof in a good, clean, and safe condition and state of repair. Tenant agrees that

Landlord has no obligation of any kind or nature to maintain, repair, or replace the Premises or any portion of the Premises.

(b) Tenant agrees that Tenant is solely responsible for the security, protection, and insuring of its equipment, materials, and other property, and that of its employees, servants, and contractors, located on or about the Premises. Tenant agrees that Landlord will have no liability of any kind or nature respecting any loss or theft of, or damage to, any such equipment, materials, or other property.

7. Insurance.

(a) Throughout the term of this Lease, Tenant shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) authorized by the City Manager or his/her designee at any time and in his/her sole discretion, including Tenant's self-insurance program. The following policies of insurance or their equivalent as part of a program(s) of self-insurance acceptable to both parties, are required:

(i) Commercial general liability insurance which shall be at least as broad as Insurance Services Office (ISO) form CG 00 01 and shall include insurance for "bodily injury" and "property damage," including premises and operation, completed operations, and contractual liability (including, without limitation, indemnity obligations under this Lease) with limits of liability of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) general aggregate for bodily injury and property damage.

(ii) Commercial automobile liability insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than One Million Dollars ($1,000,000) per accident for bodily injury and property.

(iii) Workers' compensation insurance as required under the California Labor Code.

(iv) Property insurance against all risks of loss to any tenant improvements or betterments, at full replacement cost with no coinsurance penalty provision.

(b) In the event Tenant purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

(c) Tenant shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Tenant shall also be responsible for payment of any self-insured retentions. Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his or her designee. At the option of the City Manager, or his or her designee, either (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects Landlord, its officers, officials, employees, agents and volunteers; or (ii) Tenant shall

provide a financial guarantee, satisfactory to the City Manager, or his or her designee, guaranteeing payment of losses and related investigations, claim administration, and defense expenses. At no time shall Landlord, its officers, officials, employees, agents, or volunteers be responsible for the payment of any deductibles or self-insured retentions.

(d) All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, or reduced in coverage or in limits except after thirty (30) calendar days' written notice by certified mail, return receipt requested, has been given to Landlord. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Tenant shall furnish Landlord with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during this Lease, Tenant shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than fifteen (15) calendar days prior to the expiration date of the expiring policy.

(e) The General Liability insurance policy shall be written on an occurrence form and shall name Landlord and its officers, officials, employees, agents, and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Tenant's insurance shall be primary and no contribution shall be required of Landlord, its officers, officials, employees, agents, or volunteers. The coverage(s) shall contain no special limitations on the scope of protection afforded to Landlord and its officers, officials, employees, agents, and volunteers. Should Tenant maintain insurance with broader coverage and/or limits of liability greater than those shown above, Landlord requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Tenant. Any workers' compensation insurance policy shall contain a waiver of subrogation as to Landlord and its officers, officials, employees, agents, and volunteers. The property insurance policy shall name Landlord as a loss payee.

(f) Upon Landlord's request, Tenant shall immediately furnish Landlord with a complete copy of any insurance policy required under this Lease, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Lease.

(g) The fact that insurance is obtained by Tenant shall not be deemed to release or diminish Tenant's liability, including, without limitation, liability under the indemnity provisions of this Lease. The duty to indemnify Landlord and its officers, officials, employees, agents, and volunteers shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Tenant. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Tenant, its board members, officers, officials, employees, members, agents, volunteers, persons under Tenant's supervision, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or anyone employed directly or indirectly by any of them.

(h) Tenant and its insurers hereby waive all rights of recovery against Landlord and its officers, officials, employees, agents, and volunteers, on account of injury, loss by, or damage to Tenant or its officers, officials, employees, members, agents, volunteers, persons under Tenant's supervision, vendors, suppliers, invitees, consultants, sub-consultants, subcontractors, or

anyone employed directly or indirectly by any of them, or its property or the property of others under its care, custody and control. Tenant shall give notice to its insurers that this waiver of subrogation is contained in this Lease. This requirement shall survive termination or expiration of this Lease.

(i) If Tenant should sublease the Premises under this Lease, Tenant shall require sub-lessee to provide insurance protection in favor of Landlord, its officers, officials, employees, agents, and volunteers in accordance with the terms of each of the preceding paragraphs, except that the sub-lessee's certificates and endorsements shall be on file with Tenant and Landlord prior to the commencement of any sublease.

8. Damage/Destruction of Tenant Property. Landlord has no obligation to reimburse Tenant for the loss of or damage to fixtures, equipment or other personal property, except for loss or damage as is caused by the active gross negligence or willful misconduct of Landlord or its officers, employees, or agents. Tenant may insure all fixtures, equipment, or other personal property for its own protection if it so desires.

9. Indemnification.

(a) Tenant shall indemnify, hold harmless, and defend Landlord and each of its officers, officials, employees, agents, and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs, and damages (whether in contract, tort, or strict liability, including, without limitation, personal injury, death at any time, and property damage, including damage by fire or other casualty) incurred by Landlord, Tenant, or any other person, and from any and all claims, demands, and actions in law or equity (including attorneys' fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of: (i) the occupancy, maintenance, and use of the Premises and/or; (ii) the performance of this Lease. Tenant's obligations under the preceding sentence shall apply regardless of whether Landlord or any of its officers, officials, employees, agents, or volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs, or damages caused solely by the gross negligence, or by the willful misconduct, of Landlord or any of its officers, officials, employees, agents, or volunteers.

(b) Should Tenant sublease the Premises under this Lease, Tenant shall require each sub-lessee to indemnify, hold harmless, and defend Landlord and each of its officers, officials, employees, agents, and volunteers in accordance with the terms of the preceding paragraph.

(c) This requirement shall survive termination or expiration of this Lease.

10. Utilities. Tenant agrees to pay, as additional rent, without prior demand and without deduction or offset, on or before the first business day of each calendar month (prorated for any partial calendar month during the Term of this Lease), the sum of One Hundred and No/100 Dollars ($100.00) per month for water, sewer, gas, heat, light, power, and all other utilities or services of any kind supplied to the Premises. It is agreed that Landlord is not liable for any failure or interruption of any utility or service, and the failure or interruption of any utility or service will not entitle Tenant to terminate this Lease or stop making any rental or other payments due under this Lease.

11. Taxes. Tenant acknowledges that this Lease may create a possessory interest subject to taxation and that Tenant may be subject to payment of any and all taxes levied on that possessory interest. Tenant shall also pay any property taxes assessed on its personal property.

12. Alterations.

(a) Tenant agrees that it will not make any alterations or improvements to the Premises, or any portion of the Premises, without Landlord's prior written consent in its sole and absolute discretion. No alterations or additions may affect the structural portions of the Premises, including, without limitation, the exterior or interior load-bearing walls, the foundation, or the roof of the Premises. Landlord shall be under no obligation to give its consent. If Landlord consents to the making of any alterations or improvements, Tenant agrees that such alterations or improvements will be made in strict compliance with all applicable laws, rules, and regulations of all governmental authorities having jurisdiction, will be performed in a good and workmanlike manner, and will be made in compliance with such other conditions, including, without limitation, the obtaining of performance and completion bonds, as Landlord may require in connection with the granting of its consent.

(b) Tenant agrees that it will pay, when due, all claims for labor or materials furnished or alleged to have been furnished to or for Tenant at or for use on the Premises, which claims are or may be secured by any mechanics' or materialmen's lien against the Premises or any interest therein. All alterations and improvements made by Tenant shall, at Landlord's option and at Tenant's sole cost and expense, be removed from the Premises at the end of the term of this Lease and the Premises restored to their condition prior to the making of such alterations or improvements.

13. Tenant's Property. All trade fixtures, equipment, and personal property of Tenant located at the Premises will remain the property of Tenant during the term of this Lease and may be removed by Tenant at any time and shall be removed by Tenant prior to the expiration or other termination of the term of this Lease. If Tenant does not do so, Landlord may retain or dispose of any such remaining fixtures, equipment, and personal property without obligation or liability to Tenant, and Tenant hereby waives all statutes and other laws to the contrary. Tenant, at Tenant's cost and expense, must promptly repair all damage to the Premises occasioned by Tenant's removal of its trade fixtures, equipment, and personal property.

14. Premises Damage and Destruction. If the Premises or any portion thereof are damaged or destroyed by any casualty (whether or not insured), either party may terminate this Lease by written notice to the other.

15. Assignment, Subletting, and Invitees. Tenant may not assign any of its rights or delegate any of its duties under this Lease, or sublet all or any part of the Premises nor permit the occupancy thereof by any other person or entity, except that the RACES volunteers operators shall be permitted invitees of Tenant's in the Premises. Within seven (7) business days of the date of this Lease, Tenant shall provide Landlord with a list of names of the RACES volunteer operators who Tenant intends to invite and permit on the Premises, and shall provide Landlord with an updated list of such operators within five (5) calendar days of Tenant's subsequent changes to permitted invitees.

16. Tenant Default. The occurrence of any one or more of the following shall constitute a default by Tenant:

(a) Failure by Tenant to make payment of rent or any other payments required to be made by Tenant hereunder within five (5) business days after written notice that they are past due.

(b) Failure by Tenant to keep and maintain any of the insurance required to be kept and maintained by Tenant under this Lease.

(c) Failure by Tenant to observe or perform any of the covenants or provisions of this Lease, other than as provided in subsections (b) and (c) of this Section 16, when such failure continues for a period of thirty (30) days after written notice of such failure is given by Landlord to Tenant; provided, that if the nature of Tenant's failure is such that more than thirty (30) days are reasonably required for its cure, then Tenant will not be deemed to be in default if Tenant promptly commences such cure and thereafter diligently prosecutes such cure to completion.

17. Remedies. If Tenant is in default, then, in addition to all other rights and remedies which Landlord may have at law or in equity, Landlord has the following rights and remedies which are not exclusive but are cumulative:

(a) To the extent permitted by law, Landlord can, with or without terminating this Lease, reenter the Premises and remove all property and persons therefrom, and any such property may be removed and stored in a public warehouse or elsewhere at the cost and for the account of Tenant. If Landlord elects to reenter or shall take possession of the Premises pursuant to legal proceedings or pursuant to any notice provided by law, and if Landlord has not elected to terminate this Lease, Landlord may either recover all rent as it becomes due under this Lease or relet the Premises or any part or parts thereof for such term or terms and upon such provisions as Landlord may deem advisable and will have the right to make repairs to and alterations of the Premises. No reentry or taking possession of the Premises by Landlord is to be construed as an election to terminate this Lease unless a written notice of such intention is given to Tenant by Landlord. Notwithstanding any reletting without termination by Landlord because of Tenant's default, Landlord may at any time after such reletting elect to terminate this Lease because of such default if Landlord elects to relet the Premises without terminating this Lease, then rent received by Landlord therefrom will be applied as follows:

(i) First, to any indebtedness from Tenant to Landlord other than rent due from Tenant;

(ii) Second, to all costs and expenses, including, without limitation, for maintenance, repairs, or alterations, incurred by Landlord in connection with reletting the Premises; and

(iii) Third, to the payment of rent due and unpaid under this Lease and the residual, if any, will be held by Landlord and applied in payment of future rent as the same may become due and payable under this Lease and to any damages and other amounts that Landlord is otherwise entitled to under this Lease. Should that portion of such rent received from such reletting during any month, which is applied to the payment of rent hereunder, be less than

the rent payable hereunder during that month by Tenant, then Tenant agrees to pay such deficiency to Landlord immediately upon demand. In no event will Tenant be entitled to any excess rent received by Landlord from such reletting.

(b) Landlord can terminate Tenant's right to possession of the Premises at any time. No act by Landlord other than giving written notice to Tenant will terminate this Lease. Acts of maintenance, efforts to relet the Premises, or the appointment of a receiver on Landlord's initiative to protect Landlord's interest under this Lease shall not constitute a termination of Tenant's right to possession. On termination, Landlord has the right to recover from Tenant any amount, and court costs, necessary to compensate Landlord for all detriment proximately caused by Tenant's default.

(c) Without waiving the default, Landlord can, at its sole option, pay such sums and/or take such actions as are necessary in Landlord's reasonable judgment in order to cure the default, and all sums expended or incurred by Landlord in connection therewith, together with interest thereon at the maximum rate permitted by law, shall be paid by Tenant to Landlord immediately on demand.

18. Landlord Entry. Landlord and its authorized representatives shall have the right upon reasonable prior written notice to Tenant to enter all portions of the Premises for any of the following purposes: (a) to determine whether the Premises are in good condition and whether Tenant is complying with its obligations under this Lease; (b) to inspect the Premises; (c) in connection with Landlord's design and construction planning respecting Landlord's future use of the Premises; and (d) to post notices of non-responsibility. Notwithstanding the foregoing to the contrary, Landlord and its authorized representatives shall have the right to enter the Premises at any time, and without notice to Tenant, where an emergency situation necessitates such entry. No exercise by Landlord of its rights under this Section shall entitle Tenant to any damages for any injury or inconvenience occasioned thereby or to any abatement of rent or other amounts payable under this Lease.

19. Surrender of Premises. Upon the expiration or other termination of the term of this Lease, Tenant agrees to surrender possession of the Premises, and every part thereof, to Landlord in good order, condition, and repair, ordinary wear and tear alone excepted. "Ordinary wear and tear" does not include any damage or deterioration that would have been prevented by good maintenance practice or by Tenant performing all of its obligations under this Lease.

20. Notices. Except as otherwise provided, all notices required or permitted to be given under this Lease must be in writing and addressed to the parties at their respective notice addresses set forth below; provided, that notices to Tenant may also be effectively given in writing and addressed to Tenant at the Premises address. Notices must be given by commercial delivery service) or by first-class mail, postage prepaid. Notices will be deemed effectively given, in the case of overnight messenger delivery, upon receipt (or if receipt is refused, upon attempted delivery), and in the case of mailing, three (3) days following deposit into the custody of the United States Postal Service (or inability to deliver, as shown on the return receipt). The notice addresses of the parties are as follows:

If to Landlord:

City of Banning
Attention: City Manager
99 East Ramsey Street
Banning, California 92220

If to Tenant:

Radio Amateur Civil Emergency Service
c/o Riverside County Emergency Management Department
Attention: Erik Ramirez
450 E. Alessandro Boulevard
Riverside, California 92508

21. Waiver and Release of Relocation Benefits. Tenant acknowledges that upon the expiration or earlier termination of the Term, including any extension thereof, or upon termination of any holdover tenancy (collectively "Expiration of Tenancy"), Tenant might be or become eligible to receive compensation, reimbursement, assistance, including, without limitation, the fair market value of real and personal property, loss of goodwill, loss of profits, actual and reasonable expenses for moving a business, loss of tangible personal property as a result of moving the business, expenses incurred in searching for a replacement site for the business, expenses to reestablish the business at the new site, "in-lieu payments," and other such benefits (collectively "Benefits") under the California Relocation Assistance Act (Gov. Code, § 7260 *et seq.*), Title 25 of the California Code of Regulations, Article 1, § 19 of the California Constitution, the California Eminent Domain Law (Code Civ. Proc., § 1230.010 *et seq.),* or other similar local, state, or federal statute, ordinance, regulation, rule, or decisional law (collectively "Compensatory Laws"). Tenant further acknowledges that it has received full and fair compensation of all Benefits Tenant is or might be or might become entitled to recover from Landlord as a result of, or in any way related to, Expiration of the Tenancy, Landlord's acquisition of the Premises, and Landlord's occupancy and possession of the Premises. Therefore, being fully informed of and understanding the acknowledgments made herein and of Tenant's rights or potential rights to Benefits under the Compensatory Laws, Tenant hereby expressly and unconditionally waives, and releases Landlord from, any and all rights of Tenant to claim, demand, sue for, or receive any Benefits which Tenant is or might be or might become entitled to recover from Landlord as a result of, or in any way related to, Expiration of the Tenancy, Landlord's acquisition of the Premises, and Landlord's occupancy and possession of the Premises.

22. General.

(a) The acceptance by Landlord of any rental or other payments due hereunder with knowledge of the breach of any of the terms, covenants, or provisions of this Lease by Tenant shall not be construed as a waiver of any such breach. The acceptance at any time or times by Landlord of any sum less than that which is required to be paid by Tenant shall, unless Landlord specifically agrees otherwise in writing, be deemed to have been received only on account of the obligation for which it is paid, and shall not be deemed an accord and satisfaction notwithstanding any provisions to the contrary written on any check or contained in any writing transmitting the same.

(b) The titles to the sections of this Lease are for convenience of reference only and are not a part of this Lease and shall have no effect upon the construction or interpretation of any part of this Lease. Any exhibits attached to this Lease are, however, a part of this Lease. This Lease shall be governed by and construed in accordance with the laws of the State of California, without regard to any otherwise governing principles of conflicts of law. In construing this Lease, none of the parties to it shall have any term or provision construed against it solely by reason of its having drafted the same.

(c) Any provision of this Lease that is invalid, illegal, or unenforceable shall be ineffective to the extent of such invalidity, illegality, or unenforceability without invalidating, diminishing, or rendering unenforceable the rights and obligations of the parties under the remaining provisions of this Lease.

(d) No term or provision of this Lease may be amended, altered, modified, or waived orally or by a course of conduct, but only by an instrument in writing signed by a duly authorized officer or representative of the party against which enforcement of such amendment, alteration, modification, or waiver is sought. Any amendment, alteration, modification, or waiver shall be for such period and subject to such conditions as shall be specified in the written instrument effecting the same. Any waiver shall be effective only in the specific instance and for the specific purpose for which given.

(e) This Lease and all exhibits attached to it constitutes the entire agreement of the parties with respect to the subject matter hereof and supersedes all prior or contemporaneous agreements (whether written or oral) with respect to that subject matter.

(f) This Lease may be executed in several counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

(g) If either party hereto brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in such action, on trial or appeal, shall be entitled to reasonable attorneys' fees to be paid by the losing party as fixed by the court.

(h) Time is of the essence of each provision hereof in which time is a factor.

The parties have caused this Lease to be duly executed by their respective duly authorized officers or representatives as of the date first set forth above.

LANDLORD:

CITY OF BANNING

By: _____
Print Name: _____
Title: _____

Attest:

_____

Caroline Patton, Administrative City Clerk

Approved as to Form:

By: _____
Serita Young,
City Attorney

TENANT:

COUNTY OF RIVERSIDE

By: _____
Print Name: _____
Title: _____

Attest:

_____
[name], [title]

Approved as to Form:

Minh C. Tran,
County Counsel

By: _____
Melissa R. Cushman,
Deputy County Counsel

EXHIBIT "A"

DESCRIPTION OF LEASED PREMISES

(Attached.)

Armory Building Floorplan
(Not to scale)

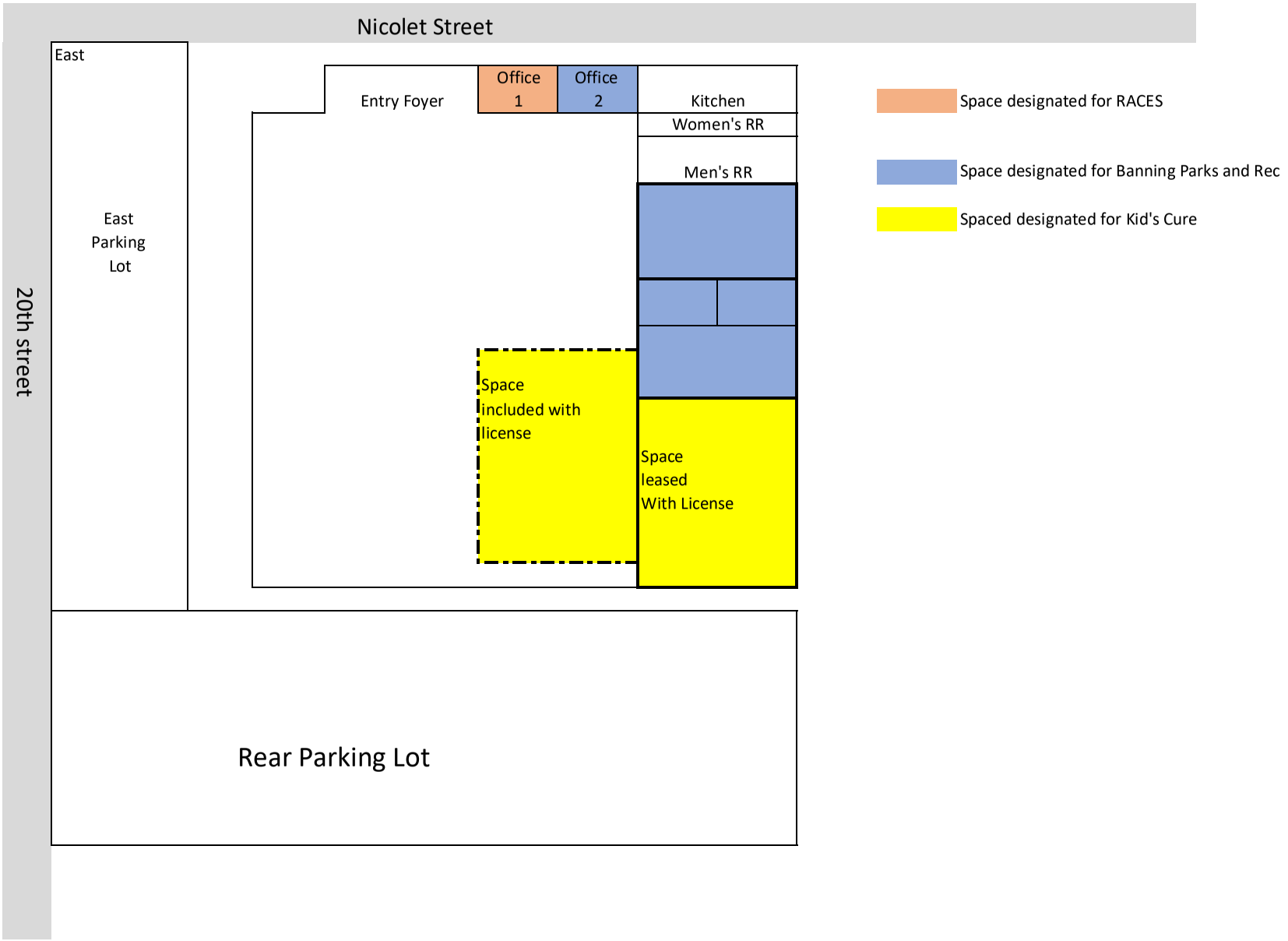


EXHIBIT "B"

FORM OF MEMORANDUM OF LEASE

(Attached.)

RECORDING REQUESTED BY,
AND WHEN RECORDED MAIL
TO:

City of Banning
99 East Ramsey Street
Banning, California 92220
Attention: City Manager

SPACE ABOVE THIS LINE FOR RECORDER'S USE

The undersigned declares that this Memorandum of Lease is exempt from Recording Fees pursuant to California Government Code Section 27383.

Exempt from Documentary Transfer Tax: Lease term less than 35 years.

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE (this "**Memorandum**") is dated as of _____, 2024, and is entered into by and between the COUNTY OF RIVERSIDE, a political subdivision of the State of California ("**Tenant**") and the CITY OF BANNING, a California municipal corporation ("**Landlord**").

RECITALS

A. Landlord and Tenant executed that certain Office Lease dated _____, 2024 (the "**Lease**") for space in certain real property located in the City of Banning, County of Riverside, State of California commonly known as the Armory Building, located at 2041 Nicolet Street (APN: 538-082-013) (the "**Property**") described on Exhibit "A" (the "**Premises**").

B. Landlord and Tenant now desire to record this Memorandum in order to comply with California law requiring that municipal leases be recorded.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, and the covenants and conditions contained in the Lease, Landlord and Tenant hereby agree as follows:

1. Lease. Landlord has leased the Premises to Tenant, and Tenant has leased the Premises from Landlord, upon and subject to the terms and conditions set forth in the Lease. The Lease is hereby incorporated herein by this reference.

2. Term. The term of the Lease commences on _____, 2024, and expires on _____, 2027, unless the Lease is terminated earlier in accordance with the provisions of the Lease.

IN WITNESS WHEREOF, Landlord and Tenant have executed this Memorandum as of the date and year first above written.

TENANT:

COUNTY OF RIVERSIDE
a political subdivision of the State of California

By: _____
Print Name: _____
Title: _____

Attest:

_____
[name],
[title]

LANDLORD:

CITY OF BANNING,
a municipal corporation

By: _____
Doug Schulze, City Manager

Attest:

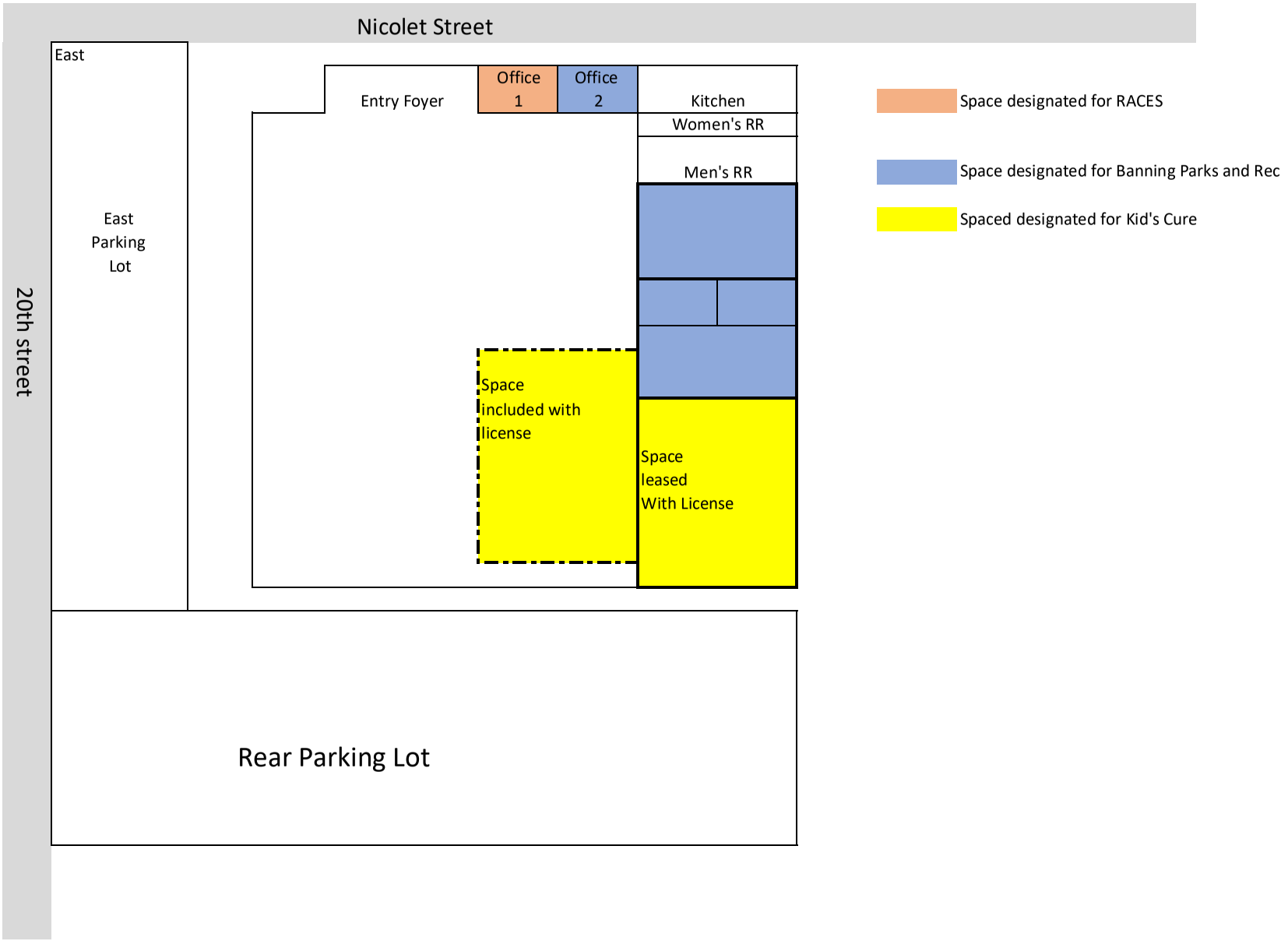
_____
Caroline Patton,
Administrative City Clerk

EXHIBIT "A"

DESCRIPTION OF LEASED PREMISES

(Attached.)

Armory Building Floorplan
(Not to scale)



RESOLUTION 2024-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, RESCINDING ITS ADOPTION OF RESOLUTION 2024-66, AND APPROVING AN OFFICE LEASE WITH RIVERSIDE COUNTY ON BEHALF OF THE EMERGENCY MANAGEMENT DEPARTMENT FOR OFFICE SPACE WITHIN THE ARMORY LOCATED AT 2041 W. NICOLET ST. TO BE USED BY THE RADIO AMATEUR EMERGENCY SERVICES (RACES)

WHEREAS, RACES stands for "Radio Amateur Civil Emergency Service" a protocol created by the Federal Emergency Management Agency (FEMA) and the Federal Communications Commission (FCC). Many government agencies across the county train their Auxiliary Communications Service volunteers using RACES protocol. Amateur Radio Operators, also known as Ham Radio Operators, are an important component in an Emergency Communication Plan. The RACES volunteer operators are: (1) licensed Radio Amateurs; (2) certified by a civil defense agency; (3) able to communicate on Amateur Radio frequencies during drills, exercises, and emergencies; and (4) the only Amateur Radio operators authorized to transmit during declared emergencies when the President of the United States specifically invokes the *War Powers Act*. The Radios will still operate without cell towers and phone lines; and

WHEREAS, the Pass Area RACES organization is highly trained and is an integral part of the Emergency Response Plan should an emergency occur. The Armory has been designated as the Emergency Operations Command (EOC) and having RACES located in the building will ensure any emergency operation is conducted efficiently; and

WHEREAS, the County desires to enter into an office lease agreement with the City for office space within the Armory Building located at 2041 W. Nicolet Street to be used by the Pass Area RACES; and

WHEREAS, on May 14, 2024, the City Council adopted Resolution 2024-66, approving an Office Lease Agreement with the County of Riverside on behalf of the Emergency Management Department (the "original Office Lease Agreement"). The terms of the original Office Lease Agreement required that the County pay rent in the amount of $1 per year for a total of three years, with an option to renew the term. The terms of the original Office Lease Agreement also required the County to pay $100 per month for utilities supplied to the leased office space, including water, sewer, gas, heat, light, power, and all other utilities or services of any kind. Riverside County Emergency Management Department staff have reviewed the terms of the original Office Lease Agreement after the City Council's adoption of Resolution 2024-66 and have requested that the City remove the requirement for the County to pay $100 per month for utilities as set forth in Section 10 of the original Office Lease Agreement because the Pass Area RACES provides a public benefit as described in the recitals above. City staff have no objections to the County's request and have prepared a new Office Lease Agreement, attached hereto as Exhibit A, for the City Council's consideration; and

WHEREAS, under the proposed new Office Lease Agreement, the County will pay rent in the amount of $1 per year for a total of three years, with an option to renew, and is not obligated to pay for utilities supplied to the leased office space.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council hereby rescinds its adoption of Resolution 2024-66.
SECTION 2. The City Council approves the Office Lease Agreement with Riverside County on behalf of the Emergency Management Department, attached hereto as Exhibit A, and authorizes the City Manager to sign the Agreement on behalf of the City Council.

SECTION 3. The City Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions, and record the Agreement with the County of Riverside

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-118, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Exhibit A
Office Lease Agreement with Riverside County

EXHIBIT A
Description of Exhibit A

Office Lease Agreement with Riverside County ON Behalf of the Emergency Management Department

CITY OF BANNING
STAFF REPORT

TO: **CITY COUNCIL**

FROM: **Douglas Schulze, City Manager**

PREPARED BY: **Patrick Safari, Capital Improvement Projects Manager**
Art Vela, Director of Public Works

MEETING DATE: **July 9, 2024**

SUBJECT: **Consideration of Resolution 2024-119, Awarding a Professional Services Agreement for the Design of Traffic Signal Hardware Upgrade at 17 Intersections to STC Traffic, Inc. in the amount of $74,760 and Approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" $82,236**

RECOMMENDATION:

Adopt Resolution 2024-119.

BACKGROUND:

The City of Banning completed a Local Road Safety Plan (LRSP) in August 2022 that identified signalized intersections as an important area of focus for the safety of the city's residents and visitors. The collision data from January 1, 2017 to December 31, 2021 indicated that 61% of collisions at signalized intersections were either rear-end, broadside or sideswipe. These types of collisions are typically associated with failure to stop at a red signal. At signalized intersections, there were also a significant number of collisions and injuries involving bicycles and pedestrians. Seventeen (17) signalized intersections were identified as needing safety improvements.

On October 12, 2021, under Resolution 2021-91, the City Council approved Master Agreement 08-5214S21 with California Department of Transportation (Caltrans) for state funded projects.

On October 10, 2023, under Resolution 2023-167, the City Council approved a corresponding Program Supplement Agreement No. HSIPL-5214(016) for Caltrans Cycle 11 Highway Safety Improvement Program. The agreement authorizes the City of Banning to start the Preliminary Engineering (PE) phase.

On April 12, 2024, staff released a Request for Proposals (RFP) for Design Services for the Upgrade of Traffic Signal Hardware at 17 intersections on the City's public bidding platform. The proposals were due on May 17, 2024. In response to the RFP, four (4) proposals were received from the following consultants:

	Consultant	Score (Out of 100)
1)	STC Traffic, Inc.	91.33
2)	Kimley Horn, Inc.	86.33
3)	Minagar & Associates, Inc.	82.00
4)	LIN Consulting, Inc.	80.67

JUSTIFICATION:

The Project will improve safety of the signalized intersections by implementing countermeasures such as signal hardware improvements (lenses, back plates with retroreflective borders), installation of Emergency Vehicle Pre-emption (EVP) systems and installation of Audible Pedestrian Countdown Signal Heads (APS).

Staff evaluated the proposals based on qualifications, cost, experience with the requested scope of services and response to the request for proposals. As a result, staff recommend the award of a professional services agreement to STC Traffic, Inc., in the amount of $74,760.

The scope will consist of the preparation of Plans, Specifications and Estimates (PS&E) including construction support.

FISCAL IMPACT:

Staff recommends awarding an agreement to STC Traffic, Inc. in the amount of $74,760 and approving a 10% contingency in the amount of $7,476 for a total “not-to-exceed” project budget of $82,236.

The project is budgeted and will be funded from Measure A Funds, Account 100-4900-431.90-10.

The project costs are eligible and will be reimbursed by the State of California Department of Transportation Cycle 11 Highway Safety Improvement Program (HSIP). The City of Banning will receive monthly reimbursements from the State of California.

ALTERNATIVES:

Do not approve and provide alternative direction.

ATTACHMENTS:

1. Resolution 2024-119, STC Traffic Inc.docx
2. C01048 - PSA STC Traffic Design of Traffic Signal Hardware Upgrade.pdf
3. Resolution 2021-091.pdf
4. Resolution No. 2023-167.pdf
5. Master Agreement 08-5214S21.pdf
6. Supplement Agreement.pdf
7. STC Traffic Proposal.pdf

RESOLUTION 2024-119

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A PROFESSIONAL SERVICES AGREEMENT FOR THE DESIGN OF TRAFFIC SIGNAL HARDWARE UPGRADE AT 17 INTERSECTIONS TO STC TRAFFIC, INC. IN THE AMOUNT OF $74,760 AND APPROVING A 10% CONTINGENCY FOR A TOTAL PROJECT BUDGET NOT-TO-EXCEED $82,236

WHEREAS, the City of Banning completed a Local Road Safety Plan (LRSP) in August 2022 that identified signalized intersections as an important area of focus for the safety of the city's residents and visitors; and

WHEREAS, seventeen (17) signalized intersections were identified as needing safety improvements; and

WHEREAS, on October 12, 2021, under Resolution 2021-91, the City Council approved Master Agreement 08-5214S21 with California Department of Transportation (Caltrans) for state funded projects; and

WHEREAS, on October 10, 2023, under Resolution 2023-167, the City Council approved a corresponding Program Supplement Agreement No. HSIPL-5214(016) for Caltrans Cycle 11 Highway Safety Improvement Program. The agreement authorizes the City of Banning to start the Preliminary Engineering (PE) phase; and

WHEREAS, on April 12, 2024, staff released a Request for Proposals (RFP) for Design Services for the Upgrade of Traffic Signal Hardware at 17 intersections on the City's public bidding platform; and

WHEREAS, on May 17, 2024, in response to the RFP, four (4) proposals were received ranging in score from 80.67 to 91.33; and

WHEREAS, staff evaluated the proposals based on qualifications, cost, experience with the requested scope of services and response to the request for proposals. As a result, staff recommend the award of a professional services agreement to STC Traffic, Inc., in the amount of $74,760; and

WHEREAS, the Project will improve safety of the signalized intersections by implementing countermeasures such as signal hardware improvements (lenses, back plates with retroreflective borders), installation of Emergency Vehicle Pre-emption (EVP) systems and installation of Audible Pedestrian Countdown Signal Heads (APS); and

WHEREAS, the total project budget of $82,236, which includes a 10% contingency, will be funded by Measure A funds. The project costs are eligible and expected to be reimbursed by the State of California Department of Transportation Cycle 11 Highway Safety Improvement Program (HSIP).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the Professional Services Agreement with STC Traffic, Inc. in the amount of $74,760 and approving a 10% Contingency for a Total Project Budget of "Not-to-Exceed" $82,236.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Council authorizes the City Manager to make necessary non-substantive changes and to execute the Professional Services Agreement with STC Traffic, Inc.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-119, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

Exhibit A
Professional Services Agreement with STC Traffic, Inc.

AGREEMENT FOR PROFESSIONAL SERVICES (C001048) FOR DESIGN OF TRAFFIC SIGNAL HARDWARE UPGRADE BY AND BETWEEN CITY OF BANNING AND STC TRAFFIC, INC.

THIS AGREEMENT FOR PROFESSIONAL SERVICES (herein "Agreement") is made and entered into this day: _____, ("Effective Date") by and between the **CITY OF BANNING,** a California municipal corporation ("City") and **STC TRAFFIC, INC**., a California Corporation, ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

RECITALS

A. City has sought by a Request for Proposal, a proposal in response to RFP #24-064 for the performance of the services for Design of Traffic Signal Hardware Upgrade and as further defined and described particularly in Article 1 of this Agreement.

B. Consultant, following submission of a proposal for the performance of the services defined and described particularly in Article 1 of this Agreement, was selected by City to perform those services.

C. The Parties desire to formalize the selection of Consultant for performance of those services defined and described particularly in Article 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

D. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

ARTICLE 1. SERVICES OF CONSULTANT

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, Consultant shall provide those services specified in the "Scope of Services" attached hereto as **Exhibit A** and incorporated herein by this reference, which services may be referred to herein as the "Services" hereunder. As a material inducement to City entering into this Agreement, Consultant represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Services contemplated herein. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Consultant covenants that it shall follow the highest professional standards in performing the Services required hereunder and that all materials will be of good quality, and fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional

standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contract Documents and Exhibits.

This Agreement includes the Request for Proposal and Consultant's accepted proposal ("Contract Documents"), both of which are on file with the City and incorporated herein by this general reference as though fully set forth herein. **Exhibit A** (Scope of Services), **Exhibit B** (Special Requirements), **Exhibit C** (Schedule of Compensation), and **Exhibit D** (Schedule of Performance) also constitute a part of this Agreement and are incorporated into this Agreement by this reference. Except as set forth in Section 1.10 regarding **Exhibit B**, this Agreement controls over the Contract Documents and the provisions in **Exhibits A, B** and **C**.

1.3 Compliance with Law.

Consultant shall keep itself informed concerning all ordinances, resolutions, statutes, rules, and regulations of City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered, and shall render all Services hereunder in accordance therewith.

1.4 Licenses, Permits, Fees and Assessments.

Consultant shall obtain and maintain during the term of this Agreement, at its sole cost and expense, all necessary licenses, permits, certificates and approvals required by law for the performance of Services under this Agreement, including a City business license. Consultant shall have the sole obligation to pay for all fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and which arise from or are necessary for Consultant's performance of the Services required by this Agreement. Consultant shall indemnify, defend and hold harmless City, its officers, employees or agents, against all such fees, assessments, taxes, penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Services.

By executing this Agreement, Consultant warrants that Consultant: (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities and any difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Consultant warrants that Consultant has or will investigate the site and is or will be fully acquainted with the conditions existing therein, prior to commencement of Services hereunder. Should Consultant discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Consultant shall immediately inform City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer (defined in Section 1.12. A).

1.6 Prevention of Loss and Damages.

Consultant shall adopt reasonable methods during the Term (defined in Section 3.4) to furnish continuous protection to the work product, and the equipment, materials, papers,

documents, plans, studies and/or other components thereof to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Services by City, except such losses or damages as may be caused by City's own negligence.

1.7 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonable necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible to perform the Services of the other.

1.8 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra services beyond that specified in the Scope of Services or to make changes by altering, adding to or deducting from the Services. No such extra services may be undertaken unless a written order is first given by the Contract Officer to Consultant, which written order incorporates therein an adjustment in (i) the Contract Sum (as defined in Section 2.1), and/or (ii) the Schedule of Performance, (as defined in Section 3.2), and which written order is approved in writing by Consultant. Any increase in compensation of up to ten percent (10%) of the Contract Sum, or $25,000, whichever is less; or in the Schedule of Performance of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by City Council. It is expressly understood by Consultant that the provisions of this Section shall not apply to Services which are specifically set forth in the Scope of Services or which are reasonably contemplated therein. Consultant hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Consultant anticipates and that Consultant shall not be entitled to additional compensation therefor.

1.9 Facilities and Equipment.

Except as otherwise provided, Consultant shall, at its own cost and expense, provide all facilities and equipment necessary to perform the Services required by this Agreement. City shall make available to Consultant only physical facilities such as desks, filing cabinets, and conference space ("City Facilities"), as City deems, in its sole discretion, to be reasonably necessary for Consultant's use while consulting with City employees and reviewing records and the information in possession of City. The location, quality, and time of furnishing City Facilities shall be in the sole discretion of City. In no event shall City be required to furnish any facilities that may involve incurring any direct expense, including but not limited to a computer, long distance telephone, network data, internet or other communication charges, vehicles and reproduction facilities.

1.10 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as **Exhibit B** and incorporated herein by this reference. In the event of a conflict between the provisions of **Exhibit B** and any other provisions of this Agreement, the provisions of **Exhibit B** shall govern.

1.11 Corrections.

In addition to the indemnification obligations set forth in Article 4, and Sections 1.4, 1.13, 5.3, 5.4, and 6.3, Consultant shall correct, at its expense, all errors in the Services which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction(s) in a reasonably timely manner, such correction(s) may be made by City, and the cost thereof shall be charged to Consultant. In addition to all other available remedies, City may deduct the cost of such correction(s) from any retention amount held by City, or may withhold payment otherwise owed Consultant under this Agreement up to the amount of the cost of correction(s), as provided in Section 6.3.

1.12 Party Representatives.

A. Contract Officer: For the purposes of this Agreement, the Contract Officer shall be the City Manager, or such other person designated in writing by the City Manager ("Contract Officer"). Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of City required hereunder to carry out the terms of this Agreement.

B. Principals and Personnel of Consultant.

1) Consultant Representative: The following principal of Consultant is hereby designated as being the Consultant Representative authorized to act on Consultant's behalf regarding the Services specified herein and make all decisions in connection therewith:

Name	Title
Jason Stack	President

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing Consultant Representative were a substantial inducement for City to enter into this Agreement. Therefore, the foregoing Consultant Representative shall be responsible during the term of this Agreement for directing all activities of Consultant and devoting sufficient time to personally supervise the Services hereunder. All personnel of Consultant, and any authorized agents, shall at all times be under the exclusive direction and control of the Consultant Representative. For purposes of this Agreement, the foregoing Consultant Representative may not be replaced nor may their responsibilities be substantially reduced or reassigned by Consultant without the express written approval of City. It shall be Consultant's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services, and Consultant shall refer any decisions which must be made by City to the Contract Officer.

2) Consultant's Personnel: Consultant has, or will secure at its own expense, all personnel required to perform the Services required under this Agreement. All of the Services required under this Agreement shall be performed by Consultant or under its supervision, and all personnel engaged in the Services shall be qualified to perform such Services. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement.

Consultant shall notify City of all changes in Consultant's staff and sub-contractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. In the event that City, in its sole discretion, at any time during the term of this Agreement, desires to reassign any staff or sub-contractor of Consultant, City shall give notice as set forth in Section 8.1. Consultant shall, immediately upon the receipt of the notice to re-assign staff from City, reassign such person or persons.

1.13 Independent Contractor.

A. Consultant is an independent contractor and not an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City. All Services provided pursuant to this Agreement shall be performed by Consultant or under its supervision. Consultant will determine the means, methods, and details of performing the Services. Any additional personnel performing Services under this Agreement on behalf of Consultant shall also not be employees of City and shall at all times be under Consultant's exclusive direction and control. Consultant shall pay all wages, salaries, and other amounts due such personnel in connection with their performance of Services under this Agreement and as required by law. Consultant shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: social security taxes, income tax withholding, unemployment insurance, disability insurance, and workers' compensation insurance.

B. Consultant shall indemnify and hold harmless City and its elected officials, officers, employees, servants, designated volunteers, and agents serving as independent contractors in the role of City officials, from any and all liability, damages, claims, costs and expenses of any nature to the extent arising from Consultant's personnel practices. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this Section.

1.14 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Consultant, the Consultant Representative and employees were a substantial inducement for City to enter into this Agreement. Therefore, Consultant shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Consultant, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this

Agreement shall be void. No approved transfer shall release Consultant or any surety of Consultant of any liability hereunder without the express consent of City.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, as full compensation for Services satisfactorily rendered, City shall pay Consultant at the hourly rates set forth in the "Schedule of Compensation" attached hereto as **Exhibit C** and incorporated herein by this reference. In no event shall Consultant be paid more than Seventy-Four Thousand Seven Hundred Sixty Dollars ($74,760.00) (the "Contract Sum"). The Contract Sum shall include the attendance of Consultant at all project meetings reasonably deemed necessary by City. Coordination of the performance of the Services with City is a critical component of the Services. If Consultant is required to attend additional meetings to facilitate such coordination, Consultant shall not be entitled to any additional compensation for attending those meetings.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion of the Services, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii) payment for time and materials based upon Consultant's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

City shall only reimburse Consultant for those actual and necessary expenses expressly set forth in **Exhibit C**. Reimbursable expenses may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual sub-contractor expenses of an approved sub-contractor pursuant to Section 1.14, and only if specified in the Schedule of Compensation.

2.4 Unauthorized Services and Expenses.

City will not pay for any Services or reimburse for any expenses incurred which are not specified in the Scope of Services, unless authorized in writing as set forth in Section 1.8 of this Agreement. City shall make payment for such authorized additional Services and expenses in accordance with Article 2 of this Agreement.

2.5 Invoices.

Each month Consultant shall furnish to City an original invoice for all Services performed and expenses incurred during the preceding month. Each such invoice shall contain all of the information set forth in Section III of **Exhibit C** to this Agreement. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the

Agreement. Consultant shall not invoice City for any duplicate Services performed by more than one person.

City shall independently review each invoice submitted by Consultant to determine whether the Services performed and expenses incurred are in compliance with the provisions of this Agreement. City will use its best efforts to cause Consultant to be paid within thirty (30) days of receipt of Consultant's correct and undisputed invoice, except as to any charges for Services performed or expenses incurred by Consultant which are disputed by City, or as provided in Section 6.3. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by City of any invoice provided by Consultant shall not constitute waiver of any rights or remedies provided herein or any applicable law.

2.6 Waiver.

Payment to Consultant for Services performed pursuant to this Agreement shall not be deemed to waive any defects in Services performed by Consultant.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement; provided, however, that the foregoing shall not be construed to limit or deprive a Party of the benefits of any grace or use period allowed in this Agreement.

3.2 Schedule of Performance.

Consultant shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as **Exhibit D** and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement may be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of Consultant. Such unforeseeable consequences include, but are not restricted to, acts of God or public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including City, if Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified, subject to the provisions of Section 1.8. The Contract Officer's determination (or the City Council's determination, in the event the period of enforced delay exceeds the period specified in Section 1.8) shall be final and conclusive upon the Parties to this Agreement. In no event shall Consultant

be entitled to recover damages against City for any delay in the performance of this Agreement, however caused; Consultant's sole remedy shall be the extension of the Agreement pursuant to this Section.

3.4 Term.

The Term of this Agreement shall be from the Effective Date through August 31, 2025 unless sooner terminated as provided in Article 6 of this Agreement or extended as provided in Sections 1.8 and 3.3 of this Agreement. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. INSURANCE AND INDEMNIFICATION

4.1 Minimum Scope and Limits of Insurance.

Consultant shall procure and at all times during the term of this Agreement carry, maintain, and keep in full force and effect, insurance as follows:

A. Commercial General Liability Insurance with a minimum limit of $1,000,000.00 per occurrence for bodily injury, personal injury and property damage and a general aggregate limit of $2,000,000.00 per project or location. If Consultant is a limited liability company, the commercial general liability coverage shall be amended so that Consultant and its managers, members, affiliates, employees, agents and other persons necessary or incidental to its operation are insureds.

B. Automobile Liability Insurance for any owned, non-owned or hired vehicle used in connection with the performance of this Agreement with a combined single limit of $1,000,000.00 per accident for bodily injury and property damage. If Consultant does not use any owned, non-owned or hired vehicles in the performance of Services under this Agreement, Consultant shall obtain a non-owned auto endorsement to the Commercial General Liability policy.

C. Workers' Compensation Insurance as required by the State of California and Employer's Liability Insurance with a minimum limit of $1,000,000.00 per accident for bodily injury or disease. If Consultant has no employees while performing Services under this Agreement, workers' compensation policy is not required; however, Consultant shall execute a declaration that it has no employees.

D. Professional Liability/Errors and Omissions Insurance with minimum limits of $1,000,000.00 per claim and in the aggregate.

4.2 Acceptability of Insurers.

The insurance policies required under this Article shall be issued by an insurer admitted to write insurance in the State of California with a rating of A:VII or better in the latest

edition of the A.M. Best Insurance Rating Guide. Self-insurance shall not be considered to comply with the insurance requirements under this Article.

4.3 Additional Insured.

The commercial general and automobile liability policies shall contain an endorsement naming City, its officers, employees, agents and volunteers as additional insureds.

4.4 Primary and Non-Contributing.

The insurance policies required under this Article shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance available to City. Any insurance or self-insurance maintained by City, its officers, employees, agents or volunteers, shall be in excess of Consultant's insurance and shall not contribute with it.

4.5 Consultant's Waiver of Subrogation.

The insurance policies required under this Article shall not prohibit Consultant and Consultant's employees, agents or sub-contractors from waiving the right of subrogation prior to a loss. Consultant hereby waives all rights of subrogation against City.

4.6 Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by City. At City's option, Consultant shall either reduce or eliminate the deductibles or self-insured retentions with respect to City; or Consultant shall procure a bond guaranteeing payment of losses and expenses.

4.7 Cancellations or Modifications to Coverage.

Consultant shall not cancel, reduce or otherwise modify the insurance policies required by this Article during the term of this Agreement. The commercial general and automobile liability policies required under this Agreement shall be endorsed to state that should the issuing insurer cancel the policy before the expiration date, the issuing insurer will endeavor to mail 30 days' prior written notice to City. If any insurance policy required under this Article is canceled or reduced in coverage or limits, Consultant shall, within two (2) Business Days (as defined in Section 8.12) of notice from the insurer, phone, fax or notify City via certified mail, return receipt requested, of the cancellation of or changes to the policy.

4.8 City Remedy for Noncompliance.

If Consultant does not maintain the policies of insurance required under this Article in full force and effect during the term of this Agreement, or in the event any of Consultant's policies do not comply with the requirements under this Article, City may either immediately terminate this Agreement or, if insurance is available at a reasonable cost, City may, but has no duty to, take out the necessary insurance and pay, at Consultant's expense, the premium thereon. Consultant shall promptly reimburse City for any premium paid by City, or City may withhold amounts sufficient to pay the premiums from payments due to Consultant.

4.9 Evidence of Insurance.

Prior to the performance of Services under this Agreement, Consultant shall furnish the City Clerk with a certificate or certificates of insurance and all original endorsements evidencing and effecting the coverages required under this Article. The endorsements are subject to City's approval. Consultant may provide complete, certified copies of all required insurance policies to City. Consultant shall maintain current endorsements on file with the City Clerk. Consultant shall provide proof to the City Clerk that insurance policies expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage. Consultant shall furnish such proof at least two (2) weeks prior to the expiration of the coverages.

4.10 Indemnity Requirements not Limiting.

Procurement of insurance by Consultant shall not be construed as a limitation of Consultant's liability or as full performance of Consultant's duty to indemnify City under this Agreement.

4.11 Sub-contractor Insurance Requirements.

Consultant shall require each of its sub-contractors that perform Services under this Agreement to maintain insurance coverage that meets all of the requirements of this Article.

4.12 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnification of City.

1) To the fullest extent permitted by law, Consultant shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Consultant shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Consultant shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Consultant shall pay all required taxes on amounts paid to Consultant under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant shall indemnify and hold City harmless from any failure of Consultant to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2.

3) Consultant shall obtain executed indemnity agreements with provisions identical to those in this Article from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. If Consultant fails to obtain such indemnity obligations, Consultant shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Consultant's sub-contractor, its officers, agents, servants, employees, sub-contractors, materialmen, consultants or their officers, agents, servants or employees (or any entity or individual that Consultant's sub-contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Consultant's indemnifications and obligations under this Article, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Consultant expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Consultant because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Article shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Consultant's indemnifications and obligations under this Article shall survive the expiration or termination of this Agreement.

ARTICLE 5. RECORDS, REPORTS, AND RELEASE OF INFORMATION

5.1 Service Records.

Consultant shall keep, and require sub-contractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Service Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer

to evaluate the performance of such Services. Any and all such Service Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Service Records at all times during normal business hours of City, including the right to inspect, copy, audit and make copies and transcripts from such Service Records. Such Service Records shall be maintained for a period of three (3) years following completion of the Services hereunder, and City shall have access to such Service Records in the event any audit is required. In the event of dissolution of Consultant's business, custody of the Service Records may be given to City, and access shall be provided by Consultant's successor in interest ("Consultant's Successor"). If custody of the Service Records is given to Consultant's Successor, Consultant shall give written notice to City of the transfer of the Service Records to Consultant's Successor. The notice shall include contact information (address and telephone number) for Consultant's Successor, and access shall be provided to City by Consultant's Successor.

5.2 Reports.

Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Consultant hereby acknowledges that City is greatly concerned about the cost of Services to be performed pursuant to this Agreement. For this reason, Consultant agrees that if Consultant becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Services contemplated herein, Consultant shall promptly notify the Contract Officer of that fact, circumstance, technique or event and the estimated increased or decreased cost related thereto.

5.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Consultant Documents") prepared by Consultant, its employees, sub-contractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement. Consultant shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Consultant Documents hereunder. Any use, reuse or assignment of such completed Consultant Documents for other projects and/or use of uncompleted Consultant Documents without specific written authorization by Consultant will be at City's sole risk and without liability to Consultant, and Consultant's guarantee and warranties shall not extend to such use or assignment. Consultant may retain copies of such Consultant Documents for its own use. Consultant shall have an unrestricted right to use the concepts embodied therein. All sub-contractors shall provide for assignment to City of all Consultant Documents prepared by them; and in the event Consultant fails to secure such assignment, Consultant shall indemnify City for all damages resulting therefrom.

5.4 Confidentiality and Release of Information.

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the

public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the Contract Officer.

B. Consultant, its officers, employees, agents or sub-contractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Services performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or sub-contractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys' fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or sub-contractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Services performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite the response.

ARTICLE 6. ENFORCEMENT OF AGREEMENT AND TERMINATION

6.1 California Law.

This Agreement, and any dispute arising from the relationship between the Parties to this Agreement, shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Consultant covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

6.2 Disputes; Default.

A. In the event that City determines Consultant is in default under the terms of this Agreement, City shall have no obligation or duty to continue compensating Consultant for any Services performed after the date of default. In addition to the provisions of Section 4.8, and the right to terminate pursuant to Section 6.7, if the City Manager determines that Consultant is in default in the performance of any of the terms or conditions of this Agreement, City may serve Consultant with written notice of the default. Consultant shall have ten (10) calendar days after service upon it of the notice in which to cure the default by rendering a satisfactory performance.

In the event that Consultant fails to cure its default within such period of time, City may, notwithstanding any other provision of this Agreement, terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

B. In the event of termination pursuant to this Section, City may take over the Services and prosecute the same to completion by contract or otherwise, and Consultant shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to Consultant for the purpose of set-off or partial payment of the amounts owed City as provided in Section 6.3.

6.3 Retention of Funds.

Consultant hereby authorizes City to deduct from any amount payable to Consultant (whether or not arising out of this Agreement): (i) any payment amount of which may be in dispute hereunder or which is necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, (ii) all amounts retained pursuant to the provisions of Section 4.8, (iii) all amounts for which City may be liable to third parties, by reason of Consultant's acts or omissions in performing or failing to perform Consultant's obligation under this Agreement, and (iv) all payments due or that become due to Consultant during the period that Consultant or any of its sub-contractors fail to maintain any required insurance in full force and effect, until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City, as provided in Section 4.9, above. In the event that any claim is made by a third party, the amount or validity of which is disputed by Consultant, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of Consultant to insure, indemnify, and protect City as elsewhere provided herein.

6.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Services by Consultant shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver. Any waiver by either Party of any default must be in writing, and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

6.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party

of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other Party.

6.6 Legal Action.

In addition to any other rights or remedies, either Party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant must file a statutory claim pursuant to Government Code Sections 905 et seq. and 910 et seq., in order to pursue a legal action against City under this Agreement.

6.7 Termination Prior to Expiration of Term.

This Article 6 shall govern any termination of this Agreement except as specifically provided in Section 6.2 for termination for default of Consultant. City reserves the right to terminate this Agreement at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of Consultant, the period of notice may be a shorter time as may be determined by the Contract Officer. In addition, Consultant reserves the right to terminate this Agreement at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of City, the period of notice may be a shorter time as Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where Consultant has initiated termination, Consultant shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 6.3. In the event Consultant has initiated termination, Consultant shall be entitled to compensation only for the reasonable value of the work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 6.2.

6.8 Attorneys' Fees.

In any litigation or other proceeding by which a Party seeks to enforce its rights under this Agreement (whether in contract, tort or both) or seeks a declaration of any rights or obligations under this Agreement, the prevailing Party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorneys' fees. Attorneys' fees shall include attorney's fees on any appeal, and in addition the Party entitled to attorneys' fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 7. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

7.1 Non-liability of City Officers and Employees.

No officer or employee of City shall be personally liable to Consultant, or Consultant's Successor, in the event of any default or breach by City or for any amount which may become due to Consultant or Consultant's Successor, or for breach of any obligation of the terms of this Agreement.

7.2 Conflict of Interest.

Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or sub-contractor without the express written consent of the Contract Officer. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of City shall have any direct or indirect financial interest in this Agreement within the scope of Government Code section 1090, nor shall any such officer or employee make, participate in making, or use his or her official position to influence, any City decision relating to the Agreement which has a material financial effect on his or her financial interests or the financial interests of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any State statute or regulation. Consultant warrants that it has not paid or given, and will not pay or give any third party any money or other consideration for obtaining this Agreement.

Consultant and its officers, employees, associates and sub-contractors, if any, shall comply with all conflict of interest statutes of the State of California applicable to Consultant's Services under this Agreement, including the Political Reform Act (Gov. Code § 81000, et seq.) and Government Code Section 1090. During the term of this Agreement, Consultant may perform similar services for other clients; but Consultant and its officers, employees, associates and sub-contractors shall not, without the Contract Officer's prior written approval, perform services for another person or entity for whom Consultant is not currently performing services that would require Consultant or one of its officers, employees, associates or sub-contractors to abstain from a decision under this Agreement pursuant to a conflict of interest statute. Consultant shall incorporate a clause substantially similar to this Section into any subcontract that Consultant executes in connection with the performance of this Agreement.

7.3 Covenant Against Discrimination.

Consultant covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, or ancestry in the performance of this Agreement. Consultant shall take affirmative action to insure that applicants are employed, and that employees

are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry, or other protected class.

7.4 Unauthorized Aliens.

Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Consultant so employ such unauthorized aliens for the performance of Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Consultant hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 8. MISCELLANEOUS PROVISIONS

8.1 Notices.

Any notice, demand, request, document, consent, approval, bill, invoice, report or other communication required or permitted under this Agreement shall be in writing and conclusively deemed effective: (a) on confirmed delivery by courier service or overnight delivery service during Consultant's and City's regular business hours; or (b) three (3) Business Days after deposit in the United States mail, by certified or registered mail, and addressed to the Party to be notified as set forth below:

If to City	Attn: Patrick Safari City Engineer City of Banning 99 East Ramsey Street Banning, California 92220 Email: psafari@banningca.gov
With a courtesy copy to:	Serita R. Young, City Attorney Richards, Watson & Gershon 350 South Grand Avenue, 37th Floor Los Angeles, California 90071 Email: SYoung@rwglaw.com
If to Consultant:	Attn: Jason Stack President STC Traffic, Inc. 5973 Avenida Encinas, Suite 218 Carlsbad, CA 92008 Email: Jason.stack@stctraffic.com

8.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.4 Integration; Amendment.

This Agreement, and all exhibits referred to in this Agreement, constitute the final, complete and exclusive statement of the terms of the agreement between the Parties pertaining to the subject matter of this Agreement and supersede all other and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No Party has been induced to enter into this Agreement by, nor is any Party relying on, any representation or warranty except those expressly set forth in this Agreement. No amendment to or modification of this Agreement, nor any provision or breach hereof waived, shall be valid unless made in writing and approved by Consultant and by City Council. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

8.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Mutual Cooperation.

A. City's Cooperation. City shall provide Consultant with all pertinent data, documents and other requested information as is reasonably available for Consultant's proper performance of the Services required under this Agreement.

B. Consultant's Cooperation. In the event any claim or action is brought against City relating to Consultant's performance of Services rendered under this Agreement, Consultant shall render any reasonable assistance that City requires.

8.7 No Third Party Beneficiaries Intended.

This Agreement is made solely for the benefit of the Parties to this Agreement and their respective successors and assigns, and no other person or entity may have or acquire a right by virtue of this Agreement.

8.8 Final Payment Acceptance Constitutes Release.

The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished or relating to Consultant's Services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-contractors and agents for the accuracy and competency of the information provided and/or Services performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the Services prepared by Consultant, its employees, sub-contractors and agents.

8.9 Non-Appropriation of Funds.

Payments to be made to Consultant by City for Services performed within the current fiscal year which are within the current fiscal budget and within an available, unexhausted fund. In the event that City does not appropriate sufficient funds for payment of Consultant's Services beyond the current fiscal year, this Agreement shall cover payment for Consultant's Services only to the conclusion of the last fiscal year in which City appropriates sufficient funds and shall automatically terminate at the conclusion of such fiscal year.

8.10 Headings.

The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the Parties to this Agreement.

8.11 Word Usage.

Unless the context clearly requires otherwise, (a) the words "shall," "will" and "agrees" are mandatory and "may" is permissive; (b) "or" is not exclusive; and (c) "includes" or "including" are not limiting.

8.12 Business Days.

"Business Days" refers to days that the Banning City Hall is open for business.

8.13 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i): such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver

this Agreement on behalf of that Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which that Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

8.14 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING		CONSULTANT	
Douglas Schulze, City Manager	Date	NAME: TITLE:	Date
		NAME: TITLE:	Date
ATTEST:			
		Tax ID No.	
Caroline Patton Administrative City Clerk	Date	Address:	

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Consultant will perform the following Services in connection with providing Design of Traffic Signal Hardware Upgrade prepared in connection therewith:

II. As part of the Services, Consultant will prepare and deliver the following tangible work products and services to City:

1. Project Understanding and Approach

The City of Banning was recently awarded an HSIP Cycle 11 Grant to upgrade existing traffic signal hardware at 17 signalized intersections throughout the City.

STC is very familiar with this project, **having prepared the City's Local Road Safety Plan in August 2022 and the HSIP Cycle 11 funding application in September 2022.** We understand the City's needs. During the previous studies, our staff observed traffic operations and conducted safety evaluations and reviews at all 17 traffic signals in the project area.

Local Road Safety Plans were established by Caltrans in 2019 to provide funding to local agencies for developing a framework for identifying, analyzing, and prioritizing roadway safety improvements.

In the LRSP, STC identified this specific traffic signal hardware project for the City of Banning (retroreflective backplates, emergency vehicle preemption, ADA-compliant push buttons, countdown pedestrian heads, and LED safety lighting) as a worthy project to receive an HSIP grant based on our analysis of crash data using the countermeasure toolbox and documenting a high benefit cost ratio (BCR).

In September 2022, STC further assisted the City by preparing the HSIP Cycle 11 Citywide Traffic Signal Hardware Upgrades Project application, and the City was awarded the grant.

STC has been involved with this project from its inception and is very experienced with the latest signal equipment.

We model our company structure after a municipal Public Works/Engineering Division. We are former City Traffic Engineers and extensions of staff in our role as consultants; we operate and maintain TMCs and systems; we have been foreman for electrical contractors in traffic signal construction and maintenance; we have managed the municipal Public Works Electrical Division; and, we have worked for traffic signal system suppliers and manufacturers.

We are unique when compared to other consultants in that our staff have extensive experience in projects that involve traffic signal hardware and equipment, installation methods and procedures, and maintenance considerations. We only recommend products that provide the best benefit to the City.

Various case studies have proven that signal heads with retroreflective borders are a cost-effective strategy to reduce crashes within the influence of signalized intersections. Signal heads with retroreflective borders increase visibility during daytime and nighttime conditions as well as during nighttime power outages, and aid drivers' advance perception of the upcoming intersections.

STC has prepared several PS&E traffic signal hardware upgrades, including backplates, LED safety lighting, and ADA-compliant push buttons and countdown pedestrian heads on similar HSIP projects throughout Southern California (**See Section 5**).

STC typically recommends the replacement of existing backplates with new yellow retroreflective louvered backplates. The louvered design reduces the wind load on the traffic signal mast arm pole and will help extend the life cycle of the signal equipment.

Our field investigation in the City of Banning indicated that there are two existing older 3M programmable signal heads at the intersection of Ramsey Street & 22nd Street (**Photo Below**). These signal heads are no longer manufactured, and the retroreflective backplates are not compatible. For this case, STC will evaluate replacement of the signal head, retroreflective yellow tape, or retroreflective tape on metal strips riveted to the existing backplate.



Non-standard framework design at Highland Springs Avenue & I-10 EB Ramps (left). Older 3M programmable signal heads at Ramsey Street & 22nd Street (right).

In addition, STC noted that there is a Type 1A signal pole with three signal heads without backplates due to the non-standard framework design at Highland Springs Avenue & I-10 EB Ramps. STC will recommend an alternate signal framework design to Caltrans so that new retroreflective backplates can be installed.

It has been STC's experience on similar HSIP signal hardware replacement projects that there are older traffic signal heads that are not compatible with the new yellow backplates and may require an alternate method of replacement. For these conditions, STC will develop alternate methods for replacement, such using yellow reflective tape, riveted metal reflective strips, or replacement of the old signal head to current industry standards.

Emergency vehicle preemption (EVP) systems at intersections have been in place for several decades. EVP is a proven signal feature that reduces conflicts between emergency vehicles and other roadway users. Collisions typically occur as emergency vehicles try to navigate through signalized intersections while others maneuver out of the path. EVP systems decrease emergency vehicle response times, which enhances emergency medical attention and is especially critical for crashes involving pedestrians and DUIs.

The City has done a great job at installing EVP systems on city-operated traffic signals. The only exception is at the traffic signal at Highland Springs Avenue & Ramsey Street and the two Caltrans maintained intersections at Highland Springs Avenue & I-10 EB and I-10 WB Ramps. STC has reviewed the conditions at these three intersections and determined that an emergency vehicle's coded strobe light will likely be blocked in the NB direction on Highland Springs Avenue as the emergency vehicle approaches the intersection of Highland Avenue & I-10 EB Ramp due to the railroad bridge structure (**See Below**).



During the field review, STC will evaluate whether there are any existing conduit runs for the NB advance detection loops. If there are advance loops with available capacity for EVP conductors, this could possibly be used and reduce the construction costs of adding new conduit, pull boxes, and signal poles. There is an existing street light pole located south of the railroad bridge where the EVP detectors could be mounted to provide adequate line of sight. STC will evaluate alternatives using infrared, radio and GPS technologies to newer, Cloud-based models of EVP technology where line of sight cannot be obtained.

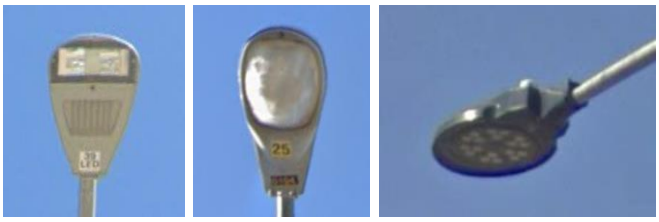
The HSIP grant included funding to provide Accessible Pedestrian Signals (APS) and countdown pedestrian heads. The APS unit replaces the standard pedestrian push button and is designed to provide auditory, visual, and vibrotactile information to pedestrians who are blind or who have low vision so they can know when they should begin to cross at a signalized intersection.

Per the latest version of the California Manual on Uniform Traffic Control Devices (CA MUTCD), all pedestrian signal heads used at crosswalks where the pedestrian change interval is more than 7 seconds shall include a pedestrian change interval countdown timed display. On September 7, 2023, the Architectural and Transportation Barriers Compliance Board issued a final ruling on accessibility guidelines for pedestrian facilities in public rights-of-way (PROWAG). Ruling (R307) of PROWAG requires that pedestrian signals be able to communicate information about pedestrian signal timing in non-visual formats such as audible tones or speech messages, and vibrating surfaces.

STC will provide design plans for the removal and installation of new APS push buttons and countdown pedestrian heads.

STC will also prepare PS&E to replace the traffic signal safety lighting with LED safety lighting. There are a variety of safety lighting at each intersection with a combination of high pressure sodium lights and LED lights (**Photos Below**).

This task was not included in the RFP but was included in the HSIP grant the City received. STC will review each safety light and recommend a standard LED safety light. Since the City of Beaumont and Caltrans share some of these intersections with the City of Banning, STC will coordinate with those agencies to determine the safety light type to be used for replacement. STC has a great relationship with the City of Beaumont as the preferred on-call traffic engineering consultant for the City.



The City has a combination of high pressure sodium and LED traffic signal safety lights. STC will coordinate with the City to develop an LED safety lighting standard.

Scope of Work/Implementation Plan

The detailed Scope of Work presented below summarizes our knowledge of conditions in the project area, details of the work scope required, and our approach to the design effort to ensure quality, accuracy, and ultimate compliance with the project objectives.

Task 1.0. Project Management/ Administration

Task 1.1 Kick-off Meeting

STC's Project Manager, Rob Blough, PE, TE, will coordinate the day-to-day activities for the duration of the project and serve as the primary point of contact.

Within two weeks following the Notice to Proceed (NTP), Mr. Blough will schedule a project kick-off meeting with City staff and the project team to discuss the project objectives, schedule, scope, and City policies and procedures. Mr. Blough will set up and manage the project, provide utility coordination (if necessary), perform quality assurance and quality control prior to each milestone submittal and in conformance with Federal, State, and City standards.

STC will develop and maintain a detailed work program and project schedule to achieve Caltrans approval prior to the construction funding approval deadline. The work plan will include, at a minimum, details of methodology, sequence of tasks, lists of deliverables, milestone submittal schedule, summary of organizational responsibilities, and contracts. Mr. Blough will also coordinate progress meetings to discuss design issues, any potential modifications to the scope, action items, and next steps.

Task 1.2 Progress Meetings

STC will set up regular monthly status meetings with the City throughout the duration of the project and prepare meeting agendas. STC will prepare and email meeting agendas to City staff in advance of the meetings and email meeting minutes within seven (7) calendar days after each meeting. If necessary, STC will facilitate additional meetings with City Departments, Caltrans and other key stakeholders, creating meeting agendas with input from the City and Caltrans. These meeting minutes will be distributed within seven (7) calendar days of the meeting.

Task 1.3 Invoicing

STC will submit a progress report with monthly invoices to the City in an organized format and with sufficient detail and backup documentation to clearly identify personnel, hours worked, and tasks completed. STC will control all project documents and provide deliverables and final files to the City in electronic format and hard copy as requested.

STC will maintain project files and data in an organized, logical fashion, and will be able to promptly retrieve and distribute project information to the City in the event of an audit or Public Records Act (PRA) request.

<u>Task 1.0 Deliverables:</u>

- Work Plan
- Meeting Agendas and Meeting Minutes
- Monthly Invoices
- Project Schedule and Updates
- Project History File

Task 2.0 Preliminary Investigation/Site Assessment

Task 2.1 Field Investigation/Site Assessment

STC will conduct field investigations of all 17 traffic signals to verify and evaluate existing conditions relative to the project SOW.

STC will obtain and review all available documents and traffic signal as-builts. STC will compare the as-builts to existing conditions and document and evaluate the condition, type, and quantities of each traffic signal head, emergency vehicle preemption, pedestrian push buttons, pedestrian signal heads, and traffic signal safety lighting at all project intersections.

STC will inventory the traffic signal control box equipment and devices and document with photos and verify the conduit capacity for installation of new EVP systems as well as space inside the traffic control box for equipment.

If new conduits are proposed, STC will ensure that potholing is included as an option to be performed, as needed, to locate other utilities that may be in conflict. STC will obtain three (3) quotes from potholing contractors should the need be determined.

Utility companies will be consulted and coordinated with, and STC will detail all contacts and coordination efforts. STC will keep detailed notes and take photos of all equipment to keep as a record. If defective or deficient signal heads, safety lighting, pedestrian push buttons, pedestrian heads, or other traffic signal equipment are witnessed during field investigations, they will be documented and the City will be notified immediately.

The field documentation will also be utilized for PS&E development. Importantly, personnel performing this task must have a detailed understanding of traffic signal hardware and the various manufacturers and equipment models and features to properly evaluate and identify and inventory equipment and conditions.

Our staff are former **public works electricians and IMSA certified technicians** and are qualified in all aspects of traffic signal systems.

Task 2.1 Deliverables:

- On-Site Photos
- Letters to Utility Owners
- Utility As-built Maps
- Base Map
- Potholing (Option)
- Field Review Notes

Task 2.2 Potholing Services (Optional Task)

STC has included optional budget for potholing utilities as mentioned in the RFP. The locations of potholes will be discussed and agreed upon with the City before potholing. STC has accounted for up to five (5) potholes. STC will prepare necessary traffic control plans to be included in the permit submittal.

Task 2.2 Deliverables (Optional Task):

- Potholing Records in a Report Format

Task 2.3 Preliminary Engineering

STC will prepare preliminary engineering tables summarizing the existing and proposed signal head retroreflective yellow backplates, EVPs, accessible pedestrian push buttons, pedestrian countdown heads, and LED safety lights at each project intersection.

It has been STC's experience on similar HSIP signal hardware replacement projects that there are older traffic signal heads that are not compatible with the new yellow backplates and may require an alternate method of replacement. For these conditions, STC will develop alternate methods for replacement, such using yellow reflective tape, riveted metal reflective strips, or replacement of the old signal head to current industry standards.

Due to the high wind conditions in the City of Banning, STC will also evaluate the need for using louvered backplates to reduce the structural load on the signal poles with mast arms.

STC will meet with Caltrans to discuss the feasibility of installing EVPs at the intersections of Highland Springs Avenue and I-10 WB/EB ramps. Due to the grades on Highland Springs Avenue, the freeway and railroad bridge may be an obstruction to the proper functioning of the EVP systems at the ramps and alternative placement of optical receptors will be discussed with Caltrans.

STC has conducted a preliminary review of the line of sight and will develop alternative designs due to the railroad bridge blocking northbound line of sight at the Highland Springs Avenue and I-10 EB ramp signal. All documents and as-builts will be obtained and reviewed of the existing traffic signals from all involved agencies.

STC will prepare a table showing the results of our evaluation of all pedestrian push buttons and pedestrian heads. If there are any push button locations that are not in compliance with CA MUTCD or ADA, recommendations will be made to bring these into compliance. All pedestrian signal heads that have not been converted to countdown heads will be documented for replacement in the table.

If desired by the City, STC will coordinate with the City to develop a standard for wattage and fixture type for new LED safety lighting. Although the RFP does not specify replacement of safety lights, **STC has included this work effort as an added value task.** It should be noted that STC prepared the HSIP grant for the City and it included replacement of old lighting with LED safety lights.

STC has worked closely with contractors who perform this exact work during recent HSIP application preparations to understand the effort and cost associated with signal hardware replacements. This stage of the project will identify any potential shortcomings in the available HSIP grant funding for this project and allow for initiation of proactive solutions if desired.

Task 2.3 Deliverables:

- Table Summary of Back Plate Replacements
- Table Summary of Emergency Vehicle Preemption Installations
- Table Summary of Accessible Pedestrian Push Button Replacements
- Table Summary of Pedestrian Countdown Signal Head Replacements
- Table Summary of LED Safety Lighting Replacements
- Summary of Traffic Signal Control Box Inventory Including Photos

Task 3.0. Engineering Design

Task 3.1. Plan Preparation (60%, 90%, 100%)

STC will develop design plans for 17 traffic signals and incorporate the traffic signal hardware improvements that were identified during the Preliminary Engineering phase of this project (Task 2.3). The design will be developed in conformance with the latest City of Banning requirements, Green Book and Caltrans Specifications and Standard Plans, AASHTO, CA MUTCD, and Riverside County Regional Standard Drawings.

The design plan set will include a title sheet, general notes sheet, detail sheets, and individual intersection traffic signal improvement sheets at 1″ = 20′ scale. Plans will be submitted at 60% and 90% design for City review. The 100% design plans will be considered Final and submitted on Bond paper along with AutoCAD 2021 files.

Since the traffic signals on Highland Springs Avenue are jointly managed by the City of Banning and City of Beaumont, STC will also provide 60% and 90% design plans for review to the City of Beaumont. In addition, STC will also **provide plans to Caltrans** for their review of the two intersections at Highland Springs Avenue and I-10 EB/WB ramps.

The City of Banning provided eleven (11) intersection as-built traffic signal plans, and these will be utilized for a delta revision. Two (2) intersections are Caltrans maintained and STC will obtain copies of their as-builts. STC will coordinate with Caltrans to determine their requirements for design plan submittals. For the remaining four (4) intersections where there are no existing plans, STC will produce new plans. STC will prepare four (4) new traffic signal modification plans sufficient for a contractor to bid and complete the replacement of signal head backplates, installation of EVPs, replacement of pedestrian push buttons and countdown heads, and replacement of safety lighting. The plans will be prepared at a scale of 1" = 20'. The base plan will show existing right of way lines, roadway centerlines, curb, gutter and sidewalk, utilities of record. All traffic signal components will be drafted using the latest CAD standards for traffic signal design. Plans will include general notes, construction notes, phase diagrams, pole and equipment schedules, conduit and conductor schedules, and details for pole locations and foundations, pull boxes, and conduits.

All work identified on the plans will be approved and signed by a professional Civil Engineer registered in the State of California. Plans will be submitted at the 60%, 90% and 100% design levels.

Task 3.1 Deliverables:

- (60% and 90% Plans) Electronic Submittal (PDF) of 1-Title Sheet, 1-General Note and Area Map Sheet, 17-Traffic Signal Improvement Plan Sheets
- (100%/Final Plans) Bond Paper Submittal of 1-Title Sheet, 1-General Note and Area Map Sheet, 17-Traffic Signal Improvement Plan Sheets
- Four (4) sets of Final Design Plans on 24″x36 Bond Paper
- Final AutoCAD 2021 files

Task 4.0 Permitting

STC will investigate and process all required permits, including Caltrans and City of Beaumont encroachment permits. As an added value item, STC will prepare all necessary documents required for the Construction Funding Allocation Request (CON) in compliance with LAPM state funded HISP project implementation procedures. The deliverables shown under this task are anticipated to be included with the CON.

Task 4.0 Deliverables:

- Request for Funding Allocation Form
- Approved CEQA Notice of Exemption Documents
- Right-of-Way Certification
- State-only Finance Letter for Construction
- Detailed Engineer's Cost Estimate for Construction Items
- Printout from List of Selected HSIP Projects Highlighting City Project
- Caltrans Encroachment Permit
- City of Banning Encroachment Permit

Task 5.0 Specifications and Cost Estimate

Task 5.1 Project Specifications and Bid Documents

STC will prepare project specifications utilizing the City's most current boilerplate bid package for state funded projects, special provisions, and the latest edition of the Greenbook for Public Works Construction. The bid package will be prepared via Microsoft Word and remain in the City's boilerplate font and format. Project specifications and bid documents will include the detailed project description, bid item descriptions, preparation of bid schedule, applicable special provisions, and references to technical specifications.

Task 5.1 Deliverables:

- Bid Package (Word Document)
- Project Specifications at the 90% and 100% Design Levels (Word Document)

Task 5.2 Engineer's Estimate of Probable Construction Cost

The STC Team will provide an itemized engineer's estimate of probable cost at 90% and 100% levels of design for all proposed improvements.

The estimates will be detailed with unit prices and quantities for individual line items of work and specified equipment based on the historical cost index. Cost estimate details (items and descriptions) will be consistent with bid items and specification sections.

Task 5.2 Deliverables:

- Engineer's Cost Estimate at the 90% and 100% Design Levels (Excel)

Task 6.0 Bidding/Construction Support

STC will provide design support during advertisement and construction of the project including answering pre-bid questions and interpretations of the plans and specification either by email or phone. STC will respond to the contractor's RFIs, confer with the City's construction manager or inspector regarding RFIs as appropriate, and review shop drawings and material submittals.

All bidding communication will be directed through the City for issuance to the contractor. STC will prepare design changes during construction as authorized, attend the pre-bid and pre-construction meeting, and be available to answer questions from City staff or the contractor.

Task 6.0 Deliverables:

- Responses to Bidder's Questions/RFIs and Prepare Addenda
- Attend Pre-Bid and Pre-Construction Meetings
- Responses to Contractor's Submittals, Shop Drawings and RFIs
- Conduct Three (3) Site Visits During Construction as Requested
- Prepare As-Built Plans within One (1) Month of Receipt of As-Built Redlines from Contractor

III. In addition to the requirements of Parts I and II of this Scope of Services, during the performance of the Services, Consultant will keep City appraised through periodic status reports regarding the performance of the Services under this Agreement as set forth below and in Section 5.2, by the following means:

a. In-person meetings and/or teleconferences.

b. Email updates/questions to applicant team and City while reviews are underway.

c. Conference calls.

IV. All work product is subject to review and acceptance by City. If the City determines that any work product is unacceptable, for any reason, it must be revised by Consultant without additional charge to City until found satisfactory and accepted by City.

EXHIBIT "B"
SPECIAL REQUIREMENTS

TERMS FOR COMPLIANCE WITH CALIFORNIA LABOR LAW REQUIREMENTS

1. This Agreement calls for services that, in whole or in part, constitute "public works" as defined in Division 2, Part 7, Chapter 1 (commencing with Section 1720) of the California Labor Code ("Chapter 1"). Further, Consultant acknowledges that this Agreement is subject to (a) Chapter 1 and (b) the rules and regulations established by the Department of Industrial Relations ("DIR") implementing such statutes. Therefore, as to those Services that are "public works," Consultant shall comply with and be bound by all the terms, rules and regulations described in 1(a) and 1(b) as though set forth in full herein.

2. California law requires the inclusion of specific Labor Code provisions in certain contracts. The inclusion of such specific provisions below, whether or not required by California law, does not alter the meaning or scope of Section 1 above.

3. Consultant shall be registered with the Department of Industrial Relations in accordance with California Labor Code Section 1725.5, and has provided proof of registration to City prior to the Effective Date of this Agreement. Consultant shall not perform work with any subcontractor that is not registered with DIR pursuant to Section 1725.5. Consultant and subcontractors shall maintain their registration with the DIR in effect throughout the duration of this Agreement. If the Consultant or any subcontractor ceases to be registered with DIR at any time during the duration of the project, Consultant shall immediately notify City.

4. Pursuant to Labor Code Section 1771.4, Consultant's Services are subject to compliance monitoring and enforcement by DIR. Consultant shall post job site notices, as prescribed by DIR regulations.

5. Pursuant to Labor Code Section 1773.2, copies of the prevailing rate of per diem wages for each craft, classification, or type of worker needed to perform the Agreement are on file at City Hall and will be made available to any interested party on request. Consultant acknowledges receipt of a copy of the DIR determination of such prevailing rate of per diem wages, and Consultant shall post such rates at each job site covered by this Agreement.

6. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1774 and 1775 concerning the payment of prevailing rates of wages to workers and the penalties for failure to pay prevailing wages. The Consultant shall, as a penalty to City, forfeit $200.00 for each calendar day, or portion thereof, for each worker paid less than the prevailing rates as determined by the DIR for the work or craft in which the worker is employed for any public work done pursuant to this Agreement by Consultant or by any subcontractor.

7. Consultant shall comply with and be bound by the provisions of Labor Code Section 1776, which requires Consultant and each subcontractor to: keep accurate payroll records and verify such records in writing under penalty of perjury, as specified in Section 1776; certify and make such payroll records available for inspection as provided by Section 1776; and inform City of the location of the records.

8. Consultant shall comply with and be bound by the provisions of Labor Code Sections 1777.5, 1777.6 and 1777.7 and California Administrative Code Title 8, Section 200 et seq. concerning the employment of apprentices on public works projects. Consultant shall be responsible for compliance with these aforementioned Sections for all apprenticeable occupations. Prior to commencing work under this Agreement, Consultant shall provide City with a copy of the information submitted to any applicable apprenticeship program. Within 60 days after concluding work pursuant to this Agreement, Consultant and each of its subcontractors shall submit to City a verified statement of the journeyman and apprentice hours performed under this Agreement.

9. The Consultant shall not perform Work with any Subcontractor that has been debarred or suspended pursuant to California Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. The Consultant and Subcontractors shall not be debarred or suspended throughout the duration of this Agreement pursuant to Labor Code Section 1777.1 or any other federal or state law providing for the debarment of contractors from public works. If the Consultant or any subcontractor becomes debarred or suspended during the duration of the project, the Consultant shall immediately notify City.

10. Consultant acknowledges that eight hours labor constitutes a legal day's work. Consultant shall comply with and be bound by Labor Code Section 1810. Consultant shall comply with and be bound by the provisions of Labor Code Section 1813 concerning penalties for workers who work excess hours. The Consultant shall, as a penalty to City, forfeit $25.00 for each worker employed in the performance of this Agreement by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of Division 2, Part 7, Chapter 1, Article 3 of the Labor Code. Pursuant to Labor Code section 1815, work performed by employees of Consultant in excess of eight hours per day, and 40 hours during any one week shall be permitted upon public work upon compensation for all hours worked in excess of eight hours per day at not less than one and one-half times the basic rate of pay.

11. California Labor Code Sections 1860 and 3700 provide that every employer will be required to secure the payment of compensation to its employees. In accordance with the provisions of California Labor Code Section 1861, Consultant hereby certifies as follows:

> "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."
>
> **Date**_____ **Signature**_____

12. For every subcontractor who will perform work on the project, Consultant shall be responsible for such subcontractor's compliance with Chapter 1 and Labor Code Sections 1860 and 3700, and Consultant shall include in the written contract between it and each subcontractor a copy of those statutory provisions and a requirement that each subcontractor shall comply with those statutory provisions. Consultant shall be required to take all actions necessary to enforce such contractual provisions and ensure subcontractor's compliance, including, without limitation, conducting a periodic review of the certified payroll records of the subcontractor and upon becoming aware of the failure of the subcontractor to pay his or her workers the specified prevailing rate of wages. Consultant shall diligently take corrective action to halt or rectify any failure.

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Consultant shall perform the following tasks ("Tasks") at the following rates as attached as Exhibit C-1.

II. Within the budgeted amounts for each Task, and with the approval of the Contract Officer, funds may be shifted from one Task sub-budget to another so long as the Contract Sum is not exceeded per Section 2.1, unless Additional Services are approved per Section 1.8.

III. City will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Services performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved sub-contractor labor, supplies, equipment, materials, and travel properly charged to the Services.

EXHIBIT "C-1"
CONSULTANT'S BILLING RATE AND TASK SCHEDULE

City of Banning - Design Services for the Upgrade of Traffic Signal Hardware (RFP-24-064)
STC Traffic, Inc. Price Proposal

		STC Traffic, Inc.						Sub			
Employee Name		Blough, Rob	Baidy, Myles	Adamos, Ashley	Hansen, Brett	Stone, Kevin	Pesaresi, Gianluca	Direct Costs			
Classification		Sr. Project Manager	Project Engineer III	Project Engineer III	Construction Manager	Sr. Construction Engineer	Project Engineer II				
Standard Billing Rate		$240.00	$190.00	$190.00	$240.00	$220.00	$160.00			Total Hours	Total Cost
Task	Task Description										
Task 1.0	Project Management/Administration	20	10							30	$ 6,700.00
Task 2.0	Preliminary Investigation/Site Assessment										
Task 2.1	Field Investigations		4			36	36			76	$ 14,440.00
Task 2.2	Potholing (Optional Task)	4	4				20	$ 15,000.00		28	$ 19,920.00
Task 2.3	Preliminary Engineering	1	2				12			15	$ 2,540.00
Task 3.0	Engineering Design	5	20				60			85	$ 14,600.00
Task 4.0	Permitting		4	12						16	$ 3,040.00
Task 5.0	Specifications and Cost Estimates										
Task 5.1	Project Specifications and Bid Documents	1	4				16			21	$ 3,560.00
Task 5.2	Engineers Estimate of Probable Construction Cost		2		1		8			11	$ 1,900.00
Task 6.0	Bidding/Construction Support		2		12	16	8			38	$ 8,060.00
	Total Hours	31	52	12	13	52	160			320	
	Subtotal Labor	$7,440.00	$9,880.00	$2,280.00	$3,120.00	$11,440.00	$25,600.00	$ 15,000.00			
									TOTAL COST Without Optional Task		$ 54,840.00
									TOTAL COST With Optional Task		$ 74,760.00

Rate Schedule

STC's detailed rate schedule for the project is included below. STC is a local business and there are no direct costs for mileage. Outsourced reimbursable expenses such as printing and reproduction, deliveries and overnight shipping, computerized plotting, materials, etc., will be charged to the client at the consultant's cost without mark-up.

Executive/Management	Rate
Principal-In-Charge	$290
Senior Principal Manager	$270
Principal Manager	$260
Senior Project Manager	$240
Project Manager III	$220
Project Manager II	$210
Project Manager I	$200
Professional Engineering	
Principal Engineer	$230
Senior Project Engineer	$210
Project Engineer III	$190
Project Engineer II	$160
Project Engineer I	$140
Professional Planning	
Principal Planner	$200
Senior Project Planner	$180
Project Planner III	$170
Project Planner II	$140
Project Planner I	$120

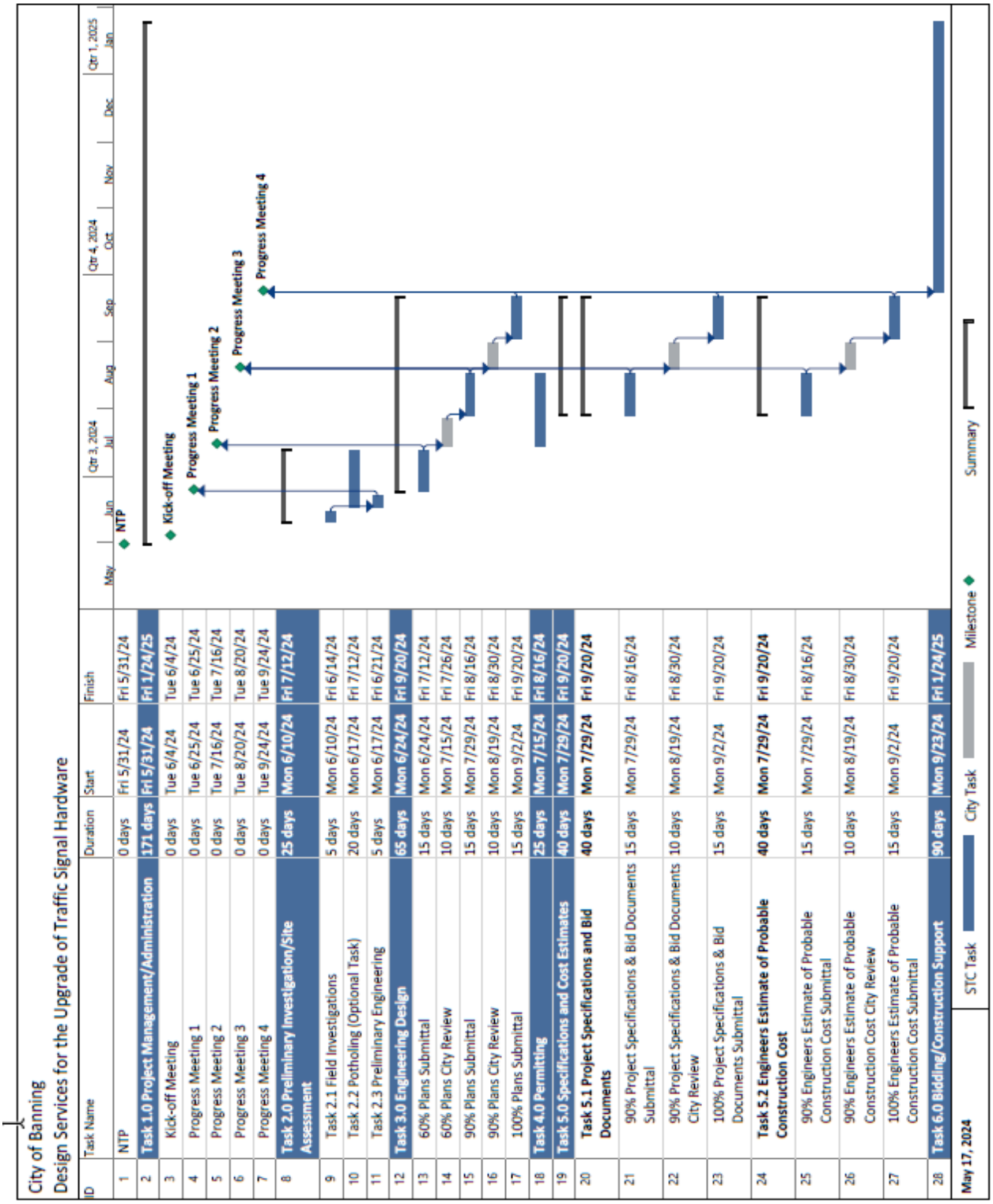
Technical/Specialized	Rate
Senior Systems Engineer/Technical Specialist	$220
Systems Engineer / Technical Specialist III	$200
Systems Engineer / Technical Specialist II	$170
Systems Engineer / Technical Specialist I	$150
Construction Manager	$240
Senior Construction Engineer/Inspector	$220
Construction Engineer/Inspector III	$190
Construction Engineer/Inspector II	$160
Construction Engineer/Inspector I	$140
Senior Drafter	$160
Drafter III	$150
Drafter II	$130
Drafter I	$110
Other Classifications	
Intern	$100
Expert Witness	$400

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. Consultant shall perform all Services timely, and deliver the specified tangible work products to City in accordance with the schedule attached as Exhibit D-1.

II. The Contract Officer may approve extensions for performance of the Services in accordance with Sections 1.8 and 3.3.

EXHIBIT "D-1"
PROPOSED PROJECT SCHEDULE



RESOLUTION 2021-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING THE EXECUTION OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY IMPROVEMENT PROGRAM STATE-AID MASTER AGREEMENT NO. 08-5214S21 AND PROGRAM SUPPLEMENT AGREEMENTS NO. HSIPSL-5214(013) AND NO. HSIPSL-5214(014)

WHEREAS, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 10 Highway Safety Improvement Program Benefit Cost Ratio category on October 15, 2020, for the purpose of making intersection improvements and installing sidewalks at the Omar/Ramsey Intersection; and

WHEREAS, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 10 Highway Safety Improvement Program Funding Set-asides category on October 15, 2020, for the purpose of installing/upgrading pedestrian crossings at four non-signalized intersections on Ramsey Street; and

WHEREAS, the City of Banning was notified on March 26, 2021, that the two grant applications were approved; and

WHEREAS, Master Agreement 08-5214S21 and the two corresponding Program Supplement Agreements HSIPSL-5214(013) (Ramsey-Omar Intersection Improvements and Sidewalk) for $18,800 and HSIPSL-5214(014) (Ramsey St. intersections) for $13,300 must be executed with Caltrans before grant funds may be claimed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. Authorizes the City Manager or his designee to execute the Caltrans Master Agreement 08-5214S21, Program Supplement Agreement No. HSIPSL-5214(013), and Program Supplement Agreement No. HSIPSL-5214(014) and any related documents on behalf of the City of Banning.

PASSED, APPROVED AND ADOPTED this 12th day of October, 2021.

Colleen Wallace, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2021-91, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 12th day of October 2021 by the following vote, to wit:

AYES: Council Members Hamlin, Happe, Pingree, Sanchez, and Mayor Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

RESOLUTION 2023-167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENTS WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THREE HIGHWAY SAFETY IMPROVEMENT CYCLE 11 GRANTS FOR THE TRAFFIC SIGNAL HARDWARE UPGRADE AT SEVENTEEN SIGNALIZED INTERSECTIONS, PEDESTRIAN CROSSINGS UPGRADE AT NINETEEN INTERSECTIONS AND WILSON STREET/12TH STREET INTERSECTION IMPROVEMENTS

WHEREAS, on September 9, 2022, the City of Banning submitted a grant application to the State of California Department of Transportation (Caltrans) Cycle 11 Highway Safety Improvement Program for the upgrade of traffic signal hardware at seventeen (17) signalized intersections throughout the City; and

WHEREAS, on September 9, 2022, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 11 Highway Safety Improvement Program for the upgrade of pedestrian crossings at nineteen (19) intersections throughout the City; and

WHEREAS, on September 9, 2022, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 11 Highway Safety Improvement Program for the improvement of Wilson Street and 12th Street intersection; and

WHEREAS, on March 9, 2023, the City received notification from Caltrans that the City's three (3) HSIP grant applications selected for funding; and

WHEREAS, to proceed with the Preliminary Engineering (PE) phase, the City and Caltrans must execute Program Supplement Agreements No. HSIPSL-5214(016) for $54,000, HSIPSL-5214(017) for $76,500 and HSIPSL-5214(018) for $44,460 as part of the funding authorization process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves Program Supplement Agreements with Caltrans for three (3) Highway Safety Improvement (HSIP) Cycle 11 grants for the Traffic Signal Hardware Upgrade at 17 Signalized Intersections, Pedestrian Crossings Upgrade at 19 Intersections and Wilson Street/12th Street Intersection Improvements.

SECTION 2. The City Council authorizes the City Manager or his designee to execute Program Supplement Agreements No. HSIPSL-5214(016), HSIPSL-5214(017) and HSIPSL-5214(018).

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 10th day of October 2023.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2023-167, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of October 2023 by the following vote, to wit:

AYES: Flynn, Gonzales, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

Exhibit A
HSIP Agreement 1

PROGRAM SUPPLEMENT NO. 00000A277
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 08-5214S21

Adv. Project ID 0824000001

Date: September 19, 2023
Location: 08-RIV-0-BAN
Project Number: HSIPSL-5214(016)
E.A. Number:
Locode: 5214

This Program Supplement, effective 9/7/2023, hereby adopts and incorporates into the Administering Agency-State Agreement No. 08-5214S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 10/14/2021 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the ADMINISTERING AGENCY on (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: 17 signalized intersections throughout the City of Banning.

TYPE OF WORK: Upgrade Signals **LENGTH:** 0.0(MILES)

Estimated Cost	State Funds		Matching Funds		
	STATE	$54,000.00	LOCAL		OTHER
$60,000.00			$6,000.00		$0.00

CITY OF BANNING

By _____

Title _____

Date _____

Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____

Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Jennie Yee **Date** 9/19/2023 $54,000.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT has received STATE funds from Highway Safety Improvement Program (HSIP). The ADMINISTERING AGENCY agrees to administer the PROJECT in accordance with the Highway Safety Improvement Program (HSIP) Guidelines, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

   B. The STATE funds for this PROJECT may be provided under one or more phases, which are Preliminary Engineering (PE), Right-of-Way (R/W) and Construction (Con).

   A phase-specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the phase identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per phase. Unless otherwise determined, the effective date of the phase-specific allocation will constitute the start of reimbursable expenditures for the phase. The STATE funds available for reimbursement will be limited to the amount allocated by the STATE for the phase.

   C. At the time of the first fund allocation approval for the Project, this PROGRAM SUPPLEMENT, a STATE-approved Allocation Letter and STATE Finance Letter are prepared to allow reimbursement of eligible PROJECT expenditures for the phase allocated.

   D. STATE and ADMINISTERING AGENCY agree that any additional fund allocations made after the execution of this PROGRAM SUPPLEMENT, for the phase that has been authorized in the first fund allocation approval or for a new phase, will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and a STATE Finance Letter and are subject to the terms and conditions thereof.

   E. This PROJECT is subject to the delivery requirements enacted by the HSIP guidelines. The delivery requirements may be accessed at: https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program/delivery-requirements-status-approved-projects.

   F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

   G. The ADMINISTERING AGENCY shall invoice STATE for PE, R/W and CON costs no later than 180 days after the end of expenditure the phase. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor, prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and

SPECIAL COVENANTS OR REMARKS

payment.

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM provisions.

I. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to provide the STATE, upon request, with the information related to the PROJECT for the purpose of project evaluation or other purposes.

K. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the State. Any changes to the approved PROJECT scope without the prior expressed approval of the State are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.

Exhibit B
HSIP Agreement 2

PROGRAM SUPPLEMENT NO. 00000A278
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 08-5214S21

Adv. Project ID 0824000002

Date: September 19, 2023
Location: 08-RIV-0-BAN
Project Number: HSIPSL-5214(017)
E.A. Number:
Locode: 5214

This Program Supplement, effective 9/7/2023, hereby adopts and incorporates into the Administering Agency-State Agreement No. 08-5214S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 10/14/2021 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the ADMINISTERING AGENCY on (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: 19 intersections throughout the City of Banning.

TYPE OF WORK: Pedestrian Walkway **LENGTH:** 0.0(MILES)

Estimated Cost	State Funds		Matching Funds		
	STATE	$76,500.00	LOCAL		OTHER
$85,000.00			$8,500.00		$0.00

CITY OF BANNING

By _____

Title _____

Date _____

Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____

Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Jennie Yee **Date** 9/19/2023 $76,500.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT has received STATE funds from Highway Safety Improvement Program (HSIP). The ADMINISTERING AGENCY agrees to administer the PROJECT in accordance with the Highway Safety Improvement Program (HSIP) Guidelines, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

   B. The STATE funds for this PROJECT may be provided under one or more phases, which are Preliminary Engineering (PE), Right-of-Way (R/W) and Construction (Con).

   A phase-specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the phase identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per phase. Unless otherwise determined, the effective date of the phase-specific allocation will constitute the start of reimbursable expenditures for the phase. The STATE funds available for reimbursement will be limited to the amount allocated by the STATE for the phase.

   C. At the time of the first fund allocation approval for the Project, this PROGRAM SUPPLEMENT, a STATE-approved Allocation Letter and STATE Finance Letter are prepared to allow reimbursement of eligible PROJECT expenditures for the phase allocated.

   D. STATE and ADMINISTERING AGENCY agree that any additional fund allocations made after the execution of this PROGRAM SUPPLEMENT, for the phase that has been authorized in the first fund allocation approval or for a new phase, will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and a STATE Finance Letter and are subject to the terms and conditions thereof.

   E. This PROJECT is subject to the delivery requirements enacted by the HSIP guidelines. The delivery requirements may be accessed at: https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program/delivery-requirements-status-approved-projects.

   F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

   G. The ADMINISTERING AGENCY shall invoice STATE for PE, R/W and CON costs no later than 180 days after the end of expenditure the phase. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor, prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and

SPECIAL COVENANTS OR REMARKS

payment.

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM provisions.

I. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to provide the STATE, upon request, with the information related to the PROJECT for the purpose of project evaluation or other purposes.

K. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the State. Any changes to the approved PROJECT scope without the prior expressed approval of the State are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.

Exhibit C
HSIP Agreement 3

PROGRAM SUPPLEMENT NO. 00000A279
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 08-5214S21

Adv. Project ID 0824000003

Date: September 19, 2023
Location: 08-RIV-0-BAN
Project Number: HSIPSL-5214(018)
E.A. Number:
Locode: 5214

This Program Supplement, effective 9/7/2023, hereby adopts and incorporates into the Administering Agency-State Agreement No. 08-5214S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 10/14/2021 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the ADMINISTERING AGENCY on (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: The intersection of Wilson St with 12th St.

TYPE OF WORK: Pedestrian Walkway **LENGTH:** 0.0(MILES)

Estimated Cost	State Funds		Matching Funds		
	STATE	$44,460.00	LOCAL		OTHER
$49,400.00			$4,940.00		$0.00

CITY OF BANNING

By _____

Title _____

Date _____

Attest _____

STATE OF CALIFORNIA
Department of Transportation

By _____

Chief, Office of Project Implementation
Division of Local Assistance

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Jennie Yee **Date** 9/19/2023 $44,460.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT has received STATE funds from Highway Safety Improvement Program (HSIP). The ADMINISTERING AGENCY agrees to administer the PROJECT in accordance with the Highway Safety Improvement Program (HSIP) Guidelines, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

   B. The STATE funds for this PROJECT may be provided under one or more phases, which are Preliminary Engineering (PE), Right-of-Way (R/W) and Construction (Con).

   A phase-specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the phase identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per phase. Unless otherwise determined, the effective date of the phase-specific allocation will constitute the start of reimbursable expenditures for the phase. The STATE funds available for reimbursement will be limited to the amount allocated by the STATE for the phase.

   C. At the time of the first fund allocation approval for the Project, this PROGRAM SUPPLEMENT, a STATE-approved Allocation Letter and STATE Finance Letter are prepared to allow reimbursement of eligible PROJECT expenditures for the phase allocated.

   D. STATE and ADMINISTERING AGENCY agree that any additional fund allocations made after the execution of this PROGRAM SUPPLEMENT, for the phase that has been authorized in the first fund allocation approval or for a new phase, will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and a STATE Finance Letter and are subject to the terms and conditions thereof.

   E. This PROJECT is subject to the delivery requirements enacted by the HSIP guidelines. The delivery requirements may be accessed at: https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program/delivery-requirements-status-approved-projects.

   F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

   G. The ADMINISTERING AGENCY shall invoice STATE for PE, R/W and CON costs no later than 180 days after the end of expenditure the phase. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor, prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and

SPECIAL COVENANTS OR REMARKS

payment.

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM provisions.

I. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to provide the STATE, upon request, with the information related to the PROJECT for the purpose of project evaluation or other purposes.

K. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the State. Any changes to the approved PROJECT scope without the prior expressed approval of the State are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.

MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT FOR
STATE-FUNDED PROJECTS

08	City of Banning
District	Administering Agency

Agreement No. 08-5214S21

This AGREEMENT, is entered into effective this 14th day of October, 20 21, by and between the City of Banning, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE", and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Legislature of the State of California has enacted legislation by which certain State funds are made available for use on local transportation related projects of public entities qualified to act as recipients of these state funds; and

2. WHEREAS, ADMINISTERING AGENCY has applied to the California Transportation Commission (CTC) and/or STATE for funding from a State-funded program (herein referred to as STATE FUNDS), as defined in the Local Assistance Program Guidelines (LAPG) and/or in the respective CTC Guidelines, for use on local authorized transportation related projects as a local administered project(s), hereinafter referred to as "PROJECT"; and

3. WHEREAS, said PROJECT will not receive any federal funds; and

4. WHEREAS, before STATE FUNDS will be made available for PROJECT, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving STATE FUNDS for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project- specific Program Supplement to this AGREEMENT for state funded projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.

2. The State approved project-specific allocation notification letter and approved CTC allocation documentation designate the party responsible for implementing PROJECT, type of work, and location of PROJECT for projects requiring CTC allocation by PROJECT component of work.

3. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive STATE FUNDS from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these STATE FUNDS that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.

4. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT. The PARTIES agree that STATE may suspend future allocations, encumbrances and invoice payments for any on- going or future STATE FUNDED PROJECT performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned, unless otherwise agreed by STATE in writing.

5. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of STATE FUNDS encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.

6. STATE FUNDS will not participate in any portion of PROJECT work performed in advance of the effective date of allocation by CTC, or by STATE for allocations delegated to STATE by CTC, for said PROJECT.

7. Projects allocated with STATE FUNDS will be administered in accordance with the current CTC STIP Guidelines, applicable chapter(s) of the LAPG, LAPM and/or any other instructions published by STATE.

8. ADMINISTERING AGENCY agrees to ensure compliance with all relevant State laws and requirements for work related to PROJECT, including the California Environmental Quality Act (CEQA).

9. ADMINISTERING AGENCY's eligible costs for preliminary engineering work includes all preliminary work directly related to PROJECT up to contract award for construction, including, but not limited to, environmental studies and permits (E&P),

preliminary surveys and reports, laboratory work, soil investigations, the preparation of plans, specifications and estimates (PS&E), advertising for bids, awarding of a contract and project development contract administration.

10. ADMINISTERING AGENCY's eligible costs for construction engineering include actual inspection and supervision of PROJECT construction work; construction staking; laboratory and field testing; and the preparation and processing of field reports, records, estimates, final reports, and allowable expenses of employees/consultants engaged in such activities.

11. Unless the PARTIES agree otherwise in writing, ADMINISTERING AGENCY's employees or its contracted engineering consultant shall be responsible for all PROJECT engineering work.

12. ADMINISTERING AGENCY shall not proceed with final design of PROJECT until final environmental approval of PROJECT. Final design entails the design work necessary to complete the PS&E and other work necessary for a construction contract but not required earlier for environmental clearance of that PROJECT.

13. If PROJECT is not on STATE-owned right-of-way, PROJECT shall be constructed in accordance with Chapter 11 of the LAPM that describes minimum statewide design standards for local agency streets and roads. The design standards for projects off the National Highway System (NHS) allow STATE to accept either the current Caltrans Highway Design Manual standards, the current FHWA-adopted American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets standards, or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current Local Assistance Procedures Manual.

14. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights-of-way or work which affects STATE facilities.

15. When PROJECT is not on the State Highway System (SHS) but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

16. ADMINISTERING AGENCY shall comply with the provisions of sections 4450 and 4454 of the California Government Code, as well as other Department of General Services guidance, if applicable, for the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and

usability. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

17. ADMINISTERING AGENCY shall provide a full-time public employee to be in responsible charge of each PROJECT. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. ADMINISTERING AGENCY may utilize consultants to perform supervision and inspection work for PROJECT with a fully qualified and licensed engineer. Utilization of consultants does not relieve ADMINISTERING AGENCY of its obligation to provide a full-time public employee to be in responsible charge of each PROJECT.

18. Unless otherwise provided in the PROGRAM SUPPLEMENT, ADMINISTERING AGENCY shall advertise, award, and administer the PROJECT construction contract or contracts.

19. The cost of maintenance, security, or protection performed by ADMINISTERING AGENCY or contractor forces during any temporary suspension of PROJECT or at any other time may not be charged to the PROJECT.

20. ADMINISTERING AGENCY shall submit PROJECT-specific award information to STATE's District Local Assistance Engineer, within sixty (60) days after contract award.

21. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Final Project Expenditure Report", LAPM Exhibit 17-M, within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Final Project Expenditure Report", within 180 days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the Local Assistance Procedures Manual.

22. ADMINISTERING AGENCY shall comply with the Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination on the basis of disability and all applicable regulations and guidelines issued pursuant to the ADA.

23. The Governor and the Legislature of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM, attached hereto as Exhibit A and further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of work connected with PROJECT shall incorporate Exhibit A (with third party's name replacing ADMINISTERING AGENCY) as parts of such agreement.

24. ADMINISTERING AGENCY shall include in all contracts and subcontracts awarded when applicable, a clause that requires each subcontractor to comply with California Labor Code requirements that all workers employed on public works aspects of any project (as defined in California Labor Code sections 1720-1815) be paid not less than the general prevailing wage rates predetermined by the Department of Industrial Relations as effective at the date of contract award by the ADMINISTERING AGENCY.

ARTICLE II - RIGHTS-OF-WAY

1. No contract for the construction of a STATE FUNDED PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract.

2. The furnishing of rights of way by ADMINISTERING AGENCY as provided for herein includes, and is limited to, the following, unless the PROGRAM SUPPLEMENT provides otherwise.

(a) Expenditures of capital and support to purchase all real property required for PROJECT free and clear of liens, conflicting easements, obstructions and encumbrances, after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

(b) The cost of furnishing of right-of-way as provided for herein includes, in addition to real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of damages to owners of remainder real property not actually taken but injuriously affected by PROJECT.

(c) The cost of relocation payments and services provided to owners and occupants pursuant to Government Code sections 7260-7277 when PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

(d) The cost of demolition and/or the sale of all improvements on the right-of-way after credit is recorded for sale proceeds used to offset PROJECT costs.

(e) The cost of all unavoidable utility relocation, protection or removal.

(f) The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which ADMINISTERING AGENCY accepts responsibility and where the actual generator cannot be identified, and recovery made.

3. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right-of-way for a PROJECT is not clear as certified by ADMINISTERING AGENCY, including, but not limited to, if said right-of-way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. ADMINISTERING AGENCY shall pay, from its own non- matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights-of-way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.

ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future STATE FUNDED PROJECTS of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

4. ADMINISTERING AGENCY shall comply with all applicable law, including but not limited to, all applicable legal authority regarding construction standards.

ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the CTC.

2. STATE'S financial commitment of STATE FUNDS will occur only upon the execution of this AGREEMENT, the execution of each project-specific PROGRAM SUPPLEMENT and/or STATE's approved finance letter.

3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices in arrears for reimbursement of allowable PROJECT costs at least once every six months commencing after the STATE FUNDS are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future allocations and invoice payments for any on-going or future STATE FUNDED project performed by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period

4. Invoices shall be submitted on a standardized billing summary template, in accordance with Chapter 5 of the LAPM to claim reimbursement by ADMINISTERING AGENCY. For construction invoices, pay estimates must be included.

5. ADMINISTERING AGENCY must retain at least one copy of supporting backup documentation for allowable costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

6. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursements of actual allowable PROJECT costs already incurred and paid for by the ADMINISTERING AGENCY.

7. Indirect Cost Allocation Plans/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to the Inspector General - Independent Office of Audits and Investigations for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of indirect cost incurred within each fiscal year being claimed for reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the LAPM, and the ICAP/ICRP approval procedures established by STATE.

8. STATE will withhold the greater of either two (2) percent of the total of all STATE FUNDS encumbered for each PROGRAM SUPPLEMENT or $40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

9. The estimated total cost of PROJECT, the amount of STATE FUNDS obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES with a finance letter, and an allocation notification letter when applicable. STATE FUNDING may be increased to cover PROJECT cost increases only if such additional funds are available and the CTC and/or STATE concurs with that increase in the

form of an allocation and finance letter.

10. When such additional STATE FUNDS are not available, ADMINISTERING AGENCY agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

11. ADMINISTERING AGENCY shall use its own non-STATE FUNDS to finance the local share of eligible costs and all PROJECT expenditures or contract items ruled ineligible for financing with STATE FUNDS. STATE shall make the final determination of ADMINISTERING AGENCY's cost eligibility for STATE FUNDED financing with respect to claimed PROJECT costs.

12. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

13. STATE FUNDS allocated by the CTC and/or STATE are subject to the timely use of funds provisions approved in CTC Guidelines and State procedures approved by the CTC and STATE.

14. STATE FUNDS encumbered for PROJECT are available for liquidation only for a limited period from the beginning of the State fiscal year when those funds were appropriated in the State Budget. STATE FUNDS not liquidated within these periods will be reverted unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Section 16304 of the Government Code. The exact date of fund reversion will be reflected in the STATE signed PROJECT finance letter.

15. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid to rank and file STATE employees under current California Department of Human Resources (CalHR) rules unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Government Code section 16304. If the rates invoiced by ADMINISTERING AGENCY are in excess of CalHR rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand.

16. ADMINISTERING AGENCY agrees to comply with California Government Code 4525-4529.14. Administering Agency shall undertake the procedures described in California Government Code 4527(a) and 4528(a). Administering Agency shall also comply with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, excluding 2 CFR Part 200.318-200.326.

17. ADMINISTERING AGENCY agrees and will assure that its contractors and subcontractors will be obligated to agree that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items.

Every recipient and sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, excluding 2 CFR Part 200.318-200.326Governments. ADMINISTERING AGENCY agrees to comply with the provisions set forth in 23 CFR Parts 140, 645 and 646 when contracting with railroad and utility companies.

18. Every recipient and sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR 200 excluding 2 CFR Part 200.318-200.326, 48 CFR Chapter 1, Part 31, LAPM, Public Contract Code (PCC) 10300- 10334 (procurement of goods), PCC 10335-10381 (non-A&E services), California Government Code 4525-4529.5 including 4527(a) and 4528(a), and other applicable STATE regulations.

19. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be questioned, disallowed, or unallowable under 2 CFR, Part 200, 48 CFR, Chapter 1, Part 31, 23 CFR Parts 140, 645 and 646, LAPM, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), California Government Code 4525-4529.5 including 4527(a) and 4528(a), and other applicable STATE regulations are subject to repayment by ADMINISTERING AGENCY to STATE and may result in STATE imposing sanctions on ADMINISTERING AGENCY as described in Chapter 20 of the Local Assistance Procedures Manual.

20. Should ADMINISTERING AGENCY fail to refund any moneys due upon written demand by STATE as provided herein or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES hereto, STATE, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amount paid by or owed to STATE for each PROJECT, from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future STATE FUNDED projects proposed by ADMINISTERING AGENCY.

21. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, 20from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

22. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover STATE FUNDS improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

ARTICLE V

AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of Article V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts, and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above-referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years, or 35 years for Prop 1B funds, from the date of final payment to ADMINISTERING AGENCY.

4. ADMINISTERING AGENCY shall not award a construction contract over $25,000 on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. All contracts awarded by ADMINISTERING AGENCY intended or used as local match credit must meet the requirements set forth in this AGREEMENT regarding local match funds.

5. ADMINISTERING AGENCY shall comply with Chapter 10 (commencing with Section 4525) Division 5 of Title 1 of the Government Code and shall undertake the procedures described in California Government Code 4527(a) and 4528(a). Administering Agency shall comply with Chapter 10 of the LAPM for A&E Consultant Contracts.

6. ADMINISTERING AGENCY shall comply with Government Code Division 5 Title 1 sections 4525-4529.5 and shall undertake the procedures described in California Government Code 4527(a) and 4528(a) for procurement of professional service contracts. Administering Agency shall follow Public Contract Code Section 10335-10381 for other professional service contracts.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of Article IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING, RECORDS RETENTION AND REPORTS and shall mandate that travel and per diem reimbursements and third-

party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner that is required of all other PROJECT expenditures.

9. Except as provided in this Article, this AGREEMENT is solely between and for the benefit of the PARTIES and there are no third-party beneficiaries.

ARTICLE VI - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all PROJECT funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and other California laws.

2. ADMINISTERING AGENCY shall conform to all applicable State and Federal statutes and regulations, and the Local Assistance Program Guidelines and Local Assistance Procedures Manual as published by STATE and incorporated herein, including all subsequent approved revisions thereto applicable to PROJECT unless otherwise designated in the project-specific executed PROJECT SUPPLEMENT.

3. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.

4. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE.

5. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under this AGREEMENT and that PROGRAM SUPPLEMENT. No STATE FUNDS are obligated against this AGREEMENT.

6. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT, and ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.

7. ADMINISTERING AGENCY certifies, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the PROJECT work actually performed, or in STATE's discretion, to deduct from the price of PROGRAM SUPPLEMENT consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.

9. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE that may have an impact upon the outcome of this AGREEMENT or any individual PROJECT encompassed within a PROGRAM SUPPLEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of a PROJECT undertaken pursuant to this

AGREEMENT. These disclosures shall be delivered to STATE in a form deemed acceptable by the STATE prior to execution of this AGREEMENT.

10. ADMINISTERING AGENCY hereby certifies that it does not have, nor shall it acquire, any financial or business interest that would conflict with the performance of any PROJECT initiated under this AGREEMENT.

11. ADMINISTERING AGENCY certifies that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its sole discretion, to terminate this AGREEMENT without liability, to pay only for PROJECT work actually performed, or to deduct from a PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Manager, who shall be identified to ADMINISTERING AGENCY at the time of execution of this AGREEMENT and, as applicable , any time that Contract Manager changes during the duration of this AGREEMENT who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Manager, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Manager.

13. Neither the pending of a dispute nor its consideration by the Contract Manager will excuse the ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT and each PROGRAM SUPPLEMENT.

14. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction of ADMINISTERING AGENCY arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims and suits or actions of every name, kind and description brought forth under, including but not limited to, tortuous, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by, under or in connection with any work, authority or jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortuous, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

16. In the event of (a) ADMINISTERING AGENCY failing to timely proceed with effective PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT; (b) failing to maintain any applicable bonding requirements; and (c)

otherwise materially violating the terms and conditions of this AGREEMENT and/or any PROGRAM SUPPLEMENT, STATE reserves the right to terminate funding for that PROJECT upon thirty (30) days' written notice to ADMINISTERING AGENCY.

17. No termination notice shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if the default is not reasonably susceptible of cure within said thirty (30) day period the ADMINISTERING AGENCY proceeds thereafter to complete that cure in a manner and time line acceptable to STATE.

18. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT and the applicable PROGRAM SUPPLEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY for the reasons stated in paragraph sixteen (16) of ARTICLE VI, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE-approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of any PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

19. In the case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT and/or Cooperative Agreement, the terms stated in that PROGRAM SUPPLEMENT and/or Cooperative Agreement shall prevail over those in this AGREEMENT.

20. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

21. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officer.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
By Daniel Bui
Senior Transportation Engineer
for Chief, Office of Project Implementation
Division of Local Assistance

Date 10/14/2021

City of Banning
By
Douglas Schulze, City Manager
City of Banning
Representative Name & Title
(Authorized Governing Body Representative)
Date 10/13/2021

EXHIBIT A - FAIR EMPLOYMENT PRACTICES ADDENDUM

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, 1290-0 et seq.), and the applicable regulations promulgated thereunder (Cal. Code Regs., Title 2, 11000, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right

to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

RESOLUTION 2021-91

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AUTHORIZING THE EXECUTION OF THE CALIFORNIA DEPARTMENT OF TRANSPORTATION HIGHWAY SAFETY IMPROVEMENT PROGRAM STATE-AID MASTER AGREEMENT NO. 08-5214S21 AND PROGRAM SUPPLEMENT AGREEMENTS NO. HSIPSL-5214(013) AND NO. HSIPSL-5214(014)

WHEREAS, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 10 Highway Safety Improvement Program Benefit Cost Ratio category on October 15, 2020, for the purpose of making intersection improvements and installing sidewalks at the Omar/Ramsey Intersection; and

WHEREAS, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 10 Highway Safety Improvement Program Funding Set-asides category on October 15, 2020, for the purpose of installing/upgrading pedestrian crossings at four non-signalized intersections on Ramsey Street; and

WHEREAS, the City of Banning was notified on March 26, 2021, that the two grant applications were approved; and

WHEREAS, Master Agreement 08-5214S21 and the two corresponding Program Supplement Agreements HSIPSL-5214(013) (Ramsey-Omar Intersection Improvements and Sidewalk) for $18,800 and HSIPSL-5214(014) (Ramsey St. intersections) for $13,300 must be executed with Caltrans before grant funds may be claimed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. Authorizes the City Manager or his designee to execute the Caltrans Master Agreement 08-5214S21, Program Supplement Agreement No. HSIPSL-5214(013), and Program Supplement Agreement No. HSIPSL-5214(014) and any related documents on behalf of the City of Banning.

PASSED, APPROVED AND ADOPTED this 12th day of October, 2021.

Colleen Wallace, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2021-91, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 12th day of October 2021 by the following vote, to wit:

AYES: Council Members Hamlin, Happe, Pingree, Sanchez, and Mayor Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

PROGRAM SUPPLEMENT NO. 00000A277
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 08-5214S21

Adv. Project ID 0824000001

Date: September 19, 2023
Location: 08-RIV-0-BAN
Project Number: HSIPSL-5214(016)
E.A. Number:
Locode: 5214

This Program Supplement, effective 9/7/2023, hereby adopts and incorporates into the Administering Agency-State Agreement No. 08-5214S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 10/14/2021 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. 2023-167 approved by the ADMINISTERING AGENCY on Oct. 10, 2023 (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: 17 signalized intersections throughout the City of Banning.

TYPE OF WORK: Upgrade Signals **LENGTH:** 0.0(MILES)

Estimated Cost	State Funds		Matching Funds		
	STATE	$54,000.00	LOCAL		OTHER
$60,000.00			$6,000.00		$0.00

CITY OF BANNING

By Douglas Schulz

Title City Manager

Date 10/11/2023

Attest Caroline Baas

STATE OF CALIFORNIA
Department of Transportation

By Raimund Gambao

FOR **Chief, Office of Project Implementation**
Division of Local Assistance

Date 10/24/2023

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Jennie Yee **Date** 9/19/2023 $54,000.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT has received STATE funds from Highway Safety Improvement Program (HSIP). The ADMINISTERING AGENCY agrees to administer the PROJECT in accordance with the Highway Safety Improvement Program (HSIP) Guidelines, the Local Assistance Procedures Manual (LAPM), the Local Assistance Program Guidelines (LAPG), and this PROGRAM SUPPLEMENT.

   B. The STATE funds for this PROJECT may be provided under one or more phases, which are Preliminary Engineering (PE), Right-of-Way (R/W) and Construction (Con).

   A phase-specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the phase identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per phase. Unless otherwise determined, the effective date of the phase-specific allocation will constitute the start of reimbursable expenditures for the phase. The STATE funds available for reimbursement will be limited to the amount allocated by the STATE for the phase.

   C. At the time of the first fund allocation approval for the Project, this PROGRAM SUPPLEMENT, a STATE-approved Allocation Letter and STATE Finance Letter are prepared to allow reimbursement of eligible PROJECT expenditures for the phase allocated.

   D. STATE and ADMINISTERING AGENCY agree that any additional fund allocations made after the execution of this PROGRAM SUPPLEMENT, for the phase that has been authorized in the first fund allocation approval or for a new phase, will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and a STATE Finance Letter and are subject to the terms and conditions thereof.

   E. This PROJECT is subject to the delivery requirements enacted by the HSIP guidelines. The delivery requirements may be accessed at: https://dot.ca.gov/programs/local-assistance/fed-and-state-programs/highway-safety-improvement-program/delivery-requirements-status-approved-projects.

   F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

   G. The ADMINISTERING AGENCY shall invoice STATE for PE, R/W and CON costs no later than 180 days after the end of expenditure the phase. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor, prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and

SPECIAL COVENANTS OR REMARKS

payment.

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM provisions.

I. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to provide the STATE, upon request, with the information related to the PROJECT for the purpose of project evaluation or other purposes.

K. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the State. Any changes to the approved PROJECT scope without the prior expressed approval of the State are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.

RESOLUTION 2023-167

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING PROGRAM SUPPLEMENT AGREEMENTS WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THREE HIGHWAY SAFETY IMPROVEMENT CYCLE 11 GRANTS FOR THE TRAFFIC SIGNAL HARDWARE UPGRADE AT SEVENTEEN SIGNALIZED INTERSECTIONS, PEDESTRIAN CROSSINGS UPGRADE AT NINETEEN INTERSECTIONS AND WILSON STREET/12TH STREET INTERSECTION IMPROVEMENTS

WHEREAS, on September 9, 2022, the City of Banning submitted a grant application to the State of California Department of Transportation (Caltrans) Cycle 11 Highway Safety Improvement Program for the upgrade of traffic signal hardware at seventeen (17) signalized intersections throughout the City; and

WHEREAS, on September 9, 2022, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 11 Highway Safety Improvement Program for the upgrade of pedestrian crossings at nineteen (19) intersections throughout the City; and

WHEREAS, on September 9, 2022, the City of Banning submitted a grant application to the State of California Department of Transportation Cycle 11 Highway Safety Improvement Program for the improvement of Wilson Street and 12th Street intersection; and

WHEREAS, on March 9, 2023, the City received notification from Caltrans that the City's three (3) HSIP grant applications selected for funding; and

WHEREAS, to proceed with the Preliminary Engineering (PE) phase, the City and Caltrans must execute Program Supplement Agreements No. HSIPSL-5214(016) for $54,000, HSIPSL-5214(017) for $76,500 and HSIPSL-5214(018) for $44,460 as part of the funding authorization process.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves Program Supplement Agreements with Caltrans for three (3) Highway Safety Improvement (HSIP) Cycle 11 grants for the Traffic Signal Hardware Upgrade at 17 Signalized Intersections, Pedestrian Crossings Upgrade at 19 Intersections and Wilson Street/12th Street Intersection Improvements.

SECTION 2. The City Council authorizes the City Manager or his designee to execute Program Supplement Agreements No. HSIPSL-5214(016), HSIPSL-5214(017) and HSIPSL-5214(018).

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 10th day of October 2023.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2023-167, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 10th day of October 2023 by the following vote, to wit:

AYES: Flynn, Gonzales, Minjares, Sanchez, and Wallace.

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

Proposal for:

Design Services for the Upgrade of Traffic Signal Hardware

RFP-24-064

City of Banning | May 17, 2024



Submitted By:

STC Traffic, Inc

Mailing and Business Address:

5973 Avenida Encinas, Suite 218
Carlsbad, CA 92008
Principal Contact: Jason Stack, President
P: (760) 602-4290



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May 17, 2024

Attn: Barbara Mason
Purchasing Manager
City of Banning
99 E. Ramsey Street
Banning, CA 92220

RE: Request for Proposals – Design Services for the Upgrade of Traffic Signal Hardware RFP-24-064

STC Traffic, Inc. (STC) is pleased to submit our qualifications to the City of Banning for Design Services for the Upgrade of Traffic Signal Hardware (RFP-24-064).

We love working for the City and collaborating with City staff. Not only does the City have a strong familiarity with our team through on-call contracting for traffic engineering services, but City staff regularly rely on us for important jobs. We completed the City's Local Roadway Safety Plan (LRSP) and **prepared the HSIP Cycle 11 grant application** for this project.

We understand the City's needs on this project—through previous studies, our staff have observed traffic operations and conducted safety evaluations and reviews at all 17 of the traffic signals in the project area. Additionally, we have prepared PS&E for traffic signal hardware upgrades on similar HSIP projects throughout Western Riverside County, including for the Cities of Hemet, Jurupa Valley, and Temecula, to name a few.

Our core function is focused on delivering these types of project to the public. We do not stray from this mission. As the contact person for this RFP and authorized representative to execute an agreement with the City, we have read and complied with all terms and conditions of the RFP and acknowledge all addenda. We are willing to enter into a contract under the terms and conditions prescribed by the RFP and Sample Agreement. We look forward to working with the City.

Sincerely,

Jason Stack, President
5973 Avenida Encinas, Suite 218
Carlsbad, CA 92008
(760) 602-4290, jason.stack@stctraffic.com

1. Project Understanding and Approach

The City of Banning was recently awarded an HSIP Cycle 11 Grant to upgrade existing traffic signal hardware at 17 signalized intersections throughout the City.

STC is very familiar with this project, **having prepared the City's Local Road Safety Plan in August 2022 and the HSIP Cycle 11 funding application in September 2022.** We understand the City's needs. During the previous studies, our staff observed traffic operations and conducted safety evaluations and reviews at all 17 traffic signals in the project area.

Local Road Safety Plans were established by Caltrans in 2019 to provide funding to local agencies for developing a framework for identifying, analyzing, and prioritizing roadway safety improvements.

In the LRSP, STC identified this specific traffic signal hardware project for the City of Banning (retroreflective backplates, emergency vehicle preemption, ADA-compliant push buttons, countdown pedestrian heads, and LED safety lighting) as a worthy project to receive an HSIP grant based on our analysis of crash data using the countermeasure toolbox and documenting a high benefit cost ratio (BCR).

In September 2022, STC further assisted the City by preparing the HSIP Cycle 11 Citywide Traffic Signal Hardware Upgrades Project application, and the City was awarded the grant.

STC has been involved with this project from its inception and is very experienced with the latest signal equipment.

We model our company structure after a municipal Public Works/Engineering Division. We are former City Traffic Engineers and extensions of staff in our role as consultants; we operate and maintain TMCs and systems; we have been foreman for electrical contractors in traffic signal construction and maintenance; we have managed the municipal Public Works Electrical Division; and, we have worked for traffic signal system suppliers and manufacturers.

We are unique when compared to other consultants in that our staff have extensive experience in projects that involve traffic signal hardware and equipment, installation methods and procedures, and maintenance considerations. We only recommend products that provide the best benefit to the City.

Various case studies have proven that signal heads with retroreflective borders are a cost-effective strategy to reduce crashes within the influence of signalized intersections. Signal heads with retroreflective borders increase visibility during daytime and nighttime conditions as well as during nighttime power outages, and aid drivers' advance perception of the upcoming intersections.

STC has prepared several PS&E traffic signal hardware upgrades, including backplates, LED safety lighting, and ADA-compliant push buttons and countdown pedestrian heads on similar HSIP projects throughout Southern California (**See Section 5**).

STC typically recommends the replacement of existing backplates with new yellow retroreflective louvered backplates. The louvered design reduces the wind load on the traffic signal mast arm pole and will help extend the life cycle of the signal equipment.

Our field investigation in the City of Banning indicated that there are two existing older 3M programmable signal heads at the intersection of Ramsey Street & 22nd Street (**Photo Below**). These signal heads are no longer manufactured, and the retroreflective backplates are not compatible. For this case, STC will evaluate replacement of the signal head, retroreflective yellow tape, or retroreflective tape on metal strips riveted to the existing backplate.



Non-standard framework design at Highland Springs Avenue & I-10 EB Ramps (left). Older 3M programmable signal heads at Ramsey Street & 22nd Street (right).

In addition, STC noted that there is a Type 1A signal pole with three signal heads without backplates due to the non-standard framework design at Highland Springs Avenue & I-10 EB Ramps. STC will recommend an alternate signal framework design to Caltrans so that new retroreflective backplates can be installed.

It has been STC's experience on similar HSIP signal hardware replacement projects that there are older traffic signal heads that are not compatible with the new yellow backplates and may require an alternate method of replacement. For these conditions, STC will develop alternate methods for replacement, such using yellow reflective tape, riveted metal reflective strips, or replacement of the old signal head to current industry standards.

Emergency vehicle preemption (EVP) systems at intersections have been in place for several decades. EVP is a proven signal feature that reduces conflicts between emergency vehicles and other roadway users. Collisions typically occur as emergency vehicles try to navigate through signalized intersections while others maneuver out of the path. EVP systems decrease emergency vehicle response times, which enhances emergency medical attention and is especially critical for crashes involving pedestrians and DUIs.

The City has done a great job at installing EVP systems on city-operated traffic signals. The only exception is at the traffic signal at Highland Springs Avenue & Ramsey Street and the two Caltrans maintained intersections at Highland Springs Avenue & I-10 EB and I-10 WB Ramps. STC has reviewed the conditions at these three intersections and determined that an emergency vehicle's coded strobe light will likely be blocked in the NB direction on Highland Springs Avenue as the emergency vehicle approaches the intersection of Highland Avenue & I-10 EB Ramp due to the railroad bridge structure (**See Below**).



During the field review, STC will evaluate whether there are any existing conduit runs for the NB advance detection loops. If there are advance loops with available capacity for EVP conductors, this could possibly be used and reduce the construction costs of adding new conduit, pull boxes, and signal poles. There is an existing street light pole located south of the railroad bridge where the EVP detectors could be mounted to provide adequate line of sight. STC will evaluate alternatives using infrared, radio and GPS technologies to newer, Cloud-based models of EVP technology where line of sight cannot be obtained.

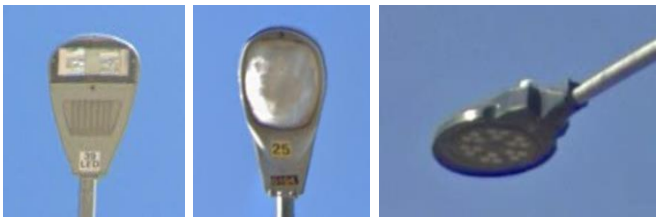
The HSIP grant included funding to provide Accessible Pedestrian Signals (APS) and countdown pedestrian heads. The APS unit replaces the standard pedestrian push button and is designed to provide auditory, visual, and vibrotactile information to pedestrians who are blind or who have low vision so they can know when they should begin to cross at a signalized intersection.

Per the latest version of the California Manual on Uniform Traffic Control Devices (CA MUTCD), all pedestrian signal heads used at crosswalks where the pedestrian change interval is more than 7 seconds shall include a pedestrian change interval countdown timed display. On September 7, 2023, the Architectural and Transportation Barriers Compliance Board issued a final ruling on accessibility guidelines for pedestrian facilities in public rights-of-way (PROWAG). Ruling (R307) of PROWAG requires that pedestrian signals be able to communicate information about pedestrian signal timing in non-visual formats such as audible tones or speech messages, and vibrating surfaces.

STC will provide design plans for the removal and installation of new APS push buttons and countdown pedestrian heads.

STC will also prepare PS&E to replace the traffic signal safety lighting with LED safety lighting. There are a variety of safety lighting at each intersection with a combination of high pressure sodium lights and LED lights (**Photos Below**).

This task was not included in the RFP but was included in the HSIP grant the City received. STC will review each safety light and recommend a standard LED safety light. Since the City of Beaumont and Caltrans share some of these intersections with the City of Banning, STC will coordinate with those agencies to determine the safety light type to be used for replacement. STC has a great relationship with the City of Beaumont as the preferred on-call traffic engineering consultant for the City.



The City has a combination of high pressure sodium and LED traffic signal safety lights. STC will coordinate with the City to develop an LED safety lighting standard.

Scope of Work/Implementation Plan

The detailed Scope of Work presented below summarizes our knowledge of conditions in the project area, details of the work scope required, and our approach to the design effort to ensure quality, accuracy, and ultimate compliance with the project objectives.

Task 1.0. Project Management/ Administration

Task 1.1 Kick-off Meeting

STC's Project Manager, Rob Blough, PE, TE, will coordinate the day-to-day activities for the duration of the project and serve as the primary point of contact.

Within two weeks following the Notice to Proceed (NTP), Mr. Blough will schedule a project kick-off meeting with City staff and the project team to discuss the project objectives, schedule, scope, and City policies and procedures. Mr. Blough will set up and manage the project, provide utility coordination (if necessary), perform quality assurance and quality control prior to each milestone submittal and in conformance with Federal, State, and City standards.

STC will develop and maintain a detailed work program and project schedule to achieve Caltrans approval prior to the construction funding approval deadline. The work plan will include, at a minimum, details of methodology, sequence of tasks, lists of deliverables, milestone submittal schedule, summary of organizational responsibilities, and contracts. Mr. Blough will also coordinate progress meetings to discuss design issues, any potential modifications to the scope, action items, and next steps.

Task 1.2 Progress Meetings

STC will set up regular monthly status meetings with the City throughout the duration of the project and prepare meeting agendas. STC will prepare and email meeting agendas to City staff in advance of the meetings and email meeting minutes within seven (7) calendar days after each meeting. If necessary, STC will facilitate additional meetings with City Departments, Caltrans and other key stakeholders, creating meeting agendas with input from the City and Caltrans. These meeting minutes will be distributed within seven (7) calendar days of the meeting.

Task 1.3 Invoicing

STC will submit a progress report with monthly invoices to the City in an organized format and with sufficient detail and backup documentation to clearly identify personnel, hours worked, and tasks completed. STC will control all project documents and provide deliverables and final files to the City in electronic format and hard copy as requested.

STC will maintain project files and data in an organized, logical fashion, and will be able to promptly retrieve and distribute project information to the City in the event of an audit or Public Records Act (PRA) request.

<u>Task 1.0 Deliverables:</u>

- Work Plan
- Meeting Agendas and Meeting Minutes
- Monthly Invoices
- Project Schedule and Updates
- Project History File

Task 2.0 Preliminary Investigation/Site Assessment

Task 2.1 Field Investigation/Site Assessment

STC will conduct field investigations of all 17 traffic signals to verify and evaluate existing conditions relative to the project SOW.

STC will obtain and review all available documents and traffic signal as-builts. STC will compare the as-builts to existing conditions and document and evaluate the condition, type, and quantities of each traffic signal head, emergency vehicle preemption, pedestrian push buttons, pedestrian signal heads, and traffic signal safety lighting at all project intersections.

STC will inventory the traffic signal control box equipment and devices and document with photos and verify the conduit capacity for installation of new EVP systems as well as space inside the traffic control box for equipment.

If new conduits are proposed, STC will ensure that potholing is included as an option to be performed, as needed, to locate other utilities that may be in conflict. STC will obtain three (3) quotes from potholing contractors should the need be determined.

Utility companies will be consulted and coordinated with, and STC will detail all contacts and coordination efforts. STC will keep detailed notes and take photos of all equipment to keep as a record. If defective or deficient signal heads, safety lighting, pedestrian push buttons, pedestrian heads, or other traffic signal equipment are witnessed during field investigations, they will be documented and the City will be notified immediately.

The field documentation will also be utilized for PS&E development. Importantly, personnel performing this task must have a detailed understanding of traffic signal hardware and the various manufacturers and equipment models and features to properly evaluate and identify and inventory equipment and conditions.

Our staff are former **public works electricians and IMSA certified technicians** and are qualified in all aspects of traffic signal systems.

Task 2.1 Deliverables:

- On-Site Photos
- Letters to Utility Owners
- Utility As-built Maps
- Base Map
- Potholing (Option)
- Field Review Notes

Task 2.2 Potholing Services (Optional Task)

STC has included optional budget for potholing utilities as mentioned in the RFP. The locations of potholes will be discussed and agreed upon with the City before potholing. STC has accounted for up to five (5) potholes. STC will prepare necessary traffic control plans to be included in the permit submittal.

Task 2.2 Deliverables (Optional Task):

- Potholing Records in a Report Format

Task 2.3 Preliminary Engineering

STC will prepare preliminary engineering tables summarizing the existing and proposed signal head retroreflective yellow backplates, EVPs, accessible pedestrian push buttons, pedestrian countdown heads, and LED safety lights at each project intersection.

It has been STC's experience on similar HSIP signal hardware replacement projects that there are older traffic signal heads that are not compatible with the new yellow backplates and may require an alternate method of replacement. For these conditions, STC will develop alternate methods for replacement, such using yellow reflective tape, riveted metal reflective strips, or replacement of the old signal head to current industry standards.

Due to the high wind conditions in the City of Banning, STC will also evaluate the need for using louvered backplates to reduce the structural load on the signal poles with mast arms.

STC will meet with Caltrans to discuss the feasibility of installing EVPs at the intersections of Highland Springs Avenue and I-10 WB/EB ramps. Due to the grades on Highland Springs Avenue, the freeway and railroad bridge may be an obstruction to the proper functioning of the EVP systems at the ramps and alternative placement of optical receptors will be discussed with Caltrans.

STC has conducted a preliminary review of the line of sight and will develop alternative designs due to the railroad bridge blocking northbound line of sight at the Highland Springs Avenue and I-10 EB ramp signal. All documents and as-builts will be obtained and reviewed of the existing traffic signals from all involved agencies.

STC will prepare a table showing the results of our evaluation of all pedestrian push buttons and pedestrian heads. If there are any push button locations that are not in compliance with CA MUTCD or ADA, recommendations will be made to bring these into compliance. All pedestrian signal heads that have not been converted to countdown heads will be documented for replacement in the table.

If desired by the City, STC will coordinate with the City to develop a standard for wattage and fixture type for new LED safety lighting. Although the RFP does not specify replacement of safety lights, **STC has included this work effort as an added value task.** It should be noted that STC prepared the HSIP grant for the City and it included replacement of old lighting with LED safety lights.

STC has worked closely with contractors who perform this exact work during recent HSIP application preparations to understand the effort and cost associated with signal hardware replacements. This stage of the project will identify any potential shortcomings in the available HSIP grant funding for this project and allow for initiation of proactive solutions if desired.

<u>Task 2.3 Deliverables:</u>

- Table Summary of Back Plate Replacements
- Table Summary of Emergency Vehicle Preemption Installations
- Table Summary of Accessible Pedestrian Push Button Replacements
- Table Summary of Pedestrian Countdown Signal Head Replacements
- Table Summary of LED Safety Lighting Replacements
- Summary of Traffic Signal Control Box Inventory Including Photos

Task 3.0. Engineering Design

Task 3.1. Plan Preparation (60%, 90%, 100%)

STC will develop design plans for 17 traffic signals and incorporate the traffic signal hardware improvements that were identified during the Preliminary Engineering phase of this project (Task 2.3). The design will be developed in conformance with the latest City of Banning requirements, Green Book and Caltrans Specifications and Standard Plans, AASHTO, CA MUTCD, and Riverside County Regional Standard Drawings.

The design plan set will include a title sheet, general notes sheet, detail sheets, and individual intersection traffic signal improvement sheets at 1″ = 20′ scale. Plans will be submitted at 60% and 90% design for City review. The 100% design plans will be considered Final and submitted on Bond paper along with AutoCAD 2021 files.

Since the traffic signals on Highland Springs Avenue are jointly managed by the City of Banning and City of Beaumont, STC will also provide 60% and 90% design plans for review to the City of Beaumont. In addition, STC will also **provide plans to Caltrans** for their review of the two intersections at Highland Springs Avenue and I-10 EB/WB ramps.

The City of Banning provided eleven (11) intersection as-built traffic signal plans, and these will be utilized for a delta revision. Two (2) intersections are Caltrans maintained and STC will obtain copies of their as-builts. STC will coordinate with Caltrans to determine their requirements for design plan submittals. For the remaining four (4) intersections where there are no existing plans, STC will produce new plans. STC will prepare four (4) new traffic signal modification plans sufficient for a contractor to bid and complete the replacement of signal head backplates, installation of EVPs, replacement of pedestrian push buttons and countdown heads, and replacement of safety lighting. The plans will be prepared at a scale of 1" = 20'. The base plan will show existing right of way lines, roadway centerlines, curb, gutter and sidewalk, utilities of record. All traffic signal components will be drafted using the latest CAD standards for traffic signal design. Plans will include general notes, construction notes, phase diagrams, pole and equipment schedules, conduit and conductor schedules, and details for pole locations and foundations, pull boxes, and conduits.

All work identified on the plans will be approved and signed by a professional Civil Engineer registered in the State of California. Plans will be submitted at the 60%, 90% and 100% design levels.

Task 3.1 Deliverables:

- (60% and 90% Plans) Electronic Submittal (PDF) of 1-Title Sheet, 1-General Note and Area Map Sheet, 17-Traffic Signal Improvement Plan Sheets
- (100%/Final Plans) Bond Paper Submittal of 1-Title Sheet, 1-General Note and Area Map Sheet, 17-Traffic Signal Improvement Plan Sheets
- Four (4) sets of Final Design Plans on 24″x36 Bond Paper
- Final AutoCAD 2021 files

Task 4.0 Permitting

STC will investigate and process all required permits, including Caltrans and City of Beaumont encroachment permits. As an added value item, STC will prepare all necessary documents required for the Construction Funding Allocation Request (CON) in compliance with LAPM state funded HISP project implementation procedures. The deliverables shown under this task are anticipated to be included with the CON.

Task 4.0 Deliverables:

- Request for Funding Allocation Form
- Approved CEQA Notice of Exemption Documents
- Right-of-Way Certification
- State-only Finance Letter for Construction
- Detailed Engineer's Cost Estimate for Construction Items
- Printout from List of Selected HSIP Projects Highlighting City Project
- Caltrans Encroachment Permit
- City of Banning Encroachment Permit

Task 5.0 Specifications and Cost Estimate

Task 5.1 Project Specifications and Bid Documents

STC will prepare project specifications utilizing the City's most current boilerplate bid package for state funded projects, special provisions, and the latest edition of the Greenbook for Public Works Construction. The bid package will be prepared via Microsoft Word and remain in the City's boilerplate font and format. Project specifications and bid documents will include the detailed project description, bid item descriptions, preparation of bid schedule, applicable special provisions, and references to technical specifications.

Task 5.1 Deliverables:

- Bid Package (Word Document)
- Project Specifications at the 90% and 100% Design Levels (Word Document)

Task 5.2 Engineer's Estimate of Probable Construction Cost

The STC Team will provide an itemized engineer's estimate of probable cost at 90% and 100% levels of design for all proposed improvements.

The estimates will be detailed with unit prices and quantities for individual line items of work and specified equipment based on the historical cost index. Cost estimate details (items and descriptions) will be consistent with bid items and specification sections.

Task 5.2 Deliverables:

- Engineer's Cost Estimate at the 90% and 100% Design Levels (Excel)

Task 6.0 Bidding/Construction Support

STC will provide design support during advertisement and construction of the project including answering pre-bid questions and interpretations of the plans and specification either by email or phone. STC will respond to the contractor's RFIs, confer with the City's construction manager or inspector regarding RFIs as appropriate, and review shop drawings and material submittals.

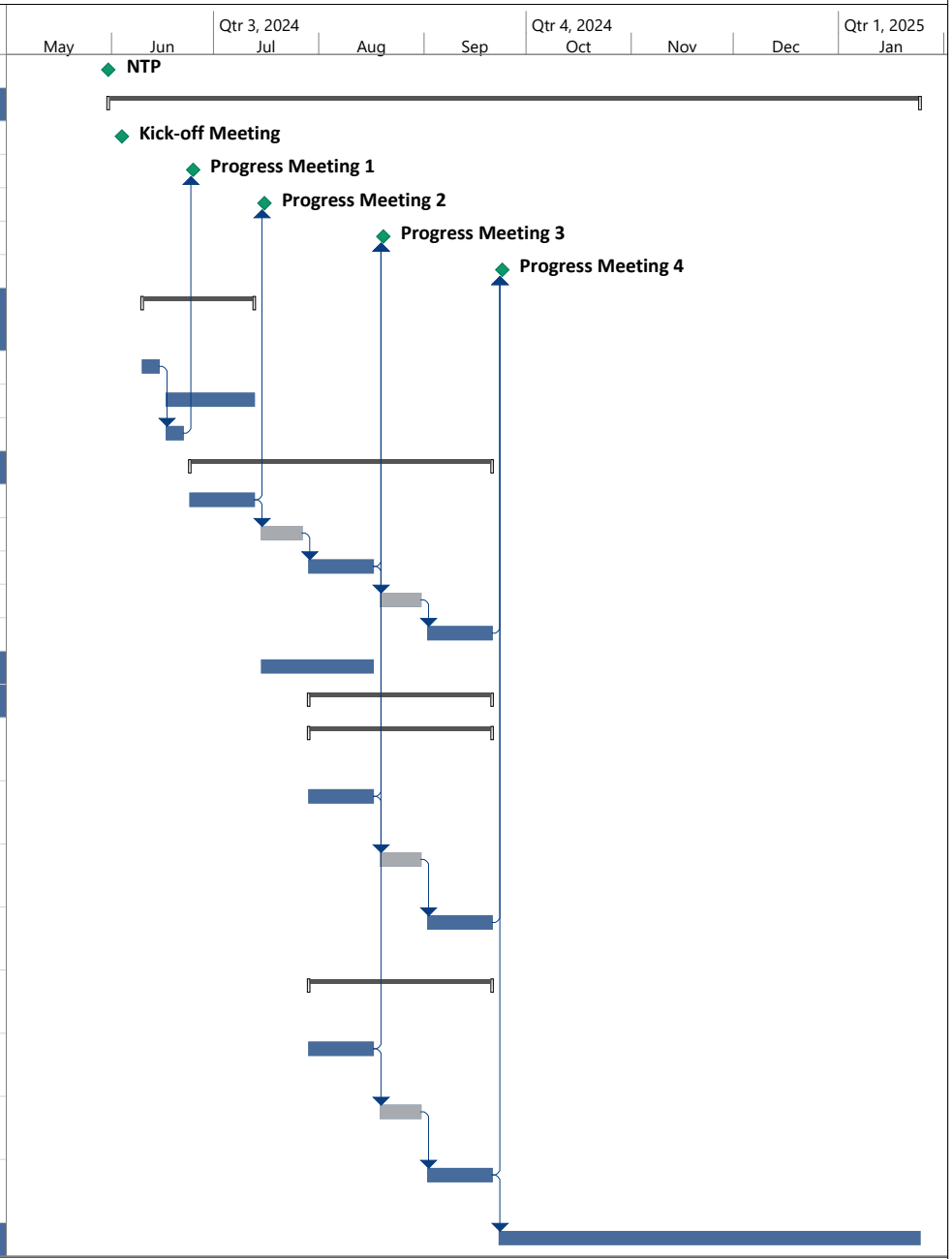
All bidding communication will be directed through the City for issuance to the contractor. STC will prepare design changes during construction as authorized, attend the pre-bid and pre-construction meeting, and be available to answer questions from City staff or the contractor.

Task 6.0 Deliverables:

- Responses to Bidder's Questions/RFIs and Prepare Addenda
- Attend Pre-Bid and Pre-Construction Meetings
- Responses to Contractor's Submittals, Shop Drawings and RFIs
- Conduct Three (3) Site Visits During Construction as Requested
- Prepare As-Built Plans within One (1) Month of Receipt of As-Built Redlines from Contractor

City of Banning
Design Services for the Upgrade of Traffic Signal Hardware

ID	Task Name	Duration	Start	Finish
1	NTP	0 days	Fri 5/31/24	Fri 5/31/24
2	**Task 1.0 Project Management/Administration**	**171 days**	**Fri 5/31/24**	**Fri 1/24/25**
3	Kick-off Meeting	0 days	Tue 6/4/24	Tue 6/4/24
4	Progress Meeting 1	0 days	Tue 6/25/24	Tue 6/25/24
5	Progress Meeting 2	0 days	Tue 7/16/24	Tue 7/16/24
6	Progress Meeting 3	0 days	Tue 8/20/24	Tue 8/20/24
7	Progress Meeting 4	0 days	Tue 9/24/24	Tue 9/24/24
8	**Task 2.0 Preliminary Investigation/Site Assessment**	**25 days**	**Mon 6/10/24**	**Fri 7/12/24**
9	Task 2.1 Field Investigations	5 days	Mon 6/10/24	Fri 6/14/24
10	Task 2.2 Potholing (Optional Task)	20 days	Mon 6/17/24	Fri 7/12/24
11	Task 2.3 Preliminary Engineering	5 days	Mon 6/17/24	Fri 6/21/24
12	**Task 3.0 Engineering Design**	**65 days**	**Mon 6/24/24**	**Fri 9/20/24**
13	60% Plans Submittal	15 days	Mon 6/24/24	Fri 7/12/24
14	60% Plans City Review	10 days	Mon 7/15/24	Fri 7/26/24
15	90% Plans Submittal	15 days	Mon 7/29/24	Fri 8/16/24
16	90% Plans City Review	10 days	Mon 8/19/24	Fri 8/30/24
17	100% Plans Submittal	15 days	Mon 9/2/24	Fri 9/20/24
18	**Task 4.0 Permitting**	**25 days**	**Mon 7/15/24**	**Fri 8/16/24**
19	**Task 5.0 Specifications and Cost Estimates**	**40 days**	**Mon 7/29/24**	**Fri 9/20/24**
20	**Task 5.1 Project Specifications and Bid Documents**	**40 days**	**Mon 7/29/24**	**Fri 9/20/24**
21	90% Project Specifications & Bid Documents Submittal	15 days	Mon 7/29/24	Fri 8/16/24
22	90% Project Specifications & Bid Documents City Review	10 days	Mon 8/19/24	Fri 8/30/24
23	100% Project Specifications & Bid Documents Submittal	15 days	Mon 9/2/24	Fri 9/20/24
24	**Task 5.2 Engineers Estimate of Probable Construction Cost**	**40 days**	**Mon 7/29/24**	**Fri 9/20/24**
25	90% Engineers Estimate of Probable Construction Cost Submittal	15 days	Mon 7/29/24	Fri 8/16/24
26	90% Engineers Estimate of Probable Construction Cost City Review	10 days	Mon 8/19/24	Fri 8/30/24
27	100% Engineers Estimate of Probable Construction Cost Submittal	15 days	Mon 9/2/24	Fri 9/20/24
28	**Task 6.0 Bidding/Construction Support**	**90 days**	**Mon 9/23/24**	**Fri 1/24/25**



May 17, 2024

STC Task | City Task | Milestone | Summary

2. Statement of Qualifications

STC Traffic, Inc. *has been providing professional traffic engineering services to municipal agencies in Southern California for over 17 years.*

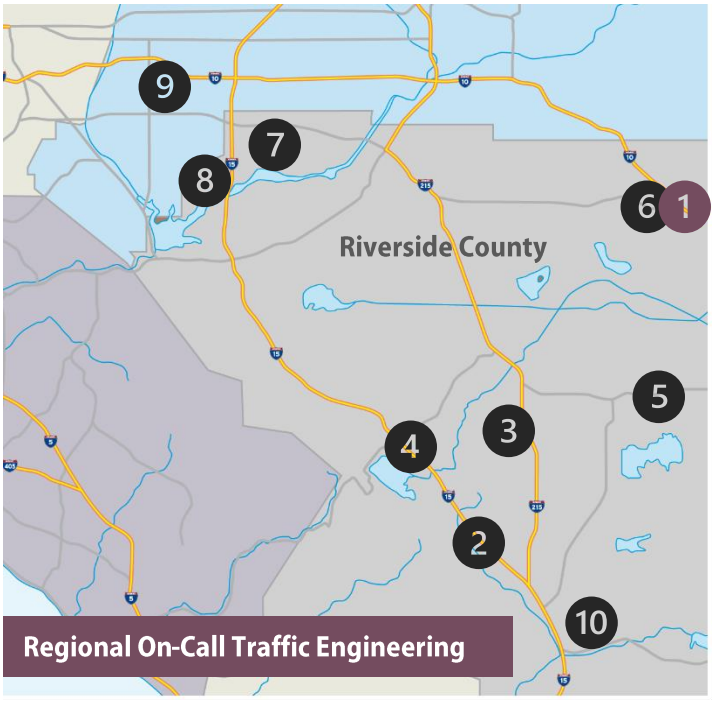
Our team is recognized for its ability to creatively solve problems arising from the most challenging traffic engineering projects.

We are comprised of professional engineers in traffic and civil engineering, traffic operations engineers, certified planners, certified IMSA signal technicians, ITS and systems and network engineers, and Public Works electricians/ inspectors. These are exactly the professionals that the City will need to deliver this HSIP project.

STC is structured as a full-service extension of City staff precisely so that our planners, designers, and ITS experts can address the City's immediate needs.

STC currently provides on-call traffic engineering services to a wide variety of regional municipal agencies, including the City of Banning.

Each of our contracts demonstrates STC's strong local and regional presence and ability to deliver the range of services that the City requires, from engineering design services to construction support services. We are modeled after a municipal Public Works/Engineering Division so that we can provide a wide breadth of traffic engineering services on a flexible basis.



As shown above, STC provides traffic engineering services to the following agencies:

[1] **Banning**	[4] Lake Elsinore	[7] Jurupa Valley
[2] Murrieta	[5] Hemet	[8] Eastvale
[3] Menifee	[6] Beaumont	[9] Ontario
		[10] Temecula

Seasoned Project Management

The STC Team will be led by Rob Blough, PE, TE, and supported by in-house technical staff in STC's planning, engineering, and systems and operations divisions. Rob has 25 years of experience as the City Traffic Engineer for the City of Encinitas and 5 years for the City of Menifee.

Dedication to Municipal Engineering

- We support all levels of effort for our municipal clients—including addressing immediate needs that may be small in scope or varied in service. Our staff are always available to provide assistance at a moment's notice.
- Our team knows the City of Banning's standards, guidelines, and preferences. We know the traffic systems, how the systems operate at a component and logic level, and how traffic behaves—expertise based on many decades of experience working with the same systems.
- Our staff are comfortable at the TMC, in the cabinet, and on the corner, viewing operations with their own eyes to see how cars, bicycles, and pedestrians move along corridors from intersection to intersection, making sure that exactly what we expect to see is actually out on the street. We emphasize this across the board when preparing plans. This is one of the special things about STC—the City can always count on us to be present on the street.

Guaranteed Availability

Our team currently supports the City of Banning with on-call traffic engineering services and are regularly on site and/or in the vicinity. We will provide the same level of service and availability on this HSIP project. We are 100% committed to providing boots-on-the-ground and local resources whenever they are needed for this contract.

STC Traffic, Inc. | Est. 2007
California Corporation

Headquarters

5973 Avenida Encinas, Suite 218
Carlsbad, CA 92008

Professionals

Licensed Civil & Traffic Engineers
Former City Traffic Engineers
Public Works Inspectors
Certified Planners
Certified IMSA Signal Technicians
Systems and Network Engineers
Construction Managers

Number of Employees – 27

Licenses/Certifications

- California DIR #1000009329
- California DGS SB (Micro): 53625
- SBE Metro (CUCP) Number: 6454

PM Contact Information

Rob Blough, PE, TE
Principal Engineer/Sr. Project Manager
C: (760) 518-8126
Email: rob.blough@stctraffic.com

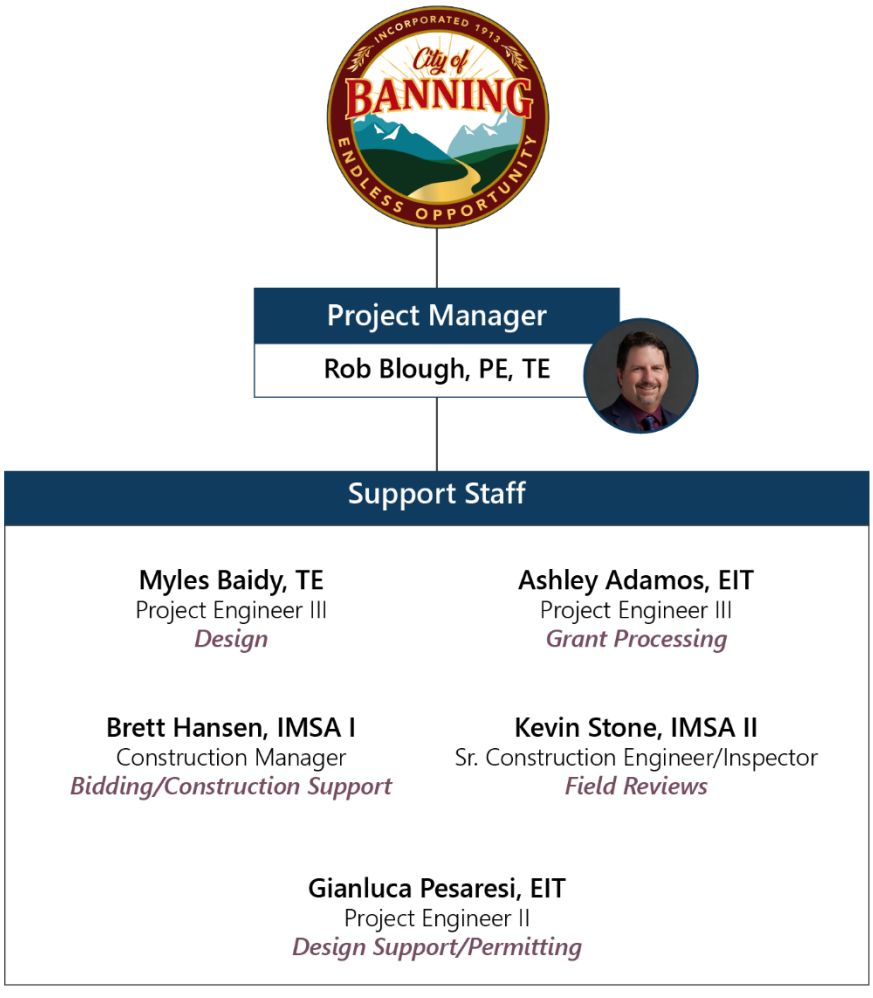
Litigation

Neither STC nor key personnel have been involved in any litigation in the past five (5) years.

3. Company Personnel

STC's Organizational Chart for the project is shown below—resumes for key staff (Rob Blough) and support staff are included at the end of this section. All assigned key professional staff are properly licensed to practice in California.

Our foremost approach to meeting the City's needs for this project is to provide the highest-quality staff. STC is modeled in the image of the municipal public works traffic division. We are comprised of professional engineers (traffic/civil), professional traffic operations engineers, certified signal technicians (up to IMSA Level III), ITS systems and network engineers, and public works electricians and inspectors—the team proposed for this Project is the same team that has delivered traffic signal hardware upgrades, including backplates, on similar HSIP projects in the Cities of Jurupa Valley and Hemet. This will give the City confidence in our ability to deliver a successful project.



**Additional support staff available as needed*



Rob Blough, PE, TE

PROJECT MANAGER*

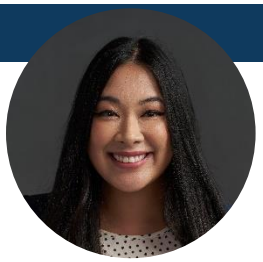
Rob has 25 years of experience as the City Traffic Engineer for the City of Encinitas and five years for the City of Menifee. He often functions as the City Traffic Engineer in many of STC's on-call contracts throughout Riverside County. During his 30+ year government career as City Traffic Engineer for two unique cities, Rob gained the knowledge of how local governments operate, both in a high-growth developing City like Menifee (No. 1 fastest growth City in California 2017-2022), and in a City with heavy public participation like Encinitas that prioritized maintaining its community character through addressing neighborhood traffic issues.

Rob is a hands-on traffic engineer that understands how to work with the public, elected officials, citizen groups, and other public agencies. He has both the technical knowledge and insight to address complex traffic issues, identify problems, develop solutions and alternatives, and present results both in writing and orally to citizens, traffic commissions, planning commissions, and City Councils.

While City Traffic Engineer with the City of Encinitas, he prepared over 1,000 technical reports and presented these reports in public meetings at over 300 Traffic Commission, Planning Commission, and City Council meetings and workshops. He understands what the City of Banning's needs in a traffic engineer and will provide the City with his wealth of experience with any HSIP project issue the City will typically experience. He has extensive experience in traffic signal design, signal timing, traffic operations, and trouble-shooting problems in the field, design of traffic calming, roundabouts, parking issues, streetscape projects, interchange projects, school traffic safety issues, striping plan design and field implementation, traffic control plan review, creating work orders, and working with contractors, public works inspectors, and Caltrans District 8.

Designated*
Key Personnel

Rob Blough, PE, TE
Principal Engineer
C: (760) 518-8126
E: Rob.blough@stctraffic.com



Ashley Adamos, EIT

GRANT PROCESSING

Ashley has over 10 years of specialized experience developing HSIP grants and LRSPs, including the LRSP for the City of Banning. She is STC's resident "grant guru" and has prepared grant applications for the HSIP, ATP, Safe Routes to School (SRTS), and Smart Growth programs. She has prepared over 50 grant applications for nine different agencies and has achieved $30M+ in grant funding for roadway safety projects, including this project. She has extensive experience in all project phases including production of evaluations, studies, grant applications, PS&E, and record drawings for various HSIP projects and will be able to support the City with all areas of HSIP project delivery.



PRINCIPAL MANAGER

Rob Blough PE, TE

Rob's professional experience includes serving 20 years as the City Traffic Engineer for the City of Encinitas and 5 years for the City of Menifee, where he managed all aspects of City transportation tasks, including working directly with maintenance staff in the field to troubleshoot signal issues and working with elected and appointed officials, citizens, community groups, Caltrans, and school districts. He currently manages on-call tasks for cities of Cathedral City, Beaumont, Menifee, and Jurupa Valley and provides on-call plan check services for the City of Banning.

Years of Experience: 34

Education

B.S. Civil Engineering, University of California, Irvine, 1990

Professional Registrations

Professional Engineer (Civil) CA, #60204

Professional Engineer (Traffic) CA, #1829

Relevant Experience

City of Menifee, Traffic Engineering Services, 2018-2023

City Traffic Engineer. Responsible for all traffic engineering functions with limited staff and intensive development in a fast-growing city. He joined HSIP projects for citywide implementation of wireless traffic signal interconnect during the construction phase. He worked with STC to address issues from the contractor, reconfiguring radios and documenting needs and solutions to bring signals online. He continued to work with STC for the HSIP grant application, design, and construction of citywide pedestrian improvements that included pedestrian countdown heads and APS push buttons. He continues to support the City under a current on-call contract.

City of Temecula, HSIP Cycle 11 Streetlight & Traffic Signal Communications Upgrade, 2023-Present

Project Manager. Rob is responsible for overseeing all project elements for improvements that include fiber and wireless traffic signal interconnect, state-of-the-art ATC control technology, new traffic signal coordination, safety lighting upgrades, traffic signal and pedestrian head visibility upgrades, and signal rewiring.

City of Beaumont, On-Call Traffic Engineering Services, 2023-Present

Principal Manager. Leading task orders for on-call contract to support Capital Improvement Projects, traffic operation and analysis, and traffic safety improvements. Rob is currently managing the upgrade of the existing traffic signal at the intersection of Cougar Way/Beaumont Avenue, which includes coordination with the city and their traffic signal maintenance contractor, developing a Basis of Design, and traffic signal progamming.

City of Jurupa Valley, On-Call Traffic Engineering Services, 2023-Present

Principal Manager. Manages task orders issued by the City. He conducts monthly meetings with City staff to discuss status of projects, provides land development review, and traffic design plan checks.

City of Cathedral City, On-Call Traffic Engineering Services, 2023-Present

Project Manager. Manages task orders issued by the City. Scope includes speed data analysis, intersection control studies, safety studies, plan review, traffic signal design, grant support, and other services. Recent tasks completed include development of four successful grant applications for HSIP Cycle 11.

Additional Regional Experience

- City of Menifee, HSIP Cycle 7 Citywide Traffic Signal Interconnect
- City of Menifee, HSIP Cycle 8 Citywide Pedestrian ADA Improvements



PROJECT ENGINEER III

Ashley Adamos EIT

Ashley is an engineer with 10 years of versatile experience in traffic engineering and transportation planning. With a strong understanding of local standards and federal funding requirements, she is a proven expert at aligning municipal goals with grant funding opportunities. She is STC's resident "grant guru" and has prepared grant applications for the HSIP, ATP, Safe Routes to School, and Smart Growth programs, achieving upwards of $40M in grant funding for roadway safety projects.

Years of Experience: 10

Education

B.S. Civil Engineering, Cal Poly Pomona, 2011

UC Berkeley Institute of Transportation Studies, 2019

Professional Registrations

Engineer-In-Training (EIT), CA #144928

Relevant Experience

City of Banning, HSIP Cycle 11 Grant Management Services and Local Roadway Safety Plan, 2022

Project Engineer III. Ashley led development and submittal of the City's three successful HSIP grant applications and served as task lead for preparation of the City's LRSP. She was responsible for extensive coordination with the City, developing the countermeasure toolboxes, identifying Priority Projects, overseeing preparation of the report, and stakeholder outreach.

City of Jurupa Valley, HSIP Cycle 10 Citywide Traffic Signal Coordination and Safety Upgrades, 2023-Present

Project Engineer III. The project aims to implement citywide traffic signal system safety improvements through improved traffic signal interconnect and signal timing, coordination, and operation and upgraded traffic signal heads with retroreflective back plates. Ashley manages grant processing and led efforts for traffic communications network analysis, which includes documenting the existing system's functionality and deficiencies, assessment of bandwidth needs, implementation and prioritization strategies, and mapping of current, near-term, and future network architecture. She is currently supporting development of PS&E.

Various Agencies, HSIP Grant Applications, 2015-Present

Task Order Manager. Ashley has prepared 18 HSIP applications for 8 public agencies in San Diego and Riverside Counties resulting in over $10.8 million in successful awards since HSIP Cycle 7. She is an expert in creating the most complete crash database possible by cross-referencing and combining data from the SWITRS and TIMS state databases, local Crossroads crash databases, and local collision reports by coordinating with police departments and local agency safety officers. She oversees data analysis, production of collision diagrams and crash summaries, application of LRSM countermeasures, benefit-cost ratio calculations, and responses to narrative grant application questions. 100% of the HSIP applications she has prepared were selected for approval.

Additional Regional Experience

- City of Menifee, HSIP Cycle 7 Traffic Signal Communications and TMC
- City of Eastvale, On-Call Traffic Engineering Services
- City of Moreno Valley, On-Call Traffic Engineering Services
- City of Temecula, On-Call Traffic Engineering Services
- Various Riverside County Agencies, Local Roadway Safety Plan & SSAR
- Various Riverside County Agencies, HSIP Grants Management
- City of Eastvale, Limonite Traffic Signal Synchronization



PROJECT ENGINEER III

Myles Baidy TE

Myles has seven years of experience in transportation planning and intersection operation analysis. His prior experience in Boston provides a fresh perspective on transportation solutions and innovation. His transportation planning experience includes detailed analysis of transportation impacts analysis, LOS, roadway safety audits, and complete street policies and programs. He also has experience in traffic signal design, intersection modeling, and community outreach. He supported the development of Banning's Local Road Safety Plan, HSIP Cycle 11 grant applications, and provides on-call traffic engineering services.

Years of Experience: 7

Education

B.S. Civil Engineering, University of Massachusetts Amherst, 2016

Professional Registrations

Professional Engineer (Traffic) CA, #3094

Relevant Experience

City of Banning, HSIP Cycle 11 Grant Management Services and Local Roadway Safety Plan, 2022

Project Engineer III. Myles conducted preliminary review of pertinent city documents applicable to the City's street system and collected and reviewed traffic collision data and any relevant planned improvements. Traffic collision data was utilized to identify any critical safety issues from which proven counter measures were derived and implemented in the final document.

City of Jurupa Valley, HSIP Cycle 10 Citywide Traffic Signal Coordination and Safety Upgrades, 2023-Present

Project Engineer III. Supported HSIP grant development for citywide traffic signal system safety improvements through improved traffic signal interconnect and signal timing, coordination, and operation and upgraded traffic signal heads with retroreflective back plates. Myles helped develop the traffic communications network report, which mapped out the City's existing traffic communications system, supported development of the implementation strategy, and is currently developing PS&E.

City of Cathedral City, HSIP Cycle 10 Ramon Road Signalized Pedestrian Crossing, 2020-Present

Project Engineer III. Myles supported the Basis of Design, which evaluated the optimal location and control type for the proposed midblock pedestrian crossing, prompting the City to forgo a HAWK signal for a standard pedestrian signal crossing as the option that offered greater benefits. He continues to support follow-on phases of the project.

City of Menifee, On-Call Traffic Engineering Services, 2020-Present

Project Engineer III. Myles conducts a variety of planning and preliminary engineering studies to support City initiatives under the on-call services contract. Recent projects he has completed include developing a spreadsheet to track Riverside County projects that border the City and provide mitigation recommendations for projects that impact Menifee roadways, a signal/allway stop warrant analysis for Menifee Road at Mapes Rd & Menifee Road, and conducting speed counts to determine speed limit thresholds citywide.

Additional Regional Experience

- City of National City, HSIP Cycle 9 Protected Left-Turn Enhancements
- City of Cathedral City, On-Call Traffic Engineering Services
- City of Jurupa Valley, On-Call Traffic Engineering Services
- City of Menifee, On-Call Traffic Engineering Services
- Riverside County Agencies, Local Roadway Safety Plans



CONSTRUCTION MANAGER

Brett Hansen IMSA I

Brett leads STC's construction engineering and construction management support services. He is well-versed in standard specifications and plans required by government agencies, skilled in field analysis, and has expertise in electrical and communications systems. He supports HSIP projects by providing construction support, developing technical specifications and cost estimates for bid packages, and onsite integration support.

Years of Experience: 13

Education

B.S. Civil Engineering (mathematics minor), California State University, Chico, 2011

Certifications

IMSA Level 1 - Traffic Signal Field Technician

Corning Fiber Installation Certified

Relevant Experience

City of Hemet, HSIP Cycle 10 Citywide Traffic Signal Visibility Upgrades, 2023-Present

Construction Manager. The City was awarded an HSIP grant to upgrade existing backplates with retroreflective backplates at 40 signalized intersections throughout the City's major arterials. Brett has overseen field investigations, field inventory, and is providing bid and construction support.

City of Jurupa Valley, HSIP Cycle 10 Citywide Traffic Signal Coordination and Safety Upgrades, 2023-Present

Construction Manager. The project aims to implement citywide traffic signal system safety improvements through improved traffic signal interconnect and signal timing, coordination, and operation and upgraded traffic signal heads with retroreflective back plates. Brett developed preliminary cost estimates and will lead construction support services.

City of San Bernardino, HSIP Cycle 9 Signal Hardware Upgrades at 224 Signalized Intersections, 2022-2024

Construction Manager. Project will replace or install new equipment to the City's existing traffic signal system. Hardware upgrades include traffic signal heads, pedestrian signal heads, and pedestrian pushbuttons. Brett was responsible for construction support.

City of National City, HSIP Cycle 7 Citywide Safety Lighting Enhancements, 2019-2020

Construction Manager. STC provided engineering services for proposed lighting improvements after successfully securing HSIP funding for the project. The project aims to upgrade safety lighting to LED luminaries at 32 signalized intersections along nine major traffic corridors in National City. Brett oversaw field investigations to document and inventory existing safety lighting fixtures.

City of San Marcos, HSIP Cycle 5 Citywide LED Safety Lighting Conversion, 2018-2019

Construction Manager.STC provided engineering services for the conversion of the City's safety lighting from low-pressure sodium to LED lighting technology, performed market-based and field analysis to create a list of qualified product solutions, and mapped all lights throughout the City with attributes and developed highly detailed technical specifications. Brett led construction support services and processing of as-built drawings.

Additional Regional Experience

- City of Menifee, HSIP Cycle 7 Citywide Traffic Signal Interconnect
- City of Temecula, HSIP Cycle 7 Fiber Optic Communication System Upgrade



SENIOR CONSTRUCTION ENGINEER/INSPECTOR

Kevin Stone IMSA II

Kevin is a construction engineer/inspector with over 30 years of experience in constructing, installing, troubleshooting, repairing, and maintaining traffic signal systems and electrical systems. Prior to joining STC, Kevin served as the general foreman of maintenance for over 350 traffic signals and four traffic signal technicians in the Cities of Santee, El Cajon, La Mesa, Lemon Grove, Imperial Valley, and Camp Pendleton; served as an electrical foreman for 20 years; and served as lead traffic signal technician for the City of Oceanside with responsibility for on-call service 24/7 for over 160 traffic signals.

Years of Experience: 30

Certifications

IMSA Level 2 - Traffic Signal Field Technician

IMSA Work Zone Safety

Relevant Experience

City of Jurupa Valley, HSIP Cycle 10 Citywide Traffic Signal Coordination and Safety Upgrades, 2023-Present

Sr. Construction Engineer/Inspector. The project aims to implement citywide traffic signal system safety improvements through improved traffic signal interconnect and signal timing, coordination, and operation and upgraded traffic signal heads with retroreflective back plates. Kevin performed extensive field review and reviewed existing as-builts.

City of Temecula, HSIP Cycle 11 Streetlight & Traffic Signal Communications Upgrade, 2023-Present

Sr. Construction Engineer/Inspector. Project improvements including fiber and wireless traffic signal interconnect, state-of-the-art ATC control technology, new traffic signal coordination, safety lighting upgrades, traffic signal and pedestrian head visibility upgrades, and signal rewiring. Kevin performed extensive field review to verify existing conditions and equipment and revise as-builts.

City of San Bernardino, HSIP Cycle 9 Signal Hardware Upgrades at 224 Signalized Intersections, 2022-2024

Sr. Construction Engineer/Inspector. Project will replace or install new equipment to the City's existing traffic signal system. Hardware upgrades include traffic signal heads, pedestrian signal heads, and pedestrian pushbuttons. Kevin is responsible for verifying contractor installed facilities and keeping a daily record of contractor activities.

Riverside County, On-Call Traffic Signal Services, 2000-2015

Signal Contractor. Prior to joining STC, Kevin serviced traffic signals throughout Riverside County. The work included: modifications of existing signals, communications, and inventory; supervising the removal of old equipment and the installation of new equipment; conducting interconnect runs; coordination with municipalities, contractors, and utilities; final inspections and punch list review.

Additional On-Call Experience

- City of Temecula, HSIP Cycle 7 Fiber Optic Communication System Upgrade
- City of National City, HSIP Cycle 7 Pedestrian ADA Improvements
- City of National City, HSIP Cycle 7 Traffic Signal Communications Upgrade
- City of Fontana, On-Call Traffic Engineering Services
- City of Menifee, On-Call Traffic Engineering Services
- RCTD, Scott Road Interchange at I-215
- RCTD, Jurupa Road Grade Separation
- City of Eastvale, Limonite Avenue Corridor Synchronization Project



PROJECT ENGINEER II

Gianluca Pesaresi EIT

Gianluca has over 7 years of experience in the fields of traffic engineering and traffic signal operations. Prior to joining STC, he served as a traffic engineering intern for the City of Encinitas, where he was primarily responsible for assisting with traffic calming measures in residential areas, reviewing traffic control plans, and working closely with citizens to resolve traffic-related issues. In his current role, Gianluca applies his experience and technical skills in traffic engineering design, data collection/analysis, graphics production, and before/after traffic analyses in support of municipal projects.

Years of Experience: 7

Education

B.S. Civil Engineering, San Diego State University, 2017

Professional Registrations

Engineer-In-Training (EIT), CA # 162712

Relevant Experience

City of Banning, HSIP Cycle 11 Grant Management Services, 2022

Project Engineer II. STC prepared three successful HSIP applications on behalf of the City. Gianluca assisted with data collection and analysis, basemapping, and developed project figures.

City of Banning, On-Call Plan Check Services, 2021-Present

Project Engineer II. Serving as traffic consultant, STC provides on-call plan checking services for several Riverside County agencies. Gianluca has provided plan checks for the City of Banning that include new traffic signals and signal modifications, street lighting, signing and striping, and traffic control.

City of Jurupa Valley, HSIP Cycle 10 Citywide Traffic Signal Coordination and Safety Upgrades, 2023-Present

Project Engineer III. Supported HSIP grant development for citywide traffic signal system safety improvements through improved traffic signal interconnect and signal timing, coordination, and operation, and upgraded traffic signal heads with retroreflective back plates. Gianluca conducted extensive field reviews and developed PS&E.

City of Cathedral City, HSIP Cycle 10 Ramon Road Signalized Pedestrian Crossing, 2020-Present

Project Engineer II. STC evaluated the optimal location and control type for the proposed midblock pedestrian crossing, prompting the City to forgo a HAWK signal for a standard pedestrian signal crossing as the option that offered greater benefits. Gianluca supported PS&E and utility coordination.

City of Poway, HSIP Cycle 10 Poway Road Corridor Improvements, 2023-Present

Project Engineer II. Project improvements include safety signage, installation or extension of medians, and traffic signal modifications to implement dillema zone detection at five signalized intersections along the project corridor. Gianluca conducted field reviews, developed exhibits for alternatives analysis, developed base work, and prepared PS&E for traffic signal and civil countermeasures.

Additional Regional Experience

- City of Lake Elsinore, HSIP Cycle 8 Traffic Signal Improvements
- City of Temecula, HSIP Cycle 9 Traffic Signal System Upgrades
- City of National City, HSIP Cycle 7 Citywide Safety Lighting Upgrades
- City of Cathedral City, On-Call Traffic Engineering Services
- City of Temecula, On-Call Traffic Engineering Services
- City of Jurupa Valley, On-Call Traffic Engineering Services
- Various Riverside County Agencies, On-Call Plan Checking Services

4. Disclosure

STC has no past or current business and personal relationships with any current Banning elected official, appointed official, City employee, or family member of any current Banning elected official, appointed official, or City employee.

5. Experience and References

STC meets all of the City's prerequisites for performing the Scope of Work:

- STC has over 17 years of experience delivering similar projects for municipal agencies.
- STC has not filed for bankruptcy under any business name over the past five (5) years.
- STC is a registered vendor with the City, and has been providing services to the City on an ongoing basis.
- STC and all key personnel are properly licensed to practice in California.
- STC is registered with the Department of Industrial Relations (CA DIR #1000009329).

Local Banning Experience

In 2022, STC prepared the Local Road Safety Plan for the City of Banning under a highly constrained timeline, completing the project within approximately four months.

Potential safety projects were evaluated based on the City of Banning's roadway needs, crash data analysis, roadway network screening, stakeholder feedback, and countermeasure toolbox. Two priority projects and one HSIP funding set-aside project were identified for development of a preliminary project scope, cost estimate, and benefit cost ratio (BCR) analysis utilizing the most recent Cycle 11 HSIP Analyzer. In order to supplement local funds while proactively implementing roadway safety, the priority projects were developed based on eligibility for HSIP grant funding.

As a result of our work, the City received successful HSIP Cycle 11 funds for Signal Hardware (17 Intersections, **This Project**), Pedestrian Crossing Upgrades (19 Intersections), and Wilson St & 12th St Pedestrian School Crossing (Set-Aside) in the amounts of $390,510, $526,500, and $249,300, respectively.

Extensive Caltrans District 8 Experience

Over the past 10 years, STC has completed dozens of contracts for HSIP grant-funded projects, which required coordination with DLA for project delivery. Our staff is versed in the LAPM, and we recognize the City needs STC to self-deliver our expertise and drive the agenda for this project.

We will execute deadlines, required reporting, and coordinate with internal and external parties. We will keep the City in the loop with regular communication and be conscious of the City's time and our efficiency. We have done this time and time again on representative projects, and our track record in Riverside County, along with our intimate knowledge of the City of Banning's LRSP and underlying grant application, puts our team in a strong position to successfully deliver this project.

STC has delivered HSIP funded projects since HSIP Cycle 1 and has direct experience on HSIP funded projects for traffic signal upgrades and improvements.

For all of these projects, STC was intimately involved in the coordination and administrative efforts with Caltrans District 8, Caltrans Local Assistance, and the representative local agencies. STC has recent experience producing HSIP grant applications applying the S2 (Improve Signal Hardware) countermeasure and has keen insight to the associated construction methods and costs. Additionally, STC has extensive experience delivering HSIP grant funded projects with state-only and federal funding sources. Additionally, our Project Manager, Rob Blough, PE, TE, has extensive experience coordinating with Caltrans District 8 during his time as City Traffic Engineer for the City of Menifee between 2018-2023. We have included Caltrans-specific descriptions in the SOW (See Permitting), including key deliverables for Task 4 that show our value-add with regards to Caltrans experience.

Citywide HSIP Traffic Signal Upgrades | Temecula, CA

2023-Present

Project Role
Prime

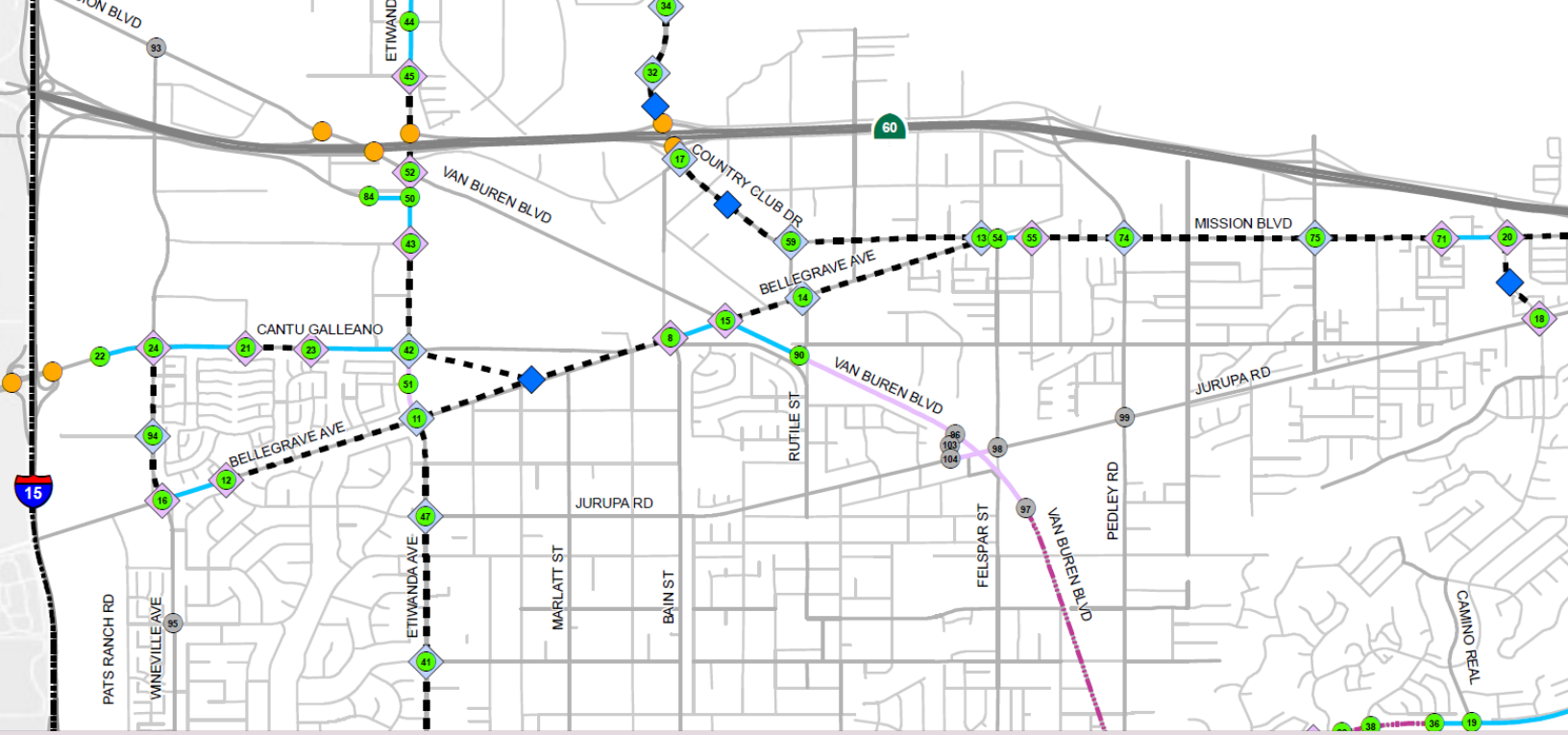
Contract Value
NTE $317,730

Key Staff
Rob Blough, PE, TE
Brett Hansen, IMSA I
Kevin Stone, IMSA II

Client Reference #1
Nick Minicilli, Senior Traffic Engineer
41000 Main Street, Temecula CA 92590
nick.minicilli@temeculaca.gov, (951) 693-3917

The City of Temecula championed this initiative with the successful pursuit of HSIP Cycle 11 grant funding to improve citywide traffic signal system safety.

Our team authored the HSIP Cycle 11 grant for this project on behalf of the City and is currently delivering the project. The project expands the footprint of the City's traffic systems and infrastructure improvements to bring these safety and operation benefits to additional roadways and intersections. The HSIP Cycle 11 grant funds a range of improvements including fiber and wireless traffic signal interconnect, state-of-the-art ATC control technology, new traffic signal coordination, **safety lighting upgrades, traffic signal and pedestrian head visibility and upgrades,** and signal rewiring.



Citywide HSIP Traffic Signal Safety Upgrades | Jurupa Valley, CA

2023-Present

Project Role
Prime

Contract Value
NTE $412,000

Key Staff
Myles Baidy, TE
Brett Hansen, IMSA I
Ashley Adamos, EIT

Client Reference #2
Octavio Duran Jr., Assistant City Engineer
8930 Limonite Avenue, Jurupa Valley CA 92509
oduran@jurupavalley.org, (951) 332-6464 Ext. 242

This comprehensive project includes full evaluation of the City's existing traffic signals and traffic communications network, assessment of strategies to upgrade the City's existing traffic signals and communications infrastructure, recommendations for infrastructure upgrades, and PS&E for the traffic signal equipment/ construction phase. The project is a significant investment on the part of the City of Jurupa Valley in traffic signal systems and ITS infrastructure.

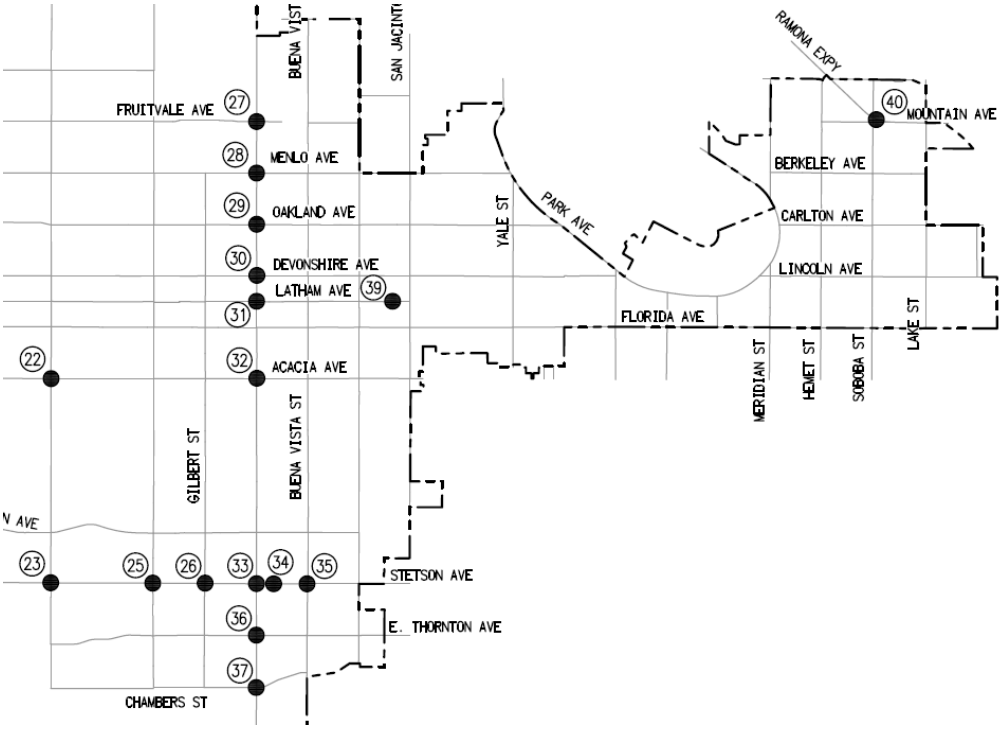
The City championed this initiative with a successful pursuit of HSIP Cycle 10 grant funding to improve citywide traffic signal system safety through improved traffic signal interconnect and signal timing, coordination, and operation; and upgraded **traffic signal heads with retroreflective back plates.**

This project was specifically identified as one of four high priority CIP projects in the City's Local Road Safety Plan (LRSP).

STC was selected for the project and has been providing key areas of technical delivery including a traffic signal communication and ITS master plan and design and engineering plans, specifications, and estimate, among other services.

Key Service Areas

HSIP Project Delivery
Retroreflective Backplates
Traffic Signal Upgrades



No.	Intersection Crossing
1	Cawston Ave and Menlo Ave
2	Cawston Ave and Devonshire Ave
3	Cawston Ave and Stetson Ave
4	Cawston Ave and Mustang Way
5	Mustang Way and Warren Road
6	Sanderson Ave and Eaton Ave
7	Sanderson Ave and Fruitvale Ave
8	Sanderson Ave and Menlo Ave
9	Sanderson Ave and Devonshire Ave
10	Sanderson Ave and Acacia Ave
11	Sanderson Ave and Wentworth Ave
12	Sanderson Ave and Johnston Ave/Tanya Ave
13	Paige Plaza Way and Stetson Ave
14	Sanderson Ave and Stetson Ave
15	Sanderson Ave and Paige Plaza Way
16	Sanderson Ave and Thornton Ave
17	Sanderson Ave and Mustang Way
18	Sanderson Ave and Domenigoni Pkwy
19	Kirby St and Devonshire Ave

Citywide HSIP Traffic Signal Visibility Upgrades | Hemet, CA 2023-2024

Project Role
Prime

Contract Value
NTE $50,000

Key Staff
Ivan Gonzalez
Brett Hansen, IMSA I

Client Reference #3
Jileen Ferris, Deputy Public Works Director
445 E Florida Avenue, Hemet, CA 92543
JFerris@hemetca.gov, (951) 765-2360

The City of Hemet was recently awarded an HSIP grant to upgrade existing backplates with retroreflective backplates at 40 signalized intersections throughout the City's major arterials. A citywide systemic analysis identified a high incidence rate within the influence area of signalized intersections, and the City sought to reduce collision incidence at signalized intersections and improve safety for all motorists by replacing existing backplates with retroreflective backplates. STC prepared the plans, specifications, and estimates (PS&E) for the Highway Safety Improvement Program funded project.

Tasks consisted of field investigations, preliminary engineering, environmental documentation, final plan preparation, LAPM Construction Funding Allocation Request, and bid and construction support, very similar to the scope of services requested by the City of Banning for this project.

Key Service Areas

HSIP Project Delivery
Retroreflective Backplates
Grant Processing

City of Banning - Design Services for the Upgrade of Traffic Signal Hardware (RFP-24-064)
STC Traffic, Inc. Price Proposal

	STC Traffic, Inc.						Sub		
Employee Name	Blough, Rob	Baidy, Myles	Adamos, Ashley	Hansen, Brett	Stone, Kevin	Pesaresi, Gianluca	Direct Costs		
Classification	Sr. Project Manager	Project Engineer III	Project Engineer III	Construction Manager	Sr. Construction Engineer	Project Engineer II			
Standard Billing Rate	$240.00	$190.00	$190.00	$240.00	$220.00	$160.00			

Task	Task Description								Total Hours	Total Cost
Task 1.0	Project Management/Administration	20	10						30	$ 6,700.00
Task 2.0	Preliminary Investigation/Site Assessment									
Task 2.1	Field Investigations		4			36	36		76	$ 14,440.00
Task 2.2	Potholing (Optional Task)	4	4				20	$ 15,000.00	28	$ 19,920.00
Task 2.3	Preliminary Engineering	1	2				12		15	$ 2,540.00
Task 3.0	Engineering Design	5	20				60		85	$ 14,600.00
Task 4.0	Permitting		4	12					16	$ 3,040.00
Task 5.0	Specifications and Cost Estimates									
Task 5.1	Project Specifications and Bid Documents	1	4				16		21	$ 3,560.00
Task 5.2	Engineers Estimate of Probable Construction Cost		2		1		8		11	$ 1,900.00
Task 6.0	Bidding/Construction Support		2		12	16	8		38	$ 8,060.00
	Total Hours	31	52	12	13	52	160		320	
	Subtotal Labor	$7,440.00	$9,880.00	$2,280.00	$3,120.00	$11,440.00	$25,600.00	$ 15,000.00		

TOTAL COST Without Optional Task	$ 54,840.00
TOTAL COST With Optional Task	$ 74,760.00

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Holly Stuart, Public Works Program Manager** **Art Vela, Director of Public Works**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-120, Approving and Authorizing Submittal of California Emergency Management Agency Form to California Office of Emergency Services Form 130 Designating Personnel to Act As the Agent for the City When Seeking Financial Assistance After a Disaster**

RECOMMENDATION:

Adopt Resolution 2024-120.

BACKGROUND:

The CalOES Form 130 authorizes the positions listed to execute for and on behalf of the City of Banning for the purpose of obtaining certain Federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act (CDDA).

The positions designated on the form will be the City Manager, Administrative Services Director and Director of Public Works.

The CDAD in Title 2, Division 1, Chapter 7.5 of the California Code provides State financial assistance for recovery efforts to counties, cities and/or special district after a State disaster has been proclaimed. CDAA can be implemented as "stand alone" funding sources following a Director of California Office of Emergency Services Concurrence for a local emergency, or a Governor's Proclamation when there is no federal declaration.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, 42 U.S.C. 5121 et seq., and Related Authorities, provides Federal financial assistance for Individual and/or Public Assistance after a Federal Major Disaster or Emergency Declaration is proclaimed. Public Assistance can include response, recovery, and mitigation after an Emergency or Major Disaster Declaration. Individual Assistance can include recovery and/or mitigation after a Major Disaster Declaration is proclaimed.

JUSTIFICATION:

It is required that City Council designate personnel to be the City's Applicant Agents and to submit CalOES Form 130 in order to eligible for financial assistance after a Governor or Presidential disaster proclamation.

The form will be effective for a period of three years.

FISCAL IMPACT:

There is no fiscal impact in the approval of staff recommendation although the approval will provide the City the opportunity to seek financial assistance during Governor and/or Presidential disaster proclamation.

ALTERNATIVES:

Do not approve and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2024-120 Cal OES 130 Form.docx
2. CalOES 130 (003).pdf

RESOLUTION 2024-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING AND AUTHORIZING THE SUBMITTAL OF CALIFORNIA EMERGENCY MANAGEMENT AGENCY FORM CAL OES 130 DESIGNATING PERSONNEL TO ACT AS THE AGENT FOR THE CITY WHEN SEEKING FINANCIAL ASSISTANCE AFTER A DISASTER

WHEREAS, California Office of Emergency Services (CalOES) Form 130 authorizes the positions listed to execute for and on behalf of the City of Banning for the purpose of obtaining certain Federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act (CDDA); and

WHEREAS, the CDAD in Title 2, Division 1, Chapter 7.5 of the California Code provides State financial assistance for recovery efforts to counties, cities and/or special district after a State disaster has been proclaimed. CDAA can be implemented as "stand alone" funding sources following a Director of California Office of Emergency Services Concurrence for a local emergency, or a Governor's Proclamation when there is no federal declaration; and

WHEREAS, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, 42 U.S.C. 5121 et seq., and Related Authorities, provides Federal financial assistance for Individual and/or Public Assistance after a Federal Major Disaster or Emergency Declaration is proclaimed. Public Assistance can include response, recovery, and mitigation after an Emergency or Major Disaster Declaration. Individual Assistance can include recovery and/or mitigation after a Major Disaster Declaration is proclaimed; and

WHEREAS, the positions designated on the form will be the City Manager, Administrative Services Director and Director of Public Works; and

WHEREAS, the form will be effective for a period of three years.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. City Council adopts this resolution approving California Office of Emergency Services Form 130 designating the City's Applicant Agents when seeking financial assistance after a Governor or Presidential disaster proclamation. City Council designates the City Manager, Administrative Services Director and Director of Public Works as the designees.

SECTION 2. City Council directs the City Clerk to certify and transmit Cal OES Form 130 to the California Office of Emergency Services.

SECTION 3. The City Clerk shall certify the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-120, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Cal OES 130 Form

STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF EMERGENCY SERVICES Cal OES ID No: _____
Cal OES 130

DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES

BE IT RESOLVED BY THE City Council (Governing Body) OF THE City of Banning (Name of Applicant)

THAT City Manager (Title of Authorized Agent), OR

Administrative Services Director (Title of Authorized Agent), OR

Director of Public Works (Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of Banning (Name of Applicant), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of Banning (Name of Applicant), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

Please check the appropriate box below:

☒ This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

☐ This is a disaster specific resolution and is effective for only disaster number(s) _____

Passed and approved this 9th day of July, 20 24

Alberto Sanchez, Mayor
(Name and Title of Governing Body Representative)

Rick Minjares, Mayor Pro Tem
(Name and Title of Governing Body Representative)

Council Members David Happe, Sheri Flynn, Colleen Wallace
(Name and Title of Governing Body Representative)

CERTIFICATION

I, Caroline Patton (Name), duly appointed and Deputy City Clerk (Title) of City of Banning (Name of Applicant), do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council (Governing Body) of the City of Banning (Name of Applicant)

on the 9th day of July, 20 24 .

_____ (Signature)

Deputy City Clerk (Title)

Cal OES Form 130 Instructions

A Designation of Applicant's Agent Resolution for Non-State Agencies is required of all Applicants to be eligible to receive funding. A new resolution must be submitted if a previously submitted Resolution is older than three (3) years from the last date of approval, is invalid or has not been submitted.

When completing the Cal OES Form 130, Applicants should fill in the blanks on page 1. The blanks are to be filled in as follows:

Resolution Section:

Governing Body: This is the group responsible for appointing and approving the Authorized Agents.
Examples include: Board of Directors, City Council, Board of Supervisors, Board of Education, etc.

Name of Applicant: The public entity established under the laws of the State of California. Examples include: School District, Office of Education, City, County or Non-profit agency that has applied for the grant, such as: City of San Diego, Sacramento County, Burbank Unified School District, Napa County Office of Education, University Southern California.

Authorized Agent: These are the individuals that are authorized by the Governing Body to engage with the Federal Emergency Management Agency and the Governor's Office of Emergency Services regarding grants applied for by the Applicant. There are two ways of completing this section:

1. Titles Only: If the Governing Body so chooses, the titles of the Authorized Agents would be entered here, not their names. This allows the document to remain valid (for 3 years) if an Authorized Agent leaves the position and is replaced by another individual in the same title. If "Titles Only" is the chosen method, this document must be accompanied by a cover letter naming the Authorized Agents by name and title. This cover letter can be completed by any authorized person within the agency and does not require the Governing Body's signature.

2. Names and Titles: If the Governing Body so chooses, the names **and** titles of the Authorized Agents would be listed. A new Cal OES Form 130 will be required if any of the Authorized Agents are replaced, leave the position listed on the document or their title changes.

Governing Body Representative: These are the names and titles of the approving Board Members.
Examples include: Chairman of the Board, Director, Superintendent, etc. The names and titles **cannot** be one of the designated Authorized Agents, and a minimum of two or more approving board members need to be listed.

Certification Section:

Name and Title: This is the individual that was in attendance and recorded the Resolution creation and approval.
Examples include: City Clerk, Secretary to the Board of Directors, County Clerk, etc. This person **cannot** be one of the designated Authorized Agents or Approving Board Member (if a person holds two positions such as City Manager and Secretary to the Board and the City Manager is to be listed as an Authorized Agent, then the same person holding the Secretary position would sign the document as Secretary to the Board (not City Manager) to eliminate "Self Certification."

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-121, Approving a Deposit/Reimbursement Agreement with NP Banning Industrial, LLC**

RECOMMENDATION:

Approve Resolution 2024-121.

BACKGROUND:

NP Banning Industrial, LLC is proposing to develop an approximately 533.8-acre property in the City and partially within the City's Sphere of Influence commonly known as the Sunset Crossroads Project (the "Project").

The proposed Project envisions the development of industrial and commercial uses on a 533.8-acre site through adoption of a proposed Sunset Crossroads Specific Plan (the "Specific Plan"), including up to 268,400 square feet of medical office, professional office, education, recreation, and commercial uses, a travel center with refueling uses, and a 125-room hotel on 47.9-acres; and up to 5,545,000 square feet of industrial uses (including up 330,000 square feet of cold storage uses) on 392.0 acres. The proposed Project will also seek approval of a Development Agreement and a General Plan Amendment and Zone Changes amending the land use designations within the Specific Plan area to General Commercial (GC), Industrial (I), Open Space – Parks (OS-P), and Open Space – Resources (OS-R). Approximately 65.6 acres of the Project site would be retained as Open Space - Resources (OS-R) and/or Open Space – Parks (OS-P) use, including a five-acre passive park. Approximately 253.7 acres of the Project site are located outside the current City boundaries within the City's Sphere of Influence (SOI); therefore, the Project envisions annexation of this area into the City. The City, in its role as Lead Agency, has also prepared a draft Environmental Impact Report (Draft EIR) analyzing the environmental impacts of the proposed Project.

Chapter 3.36 of the Banning Municipal Code provides for reasonable recovery of costs borne by the City for expenses relating to land development. The Developer has agreed to fund and be solely responsible for all third party consulting costs and the City's legal costs associated with the preparation of plans, studies, and agreements for the Project. Moreover, the Developer has agreed to terms set forth in the Deposit/Reimbursement Agreement for the Project, which include deposits, reimbursements, eligible expenses, deposit administration, and other provisions related to the cost of processing the entitlement applications.

The following is a summary of the Agreement between the City and the Developer:

- City's Control Over Employees and Contractors. With regard to the applications for the Project, the City has sole discretion to select its employees and contractors assigned to work on the applications; to direct work and evaluate performance, terminate, and replace such employees and contractors; and to

pay employees and contractors from a City account.

- Initial and Supplemental Deposits. The Developer is required to deposit $50,000 with the City within 3 business days following execution of the Agreement to be allocated as follows: (i) $25,000.00 to apply for and process a Development Agreement; (ii) $5,000.00 for reoccurring meetings with City staff, (iii) $10,000.00 for engineering and other consultant costs; and (iv) $10,000.00 for the City's legal (non-litigation) costs. The City may request additional funds whenever it believes, in good faith, that the deposit balance is insufficient to cover 90 days' worth of eligible expenses. The Developer must make the additional deposit within 5 business days of the City's written request. The deposit must generally maintain a minimum balance of $5,00 and will not accrue interest.
- Eligible Expenses. The deposit shall be used to pay for the costs incurred by the City in connection with the following: (i) preparing necessary CEQA reports and documents, and additional supporting documentation, as necessary and appropriate in accordance with CEQA; (ii) distributing such documentation to responsible agencies and others; (iii) noticing and holding public hearings and considering public comments on such CEQA documents and reports; (iv) considering certification of such CEQA documents and reports and other documentation through a City Council resolution in accordance with CEQA; (v) preparing, negotiating, and approving the permits, entitlements, and conditions of the Project, including without limitation, the environmental documents; (vi) preparing and negotiating all further legal documents in connection with the transaction, including without limitation, technical reports, reclamation plans, development agreements, owner participation agreements, leases, franchise agreements, waste hauling agreements, franchise ordinances, and similar agreements and instruments; (vii) litigation and other legal costs associated with the Project; (viii) the fees and expenses of any consultants employed by the City in connection with the Project, including without limitation, the Draft EIR and Final EIR, all Project applications submitted by Developer (and all aspects associated therein), Development Agreement, and the Fiscal Impact Analysis; (ix) studies, reports and design services related to development of any Project-related infrastructure; and (x) any and all other actions reasonably taken by the City in connection with development of the Project.
- Administration of the Deposit. The City will administer the deposit and maintain accounting records of the expenditures at all times. The City will provide the Developer with monthly cost reports. The City will return any unexpended portion of the deposit to the Developer, without interest, less an amount equal to any unpaid eligible expenses previously incurred by the City upon approval of all entitlements, the expiration of all applicable appeal periods, and if a legal or administrative challenge is made to the entitlements, then upon the resolution of such challenge.
- CEQA Consultant. CEQA requires independent judgment by the lead agency. Therefore, any consultant hired by the City to prepare the EIR for the Project must be under contract with and directed by the City. The Developer may not attempt to direct, influence, or otherwise control the CEQA consultant in the performance of the work.
- No Obligation by City to Approve the Project; No Debt or Liability. The Agreement does not obligate the City to certify the EIR or take any action approving the Project. Moreover, the Agreement is not a debt or liability of the City and the City is not liable under the Agreement other than to return the unexpended and uncommitted portions of the deposit.
- Indemnification and Indemnification Deposit. The Developer must indemnify and hold the City harmless from any and all actions arising from or related to the proposed entitlements. The City may require the Developer to deposit funds to cover its indemnification obligations or provide other security. If the Developer fails to timely pay the deposit or provide the required security, the City may abandon the action without liability to the Developer and may recover from the Developer any attorneys' fees and other costs for which the City may be liable for abandonment of the action. Additionally, if the Developer fails to timely pay the deposit or provide the required security, the City may also defend the action and the Developer will be liable to the City for such defense costs.
- Indemnification for Developer's Construction. The Developer must indemnify and hold the City harmless from damages, personal injury or death that may arise from the Developer's, its agents', contractors', subcontractors', or employees' operations under the Agreement. The Developer's indemnification obligations do not apply to the City's gross negligence or willful misconduct.

JUSTIFICATION:

The primary reasons to support authorization of a Deposit/Reimbursement Agreement between the City of Banning and NP Banning Industrial, LLC are threefold.

First, the proposed Agreement allows the City to recover costs for processing the Developer's entitlement applications related to the proposed Project. The Project entitlements include a General Plan Amendment, the Sunset Crossroads Specific Plan, Zone Changes, Development Agreement, annexation, and an EIR analyzing the environmental impacts of the Project The Banning Municipal Code provides authority to recover expenses from the Developer for third party consulting costs and any potential for City's legal costs associated with the processing of plans, studies, agreements, and entitlements for the Project.

Second, the Agreement gives the City discretion and control in hiring and managing contractors and consultants for their work on the Project. This includes environmental consultants, which allow the City to have independent judgement over the environmental studies, technical studies, and preparation of the EIR.

Lastly, the proposed Agreement further supports that the City is under no obligation to take any action to approve the Project. It also provides that the proposed Agreement or any other agreement between the City and the Developer does not create a debt or a liability other than to return un-expended or uncommitted portions of the deposit to the Developer. The Agreement also provides that the Developer must indemnify and hold harmless the City, its officials, officers, employees and agents from any and all actions arising from or related to the proposed entitlements. The Developer may be required to deposit funds to cover its indemnification obligations or to provide other forms of security. The proposed Agreement also specifies that the deposit account must not fall below the amounts specified in the Agreement.

FISCAL IMPACT:

All costs shall be borne by the Developer. There is no Fiscal Impact to the City.

ALTERNATIVES:

1. Adopt Resolution 2024-121, as recommended.
2. Do not adopt Resolution 2024-121, and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2024-121, Deposit Agreement NP Banning Industrial.docx
2. Deposit Reimbursement Agreement NP Banning LLC.doc

RESOLUTION 2014-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A DEPOSIT/REIMBURSEMENT AGREEMENT WITH NP BANNING INDUSTRIAL, LLC

WHEREAS, the City of Banning Municipal Code Chapter 3.36 provides for recovery of costs reasonable borne by the City for expenses relating to land development; and

WHEREAS, NP Banning Industrial, LLC (the "Developer") is proposing to develop an approximately 533.8-acre property in the City and partially within the City's Sphere of Influence commonly known as the Sunset Crossroads Project ("Project"); and

WHEREAS, the Project contemplates a General Plan Amendment, the Sunset Crossroads Specific Plan, Zone Changes, annexation, and an Environmental Impact Report analyzing the environmental impacts of the Project (the "Entitlements"); and

WHEREAS, the Developer has agreed to fund and be solely responsible for any third-party consulting costs and the City's legal costs associated with the preparation of plans, studies, and agreements for the Project; and

WHEREAS, the Developer has agreed to terms set forth in the Deposit/Reimbursement Agreement for deposits, reimbursements, eligible expenses, deposit administration, and other provisions related to the cost of processing the Entitlements; and

WHEREAS, City Council finds that the provisions of the Deposit/Reimbursement Agreement are proper, in the best interest of the City, and in compliance with City's Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the Deposit/Reimbursement Agreement with NP Banning Industrial, LLC, attached as Exhibit A.

SECTION 2. The City Council authorizes the City Manager to execute the Deposit/Reimbursement Agreement on behalf of the City Council in a form approved by the City Attorney.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED, and ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-121, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Deposit/Agreement with NP Banning Industrial, LLC

DEPOSIT/REIMBURSEMENT AGREEMENT

CITY OF BANNING AND NP BANNING INDUSTRIAL, LLC

RELATING TO THE DEVELOPMENT OF SUNSET CROSSROADS PROJECT

THIS DEPOSIT/REIMBURSEMENT AGREEMENT ("Agreement") is made this ____ day of _____, 24__, by and between the CITY OF BANNING, a municipal corporation ("City"), and NP Banning Industrial, LLC ("Developer") (collectively, the "Parties").

RECITALS:

WHEREAS, the City of Banning Municipal Code Chapter 3.36 provides for recovery of reasonable costs borne relating to providing products or services relating to the development of the property located adjacent on the south side of Interstate 10 between Highland Home Road and Sunset Avenue (Assessor's Parcel Numbers (APNs): _____);

WHEREAS, the City's policy provides that the City shall be the lead agency as defined by the California Environmental Quality Act, Public Resources Code § 21000 *et seq*. ("CEQA"), for the purpose of conducting environmental review of the Project, and shall prepare all CEQA reports and supporting documentation, distribute such reports and documentation to responsible agencies and others, hold public hearings and consider public comments, and consider certification of such environmental review report and other documentation through a City Council Resolution, as necessary and appropriate in accordance with CEQA;

WHEREAS, the Project contemplates preparing general plan amendments, land use approvals, development agreements, access plans, and financing mechanisms (the "Entitlements");

WHEREAS, the Municipal Code Chapter 3.36 provides that Developer shall fund and be solely responsible for all third-party consulting costs and the City's legal costs associated with the development of such plans, studies and agreements as set forth in this Agreement;

WHEREAS, the Parties now desire to specify the terms of such deposit/reimbursement, including a cash deposit to be made by Developer with on-going payments to City and deposit restoration provisions as provided herein.

AGREEMENT:

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants set forth herein, and for other consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

Section 1. Construction.

This Agreement shall be liberally constructed to accomplish its intent. In the event of any irresolvable conflict or inconsistency in the terms of the agreements, the City Manager shall make a final decision.

Section 2. Conflicts of Interest.

(a) No Financial Relationship. By law, the documents required by CEQA must be independently prepared by City. Accordingly (See Section 4), during the existence of the processing and preparation of the Project's CEQA document and related technical studies, and for a period of one (1) year after final resolution of Developer's application for the Project, neither Developer, nor any of its representatives, agents or other persons acting in concert with Developer, shall enter into any financial relationship with any City official, employee, or contractor. Nor, during such period, shall Developer propose to enter into any future relationship with any City official, employee, or contractor. This shall not prevent Developer's consulting with an Environmental Consultant as permitted by Section 5 of this Agreement.

(b) Developer's Representations and Warranties. Developer represents and warrants that it has not entered into any arrangement to pay financial consideration to, and has not made any payment to, any City official, agent or employee that would create a legally cognizable conflict of interest as defined in the Political Reform Act (California Government Code sections 87100 *et seq*.).

(c) Developer's Acknowledgments. Subject to the reimbursement requirements set forth below, Developer acknowledges and agrees as follows with respect to its application for the Project:

(1) The City has sole discretion to select which of its employees and contractors are assigned to work on the application.

(2) The City has sole discretion to direct the work and evaluate the performance of the employees and contractors assigned to work on the application, and the City retains the right to terminate or replace at any time any such person.

(3) The City has sole discretion to determine the amount of compensation paid to employees or contractors assigned to work on the application.

(4) The City, not Developer, shall pay employees and contractors assigned to work on the application from a City account.

(d) The Parties acknowledge and agree that the processing of Developer's application for the Project is not contingent on the hiring of any specific contractor.

Section 3. The Deposit; Additional Advances.

(a) Establishing and Supplementing Deposit. Within three (3) business days following execution of this Agreement, Developer shall provide to the City an initial deposit of $50,000.00, to be allocated as follows: (i) $25,000.00 to apply for and process a Development Agreement (DA) in accordance with Chapter 15.52 of the Banning Municipal Code and the associated CEQA compliance; (ii) $5,000.00 for reoccurring meetings with City staff, (iii) $10,000.00 for engineering and other consultant costs; and (iv) $10,000.00 for the City's legal (non-litigation) costs. The City shall monitor its expenses and the balance in the deposit account and whenever it believes, in good faith, that there will be insufficient funds to pay all of the City's expenses for the next ninety (90) days, the City may make a written request for additional funds ("Additional Advance"), which shall state the existing balance and the additional amount requested. The City may request the funds it reasonably believes necessary to cover a period not exceeding ninety (90) days. The deposit account shall generally maintain a minimum balance of five thousand dollars ($5,000.00). The initial deposit and Additional Advanced funds are hereinafter collectively referred to as the "Deposit." Developer shall make the Additional Advance within five (5) business days of City's written request therefor. If Developer fails to timely make the Additional Advance, the City may cease all additional work by staff and consultants on the Entitlements (as defined in subsection (b) below), until the Additional Advance has been received.

(b) Eligible Expenses. The Deposit shall be used to pay for the costs incurred by the City in connection with the following (all of which shall be deemed "Eligible Expenses"): (i) preparing necessary CEQA reports and documents, and additional supporting documentation, as necessary and appropriate in accordance with CEQA; (ii) distributing such documentation to responsible agencies and others; (iii) noticing and holding public hearings and considering public comments on such CEQA documents and reports; (iv) considering certification of such CEQA documents and reports and other documentation through a City Council Resolution in accordance with CEQA; (v) preparing, negotiating, and approving the permits, Entitlements, and conditions of the Project, including without limitation, the environmental documents; (vi) preparing and negotiating all further legal documents in connection with the transaction, including without limitation, technical reports, reclamation plans, development agreements, owner participation agreements, leases, franchise agreements, waste hauling agreements, franchise ordinances, and similar agreements and instruments; (vii) litigation and other legal costs associated with the Project; (viii) the fees and expenses of any consultants employed by the City in connection with the Project, including without limitation, the Draft and Final Environmental Impact Report, all Project applications submitted by Developer (and all aspects associated therein), Development Agreement, and the Fiscal Impact Analysis; (ix) studies, reports and design services related to development of any Project-related infrastructure; and (x) any and all other actions reasonably taken by the City in connection with development of the Project.

(c) Administration of Deposit. The Deposit may be commingled with other funds of the City for purposes of investment and safekeeping. The Deposit shall not accrue interest. The City will administer the Deposit and shall use the Deposit to pay for Eligible Expenses. The City shall maintain satisfactory accounting records as to the expenditure of the Deposits at all times and shall provide Developer with monthly costs reports.

(d) Unexpended Funds. Upon approval of all necessary Entitlements, the expiration of all applicable appeal periods, and if a legal or administrative challenge is made to the Entitlements, then upon the resolution of such challenge in accordance with Section 8, the City shall return any then-unexpended portion of the Deposit to Developer, without interest, less an amount equal to any unpaid Eligible Expenses previously incurred by the City.

Section 4. Compliance with Guidelines: Independent Judgment.

The CEQA Guidelines at sections 15084 and 15090 require the lead agency to exercise its independent judgment in approving environmental documents. Payment of the cost of preparation of the environmental documents by Developer does not undermine the independent preparation of the environmental documents by the City. Accordingly, it is understood that any consultant hired by the City to provide a peer-review of environmental documents, including without limitation firms currently listed on the City's on-call list[1], shall be under contract to and directed by the City, and Developer shall not attempt to direct, influence, or otherwise control the consultant in the performance of the work. Any questions or concerns Developer may have will be directed to the City.

Section 5. Developer's Rights Concerning Expenses and Review of Documents.

(a) Statements of Account. The City shall provide Developer a summary of expenditures made from the Deposit, and the unexpended balance thereof, whenever requesting any Additional Advance and within ten (10) business days of receipt by the City of a written request therefore submitted by Developer. On a monthly basis, City shall provide Developer with a cost report, including copies of each statement or invoice received from any consultant whose costs are chargeable as Eligible Expenses.

(b) Review of Documents. City shall give Developer at least ten (10) days notice along with copies of any proposed contract with the peer reviewer, change orders or contract amendments, drafts, Project Description and Alternatives, comments to the environmental documents received from third parties and proposed responses to those comments, and related documents so that Developer shall have the opportunity to provide comments or objections thereto, prior to the City finalizing, filing, or otherwise releasing any of the foregoing. The City shall also provide Developer with draft copies of all other reports and studies funded through this Agreement. Developer may discuss issues with the City or its consultants and may make comments orally or in writing. The City shall also use reasonable efforts to permit Developer's review with respect to agendas and staff reports for all open City Council, Planning Commission and other public body meetings at which the Project or related matters are to be considered, and by providing Developer with draft copies thereof prior to or concurrently with the transmission of such documents to the appropriate body. It is expressly understood that City consultants retained by the City are under contract solely with the City, and the City is free to disregard the comments of Developer and exercise its independent judgment in making payments to the Consultants or revising or accepting the Consultant's work product, without any liability whatsoever to Developer therefor.

[1] The City's approved on-call list of environmental firms includes: MBI, Webb, Romo Planning Group, VCS Environmental, & CASC Engineering and Consulting, Inc.

Section 6. No Obligation to Adopt environmental documents or to Approve Project.

The provisions of this Agreement shall in no way obligate the City to adopt the environmental documents or take any action approving the Project. The City shall use its independent judgment in determining whether to approve the Entitlements, and environmental documents. In the event that the City adopts the environmental documents, the City shall use its independent judgment in determining the significance of any impacts, approving any mitigation program, adopting a statement of overriding considerations, or taking any other action. The City shall have no liability to Developer in any manner whatsoever therefor, other than providing the accounting of expenses as provided herein.

Section 7. Agreement Not a Debt or Liability of City.

It is hereby acknowledged and agreed that this Agreement is not a debt or liability of the City. The City shall not in any event be liable hereunder other than to return the unexpended and uncommitted portions of the Deposit as provided in Sections 3(d) and 3(e) above, and to provide an accounting under Section 5(a) above. The City shall not be obligated to advance any of its own funds with respect to the environmental documents or for any of the other purposes listed in Section 2(b) hereof. No official, officer, employee or agent of the City shall be personally liable hereunder to any extent.

Section 8. Indemnification and Hold Harmless.

(a) Non-liability of City Concerning Entitlements. The Parties acknowledge that there may be challenges to the legality, validity and adequacy of the Entitlements and/or this Agreement in the future; and if successful, such challenges could delay or prevent the performance of this Agreement and the development of the Project. The City shall have no liability under this Agreement for the inability of Developer to develop the Project as the result of a judicial determination that the Entitlements, the reclamation plan, the general plan, the zoning, the land use regulations, or any portions thereof are invalid or inadequate or not in compliance with law.

(b) Participation in Litigation: Indemnity. Developer agrees to indemnify, protect, defend, and hold harmless the City and its officials, officers, employees, agents, elected boards, commissions, departments, agencies, and instrumentalities thereof, from any and all actions, suits, claims, demands, writs of mandamus, liabilities, losses, damages, penalties, obligations, expenses, and any other actions or proceedings (whether legal, equitable, declaratory, administrative, or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to, arbitrations, mediations, and other such procedures) arising from or related to the Entitlements (including, but not limited to, attorneys' fees and costs) (herein the "Claims and Liabilities") for any such Claims or Liabilities brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and/or instrumentalities thereof; and Developer shall be responsible for any monetary judgment arising therefrom, whether such Claims and Liabilities are brought under CEQA, planning and zoning laws, the Subdivision Map Act, Code of Civil Procedure section 1085 or 1094.5, or any other federal, state, or local statute, law, ordinance, rule, regulation, or any decision of a competent

jurisdiction. Developer may be required to deposit funds to cover its indemnification obligation or to provide other security. If Developer fails to timely pay such funds, the City may abandon the action without liability to Developer and may recover from Developer any attorneys' fees and other costs for which the City may be liable for abandonment of the action. The City shall provide Developer with notice of the pendency of such action and request that Developer pay for the costs to defend such action. It is expressly agreed that the City shall have the right to utilize the City Attorney's office or use other legal counsel of its choosing, and Developer shall promptly pay or reimburse the City for any reasonable legal costs and fees incurred by City. If Developer fails to do so, the City may defend the action and Developer shall be liable to the City for the cost thereof, but if the City chooses not to defend the action, the City shall have no liability to Developer. Developer's obligation to pay the defense costs of the City shall extend until final judgment, including any appeals. Developer shall remain liable, other than in the case where judgment adverse to the City and Developer's position has been rendered, or where a settlement has been negotiated that is materially adverse to the Project. If Developer chooses to reduce the scope of the Project or abandon the Entitlements in order to settle any such litigation, the City shall reasonably cooperate in effecting a settlement. The Parties acknowledge and agree that if litigation is filed attacking the issuance of Project approvals, including the Project's CEQA document, the Parties may choose to enter into a common interest and indemnity agreement which may supplant the provisions of this section 8(b).

(c) Hold Harmless: Developer's Construction and Other Activities. Developer hereby agrees to, and shall defend, save and hold the City and each of its elected and appointed boards, commissions, officers, agents, and employees harmless from any and all claims, costs (including attorneys' fees) and liability for any damages, personal injury or death, that may arise, directly or indirectly, from Developer's or Developer's agents, contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations are conducted by Developer or by any of Developer's agents, contractors or subcontractors or by any one or more persons directly or indirectly employed by or acting as agent for Developer or any of Developer's agents, contractors or subcontractors. Nothing herein is intended to make Developer liable for the acts of the City's officers, employees, agents, contractors, or subcontractors.

(d) Exception. The obligations of Developer under this Section shall not apply to any claims, actions, or proceedings arising through the gross negligence or willful misconduct of the City, its members, officers, or employees.

(e) Survival of Indemnity Obligations. All indemnity provisions set forth in this Agreement shall survive termination of this Agreement.

Section 9. Notices.

Any notices, requests, demands, documents, approvals or disapprovals given or sent under this Agreement from one party to another (collectively, the "Notices") shall be given to the party entitled thereto at its address set forth below, or at such other address as such party may provide to the other parties in writing from time to time, namely:

If to Developer:

NP Banning Industrial, LLC
Attn: J.J. Jenkins
12977 N. Outer Forty Rd., Suite 203
St. Louis, MO 63141
Email: jjenkins@northpointkc.com

If to the City:

City Manager
City of Banning
99 E. Ramsey Street
Banning, CA 92220

With a copy to:
Richards Watson Gershon
350 South Grand Avenue, 37th Floor
Los Angeles, CA 90071
Attn: Serita R. Young, City Attorney

Each such Notice shall be deemed delivered to the party to whom it is addressed: (i) if personally served or delivered, upon delivery; (ii) if given by fax, upon the sender's receipt of an appropriate answerback or other written acknowledgement; (iii) if given by registered or certified mail, return receipt requested, deposited with the United States mail postage prepaid, seventy-two (72) hours after such notice is deposited with the United States mail; (iv) if given by overnight courier, with courier charges prepaid, twenty-four (24) hours after delivery to said overnight courier; or (v) if given by any other means, upon delivery at the address specified in this Section.

Section 10. California Law.

This Agreement shall be governed by, construed in accordance with, and interpreted under the laws of the State of California. The venue for any litigation regarding this Agreement shall be Riverside County, State of California.

Section 11. Severability.

If any part of this Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall be given effect to the fullest extent reasonably possible.

Section 12. Attorneys' Fees.

In the event that any party shall commence any legal action or proceeding to enforce or interpret this Agreement, the prevailing party in such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorneys' fees.

Section 13. Ambiguities.

In the event of any asserted ambiguity in, or dispute regarding, the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of interpretation providing for interpretation against the party who caused the uncertainty to exist or against the drafting party.

Section 14. Counterparts.

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original.

Section 15. Authority.

The persons executing this Agreement on behalf of the parties hereto warrant that: (i) such party is duly organized and existing; (ii) they are duly authorized to execute and deliver this Agreement on behalf of said party; (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement; and (iv) the entering into of this Agreement does not violate any provision of any other agreement to which said party is bound.

IN WITNESS THEREOF, the Parties hereto have executed this Agreement as of the day and year written alongside their respective signature line below.

Executed on: _____, 2024

DEVELOPER

NP BANNING INDUSTRIAL, LLC
a Missouri limited liability company

_____

Executed on: _____, 2024

CITY OF BANNING

ATTEST:

_____
Caroline Patton, Administrative City Clerk
City of Banning

_____
Doug Schulze, ICMA-CM
City Manager
City of Banning

APPROVED AS TO FORM:

_____
Serita R. Young, City Attorney
Richards, Watson & Gershon

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Nicole Jews, Human Resources Manager** **Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-122, Adopting Administrative Policy, Risk Management (RM) #6 - A Workplace Violence Prevention Plan**

RECOMMENDATION:

Adopt Resolution 2024-122.

BACKGROUND:

On September 20, 2023, Governor Newsom signed Senate Bill No. 553 ("SB 553") into law, which requires certain California employers to take steps to prevent and respond to workplace violence. Notably, SB 553 added Section 6401.9 to the California Labor Code, which, effective July 1, 2024, requires covered employers to adopt a comprehensive workplace violence prevention plan that must include, among other things, the following:

- The names or job titles of the individuals responsible for implementing and maintaining the workplace violence prevention plan.
- Procedures to obtain the active involvement of employees in developing, implementing, and reviewing the workplace violence prevention plan, including their participation in identifying, evaluating, and correcting workplace violence hazards, designing, and implementing training, and reporting and investigating workplace violence incidents.
- Methods the employer will use to coordinate the implementation of the workplace violation prevention plan among employees in the same facility or department.
- Procedures for the employer to respond to workplace violence and to prohibit retaliation against employees who make reports of workplace violence.
- Procedures for ensuring compliance with the workplace violence prevention plan.
- Procedures for communicating with employees regarding workplace violence matters.
- Procedures for developing and providing training on the employer's workplace violence prevention plan.
- Assessment procedures to identify and evaluate workplace violence hazards.
- Procedures for correcting workplace violence hazards in a timely manner.
- Procedures for post-incident response and investigation.

In addition to developing and implementing a workplace violence prevention plan, covered employers must also "record information in a violent incident log about every incident, post-incident, response, and workplace violation injury investigation" performed in accordance with the workplace violence prevention plan.

California employers subject to the law must also review and update their workplace violence prevention

plans on an annual basis and provide an evaluation of the incidents that occurred and maintain records of workplace violence hazards previously identified.

With the utilization and aid of Sedgwick Risk Management, the City obtained a template that is compliant with the new law's requirements and has modified it to reflect the City's specific information and responsible individuals.

JUSTIFICATION:

With the signing of Senate Bill No. 553 ("SB 553") on September 20, 2023, which requires certain California employers to take steps to prevent and respond to workplace violence, the City was mandated to create a Workplace Violence Prevention plan. This policy will be added to the Risk Management (RM) #6 Policy and Procedures for the City. Annual updates to Council will occur going forward, including an evaluation of incidents from the previous year.

FISCAL IMPACT:

None

ALTERNATIVES:

Do not adopt Resolution 2024-122 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2024-122, Workplace Violence Prevention Plan.docx
2. RM-6 Workplace Violence Prevention Plan.pdf

RESOLUTION 2024-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, ADOPTING ADMINISTRATIVE POLICY, RISK MANAGEMENT (RM) #6, A WORKPLACE VIOLENCE PREVENTION PLAN

WHEREAS, on September 20, 2023, Governor Newsom signed Senate Bill No. 553 ("SB 553") into law, which requires certain California employers to take steps to prevent and respond to workplace violence. SB 553 added Section 6401.9 to the California Labor Code, which, effective July 1, 2024, requires covered employers to adopt a comprehensive workplace violence prevention plan; and

WHEREAS, with the utilization and aid of Sedgwick Risk Management, the City obtained a template plan that is compliant with the new law's requirements and has modified it to reflect the City's specific information and responsible individuals; and

WHEREAS, the City of Banning will be adding this policy to the current Administrative Policy in the Risk Management (RM) section #6.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council adopts the Administrative Policy, Risk Management (RM) #6 - A Workplace Violence Prevention Plan, attached as Exhibit A.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-122, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Workplace Violence Prevention Plan

CITY OF BANNING ADMINISTRATIVE POLICY		
Subject: WORKPLACE VIOLENCE PREVENTION PLAN		Policy No. RM-6
Reference: Approved by Resolution No. 2024-XXX on July 9, 2024	Effective: July 1, 2024	Page No. 1 of 16

On September 20, 2023, Governor Newsom signed Senate Bill No. 553 ("SB 553") into law, which requires certain California employers to take steps to prevent and respond to workplace violence. Notably, SB 553 added Section 6401.9 to the California Labor Code, which, effective July 1, 2024, requires covered employers to adopt a comprehensive workplace violence prevention plan that must include, among other things, the following:

- The names or job titles of the individuals responsible for implementing and maintaining the workplace violence prevention plan.
- Procedures to obtain the active involvement of employees in developing, implementing, and reviewing the workplace violence prevention plan, including their participation in identifying, evaluating, and correcting workplace violence hazards, designing, and implementing training, and reporting and investigating workplace violence incidents.
- Methods the employer will use to coordinate the implementation of the workplace violation prevention plan among employees in the same facility or department.
- Procedures for the employer to respond to workplace violence and to prohibit retaliation against employees who make reports of workplace violence.
- Procedures for ensuring compliance with the workplace violence prevention plan.
- Procedures for communicating with employees regarding workplace violence matters.
- Procedures for developing and providing training on the employer's workplace violence prevention plan.
- Assessment procedures to identify and evaluate workplace violence hazards.
- Procedures for correcting workplace violence hazards in a timely manner.
- Procedures for post-incident response and investigation.

In addition to developing and implementing a workplace violence prevention plan, covered employers must also "record information in a violent incident log about every incident, post-incident, response, and workplace violation injury investigation" performed in accordance with the workplace violence prevention plan.

California employers subject to the law must also review and update their workplace violence prevention plans on an annual basis and provide an evaluation of the incidents that occurred and maintain records of workplace violence hazards previously identified.

With the utilization and aid of Sedgwick Risk Management, the City obtained a template that is compliant with the new law's requirements and has modified it to reflect the City's specific information and responsible individuals.

CITY OF BANNING
Workplace Violence Prevention Plan

JUNE 21, 2024

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A. Workplace Violent Incident Log
B. Workplace Violence Prevention Environmental Hazard Assessment & Control Checklist

Policy

CITY OF BANNING is committed to providing a work environment that is free of disruptive, threatening, or violent behavior involving any employee, appointed or elected official, volunteer, contractor, client, and/or visitor. Our policy is to establish, implement, and maintain an effective plan as required by SB 553. The regulation requires us to establish, implement, and maintain, at all times in all our facilities, a workplace violence prevention plan for purposes of protecting employees and other personnel from aggressive and violent behavior at the workplace.

Our Workplace Violence Prevention (WVP) plan is available upon request for examination and copying to our employees, their representatives, and the Chief of Cal/OSHA or his or her designee.

Prohibited Acts

CITY OF BANNING will not ignore, condone, or tolerate *threats of violence* or *workplace violence* by any employee, appointed or elected official, volunteer, contractor, client, or visitor.

- *Threats of violence* include both verbal and non-verbal conduct that causes a person to fear for his or her safety because there is a reasonable possibility he or she might be physically injured and that serves no legitimate work-related purpose.

- *Workplace violence* means any act of violence or threat of violence that occurs at the work site. The term workplace violence shall not include lawful acts of self-defense or defense of others. Workplace violence includes the following:
  - The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury
  - An incident involving the threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether or not the employee sustains an injury

  Workplace violence can be categorized into four types:

  Type 1: Workplace violence committed by a person who has no legitimate business at the work site - includes violent acts by anyone who enters the workplace with the intent to commit a crime

  Type 2: Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors

  Type 3: Workplace violence against an employee by a present or former employee, supervisor, or manager

  Type 4: Workplace violence committed in the workplace by someone who does not work there but has or is known to have had a personal relationship with an employee

In addition, CITY OF BANNING prohibits all *dangerous weapons* not used for fire suppression, accident and incident response, emergency medical services, the service of law enforcement, or security duties on all CITY OF BANNING property. Any employee or appointed or elected official in possession of prohibited dangerous weapons on CITY OF BANNING property is in violation of this policy and may be subject to disciplinary action up to and including dismissal. Any volunteer, contractor, client, or visitor in possession of prohibited dangerous weapons will be banned from the premises. *Dangerous weapons* include any instrument capable of inflicting death or serious bodily injury.

Responsibility and Authority

Workplace Violence Prevention Plan Administrator

The HUMAN RESOURCES MANAGER, or an assigned designee, is the designated WVP Plan Administrator (Administrator) and has the authority and responsibility for developing, implementing, and maintaining this plan and conducting or overseeing any investigations of workplace violence reports. The HUMAN RESOURCES MANAGER will also be able to answer employee questions concerning this plan.

The HUMAN RESOURCES MANAGER, or an assigned designee, shall solicit feedback and input from employees and their authorized representatives in developing and implementing the WVP plan. Active involvement of employees could include, but is not limited to, their participation in identifying, evaluating, and correcting workplace violence hazards; in designing and implementing training; and in reporting and investigating workplace violence incidents.

The HUMAN RESOURCES MANAGER, or an assigned designee, shall coordinate implementation of the workplace violence prevention plan with other employers (ex. contracted security staff and other employers on site), when applicable, to ensure those employers and their employees understand their respective roles as provided in the plan. These other employers and their staff shall be provided with training on CITY OF BANNING'S WPV plan.

Managers and Supervisors

Responsibilities include:

- Implementing the plan in their work areas;
- Providing input to the Administrator regarding the plan;
- Participating in investigations of workplace violence reports; and
- Answering employee questions concerning this plan.

Employees

Responsibilities include:

- Complying with the plan;

- Maintaining a violence-free work environment;
- Attending all training;
- Following all directives, policies, and procedures; and
- Reporting suspicious persons in the area and alerting the proper authorities when necessary.

Compliance

The Administrator is responsible for ensuring the plan is clearly communicated and understood by all employees. The following techniques are used to ensure all employees understand and comply with the plan:

- Informing all employees of the plan during new employee safety orientation training and ongoing workplace violence prevention training;
- Ensuring *all* employees, including managers, and supervisors receive training on this plan;
- Providing comprehensive workplace violence prevention training to managers and supervisors concerning their roles and responsibilities for plan implementation;
- Evaluating employees to ensure their compliance with the plan;
- Disciplining employees, appointed or elected officials, and volunteers who engage in threats of violence behaviors up to and including dismissal; and
- Ensuring training of this plan is conducted on a ANNUAL basis.

Communication and Training

Managers and supervisors are responsible for communicating with employees about workplace violence in a form readily understandable by all employees.

Employees are encouraged to inform their supervisors about any threats of violence or workplace violence. Employees may use the Workplace Violent Incident Log (Appendix A) to assist in their reporting of incidents. No employee will be disciplined for reporting any threats of violence or workplace violence.

After the employee has reported their concerns about any threats of violence or workplace violence to their supervisor, the supervisor will report this information to the Administrator who will investigate the incident. The Administrator will then inform the employee of the results of their investigation and any corrective actions to be taken as part of the CITY OF BANNING'S responsibility in complying with hazard correction measures outlined in the WVP plan.

Any employee who believes he or she has the potential of violent behavior is encouraged to use CITY OF BANNING's confidential Employee Assistance Program:

EMPLOYEE CONNECT
Main Phone Number: 888-628-4824
Website: https://www.guidanceresources.com/groWeb/login/login.xhtml or download the GuidanceNow mobile app available via Apple App store and/or Android Play Store
GuidanceResources.com login credentials:
Username: LFGSupport Password: LFGSupport1

Employee training on workplace violence will include:

- This plan;
- Workplace violence risks that employees may encounter in their jobs;
- How to recognize the potential for violence and escalating behavior;
- Strategies to de-escalate behaviors and to avoid physical harm;
- CITY OF BANNING alerts, alarms, or systems that are in place to warn of emergencies;
- How to report incidents to law enforcement; and
- CITY OF BANNING'S EAP

Employees assigned to respond to alerts, alarms, or systems that are in place to warn others will receive additional training that includes:

- General and personal safety measures;
- Aggression and violence predicting factors;
- The assault cycle;
- Characteristics of aggressive and violent persons;
- Verbal intervention and de-escalation techniques and physical maneuvers to defuse and prevent violent behavior;
- Strategies to prevent physical harm;
- Appropriate and inappropriate use of restraining techniques and medications as chemical restraints in acordance with Title 22; and
- An opportunity to practice the taught maneuvers and techniques, including a debriefing session.

Training will occur:

- When the plan is first established;
- At time of hire or transfer;
- Annually for employees performing patient contact activities and their supervisors;
- Annually for employees assigned to respond to internal alerts, alarms, or systems;
- When new equipment or work practices are introduced; and
- When a new or previously unrecognized workplace violence hazard has been identified

Employees who receive training in a form other than live will have the opportunity to meet with a person knowledgeable on the plan within one business day of the training for interactive questions to be answered.

Procedures

Responding to Actual or Potential Workplace Violence Emergencies

In the event of an actual or potential workplace violence emergency, CITY MANAGER OR DEPARTMENT DIRECTOR will alert employees of the presence, location, and nature of the workplace violence through the following methods:

- INTERCOM OR TEXT MESSAGE

When any employee becomes aware of an actual or potential workplace violence emergency, they shall notify the CITY MANAGER OR DEPARTMENT DIRECTOR.

Employees shall implement the run, hide, fight protocols where appropriate. Evacuation routes and sheltering locations will be communicated to affected staff. If employees are not able to evacuate or shelter in place, they are authorized to take all reasonable actions necessary to fight or subdue an active shooter or assailant.

Employees can obtain help from staff assigned to respond to workplace violence emergencies, such as security personnel by calling the following number: POLICE DISPATCH (951) 922-2288. If no security personnel are located at the worksite, employees shall call 911 to report the incident and request assistance from law enforcement.

Emergencies and Reporting a Crime

For immediate assistance in an emergency that is <u>not</u> associated with a service call, contact emergency services or law enforcement by calling 911. For immediate assistance in an emergency associated with a service call in progress, follow internal procedures for requesting immediate back-up assistance by notifying local law enforcement. Employees should also notify their supervisor, manager, and the Administrator as soon as possible.

Reporting Workplace Violence Concerns

Employees who witness or experience *threats of violence* or *workplace violence* can report the incident through their chain of command or directly to Human Resources. Employees may report anonymously and without fear of reprisal by submitting the incident in writing through interoffice mail.

Restraining Orders

Employees or other personnel affiliated with the CITY OF BANNING who have an active restraining order issued against another person that includes the workplace are encouraged to provide a copy of the restraining order to their supervisor and the Administrator. Supervisors who receive notification of a restraining order that includes the workplace will meet with the

Administrator to decide what actions, if any, need to be initiated.

Hazard Assessment

Workplace hazard assessments will include:

- An annual review of the past year's workplace violence incidents; and
- Periodic physical security assessments.

The Workplace Violence Prevention Environmental Hazard Assessment & Control Checklist (Appendix B) can be used to assist with the security assessment. Inspections are performed according to the following schedule:

- Once a year;
- When the plan is implemented;
- When new, previously unidentified workplace violence/security hazards are recognized; and
- When workplace violence injuries or threats of injury occur.

Hazard Correction

Work practice controls will be used to correct unsafe work conditions, practices, or procedures that threaten the security of employees.

Work practice controls are defined as procedures, rules, and staffing that are used to effectively reduce workplace violence hazards. Work practice controls may include, but are not limited to:

- Appropriate staffing levels;
- Provision of dedicated safety personnel (i.e. security guards);
- Employee training on workplace violence prevention methods; and
- Employee training on procedures to follow in the event of a workplace violence incident.

Corrective actions will be implemented in a timely manner based on the severity of the hazard, documented and dated.

Post Incident Response and Investigation

Managers and supervisors will use the Workplace Violent Incident Log (Attachment A) to assist in documenting incidents and investigations.

These procedures will occur following an incident:

- Provide immediate medical care or first aid;
- Identify all employees involved in the incident;

- Offer staff individual trauma counseling resources;
- Conduct a debriefing with all affected staff;
- Determine if corrective measures developed under this plan were effectively implemented; solicit feedback from all personnel involved in the incident as to the cause of this incident and if injuries occurred, how injury could have been prevented; and
- Record the incident in the Workplace Violent Incident Log.

Recordkeeping

- Records of workplace violence hazard identification, evaluation, and correction will be maintained for five years in accordance with the recordkeeping requirements of SB 553.
- Training for each employee, including the employee's name, training dates, type of training, and training provider will be maintained for a minimum one year.
- Records of violent incidents (Workplace Violent Incident Log) will be maintained a minimum of five years at HUMAN RESOURCES OFFICE.

Annual Review

CITY OF BANNING's Workplace Violence Prevention Plan will be reviewed annually and updated as needed considering the following criteria:

- Staffing;
- Sufficiency of security systems;
- Job, equipment, and facility design and risks;
- Modifications or additions to tasks and procedures that affect plan implementation;
- Newly identified hazards;
- Prior year incidents;
- Identified deficiencies; and
- Feedback provided by employees and their authorized representatives.

Appendix A

WORKPLACE VIOLENT INCIDENT LOG

This form must be completed for every record of violence in the workplace

Incident ID #*:	**Date and Time of Incident:**	**Department:**
Specific Location of Incident:		

** Do not identify employee by name, employee #, or SSI. The Incident ID must not reflect the employee's identity)*

Describe Incident (Include additional pages if needed):

Assailant information:

☐ Patient	☐ Client	☐ Customer
☐ Family or Friend of Patient	☐ Family or Friend of Client	☐ Family or Friend of Customer
☐ Partner/Spouse of Victim	☐ Parent/Relative of Victim	☐ Co-Worker/Supervisor/Manager
☐ Former Partner/Spouse of Victim	☐ Animal	☐ Person In Custody
☐ Robber/Burglar	☐ Passenger	☐ Stranger
☐ Student	☐ Other:	

Circumstances at time of incident:

☐ Employee Performing Normal Duties	☐ Poor Lighting	☐ Employee Rushed
☐ Employee Isolated or Alone	☐ High Crime Area	☐ Low Staffing Level
☐ Unable to Get Help or Assistance	☐ Working in a Community Setting	☐ Unfamiliar or New Location
☐ Other:		

Location of Incident:

☐ Patient or Client Room	☐ Emergency or Urgent Care	☐ Hallway
☐ Waiting Room	☐ Restroom or Bathroom	☐ Parking Lot or Outside Building
☐ Personal Residence	☐ Breakroom	☐ Cafeteria
☐ Other:		

Type of Incident (check as many apply):

☐ Robbery	☐ Grabbed	☐ Pushed
☐ Verbal Threat or Harassment	☐ Kicked	☐ Scratched
☐ Sexual Threat, Harassment, or Assault	☐ Hit with an Object	☐ Bitten
☐ Animal Attack	☐ Shot (or Attempted)	☐ Slapped
☐ Threat of Physical Force	☐ Bomb Threat	☐ Hit with Fist
☐ Threat of Use of Weapon or Object	☐ Vandalism (of Victim's Property)	☐ Knifed (or Attempted)
☐ Assault With A Weapon or Object	☐ Vandalism (of Employer's Property)	☐ Arson
☐ Robbery	☐ Other:	

Consequences of incident:

Medical care provided? ☐ Yes ☐ No Law enforcement called? ☐ Yes ☐ No Security contacted? ☐ Yes ☐ No

Did anyone provide assistance to conclude the event? ☐ Yes ☐ No Days lost from work (if any) _____

Actions taken by employer to protect employees from a continuing threat? ☐ Yes ☐ No

Completed by:

Name:	Title:	Date:
Telephone:	Email:	
Signature:	Telephone:	

Appendix B

WORKPLACE VIOLENCE PREVENTION
ENVIRONMENTAL HAZARD ASSESSMENT & CONTROL CHECKLIST

Assessed by:	**Title:**
Location(s) Assessed:	

This checklist is designed to evaluate the workplace and job tasks to help identify situations that may place employees at risk of workplace violence.

Step 1: Identify risk factors that may increase CITY OF BANNING's vulnerability to workplace violence events

Step 2: Conduct a workplace assessment to identify physical and process vulnerabilities

Step 3: Develop a corrective action plan with measurable goals and target dates

STEP 1: IDENTIFY RISK FACTORS

Yes	No	Risk Factors	Comments:
		Does staff have contact with the public?	
		Does staff exchange money with the public?	
		Does staff work alone?	
		Is the workplace often understaffed?	
		Is the workplace located in an area with a high crime rate?	
		Does staff enter areas with high crime rates?	
		Does staff have mobile workplaces?	
		Does staff perform public safety functions that might put them in conflict with others?	
		Does staff perform duties that may upset people?	
		Does staff work with people known or suspected to have a history of violence?	
		Do any employees have a history of threats of violence?	

STEP 2: CONDUCT ASSESSMENT

Building Interior

Yes	No	Building Interior	Comments:
		Are employee ID badges required?	
		Are employees notified of past workplace violence events?	
		Are trained security personnel or staff accessible to employees?	
		Are bullet resistant windows or similar barriers used when money is exchanged with the public?	
		Are areas where money is exchanged visible to others?	
		Is a limited amount of cash kept on hand with appropriate signage?	
		Could someone hear an employee who called for help?	
		Do employees have a clear line of sight of visitors in waiting areas?	
		Do areas used for client or visitor interviews allow co-employees to observe problems?	
		Are waiting and work areas free of objects that could be used as weapons?	
		Is furniture in waiting and work areas arranged to prevent employee entrapment?	
		Are clients and visitors clearly informed how to use the department services so they will not become frustrated?	
		Are private, locked restrooms available for employees?	
		Do employees have a secure place to store personal belonging?	

Building Exterior

Yes	No	Building Exterior	Comments:
		Do employees feel safe walking to and from the workplace?	
		Are the entrances to the building clearly visible from the street?	
		Is the area surrounding the building free of bushes or other hiding places?	
		Are security personnel provided outside the building?	
		Is video surveillance provided outside the building?	
		Is there enough lighting to see clearly?	
		Are all exterior walkways visible to security personnel?	

Parking Area

Yes	No	Parking Area	Comments:
		Is there a nearby parking lot reserved for staff?	
		Is the parking lot attended and secure?	
		Is the parking lot free of blind spots and landscape trimmed to prevent hiding places?	
		Is there enough lighting to see clearly?	
		Are security escorts available?	

Security Measures

Yes	No	Security Measures	Comments:
		Is there a response plan for workplace violence emergencies?	
		Are there physical barriers? (between staff and clients)	
		Are there security cameras?	
		Are there panic buttons?	
		Are there alarm systems?	
		Are there metal detectors?	
		Are there X-ray machines?	
		Do doors lock?	
		Does internal telephone system activate emergency assistance?	
		Are telephones with an outside line programed for 911?	
		Are there two-way radios, pagers, or cell phones?	
		Are there security mirrors?	
		Is there a secured entry?	
		Are there personal alarm devices?	
		Are there “drop safes” to limit available cash?	
		Are pharmaceuticals secured?	
		Is there a system to alert staff of the presence, location, and nature of a security threat?	
		Is there a system in place for testing security measures?	

STEP 3: DEVELOP CORRECTIVE ACTION PLAN

(Action Plan Types: BI – Building Interior, BE – Building Exterior, PA – Parking Area, SM – Security Measure)

Type	Action Item	Person(s) Responsible	Target Date	Status	Comments

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Brandon Robinson, Electrical Engineering Supervisor** **Art Vela, Public Works Director**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-123, Approving the Line Extension Reimbursement Agreement Between the City of Banning and Robertson's Ready Mix, LTD**

RECOMMENDATION:

Adopt Resolution 2024-123.

BACKGROUND:

The Banning Quarry ("Quarry") is an existing aggregate (sand and gravel) mine and processing plant located in the northeastern portion of the City. The Quarry has been owned and operated by Robertson's since 1997, and originally consisted of mining operations across 186 acres. Pursuant to a Development Agreement between Robertson's Ready Mix, LTD and City of Banning in 2020, the active mining area ("Mining Area") was expanded to 209 acres. A City of Banning Electric Utility ("BEU") pole line that served existing services for the mining site had existed on the border between the original 186 acres and the expanded area, making it impossible to mine a significant area of the South Pit.

As a result, Robertson's Ready Mix agreed to compensate BEU for removing and relocating the utility distribution pole line to allow full access to mining in the expanded area. City Staff has drafted a Line Extension Reimbursement Agreement ("LEA"), attached herewith as Exhibit A, that defines the scope of the project and provides a mechanism for payment for the work that will be completed by BEU.

JUSTIFICATION:

This LEA will allow the Electric Utility to relocate the distribution facilities serving the power supply at Robertson's Ready Mix, enabling the customer to continue mining operations onsite more efficiently and without the presence of utility infrastructure near mining pits.

FISCAL IMPACT:

Staff recommends the City Council approve the LEA with Robertson's Ready Mix with an initial deposit amount of $295,000 due to the City from Robertson's Ready Mix upon execution of the LEA, and allow Robertson's Ready Mix to contribute additional deposits or payments to cover any additional eligible expenses incurred by the City.

ALTERNATIVES:

Do not adopt Resolution 2024-123 and provide alternative direction to staff.

ATTACHMENTS:

1. Resolution 2024-123, Robertsons Agreement.docx
2. Banning - Line Extension Agreement (Robertson_s Ready Mix)_draft 7-1-24.pdf

RESOLUTION 2024-123

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE LINE EXTENSION REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF BANNING AND ROBERTSON'S READY MIX, LTD

WHEREAS, the City of Banning ("City") is a general law municipality governed by elected City Council Members; and

WHEREAS, the City owns and operates a retail electrical energy distribution system which serves load to end-use costumers in an assigned area of service; and

WHEREAS, in 2020, the City and Robertson's Ready Mix, Ltd. executed a Development Agreement, which allowed for the expansion of the active mining area at the Banning Quarry from 186 acres to 209 acres; and

WHEREAS, the City's Electric Utility Department ("BEU") owns a utility distribution pole line that served existing services for the mining site and is located on the border between the original 186 acres and the expanded area (the "South Pit"); the pole line inhibits access to a significant area of the South Pit by Robertson's Ready Mix, Ltd.; and

WHEREAS, Robertson's Ready Mix, Ltd. has agreed to compensate BEU for removing and relocating the utility distribution pole line to allow full access to mining in the expanded area; and

WHEREAS, the draft Line Extension Reimbursement Agreement ("LEA") defines the scope of the project and provides a mechanism for deposit of funds and reimbursement of costs to the City for eligible expenses related to the work that will be completed by BEU; and

WHEREAS, execution of the proposed LEA will enable Robertson's Ready Mix, Ltd. to continue mining operations onsite more efficiently and without the presence of utility infrastructure near mining pits.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the Line Extension Reimbursement Agreement with Robertson's Ready Mix, Ltd., attached hereto as Exhibit A, authorizes the City Manager to execute the Agreement in a form approved by the City Attorney on behalf of the City Council, and authorizes the City Manager to make any necessary non-substantive revisions to the Agreement prior to execution.

SECTION 2. The City Council authorizes the City Manager, or his designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED, AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning, California

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-123, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A

Line Extension Reimbursement Agreement with Robertson's Ready Mix, Ltd.

CITY OF BANNING ELECTRIC LINE EXTENSION
REIMBURSEMENT AGREEMENT FOR PROJECT NO. _____

This Electric Line Extension Reimbursement Agreement ("Agreement") is dated _____ __, 2024 (the "Effective Date"), and is by and between the City of Banning, a California municipal corporation ("City") and Robertson's Ready Mix, Ltd., a California limited partnership ("Applicant"). City and Applicant are sometimes referred to in this Agreement individually as a "Party" and collectively as the "Parties".

RECITALS

1. City owns and operates electric distribution lines and services within the Robertson's Ready Mix property at 1990 N Hargrave St, Banning, CA . Applicant is currently extending mining operations into a portion of the property that is in direct conflict with existing electric distribution facilities for which Applicant is seeking an electrical line extension from the Banning Electric Utility, an electric enterprise operated by City, to relocate the City-owned distribution facilities.

2. The specific electrical line extension that is the subject of this Agreement is referred to herein as Project No. ____ or simply the Project. The Project is generally described as an overhead electric line extension adjacent to the Robertson's Ready mix property line on Hoffer St., Evans St., Gilman St., and Theodore St. The Project deposit costs associated with this Agreement are further detailed and defined in both Exhibit A to this Agreement and the construction plans related to this Agreement.

3. It is the mutual intent of the Parties that this Agreement is necessary to set forth the terms and conditions by which Applicant shall reimburse City for the work and material required for the Project.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

1. **City Electric Line Extension and Construction Work.** City shall extend and install electric lines ("Electrical Facilities") for the Project as further detailed in Exhibit A to this Agreement and in accordance with all applicable City ordinances, resolutions, and standards; provided that City will install only those Electrical Facilities that, in City's judgment, will be used within a reasonable time to serve permanent loads. All service extensions shall be installed pursuant to City's Electric Rules and Regulations. The City will be responsible for planning, designing, and engineering Distribution Line Extensions using the City Electric Utility's standards for material, design, and construction.

2. **Ownership of Electrical Facilities.** Title to and ownership of the Electrical Facilities constructed by City shall vest in City. Applicant agrees that upon completion and acceptance by City of any Applicant-installed Electrical Facilities, title to each and every component part thereof shall immediately pass to City free and clear of all liens and encumbrances.

3. **Applicant's Obligations.**

   A. Applicant shall, at its sole cost and expense and in accordance with City's specifications and timing requirements for the Project, pay to City, as specified herein and before the start of construction, City's estimated-installed costs thereof.

   B. Applicant shall also be responsible for 100% of the cost for all offsite improvements required to extend or upgrade overhead/underground distribution lines to the Project site. Nothing in this Agreement shall entitle Applicant to any reimbursements for such work performed and completed under this Agreement; unless City and Applicant subsequently agree that the cost may be shared between Applicant and City because the offsite improvements benefit the whole area, including any new Customer/Applicant.

4. **Rights-of-Way.** Applicant hereby grants to City rights-of-way and easements for the Distribution Line Extension over the shortest, most practical, available, and acceptable route over, within, and through Applicant's property for the purpose of delivering electric service as part of the Project. Such rights-of-way and easement shall include the right of City and its authorized agents and representatives to access and have complete and exclusive control of the operation, repair, alteration, and maintenance of the Electrical Facilities, including but not limited to, periodic reading, maintenance, and replacement of meters and to trim trees as necessary.

   In the event City requires formal rights-of-way, easements, land leases, or permits for installation of Electrical Facilities on or over Applicant's property, or the property of others, Applicant acknowledges and agrees that City shall not be obligated to install any Electrical Facilities for the Project unless and until any such formal rights-of-way, easements, land leases, or permits are obtained for, and at no cost to City. In no event shall this Agreement be construed to obligate City to condemn any property interest.

5. **Deposit & Reimbursement.** Within ten (10) business days following execution of this Agreement, Applicant shall deposit Two Hundred Ninety-Five Thousand Dollars ($295,000) (the "Deposit"). City shall maintain the Deposit in a separate account and shall have the right to draw upon the Deposit for reimbursing City for all Eligible Expenses, as defined in the Section 6 below.

Applicant shall thereafter maintain the Deposit in such amounts as City, in its sole and reasonable discretion, deems necessary to cover City's Eligible Expenses it has incurred or expects to incur within the next sixty (60) days. The final payment shall be for the difference between the final actual and estimated inspection, project management, and construction costs. City shall notify Applicant of the final actual inspection, project management, and construction costs for the Project, including an itemized statement, within fifteen (15) business days of completion of Project construction. Applicant shall submit the third payment to City within ten (10) business days' receipt of City's notice.

Within ninety (90) days of either expiration of this Agreement or receipt of Applicant's earlier termination of this Agreement, City shall return any then-unexpended portion of the Deposit to Applicant, without interest, less an amount equal to any unpaid Eligible Expenses previously incurred by the City.

6. **Eligible Expenses.** Applicant's Deposit shall be used to reimburse City for all costs reasonably incurred in completing the Project, primarily on a time and material basis ("Eligible Expenses"), including, without limitation, the following:

   - Materials, commodities, consumables, tools, and equipment used for the installation of Electrical Facilities up to line energization and the City's acceptance of a line section or secondary service;
   - Fee payments and payments to contractors employed by the City in connection with the Project; and
   - The fully burdened labor cost for staff time for: (i) Project design, inspection, and management; (ii) preparing and reviewing reports and supporting documentation; and (iii) attending meetings in connection with the Project; and
   - Any and all other costs reasonably incurred by City in connection with the Project.

7. **Street Lighting Facilities** Street lighting and Distribution Line Extensions within the Project solely for service to street lighting equipment shall be installed in accordance with the appropriate street light requirements. Street Lights shall be located at points determined by the City over streets to be dedicated to the City or by Applicant for privately owned and maintained streets open to and used by the general public.

   The necessity and location of street lighting related to this Project will fall under the responsibility of City of Banning Public Works Department. However, all maintenance of street lighting shall be the responsibility of City of Banning Electric Utility. Street light revenues are not applicable toward refunds for Distribution Line Extensions.

8. **Payment Adjustments.** If the load information provided by Applicant results in City having installed Electrical Facilities that are in excess of those needed to serve the actual loads, and City elects to reduce such excess Electrical Facilities, Applicant shall pay to City the total costs to remove, abandon, or replace the excess Electrical Facilities, less the estimated salvage of any removed Electrical Facilities.

9. **Force Majeure.** In the event that either Party shall be delayed or hindered, or prevented from performance of any act required by this Agreement by reason of acts of God, strikes, lockouts, labor troubles, shortage of labor or material, weather conditions, governmental rule or regulation, judgement or order of any court or commission, delay in obtaining necessary land rights, riots, insurrection, terrorism, war or other reason of similar nature not the fault of the party delayed in performing the work or doing the acts required under the terms of this Agreement, then the performance of such act shall be excused for the period of the delay caused by the foregoing. Financial inability shall not be deemed an excuse for delay under this Section.

   City shall have the right, furthermore, in the event of its inability to obtain sufficient supplies, materials, or labor to meet its construction requirements, to allocate materials and labor to construction projects that City, in its sole discretion, deems most important to serve the needs of its customers and the general public. Any delay in City's performance under this Agreement resulting from such allocation shall be deemed to be cause beyond City's control.

10. **Agreement Revision.** If Applicant does not commence installation of any Electrical Facilities which are Applicant's responsibility or City is prevented from commencing the installation of the Electrical Facilities for causes beyond its reasonable control within one year from the effective date of this Agreement, City may, in its discretion, revise its cost estimate and recalculate the refundable and/or non-refundable amounts set forth herein. City will notify Applicant of such increased costs and give the option to either terminate this Agreement or pay City the additional charges.

11. **Agreement Termination.** If at any time during the term of this Agreement, the Applicant decides to discontinue construction of the electric line extension, for any reason, this Agreement may be terminated. Upon termination of the Agreement, Applicant agrees to forfeit that portion of the Deposit paid to City for its expenses covering any engineering, surveying, right of way acquisition and other associated work incurred by City. If such expenses are greater or less than the refundable and/or non-refundable Deposit, Applicant shall pay to City, or City shall refund the balance to Applicant, without interest, as the case may be.

    This Agreement shall immediately terminate, and the obligations of the Parties under this Agreement shall cease, on Applicant's failure to: (1) submit a payment to City by or before the deadline specified in this Agreement; and/or (2) perform any work it is required to do for completion of the Project. Upon termination, City may remove the Electrical Facilities.

12. **Indemnification.** Each party (the "Indemnifying Party") shall indemnify, defend, and hold harmless the other party, its affiliates, and its respective officers, directors, employees, agents, and representatives (each an "Indemnified Party") from and against any and all liabilities, claims, suits, actions, arbitration proceedings, administrative proceedings, and regulatory proceedings, judgments, settlements, losses, costs, and expenses (including reasonable attorneys' fees), and injuries or damages of any kind whatsoever, in law or equity, arising from or in connection with the performance of this Agreement, and attributable to the fault of the Indemnifying Party. Following a determination of the percentage of fault or liability by agreement between the Parties or a court of competent jurisdiction, the Indemnifying Party shall indemnify the Indemnified Party(ies) for the percentage of liability determined. The Indemnified Party shall promptly notify the Indemnifying Party of any such claim and reasonably cooperate with the Indemnifying Party in defense of such claims at the Indemnifying Party's expense. With respect to any and all such aforesaid suits, actions, or other legal proceedings of every kind that may be brought or instituted against an Indemnified Party, the Indemnifying Party shall defend the Indemnified Party, at the Indemnifying Party's own cost, expense, and risk, and shall pay and satisfy any judgment, award, or decree that may be rendered against the Indemnified Party. The Indemnifying Party shall reimburse Indemnified Parties for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. The Indemnifying Party's obligation shall not be restricted to insurance proceeds, if any. All duties of the Parties under this section shall survive termination of this Agreement.

13. **Assignment of Agreement.** After Applicant has performed its construction obligations hereunder, Applicant may assign this Agreement, in whole or in part, to its successor or successors. Assignment of the Agreement shall not release Applicant from any of the obligations under this Agreement unless otherwise provided therein. Any assignment of the Agreement to a successor(s) shall be mutually agreed upon between the City and the Applicant.

14. **Joint and Several Liability.** Where two or more individuals or entities are joint Applicants under this Agreement, all Applicants shall be jointly and severally liable to comply with all terms and conditions herein.

15. **Warranty.** Applicant warrants that all work and/or equipment furnished or installed by Applicant shall be free of defects in workmanship and material. The warranty period shall begin from the date of final acceptance by City and extend for one (1) year. Should the work develop defects during that period, City, at its election, shall either (a) repair or replace the defective work and/or equipment, or (b) demand that Applicant repair or replace the defective work and/or equipment and, in either event, Applicant shall be liable for all costs associated with such repair and/or replacement. Applicant upon demand by City, shall promptly correct, to City's satisfaction and that of any governmental agency having jurisdiction, any breach of any warranty.

16. **Agreement Effective Date.** This Agreement shall not be effective unless it is (1) signed by City's authorized individual, (2) executed and delivered by Applicant to City together with payment required hereunder within thirty (30) days of the date in Paragraph 1 of this Agreement and (3) accepted by City. This Agreement shall then be effective on the date executed by City and shall take effect without further notice to Applicant.

17. **Jurisdiction.** This Agreement is subject to the applicable provisions of City's tariffs, including City of Banning Electric Utilities Rules and Regulations. This Agreement shall, at all times, be subject to such changes or modifications by California Energy Commission, as said Commission may, from time to time, direct in the exercise of its jurisdiction.

18. **Headings.** The headings in this Agreement are included solely for convenience of reference and shall not affect the interpretation of any provision of this Agreement or any of the rights or obligations of the parties to this Agreement.

19. **Exhibits.** All documents referenced as exhibits in this Agreement constitute a part of this Agreement and are incorporated into this Agreement by this reference. If any inconsistency exists or arises between a provision of this Agreement and a provision of any exhibit, the provisions of this Agreement shall control.

The Parties, through their respective authorized representatives, are signing this Agreement on the date stated in the introductory clause.

CITY

City of Banning,
a California municipal corporation

By: _____
Douglas Schulze
City Manager

ATTEST:

By: _____
Caroline Patton
Administrative City Clerk

APPROVED AS TO FORM:

By: _____
Serita R. Young
City Attorney

APPLICANT

Robertson's Ready Mix, Ltd.,
a California limited partnership

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____

EXHIBIT A

COST TO RELOCATE DISTRIBUTION FACILITIES

Classification	Quantity	Cost	Total
Poles (pole, insulators, x-arms)	20	$ 7,500.00	$ 150,000.00
Conductor (2700' x 4 cond)	10800	$ 5.00	$ 54,000.00
Misc Materials $1000/ pole	20	$ 1,000.00	$ 20,000.00
Additional Labor	lot		$ -
Contingency (20% Cost)	lot		$ -
Inflation (20%)	lot		$ -
Design	lot	$ 70,800.00	$ 70,800.00
Total			**$ 294,800.00**

Cost within the "additional Labor" category will cover Eligible Expenses related to the removal and disposal of original distribution facilities, project management inspection, etc as defined in Sections 5 and 6 of this Agreement. These costs will be provided within fifteen (15) business days of completion of Project construction and accompanied with an invoice for payment.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Art Vela, Public Works Director**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-124, Awarding a Contract with Pinnacle Petroleum Inc. for Unleaded and Diesel Bulk Fuel Services in the Amount of $500,000**

RECOMMENDATION:

Adopt Resolution 2024-124.

BACKGROUND:

The City of Banning's fleet consists of over 200 light, medium and heavy duty vehicles and equipment that are fueled at the City's corporate yard. The City's fleet operates on unleaded, diesel and compressed natural gas. In 2023 the City used 107,056 gallons of unleaded fuel and 11,694 gallons of diesel fuel.

Fuel purchases are exempted from the City's standard purchasing requirements, but in order to insure the City is getting the best value for fuel City staff advertised an invitation to bid (IFB-24-067: UNLEADED & DIESEL BULK FUEL SERVICES) on May 8, 2024. As a result the City received 3 bids. The lowest bid was submitted by Pinnacle Petroleum Inc.

As a result, staff recommends the award of a contract with Pinnacle Petroleum Inc. in the amount of $500,000 per year for a five (5) year period beginning Fiscal Year 2024/2025 through Fiscal Year 2029/2030 for unleaded and diesel bulk fuel services.

JUSTIFICATION:

Pinnacle Petroleum Inc. submitted the lowest bid to IFB-24-067: UNLEADED & DIESEL BULK FUEL SERVICES.

FISCAL IMPACT:

The contract will be funded by the Fleet Fund, Account No. 702-3800-480.36-11. The Fleet Fund is an interservice fund funded by all departments that utilize the Fleet Division's services.

ALTERNATIVES:

Do not approve staff recommendation and/or provide alternative direction.

ATTACHMENTS:

1. Resolution 2024-124, Pinnacle Petroleum Bulk Fuel.docx
2. CSA - Pinnacle Fuel.docx

RESOLUTION 2024-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AWARDING A CONTRACT WITH PINNACLE PETROLEUM INC. FOR UNLEADED AND DIESEL BULK FUEL SERVICES IN THE AMOUNT OF $500,000

WHEREAS, the City of Banning's fleet consists of over 200 light, medium and heavy duty vehicles and equipment that are fueled at the City's corporate yard; and

WHEREAS, the City's fleet operates on unleaded, diesel and compressed natural gas.; and

WHEREAS, in order to ensure the City is getting the best value for fuel City staff advertised an invitation to bid (IFB-24-067: UNLEADED & DIESEL BULK FUEL SERVICES) on May 8, 2024 and as a result the City received 4 bids; and

WHEREAS, the lowest bid was submitted by Pinnacle Petroleum Inc.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves a contract with Pinnacle Petroleum Inc. in the amount of $500,000 per year for a five (5) year period beginning Fiscal Year 2024/2025 through Fiscal Year 2029/2030 and authorizes the City Manager to make non-substantive changes to the agreement and to sign said agreement.

SECTION 2. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-124, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Agreement with Pinnacle Petroleum, Inc.

AGREEMENT FOR CONTRACT SERVICES (C01049)

FOR UNLEADED AND DIESEL FUEL AND FUEL DELIVERY

By and Between

THE CITY OF BANNING,
A MUNICIPAL CORPORATION

and

Pinnacle Petroleum, Inc.

a California corporation

AGREEMENT FOR CONTRACT SERVICES (C01049) FOR UNLEADED AND DIESEL FUEL AND FUEL DELIVERY BY AND BETWEEN CITY OF BANNING AND PINNACLE PETROLEUM, INC.

THIS AGREEMENT FOR CONTRACT SERVICES (herein" Agreement") is made and entered into this day: _____, by and between the **CITY OF BANNING**, a municipal corporation ("City") and **PINNACLE PETROLEUM, INC.,** a California corporation ("Contractor"). City and Contractor are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties.".

RECITALS

A. City has sought by issuance of an Invitation for Bids (IFB No. 24-067), the performance of the Services defined and described particularly in Article 1 of this Agreement.

B. Contractor, following submission of a bid for the performance of the Services defined and described particularly in Article 1 of this Agreement, was selected by the City to perform those Services.

C. Pursuant to the City of Banning's Municipal Code, City has authority to enter into this Agreement.

D. The Parties desire to formalize the selection of Contractor for performance of those Services defined and described particularly in Section 1 of this Agreement and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained herein and other consideration, the value and adequacy of which are hereby acknowledged, the parties agree as follows:

ARTICLE 1. SERVICES OF CONTRACTOR

1.1 Scope of Services.

In compliance with all terms and conditions of this Agreement, the Contractor shall provide those Services specified in the "Scope of Services" attached hereto as Exhibit "A" and "A-1" and incorporated herein by this reference, which Services may be referred to herein as the "Services" or "Work" hereunder. As a material inducement to the City entering into this Agreement, Contractor represents and warrants that it has the qualifications, experience, and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent, and professional manner, and is experienced in performing the Work and Services contemplated herein. Contractor shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. Contractor covenants that it shall follow the highest professional standards in performing the Work and Services required hereunder and that all materials will be of good quality, fit for the purpose intended. For purposes of this Agreement, the phrase "highest professional standards" shall mean those standards of practice recognized by one or more first-class firms performing similar work under similar circumstances.

1.2 Contractor's Proposal.

The Scope of Services shall include the Contractor's scope of work or bid which shall be incorporated herein by this reference as though fully set forth herein. In the event of any inconsistency between the terms of such proposal and this Agreement, the terms of this Agreement shall govern.

1.3 Compliance with Law.

Contractor shall keep itself informed concerning, and shall render all Services hereunder in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental entity having jurisdiction in effect at the time service is rendered.

1.4 Licenses, Permits, Fees and Assessments.

Contractor shall obtain at its sole cost and expense such licenses, permits and approvals as may be required by law for the performance of the Services required by this Agreement. Contractor shall have the sole obligation to pay for any fees, assessments and taxes, plus applicable penalties and interest, which may be imposed by law and arise from or are necessary for the Contractor's performance of the Services required by this Agreement, and shall indemnify, defend and hold harmless City, its officers, employees or agents of City, against any such fees, assessments, taxes penalties or interest levied, assessed or imposed against City hereunder.

1.5 Familiarity with Work.

By executing this Agreement, Contractor warrants that Contractor (i) has thoroughly investigated and considered the Scope of Services to be performed, (ii) has carefully considered how the Services should be performed, and (iii) fully understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement. If the Services involve work upon any site, Contractor warrants that Contractor has or will investigate the site and is or will be fully acquainted with the conditions there existing, prior to commencement of Services hereunder. Should the Contractor discover any latent or unknown conditions, which will materially affect the performance of the Services hereunder, Contractor shall immediately inform the City of such fact and shall not proceed except at Consultant's risk until written instructions are received from the Contract Officer.

1.6 Care of Work.

The Contractor shall adopt reasonable methods during the life of the Agreement to furnish continuous protection to the Work, and the equipment, materials, papers, documents, plans, studies and/or other components thereof, to prevent losses or damages, and shall be responsible for all such damages, to persons or property, until acceptance of the Work by City, except such losses or damages as may be caused by City's own negligence.

1.7 Warranty**.**

Contractor warrants all under the Agreement (which for purposes of this Section shall be deemed to include unauthorized Work which has not been removed and any non-conforming materials incorporated into the Work) to be of good quality and free from any defective or faulty material and workmanship. Contractor agrees to warranty labor for ninety (90) days. Parts, materials, and workmanship for a period of one year (or the period of time specified elsewhere in

the Agreement or in any guarantee or warranty provided by any manufacturer or supplier of equipment or materials incorporated into the Work, whichever is later) after the date of final acceptance, Contractor shall within ten (10) days after being notified in writing by the City of any defect in the Work or non-conformance of the Work to the Agreement, commence and prosecute with due diligence all Work necessary to fulfill the terms of the warranty at his sole cost and expense. Contractor shall act sooner as requested by the City in response to an emergency. In addition, Contractor shall, at its sole cost and expense, repair and replace any portions of the Work (or work of other contractors) damaged by its defective Work or which becomes damaged in the course of repairing or replacing defective Work. Contractor shall perform such tests as the City may require to verify that any corrective actions, including, without limitation, redesign, repairs, and replacements comply with the requirements of the Agreement. All costs associated with such corrective actions and testing, including the removal, replacement, and reinstitution of equipment and materials necessary to gain access, shall be the sole responsibility of the Contractor. All warranties and guarantees of subcontractors, suppliers and manufacturers with respect to any portion of the Work, whether express or implied, are deemed to be obtained by Contractor for the benefit of the City, regardless of whether or not such warranties and guarantees have been transferred or assigned to the City by separate agreement and Contractor agrees to enforce such warranties and guarantees, if necessary, on behalf of the City. In the event that Contractor fails to perform its obligations under this Section, or under any other warranty or guaranty under this Agreement, to the reasonable satisfaction of the City, the City shall have the right to correct and replace any defective or non-conforming Work and any Work damaged by such Work or the replacement or correction thereof at Contractor's sole expense. Contractor shall be obligated to fully reimburse the City for any expenses incurred hereunder upon demand. This provision may be waived in Exhibit "B" if the Services hereunder do not include construction of any improvements or the supplying of equipment or materials.

1.8 Prevailing Wages.

Contractor is aware of the requirements of California Labor Code Section 1720, et seq., and 1770, et seq., as well as California Code of Regulations, Title 8, Section 1600, et seq., ("Prevailing Wage Laws"), which require the payment of prevailing wage rates and the performance of other requirements on "Public Works" and "Maintenance" projects. If the Services are being performed as part of an applicable "Public Works" or "Maintenance" project, as defined by the Prevailing Wage Laws, and if the total compensation is $1,000.00 or more, Contractor agrees to fully comply with such Prevailing Wage Laws. City shall provide Contractor with a copy of the prevailing rates of per diem wages in effect at the commencement of this Agreement. Contractor shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the Services available to interested parties upon request, and shall post copies at the Contractor's principal place of business and at the project site. Contractor shall defend, indemnify and hold the City, its elected officials, officers, employees and agents free and harmless from any claim or liability arising out of any failure or alleged failure to comply with the Prevailing Wage Laws.

1.9 Further Responsibilities of Parties.

Both Parties agree to use reasonable care and diligence to perform their respective obligations under this Agreement. Both Parties agree to act in good faith to execute all instruments, prepare all documents and take all actions as may be reasonably necessary to carry out the purposes of this Agreement. Unless hereafter specified, neither Party shall be responsible for the Services of the other.

1.10 Additional Services.

City shall have the right at any time during the performance of the Services, without invalidating this Agreement, to order extra Work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said Work. No such extra Work may be undertaken unless a written order is first given by the Contract Officer to the Contractor, incorporating therein any adjustment in (i) the Contract Sum, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Contractor. Any increase in compensation of up to five percent (5%) of the Contract Sum or $25,000.00, whichever is less; or in the time to perform of up to one hundred eighty (180) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively must be approved by the City Council. It is expressly understood by Contractor that the provisions of this Section shall not apply to Services specifically set forth in the Scope of Services or reasonably contemplated therein. Contractor hereby acknowledges that it accepts the risk that the Services to be provided pursuant to the Scope of Services may be more costly or time consuming than Contractor anticipates and that Contractor shall not be entitled to additional compensation therefor.

1.11 Special Requirements.

Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

ARTICLE 2. COMPENSATION AND METHOD OF PAYMENT.

2.1 Contract Sum.

Subject to any limitations set forth in this Agreement, City agrees to pay Contractor the amounts specified in the "Schedule of Compensation" attached hereto as Exhibit "C" and "C-1", and incorporated herein by this reference. The total compensation, including reimbursement for actual expenses, shall not exceed, Five Hundred Thousand Dollars ($500,000.00) (the "Contract Sum"), unless additional compensation is approved pursuant to Section 1.10.

2.2 Method of Compensation.

The method of compensation may include: (i) a lump sum payment upon completion, (ii) payment in accordance with specified tasks or the percentage of completion of the Services, (iii payment for time and materials based upon the Contractor's rates as specified in the Schedule of Compensation, provided that time estimates are provided for the performance of sub tasks, but not exceeding the Contract Sum or (iv) such other methods as may be specified in the Schedule of Compensation.

2.3 Reimbursable Expenses.

Compensation may include reimbursement for actual and necessary expenditures for reproduction costs, telephone expenses, and travel expenses approved by the Contract Officer in advance, or actual subcontractor expenses if an approved subcontractor pursuant to Section 4.5, and only if specified in the Schedule of Compensation. The Scope of Services shall include the attendance of Contractor at all project meetings reasonably deemed necessary by the City. Coordination of the performance of the Work with City is a critical component of the Services. If

Contractor is required to attend meetings in addition to the project meetings, to facilitate coordination of the Services and/or Work, Contractor shall not be entitled to any additional compensation for attending said meetings.

2.4 Invoices.

Each month Contractor shall furnish to City an original invoice for all Work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-contractor charges. Sub-contractor charges shall also be detailed by such categories.

City shall independently review each invoice submitted by the Contractor to determine whether the Work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for Work performed or expenses incurred by Contractor which are disputed by City, or as provided in Section 7.3. City will use its best efforts to cause Contractor to be paid within forty-five (45) days of receipt of Contractor's correct and undisputed invoice. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Contractor for correction and resubmission.

2.5 Waiver.

Payment to Contractor for Work performed pursuant to this Agreement shall not be deemed to waive any defects in Work performed by Contractor.

ARTICLE 3. PERFORMANCE SCHEDULE

3.1 Time of Essence.

Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance.

Contractor shall commence the Services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all Services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference.

3.3 Force Majeure.

The time period(s) specified in the Schedule of Performance for performance of the Services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of the Contractor, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Contractor shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the Services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Contractor be entitled to recover damages against the City for any delay in the performance of this Agreement,

however caused, Contractor's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Inspection and Final Acceptance.

City may inspect and accept or reject any of Contractor's Work under this Agreement, either during performance or when completed. City shall reject or finally accept Contractor's Work within forty-five (45) days after it is submitted to City. City shall accept Work by a timely written acceptance, otherwise work shall be deemed to have been rejected. City's acceptance shall be conclusive as to such work except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any Work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, Article 1 and 5, pertaining to warranty, and indemnification and insurance, respectively.

3.5 Term.

Unless earlier terminated in accordance with Article 7 of this Agreement, the term of this Agreement shall commence upon execution by both Parties and shall expire on June 30, 2030, or extended in writing in advance by both Parties. Maximum term and any subsequent amendment or modification shall not exceed five (5) years.

ARTICLE 4. COORDINATION OF WORK

4.1 Representatives and Personnel of Contractor.

The following principal of Contractor (Principal) is hereby designated as being the principal and representative of Contractor authorized to act in its behalf with respect to the Work specified herein and make all decisions in connection therewith.

Liz McKinley – President

4.2 Representative Name, Title.

It is expressly understood that the experience, knowledge, capability and reputation of the foregoing principal was a substantial inducement for City to enter into this Agreement. Therefore, the foregoing principal shall be responsible during the term of this Agreement for directing all activities of Contractor and devoting sufficient time to personally supervise the Services hereunder. All personnel of Contractor, and any authorized agents, shall at all times be under the exclusive direction and control of the Principal. For purposes of this Agreement, the foregoing Principal may not be replaced nor may their responsibilities be substantially reduced by Contractor without the express written approval of City. Additionally, Contractor shall make every reasonable effort to maintain the stability and continuity of Contractor's staff and subcontractors, if any, assigned to perform the Services required under this Agreement. Contractor shall notify City of any changes in Contractor's staff and subcontractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance.

4.3 Status of Contractor.

Contractor shall have no authority to bind City in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in

writing by City. Contractor shall not at any time or in any manner represent that Contractor or any of Contractor's officers, employees, or agents are in any manner officials, officers, employees or agents of City. Neither Contractor, nor any of Contractor's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Contractor expressly waives any claim Contractor may have to any such rights.

4.4 Contract Officer.

The Contract Officer shall be such person as may be designated by the City Manager. It shall be the Contractor's responsibility to assure that the Contract Officer is kept informed of the progress of the performance of the Services and the Contractor shall refer any decisions which must be made by City to the Contract Officer. Unless otherwise specified herein, any approval of City required hereunder shall mean the approval of the Contract Officer. The Contract Officer shall have authority, if specified in writing by the City Manager, to sign all documents on behalf of the City required hereunder to carry out the terms of this Agreement.

4.5 Independent Contractor.

Neither the City nor any of its employees shall have any control over the manner, mode or means by which Contractor, its agents or employees, perform the Services required herein, except as otherwise set forth herein. City shall have no voice in the selection, discharge, supervision or control of Contractor's employees, servants, representatives or agents, or in fixing their number, compensation or hours of service. Contractor shall perform all Services required herein as an independent contractor of City and shall remain at all times as to City a wholly independent contractor with only such obligations as are consistent with that role. Contractor shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City. City shall not in any way or for any purpose become or be deemed to be a partner of Contractor in its business or otherwise or a joint venturer or a member of any joint enterprise with Contractor.

4.6 Prohibition Against Subcontracting or Assignment.

The experience, knowledge, capability and reputation of Contractor, its principals and employees were a substantial inducement for the City to enter into this Agreement. Therefore, Contractor shall not contract with any other entity to perform in whole or in part the Services required hereunder without the express written approval of the City. In addition, neither this Agreement nor any interest herein may be transferred, assigned, conveyed, hypothecated or encumbered voluntarily or by operation of law, whether for the benefit of creditors or otherwise, without the prior written approval of City. Transfers restricted hereunder shall include the transfer to any person or group of persons acting in concert of more than twenty-five percent (25%) of the present ownership and/or control of Contractor, taking all transfers into account on a cumulative basis. In the event of any such unapproved transfer, including any bankruptcy proceeding, this Agreement shall be void. No approved transfer shall release the Contractor or any surety of Contractor of any liability hereunder without the express consent of City.

ARTICLE 5. INSURANCE, INDEMNIFICATION AND BONDS

5.1 Insurance Coverages.

Throughout the life of this Agreement, Contractor shall pay for and maintain in full force and effect all policies of insurance required hereunder with an insurance company(ies) that meet the standards specified in Section 5.5. The following policies of insurance are required:

(i) COMMERCIAL GENERAL LIABILITY insurance which shall be at least as broad as the most current version of Insurance Services Office (ISO) Commercial General Liability Coverage Form CG 00 01 and include insurance for "bodily injury," "property damage" and "personal and advertising injury" with coverage for premises and operations (including the use of owned and non-owned equipment), products and completed operations, and contractual liability (including, without limitation, indemnity obligations under the Contract) with limits of liability of not less than the following:

$1,000,000 per occurrence for bodily injury and property damage

$1,000,000 per occurrence for personal and advertising injury

$2,000,000 aggregate for products and completed operations

$2,000,000 general aggregate

(ii) COMMERCIAL AUTOMOBILE LIABILITY insurance which shall be at least as broad as the most current version of Insurance Service Office (ISO) Business Auto Coverage Form CA 00 01, and include coverage for all owned, hired, and non-owned automobiles or other licensed vehicles (Code 1 Any Auto) with limits of liability of not less than $5,000,000 per accident for bodily injury and property damage.

(iii) WORKERS' COMPENSATION insurance as required under the California Labor Code.

(iv) EMPLOYERS' LIABILITY insurance with limits of liability of not less than $1,000,000 each accident, $1,000,000 disease policy limit and $1,000,000 disease each employee.

(v) POLLUTION LIABILITY Contractors' Pollution Legal Liability and/or Asbestos Legal Liability and/or Errors and Omissions (if project involves environmental hazards) with limits no less than $1,000,000 per occurrence or claim, and $2,000,000 policy aggregate.

In the event Contractor purchases an Umbrella or Excess insurance policy(ies) to meet the minimum limits of insurance set forth above, this insurance policy(ies) shall "follow form" and afford no less coverage than the primary insurance policy(ies).

If this Agreement continues for more than three (3) years duration, or in the event the City Manager or his/her designee determines that the work or Services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies may be changed accordingly upon receipt of written notice from the City Manager, or his/her designee.

Contractor shall be responsible for payment of any deductibles contained in any insurance policies required hereunder and Contractor shall also be responsible for payment of any self-insured retentions.

Any deductibles or self-insured retentions must be declared to, and approved by, the City Manager or his/her designee. At the option of the City Manager or his/her designee, either: (i) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its Council members, officers, officials, employees and agents; or (ii) Contractor shall provide a financial

guarantee, satisfactory to the City Manager or his/her designee, guaranteeing payment of losses and related investigations, claim administration and defense expenses. At no time shall the City be responsible for the payment of any deductibles or self-insured retentions.

5.2 General Requirements.

All policies of insurance required hereunder shall be endorsed to provide that the coverage shall not be cancelled, non-renewed, reduced in coverage or in limits except after 30 calendar day written notice has been given to City. Upon issuance by the insurer, broker, or agent of a notice of cancellation, non-renewal, or reduction in coverage or in limits, Contractor shall furnish City with a new certificate and applicable endorsements for such policy(ies). In the event any policy is due to expire during the work to be performed for City, Contractor shall provide a new certificate, and applicable endorsements, evidencing renewal of such policy not less than 15 calendar days prior to the expiration date of the expiring policy.

The General Liability and Automobile Liability insurance policies shall be written on an occurrence form. The General Liability (including ongoing and completed operations) and Automobile Liability shall name City and its officers, officials, employees, agents and volunteers as an additional insured. Such policy(ies) of insurance shall be endorsed so Contractor's insurance shall be primary and no contribution shall be required of City. The coverage shall contain no special limitations on the scope of protection afforded to the City and its officers, officials, employees, agents and volunteers. The Workers' Compensation insurance policy shall contain a waiver of subrogation as to City and its officers, officials, employees, agents and volunteers. Should Contractor maintain insurance with broader coverage and/or limits of liability greater than those shown above, City requires and shall be entitled to the broader coverage and/or the higher limits of liability maintained by Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to City.

If the Professional Liability (Errors and Omissions) insurance policy is written on a claims-made form:

1. The retroactive date must be shown, and must be before the effective date of the Agreement or the commencement of work by Contractor.

2. Insurance must be maintained and evidence of insurance must be provided for at least three years after any expiration or termination of the Agreement or, in the alternative, the policy shall be endorsed to provide not less than a three-year discovery period.

3. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a retroactive date prior to the effective date of the Agreement or the commencement of work by Contractor, Contractor must purchase extended reporting coverage for a minimum of three years following the expiration or termination of the Agreement.

4. A copy of the claims reporting requirements must be submitted to City for review.

5. These requirements shall survive expiration or termination of the Agreement.

Contractor shall furnish City with all certificate(s) and applicable endorsements effecting coverage required hereunder. All certificates and applicable endorsements are to be received and approved by the City Manager or his/her designee prior to City's execution of the Agreement and before work commences.

If at any time during the life of this Agreement or any extension, Contractor or any of its subcontractors fail to maintain any required insurance in full force and effect, all work under this Agreement shall be discontinued immediately, and all payments due or that become due to Contractor shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement. No action taken by City hereunder shall in any way relieve Contractor of its responsibilities under this Agreement.

Upon request of City, Contractor shall immediately furnish City with a complete copy of any insurance policy required under this Agreement, including all endorsements, with said copy certified by the underwriter to be a true and correct copy of the original policy. This requirement shall survive expiration or termination of this Agreement.

The fact that insurance is obtained by Contractor shall not be deemed to release or diminish the liability of Contractor, including, without limitation, liability under the indemnity provisions of this Agreement. The duty to indemnify City and its officers, officials, employees, agents and volunteers shall apply to all claims and liability regardless of whether any insurance policies are applicable. The policy limits do not act as a limitation upon the amount of indemnification to be provided by Contractor. Approval or purchase of any insurance contracts or policies shall in no way relieve from liability nor limit the liability of Contractor, its principals, officers, employees, agents, persons under the supervision of Contractor, vendors, suppliers, invitees, subcontractors, or anyone employed directly or indirectly by any of them.

If Contractor should subcontract all or any portion of the Services to be performed under this Agreement, Contractor shall require each subcontractor to provide insurance protection in favor of City and its officers, officials, employees, agents and volunteers in accordance with the terms of each of the preceding paragraphs, except that the subcontractors' certificates and endorsements shall be on file with Contractor and City prior to the commencement of any work by the subcontractor.

5.3 Indemnification, Hold Harmless, and Duty to Defend.

A. Indemnities.

1) To the fullest extent permitted by law, Contractor shall, at its sole cost and expense, defend, hold harmless and indemnify City and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith and the payment of all consequential damages (collectively "Liabilities"), in law or equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Contractor, its officers, agents, servants, employees, subcontractors, materialmen, Contractors or their officers, agents, servants or employees (or any entity or individual that Contractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties. Contractor shall defend the Indemnitees in any action or actions filed in connection with any Liabilities with counsel of the Indemnitees' choice, and shall pay all costs

and expenses, including all attorneys' fees and experts' costs actually incurred in connection with such defense. Contractor shall reimburse the Indemnitees for any and all legal expenses and costs incurred by Indemnitees in connection therewith.

2) Contractor shall pay all required taxes on amounts paid to Contractor under this Agreement, and indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Contractor shall fully comply with the workers' compensation law regarding Contractor and Contractor's employees. Contractor shall indemnify and hold City harmless from any failure of Contractor to comply with applicable workers' compensation laws. City may offset against the amount of any fees due to Contractor under this Agreement any amount due to City from Contractor as a result of Contractor's failure to promptly pay to City any reimbursement or indemnification arising under this subparagraph A.2).

3) Contractor shall obtain executed indemnity agreements with provisions identical to those in this Section from each and every subcontractor or any other person or entity involved by, for, with or on behalf of Contractor in the performance of this Agreement. If Contractor fails to obtain such indemnity obligations, Contractor shall be fully responsible and indemnify, hold harmless and defend the Indemnitees from and against any and all Liabilities at law or in equity, whether actual, alleged or threatened, which arise out of, are claimed to arise out of, pertain to, or relate to the acts or omissions of Contractor's subcontractor, its officers, agents, servants, employees, subcontractors, materialmen, Contractors or their officers, agents, servants or employees (or any entity or individual that Contractor's subcontractor shall bear the legal liability thereof) in the performance of this Agreement, including the Indemnitees' active or passive negligence, except for Liabilities arising from the sole negligence or willful misconduct of the Indemnitees as determined by court decision or by the agreement of the Parties.

B. Workers' Compensation Acts not Limiting. Contractor's indemnifications and obligations under this Section, or any other provision of this Agreement, shall not be limited by the provisions of any workers' compensation act or similar act. Contractor expressly waives its statutory immunity under such statutes or laws as to City, its officers, agents, employees and volunteers.

C. Insurance Requirements not Limiting. City does not, and shall not, waive any rights that it may possess against Contractor because of the acceptance by City, or the deposit with City, of any insurance policy or certificate required pursuant to this Agreement. The indemnities in this Section shall apply regardless of whether or not any insurance policies are determined to be applicable to the Liabilities, tax, assessment, penalty or interest asserted against City.

D. Survival of Terms. Contractor's indemnifications and obligations under this Section shall survive the expiration or termination of this Agreement.

5.4 Performance Bond.

Concurrently with execution of this Agreement, and if required in Exhibit "B", Contractor shall deliver to City performance bond in the sum of the amount of the Contract Sum, in the form provided by the City Clerk, which secures the faithful performance of this Agreement. The bond shall contain the original notarized signature of an authorized officer of the surety and affixed thereto shall be a certified and current copy of his power of attorney. The bond shall be unconditional and remain in force during the entire term of the Agreement and shall be null and

void only if the Contractor promptly and faithfully performs all terms and conditions of this Agreement.

5.5 Sufficiency of Insurer or Surety.

Insurance or bonds required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the Risk Manager of the City ("Risk Manager") due to unique circumstances. If this Agreement continues for more than three (3) years duration, or in the event the Risk Manager determines that the work or Services to be performed under this Agreement creates an increased or decreased risk of loss to the City, the Contractor agrees that the minimum limits of the insurance policies and the performance bond required by Section 5.4 may be changed accordingly upon receipt of written notice from the Risk Manager; provided that the Contractor shall have the right to appeal a determination of increased coverage by the Risk Manager to the City Council of City within ten (10) days of receipt of notice from the Risk Manager.

ARTICLE 6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records.

Contractor shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and Services performed hereunder (the "Books and Records"), as shall be necessary to perform the Services required by this Agreement and enable the Contract Officer to evaluate the performance of such Services. Any and all such Books and Records shall be maintained in accordance with generally accepted accounting principles and shall be complete and detailed. The Contract Officer shall have full and free access to such Books and Records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such Books and Records. Such Books and Records shall be maintained for a period of 3 years following completion of the Services hereunder, and the City shall have access to such Books and Records in the event any audit is required. In the event of dissolution of Contractor's business, custody of the Books and Records may be given to City, and access shall be provided by Contractor's successor in interest.

6.2 Reports.

Contractor shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the Services required by this Agreement as the Contract Officer shall require. Contractor hereby acknowledges that the City is greatly concerned about the cost of Work and Services to be performed pursuant to this Agreement. For this reason, Contractor agrees that if Contractor becomes aware of any facts, circumstances, techniques, or events that may or will materially increase or decrease the cost of the Work or Services contemplated herein or, if Contractor is providing Design Services, the cost of the project being designed, Contractor shall promptly notify the Contract Officer of said fact, circumstance, technique or event and the estimated increased or decreased cost related thereto and, if Contractor is providing design Services, the estimated increased or decreased cost estimate for the project being designed.

6.3 Ownership of Documents.

All drawings, specifications, maps, designs, photographs, studies, surveys, data, notes, computer files, reports, records, documents and other materials (the "Documents and Materials") prepared by Contractor, its employees, subcontractors and agents in the performance of this Agreement shall be the property of City and shall be delivered to City upon request of the Contract Officer or upon the termination of this Agreement, and Contractor shall have no claim for further employment or additional compensation as a result of the exercise by City of its full rights of ownership use, reuse, or assignment of the Documents and Materials hereunder. Any use, reuse or assignment of such completed Documents and Materials for other projects and/or use of uncompleted Documents and Materials without specific written authorization by the Contractor will be at the City's sole risk and without liability to Contractor, and Contractor's guarantee and warranties shall not extend to such use, revise or assignment. Contractor may retain copies of such Documents and Materials for its own use. Contractor shall have an unrestricted right to use the concepts embodied therein. All subcontractors shall provide for assignment to City of any Documents and Materials prepared by them, and in the event Contractor fails to secure such assignment, Contractor shall indemnify City for all damages resulting therefrom.

6.4 Confidentiality and Release of Information.

(a) All information gained or Work product produced by Contractor in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Contractor. Contractor shall not release or disclose any such information or Work product to persons or entities other than City without prior written authorization from the Contract Officer.

(b) Contractor, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the Work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Contractor gives City notice of such court order or subpoena.

(c) If Contractor, or any officer, employee, agent or subcontractor of Contractor, provides any information or Work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Contractor for any damages, costs and fees, including attorney's fees, caused by or incurred as a result of Contractor's conduct.

(d) Contractor shall promptly notify City should Contractor, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any Party regarding this Agreement and the Work performed there under. City retains the right, but has no obligation, to represent Contractor or be present at any deposition, hearing or similar proceeding. Contractor agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Contractor. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite said response.

ARTICLE 7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law.

This Agreement shall be interpreted, construed and governed both as to validity and to performance of the Parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Riverside, State of California, or any other appropriate court in such county, and Contractor covenants and agrees to submit to the personal jurisdiction of such court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in Riverside.

7.2 Disputes; Default.

In the event that Contractor is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Contractor for any Work performed after the date of default. Instead, the City may give notice to Contractor of the default and the reasons for the default. The notice shall include the timeframe in which Contractor may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, though not reduced, if circumstances warrant. During the period of time that Contractor is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, the City may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Contractor does not cure the default, the City may take necessary steps to terminate this Agreement under this Article. Any failure on the part of the City to give notice of the Contractor's default shall not be deemed to result in a waiver of the City's legal rights or any rights arising out of any provision of this Agreement.

7.3 Retention of Funds.

Contractor hereby authorizes City to deduct from any amount payable to Contractor (whether or not arising out of this Agreement) (i) any amounts the payment of which may be in dispute hereunder or which are necessary to compensate City for any losses, costs, liabilities, or damages suffered by City, and (ii) all amounts for which City may be liable to third parties, by reason of Contractor's acts or omissions in performing or failing to perform Contractor's obligation under this Agreement. In the event that any claim is made by a third party, the amount or validity of which is disputed by Contractor, or any indebtedness shall exist which shall appear to be the basis for a claim of lien, City may withhold from any payment due, without liability for interest because of such withholding, an amount sufficient to cover such claim. The failure of City to exercise such right to deduct or to withhold shall not, however, affect the obligations of the Contractor to insure, indemnify, and protect City as elsewhere provided herein.

7.4 Waiver.

Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any Work or Services by Contractor shall not constitute a waiver of any of the provisions of this Agreement. No delay or omission in the exercise of any right or remedy by a non-defaulting Party on any default shall impair such right or remedy or be construed as a waiver.

Any waiver by either Party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

7.5 Rights and Remedies are Cumulative.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the Parties are cumulative and the exercise by either Party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.6 Legal Action.

In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement.

7.7 Liquidated Damages.

Since the determination of actual damages for any delay in performance of this Agreement would be extremely difficult or impractical to determine in the event of a breach of this Agreement, the Contractor and its sureties shall be liable for and shall pay to the City the sum of Not Applicable as liquidated damages for each working day of delay in the performance of any service required hereunder, as specified in the Schedule of Performance (Exhibit "D"). The City may withhold from any monies payable on account of Services performed by the Contractor any accrued liquidated damages.

7.8 Termination Prior to Expiration of Term.

This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Contractor, except that where termination is due to the fault of the Contractor, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Contractor reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Contractor may determine. Upon receipt of any notice of termination, Contractor shall immediately cease all Services hereunder except such as may be specifically approved by the Contract Officer. Except where the Contractor has initiated termination, the Contractor shall be entitled to compensation for all Services rendered prior to the effective date of the notice of termination and for any Services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer, except as provided in Section 7.3. In the event the Contractor has initiated termination, the Contractor shall be entitled to compensation only for the reasonable value of the Work product actually produced hereunder. In the event of termination without cause pursuant to this Section, the terminating Party need not provide the non-terminating Party with the opportunity to cure pursuant to Section 7.2.

7.9 Termination for Default of Contractor.

If termination is due to the failure of the Contractor to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the Work and prosecute the same to completion by contract or otherwise, and the Contractor shall be liable to the extent that the total cost for completion of the Services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Contractor for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

7.10 Attorneys' Fees.

If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and in addition a party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to judgment.

ARTICLE 8. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION

8.1 Non-liability of City Officers and Employees.

No officer or employee of the City shall be personally liable to the Contractor, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Contractor or to its successor, or for breach of any obligation of the terms of this Agreement.

8.2 Conflict of Interest.

Contractor covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Contractor's performance of Services under this Agreement. Contractor further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the Contract Officer. Contractor agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of City in the performance of this Agreement.

No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to the Agreement which effects his financial interest or the financial interest of any corporation, partnership or association in which he is, directly or indirectly, interested, in violation of any State statute or regulation. The Contractor warrants that it has not paid or given and will not pay or give any third party any money or other consideration for obtaining this Agreement.

8.3 Covenant Against Discrimination.

Contractor covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. Contractor shall take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, marital status, national origin, or ancestry.

8.4 Unauthorized Aliens.

Contractor hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ unauthorized aliens as defined therein. Should Contractor so employ such unauthorized aliens for the performance of Work and/or Services covered by this Agreement, and should the any liability or sanctions be imposed against City for such use of unauthorized aliens, Contractor hereby agrees to and shall reimburse City for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by City.

ARTICLE 9. MISCELLANEOUS PROVISIONS

9.1 Notices.

Any notice, demand, request, document, consent, approval, or communication that either Party desires or is required to give to the other Party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer, CITY OF BANNING, 99 East Ramsey Street, Banning, CA 92220 and in the case of the Contractor, to the person at the address designated on the execution page of this Agreement. Either Party may change its address by notifying the other Party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

9.2 Interpretation.

The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either Party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

9.3 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9.4 Integration; Amendment.

This Agreement including the attachments hereto is the entire, complete and exclusive expression of the understanding of the Parties. It is understood that there are no oral agreements between the Parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the Parties, and none shall be used to interpret this Agreement. No amendment to or modification of this Agreement shall be valid unless made in writing and approved by the Contractor and by the

City Council. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

9.5 Severability.

In the event that any one or more of the phrases, sentences, clauses, paragraphs, or sections contained in this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining phrases, sentences, clauses, paragraphs, or sections of this Agreement which are hereby declared as severable and shall be interpreted to carry out the intent of the Parties hereunder unless the invalid provision is so material that its invalidity deprives either Party of the basic benefit of their bargain or renders this Agreement meaningless.

9.6 Corporate Authority.

The persons executing this Agreement on behalf of the Parties hereto warrant that (i) such Party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Agreement on behalf of said Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said Party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

9.7 Electronic Signatures.

Each Party may adopt as its signature an electronic identification consisting of a symbol or code that is affixed to or contained in each document transmitted by such Party ("electronic signature"). The Parties hereto herby agree that electronic signatures are acceptable, shall have the same force and effect under the law as original wet signatures, and shall be sufficient to verify that the Parties have executed this Agreement and such other documents transmitted by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF BANNING

Douglas Schulze, Date
City Manager

ATTEST:

Caroline Patton Date
Deputy City Clerk

APPROVED AS TO FORM:
Richards, Watson & Gershon

Serita R. Young Date
City Attorney

CONSULTANT

NAME: Date
TITLE:

NAME: Date
TITLE:

Tax ID No.

Address:

City Council Approval: _____

NOTE: PROOF OF AUTHORITY TO BIND CONTRACTING PARTY REQUIRED. APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.

EXHIBIT "A"
SCOPE OF SERVICES

I. Contractor will perform the following Services:

As specified in Scope of Work from IFB , Exhibit "A-1".

Scope of Work

GENERAL

The City of Banning wishes to contract with a responsible vendor to furnish and deliver bulk fuel for unleaded gasoline and diesel in accordance with the specifications outlined below.

All fuels shall meet current California Air Resource Board (CARB) applicable regulations as well as any other applicable Federal, State or other regulations.

The materials to be furnished under this proposal shall be delivered at such time and in such quantities as called for by the City of Banning.

The City of Banning reserves the right to add or delete locations for fuel delivery during the contract term.

These annual volumes are estimates only. The City shall not be penalized for purchasing more or less than the estimated volume.

The City will not agree to any minimum purchase requirements.

DELIVERY LOCATION / ESTIMATED QUANTITIES

Corporate Yard – 176 E. Lincoln St. Banning, CA 92220

One 10,000 gallon Clear Diesel Tank

Annual estimated volume: 12,000 gallons

Average delivery: 900 - 1200 gallons

Requires 3-4 week deliveries to keep tank at desired levels.

Scheduling shall be coordinated with the Fleet Department at this location.

One 10,000 gallon Unleaded Tank

Annual estimated volume: 100,000 gallons

Average delivery: 7,500 gallons

Requires 3-4 week deliveries to keep tank at desired levels.

Scheduling shall be coordinated with the Fleet Department at this location.

DELIVERY

Upon delivery of fuel to the location, drivers shall be required to "stick" the tank to ensure adequate storage capacity to accept the entire shipment without spillage and the readings will be recorded on the delivery receipts. The company shall be responsible for all spillage that may occur during transit, loading or unloading. Clean up shall be performed in accordance with EPA and State of California guidelines and requirements. Failure to do so will initiate corrective action and charge back to the vendor of any cost incurred. Prior to the first delivery, the company will submit a fuel spill clean-up plan for approval by the City.

Deliveries shall be made within 24 hours after order is placed unless otherwise specified by the ordering agency. The company shall respond to the City emails or calls within 48 hours.

The delivery truck shall establish a safety zone while making fuel delivery to prevent pedestrian or vehicle traffic from coming in contact with the delivery truck and hoses. Safety zone should be established using safety cones, barriers, caution tape and/or signage.

SUPPLY REQUIREMENTS

The Contractor shall have gasoline and diesel fuel supply contracts which shall assure the continuous supply of product during the contract period. Bidders may be required to furnish information supporting their ability to supply, without major interruption, the products covered in this bid

The Contractor shall have a reliable source of supply such as a major refiner to assure a continuous supply. However, it shall be thecontractor’ss responsibility to manage purchases from all sources so as not to jeopardize the ability to purchase fuel for the City in periods of tight supply.

In the event that federal, state or local regulations require fuel allocations or rationing at any time during the contract term, the vendor shall assign first priority to City's requirements or assign as prescribed by any federal, state, or local allocation program in effect.

Diesel Alternate As an alternate to the above #2 Diesel – Clear, Ultra-Low Sulfur, the City reserves the right to consider Renewable Diesel in lieu of conventional diesel and biodiesel fuels.

REPORTING

Upon request by the City, Company shall provide quarterly usage reports detailing the fuel type, quantity and date of each delivery (by location) and the cost per gallon. The cost per gallon shall be the net price the City was charged, including applicable taxes. Report shall also provide the total gallons purchased for each fuel type.

The City will verify the accuracy of delivered gallons by using one of the two internal automatic tank gauge measuring systems, Veede3r Root or Incon. The City reading will be compared to the Bill of Lading (BIL) quantity. If the reading is more than 200 gallons different, the delivery will be paid based on the City's system NET reading. In such cases, the City will email the reading receipt to the Company within ten (10) business days.

EXHIBIT "B"
SPECIAL REQUIREMENTS

NOT REQUIRED

EXHIBIT "C"
SCHEDULE OF COMPENSATION

I. Contractor shall provide the fuel and fuel delivery at the following rates:

Unleaded 87 Octane				Pinnacle	
Line Item	Description	QTY	UOM	Unit Cost	Total
1	Markup above OPIS daily unbranded average	1	Each	($.1174)	($.1174)
2	CA AB32 Env. Surcharge-Gas.	1	Each	$.0092	$.0092
3	CA Child Lead Poising FEE.	1	Each	$.0033	$.0033
4	CA Gas Excise Tax	1	Each	$.579	$.579
5	CA Sales Tax.	1	Each	$.0275	$.0275
6	FED Env. Fee-E10.	1	Each	$.0019	$.0019
7	FED Superfund Fee-E10	1	Each	$.0036	$.0036
8	Federal Gas L.U.S.T. Tax	1	Each	$.001	$.001
	Total				**$.5081**
	Average Load	7500			**$3,810.75**

#2 Diesel - Clear, Ultra Low Sulfur				Pinnacle	
Line Item	Description	QTY	UOM	Unit Cost	Total
1	Markup above OPIS daily unbranded average	1	Each	$.0461	$.0461
2	CA AB32 Env. Surcharge-DSL.	1	Each	$.011	$.011
3	CA Diesel Excise Tax	1	Each	$.441	$.441
4	CA Sales Tax.	1	Each	$.135	$.135
5	FED Env. Fee-DSL.	1	Each	$.0214	$.0214
6	FED Superfund Fee-DSL	1	Each	$.004	$.004
7	Federal Diesel L.U.S.T. Tax	1	Each	$.001	$.001
	Total				$.6595
	Average Load (High End)	1200			$791.40

Renewable Diesel				Pinnacle	
Line Item	Description	QTY	UOM	Unit Cost	Total
1	Markup above OPIS daily unbranded average	1	Each	($.14)	($.14)
2	CA AB32 Env. Surcharge-DSL.	1	Each	$.011	$.011
3	CA Diesel Excise Tax	1	Each	$.441	$.441
4	CA Sales Tax.	1	Each	$.135	$.135
5	FED Env. Fee-DSL.	1	Each	$.0214	$.0214
6	FED Superfund Fee-DSL	1	Each	$.004	$.004
7	Federal Diesel L.U.S.T. Tax	1	Each	$.001	$.001
	Total				**$.4772**

II. To the extent a project proposal consists of multiple subtasks, within the budgeted amounts for each subtask, and with the approval of the Contract Officer, funds may be shifted from one subtask sub-budget to another so long as the project budget is not exceeded per Section 2.1, unless additional services are approved per Section 2.3.

III. For each project assignment the City will compensate Contractor for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Line items for all personnel describing the Work performed, the number of hours worked, and the hourly rate.

B. Line items for all materials and equipment properly charged to the Services.

C. Line items for all other approved reimbursable expenses claimed, with supporting documentation.

D. Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

EXHIBIT "D"
SCHEDULE OF PERFORMANCE

I. The Contract Officer may approve extensions for performance of the Services in accordance with Section 3.5.

II. All work product is subject to review and acceptance by the City, and must be revised by the Contractor without additional charge to the City until found satisfactory and accepted by City.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-125, Approving A Successor Memorandum of Understandings with the Teamsters Local 1932, Representing the Association of Mid-Management and Professional Employees, Effective July 1, 2022, through June 30, 2024, and Authorizing the City Manager to Finalize and Execute a Successor Agreement**

RECOMMENDATION:

Adopt Resolution. 2024-125.

BACKGROUND:

The City Council has previously approved a Tentative Agreement (TA) with Teamsters Local 1932 for the bargaining period of July 1, 2022, through June 30, 2024. That TA included language for a reopener to address two additional issues that needed additional legal research. The Council approved a TA with the group for those reopener items on June 11, 2024, and the union has since ratified via membership vote.

The TA with Teamsters Local 1932 representing the Teamsters Association of Managers Unit was accepted by City Council via Resolution 2023-059 in open session of City Council on March 28, 2023. That TA contained language for a reopener to address leave payouts and city funded healthcare options. The Teamsters Unit met and ratified that successor Tentative Agreement and now the Council is requested to accept the resulting Memorandum of Understanding (MOU).

JUSTIFICATION:

The City Council must ratify the MOUs for execution by the City Manager.

FISCAL IMPACT:

The fiscal impact was discussed with City Council in closed session and the original TA fiscal impact was discussed at the time of that approval.

ALTERNATIVES:

Do not adopt Resolution 2024-125 and provide staff alternate direction.

ATTACHMENTS:

1. Resolution 2024-125, MOU Teamsters.docx
2. 7.2.24 FINAL Teamsters MOU 2022-2024 (Clean).pdf

RESOLUTION 2024-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING WITH THE TEAMSTERS LOCAL 1932 REPRESENTING THE ASSOCIATION OF MID-MANAGEMENT AND PROFESSIONAL EMPLOYEES, EFFECTIVE JULY 1, 2022, THROUGH JUNE 30, 2024, AND AUTHORIZING THE CITY MANAGER TO FINALIZE AND EXECUTE A SUCCESSOR AGREEMENT

WHEREAS, the City of Banning ("City") has formally recognized the Teamsters Local 1932 ("Teamsters') as the exclusive employee organization for the Association of Mid-Management and Professional Employees bargaining unit; and

WHEREAS, the prior Memorandum of Understanding ("MOU") between the City and the Teamsters expired on June 30, 2022; and

WHEREAS, the City labor representatives and Teamsters representatives have successfully met, conferred and signed a Tentative Agreement on the deal points for a successor MOU for the period of July 1, 2022 through June 30, 2024 pursuant to the Meyers-Milias-Brown Act (MMBA) (Gov't code Sections 3500-3511) and the City's Employer-Employee Relations Resolution 2010-45; and

WHEREAS, MMBA Section 3505.1 provides that: "If a tentative agreement is reached by the authorized representatives of the public agency and a recognized employee organization or recognized employee organizations, the governing body shall vote to accept or reject the tentative agreement within 30 days of the date it is first considered at a duly noticed public meeting. A decision by the governing body to reject the tentative agreement shall not bar the filing of a charge of unfair practice for failure to meet and confer in good faith. If the governing body adopts the tentative agreement, the parties shall jointly prepare a written memorandum of understanding"; and

WHEREAS, the Teamsters membership has ratified the Tentative Agreement for a successor MOU, where once approved by the governing body and the resulting final MOU is signed by the City Manager and Teamsters representatives becomes a binding agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council hereby approves the Successor MOU between the City and Teamsters (Local 1932) representing the Association of Mid-Management and Professional Employees bargaining unit, for the period of July 1, 2022 through June 30, 2024.

SECTION 2. The City Council hereby authorizes and directs the City Manager or designee to finalize and execute the Successor MOU, based on the approved Tentative Agreements, on behalf of the City of Banning.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-125, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Teamsters Local 1932 Unit MOU for 2022-2024

TEAMSTERS LOCAL 1932

MID-MANAGEMENT AND PROFESSIONAL UNIT

MEMORANDUM OF UNDERSTANDING

July 1, 2022 – June 30, 2024

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ARTICLE 1 – PREAMBLE

1.1 - Parties. This Memorandum of Understanding (hereinafter "MOU") is entered into between The City of Banning, a municipal corporation (hereinafter "City") and Teamsters Local 1932 (hereinafter "Union"), a California nonprofit mutual benefit corporation and the recognized employee organization for the mid-management and professional unit of representation (the "Unit"), relative to wages, hours, and other terms and conditions of employment as provided by Sections 3500-3510 of the California Government Code, otherwise known as the Meyers-Milias-Brown Act.

1.2 - Employee Organization Recognition. The City continues to formally recognize the Union as the Exclusive Recognized Employee Organization representing employees in the Unit presently or hereafter employed by the City and eligible for inclusion in the Union. It is understood that this MOU shall constitute a bar to any petition or request for recognition of any unit which includes classifications of employees covered by this MOU or such petitions to represent such Unit members at any time during the initial term of this MOU. This provision shall not preclude employees from exercising their rights as may be provided by the Meyers-Milias-Brown Act or the Employer-Employee Relations Resolution of the City.

1.3 - MOU Term. Except as otherwise provided herein, this MOU between the City and the Teamsters relative to wages, hours, and other terms and conditions of employment shall be effective as of July 1, 2022 and shall remain in full force and effect until June 30, 2024 or until a successor MOU is adopted or impasse procedures are completed and the City Council approves unilateral implementation of its last, best and final offer, whichever occurs first.

1.4 - Unit Members. This MOU covers employees in the following classifications:

Administrative City Clerk	Grants Program Manager
Assistant Civil Engineer	Homeless Services Director
Associate Civil Engineer	Management Analyst
Associate Civil Engineer w/Certification	Planning Engineer
Assistant Planner	Principal Civil Engineer
Assistant Public Works Director/City Engineer	Power Resources & Revenue Administrator
Associate Electrical Engineer	Public Works Program Manager
Business Support Manager	Public Works Superintendent
Capital Improvement Projects Manager	Purchasing Manager
CORE Manager	Recreation Manager
Customer Service & Billing Manager	Risk Management Analyst
Customer Service Supervisor	Senior Civil Engineer
Development Service Manager (Building Official)	Senior Electrical Engineer
Economic Development Manager	Senior Planner
Electric Operations Manager	Streets/Parks Maintenance Manager
Electric Engineering Supervisor	Transit Manager
Fleet Manager	Water/Wastewater Superintendent

ARTICLE 2- CONTINUATION OF RULES & POLICIES

2.1 - Governing Law. Subject to the terms of this MOU, all City Ordinances, Policies, Resolutions, Rules and Regulations, including the Personnel Rules and Regulations of the City of Banning, the Employer-Employee Relations Resolution; and the Administrative Policies of the City of Banning, or successor rules, shall remain in effect during the course of this MOU.

2.2 - Meet and Confer. The Union and the City agree to meet and confer during the term of this MOU over the adoption or revision of City Ordinances, Resolutions, Policies, Rules, Regulations, Administrative and/or Personnel Policies regarding mandatory subjects of negotiation pursuant to the Meyers-Milias-Brown Act, including but not limited to updating the City's Personnel Rules and the City's Employer- Employee Relations Resolution.

2.3 - Departmental Policies. The Union recognizes the right of the City to adopt new or revised departmental rules and regulations which are not in conflict with this MOU and which are not regarding mandatory subjects of negotiation. In adopting such new or revised departmental rules and regulations, the City shall receive and consider input, if any, submitted by Unit members. The process of making such input shall not delay the timely implementation of such rule. Such input shall generally be solicited as follows:

The City shall provide a draft of the proposed change to the President of the Union or his/her designee. At the time of providing the draft, a time shall be set to meet and confer on the proposed change. Such date shall be no less than twenty-five (25) and no more than thirty-five (35) calendar days following date of presentation of the draft.

Within twenty (20) days following date of presentation, the Union shall provide copies of its comments to the Administrative Services Director/Deputy City Manager or his/her designee in writing. Failure to provide written comments within the twenty (20) day time period shall be deemed to be acceptance of the proposal as presented and termination of the requirement for further meet and confer.

If agreement is not reached on the proposal at the first meeting, a second meeting shall be held within fifteen (15) days thereafter. If an agreement is not reached at the second meeting as to a matter which is not a mandatory subject of meet and confer, the City may proceed with the adoption of the policy without further meetings.

The time limits set forth herein may be modified by the written agreement of the parties.

ARTICLE 3- EMPLOYEE RIGHTS

3.1 – Non-discrimination. The provisions of this MOU shall apply to all persons covered by this MOU without discrimination on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical conditions), age, sexual orientation, citizenship status or any other basis protected by applicable law, nor will there be any discrimination with respect to hiring,

retention or any condition of employment because of membership or activities on behalf of the Union.

3.2 - Union Membership. The Union will accept into membership all eligible persons of the bargaining unit without regard to race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, sex (including pregnancy, childbirth and related medical conditions), age, sexual orientation, citizenship status or any other basis protected by applicable law.

3.3 - Rights Granted by State and Federal Law. Except as otherwise provided in this MOU, Unit members shall have all rights which may be exercised in accordance with State law, and applicable ordinances, resolutions, rules and regulations. However, Unit members shall not have the right to file a grievance for violation of any such law, ordinance, or resolution, except as specifically set forth herein.

3.4 - Additional Employee Rights. Unit members shall also have:

The right to form, join, and participate in activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations.

The right to refuse to join, or to participate in the activities of employee organizations.

The right to be free from interference, intimidation, restraint, coercion, discrimination, or reprisal by other employees, employee organizations, management or supervisors, as a result of their exercise of rights indicated in sections (a) and (b) above.

ARTICLE 4 - MANAGEMENT RIGHTS

4.1 - City Rights. The Union recognizes and agrees that the City and its representatives have the responsibility and the authority to manage and direct all operations and activities of the City including, but not limited to, the exclusive right to determine the mission of its constituent departments, commissions and boards and the processes and the materials to be employed; the right to subcontract any work or operation; to expand or diminish services; to determine the procedures and standards of selection for employment and promotion; determine classifications; direct its employees; take disciplinary action; relieve its employees of duty because of lack of work or for other legitimate reasons; maintain the efficiency of governmental operations; determine the methods, means and personnel by which government operations are to be conducted and to assign work to employees; take all necessary actions to carry out its mission in emergencies; and, exercise complete control and discretion over its organization and work performance technology.

4.2 - Duty to Bargain Effects. When the decision to make the change is non-negotiable, but the effects of the decision are negotiable, the duty to provide notice and an opportunity to bargain arises at the time the decision is made and prior to taking action to implement the decision.

ARTICLE 5- UNION DUES DEDUCTION

5.1 - Union is authorized to use payroll deductions for collecting employee organizational dues monthly.

5.2 - The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues deduction authorized. When an employee is in a non-pay status for an entire pay period, no withholding will be made to cover that pay period from future earnings.

5.3 - In the case of an employee who is in a non-pay status during only part of the pay period, and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over Union dues.

5.4 - The Union shall have the sole and exclusive right to have membership dues and voluntary deductions deducted for employees covered under this Agreement, upon appropriate written authorization by such employees to the Union. Union shall advise the City in writing of the membership dues and voluntary deductions to be deducted for each member. Union shall notify the City in writing of any changes to employee deductions thirty (30) days prior to the effective date of such change. The Union shall, as soon as possible, notify the City in writing if any member of the bargaining unit revokes a membership dues and voluntary deduction authorization.

5.5 - Union shall notify the City in writing of any employee who hereinafter comes into the bargaining unit and who has provided appropriate written authorization to the Union. The City shall deduct the approved bi-weekly membership dues and voluntary deductions in the pay period following receiving written notification from the Union.

5.6 - Employees in these Units who are members of the Union may withdraw from the Union at any time by sending notice to the Union. Union shall immediately certify to the City to terminate dues and voluntary deductions for any such employees, consistent with applicable law. An employee's deduction authorization shall automatically be canceled if the employee leaves the employ of the City or is transferred out of the Unit.

5.7 - The aggregate amount of Union dues deductions by the City shall be transmitted monthly to the Union. The City shall provide the Union with a list each month indicating the dues deducted from the pay of any Unit member and those Unit members for whom no deduction was made pursuant to the provisions of Sections 5.2, 5.3, and 5.6.

5.8 - The Union shall indemnify, defend, and hold the City harmless against any claims made, and against any suit instituted, against the City arising from this Article, including on account of employee authorizations, revocations, deductions made, cancelled, or changed in reliance on the Union's representations regarding employee dues and voluntary deduction authorizations. In addition, the Union shall refund to the City any amounts paid to it in error upon presentation of supporting evidence.

ARTICLE 6- UNION REPRESENTATIVES

Three (3) Unit members selected by the Union may attend scheduled meetings with City management during regular hours without loss of pay, provided that such employees shall not leave their work station or assignment without first providing adequate notice to their supervisor. Additional employees who are not on duty may participate at no additional cost to the City. Such meetings shall be scheduled in a manner consistent with the City's operating requirements and work schedules. Nothing herein shall be deemed to preclude the scheduling of such meetings at hours other than such employee's regular working hours, in which event attendance shall be without pay.

ARTICLE 7 -BULLETIN BOARDS

7.1 - Authorized Postings. The City will furnish adequate bulletin board space where currently available. Only areas designated by the Human Resource Department may be used for posting notices. Bulletin boards may be used for the following notices:

a) Scheduled Union meetings, agenda and minutes. Information on Union elections and election results.
b) Information regarding Union special, credit association, recreational, and related bulletins.
c) Reports of official business of the Union including reports of committees or the board of directors.
d) MOU, pay scales, job announcements, promotion lists, etc.
e) Such other items as may be approved by the Human Resource Director upon request of the Union.

7.2 - Posted Notices. Posted notices shall not be defamatory or violate any of the City's policies, nor shall they advocate election or defeat of candidates for public office. All notices to be posted may be dated and signed by an authorized representative of the Union. The Union may give notices to Unit members through the use of the City mail system and/or the City computer e-mail system.

ARTICLE 8- MEMORANDUM OF UNDERSTANDING COPIES

After it has been executed by the parties, the City shall provide the Union with one (1) executed copy and one (1) electronic copy (PDF) of this MOU. Union shall be responsible for providing copies of this MOU to Unit members at Union's expense. City shall also provide a copy of the executed MOU to any Unit member hired or promoted into the Unit after the effective date of the MOU. The City may charge for any additional copies.

ARTICLE 9 – MEETINGS

9.1 - Items of Mutual Concern. Upon mutual agreement of both the City and the Union, the parties may meet to discuss items of mutual concern. A meeting conducted under this section shall not

constitute a meet and confer or hearing under any grievance procedure.

9.2 - Use of City Facilities. The Union may be granted permission to use City facilities for the purpose of meeting with employees to conduct its internal affairs provided space for such meetings can be made available without interfering with City needs. Permission to use facilities must be obtained by the Union from the Administrative Services Director/Deputy City Manager or his/her designee. The Union shall be held fully responsible for any damages to and security of any facility that is used by the Union.

9.3 - Budget Oversight Committee. The City agrees to the creation of a Budget Oversight Committee, with the Union entitled to appoint one (1) member. Said Committee shall have an equal number of members appointed by the City's recognized Employee Union and the City. Said Committee shall be advisory only to the City Manager. City shall determine the necessity of meetings.

9.4- Subcontracting Work. The City shall notify the Union President of its intention to subcontract work performed by employees covered by this MOU no later than the date bids are requested for said contract work. The Union may comment on the proposed subcontracting and may request a meeting under Article 9 to discuss it or if applicable may ask for a meet and confer on the effects.

ARTICLE 10 - HOURS OF WORK

The parties agree that the City has the right to return to its traditional five day work week eight hour work day (5/8) work schedule, maintain its current four day work week ten hour work day (4/10) work schedule, or implement a nine day every two work week eighty work week (9/80) work schedule for some or all Union represented employees as appropriate in the sole discretion of the City as determined by each Department Head and with City Manager approval. The City shall provide at least thirty calendar day notice of a change in work schedules. Union represented employees currently working alternative work schedules at the time of the Union's ratification of the deal points of this MOU who are required to return to working the traditional five day work week eight hour work day (5/8) work schedule shall receive an additional three percent (3%) base salary wage increase for the time period that they are required to work that particular traditional work schedule. The Union reserves the option to waive this thirty day notice period.

For Employees working a (9/80) work schedule, the work period shall begin four hours after the start time of his or her eight hour shift on the day that corresponds with the employee's alternating regular day off such that the employee works four, nine-hour shifts and one four hour shift each seven-day work period. Employees working a traditional five day eight hour per work day (5/8) work week schedule or four day ten hour per work day (4/10) work week schedule will continue to maintain a week ending time of 11:59 pm on Sundays.

ARTICLE 11 · SALARIES, PERFORMANCE EVALUATIONS, RETIREMENT BENEFITS, AND EDUCATION INCENTIVE

11.1 - Salary Survey & Salary classifications.

The City will fund a salary survey by a professional consultant, that will commence in October 2022 and will establish negotiations with Teamsters for the 2020-2024 MOU.

The Salary Survey shall include the Cities listed below for each manager in the specified Divisions. At the conclusion of the Salary Survey, the high and low salaries will be disregarded and the mean salary for each position shall be determined as the salary to base negotiations on. In the event salary survey results are implemented from another bargaining unit in the City, the Mid-Manager Bargaining unit salary survey results will be implemented within 30 days. Both parties have the option to request a meeting and confer regarding the process of implementation.

General	Electric Utility	Water Utility	Wastewater Utility
La Quinta	Anaheim	Anaheim	Riverside
Coachella	Riverside	Azusa	Redlands
Palm Springs	Colton	Colton	Colton
Colton	Azusa	Riverside	Ontario
Azusa	Southern	Eastern	Chino
Corona	California	Municipal	Coachella Valley
Riverside	Edison	Water District	Eastern
	Pasadena	Redlands	Municipal
	Burbank		Water District

Unit classifications are assigned to salary ranges, as set forth below in accordance with the City's adopted Salary Table. Employees will be able to progress through the salary range as set forth in section 11.2.

CLASSIFICATION	***GRADE***
Administrative City Clerk	T79
Assistant Civil Engineer	T68
Associate Civil Engineer	T79
Associate Civil Engineer w/Certification	T79
Assistant Planner	T68
Assistant Public Works Director/City Engineer	T100
Associate Electrical Engineer	T85
Business Support Manager	T90
Capital Improvement Projects Manager	T85
CORE Manager	T85
Customer Service & Billing Manager	T85
Customer Service Supervisor	T79
Development Service Manager (Building Official)	T84
Economic Development Manager	T85

Electric Operations Manager	T100
Electric Engineering Supervisor	T90
Fleet Manager	T85
Grants Program Manager	T73
Homeless Services Director	T73
Management Analyst	T73
Planning Engineer	T76
Principal Civil Engineer	N/A
Power Resources & Revenue Administrator	T100
Public Works Program Manager	T85
Public Works Superintendent	T85
Purchasing Manager	T85
Recreation Manager	T81
Risk Management Analyst	T64
Senior Civil Engineer	T86
Senior Electrical Engineer	N/A
Senior Planner	T81
Streets/Parks Maintenance Manager	T70
Transit Manager	T85
Water/Wastewater Superintendent	T90

The City and the Union agree to meet and confer regarding the job description and salary range for the classification of Principal Civil Engineer at such time as the City desires to fund a position in that classification. The City reserves the right to fill the position with the current incumbent in the classification of Career Part-Time Associate Civil Engineer, or with any other qualified applicant, whichever best meets its needs at that time.

Targeted equity adjustments – Implement PSPC 2022 Total Compensation survey recommendations for Teamsters classifications. See attached effective October 26, 2022.

11.2 - Salaries, Performance Evaluations, Probationary Period & Assignment to Ranges.

a. 3% base wage increase effective July 1, 2022 and paid out the first full pay period following City Council approval of the new MOU.
b. 3% base wage increase effective the first full pay period including July 1, 2023.

This increase is for all Unit members still employed at the time this MOU is adopted by City Council.

Ranges with defined steps are shown on the salary schedule provided herewith. The salary table is calibrated in approximate 2.5% increments. Annual increases for satisfactory performance will be a minimum of two (2) steps or approximately 5%. Department Heads will have the option of granting a higher salary increase based on exceptional performance with approval of the City Manager. Unit members will continue to be evaluated using the employee performance evaluation form.

Employee shall be granted a step increase upon receiving a satisfactory overall evaluation on the City approved employee evaluation form OR such step increase will be automatically implemented if employee's supervisor is thirty days late on giving such evaluation, retroactive to the due date of the evaluation.

A first denial of a step increase shall not be an allowable subject of the exercise of employee rights under the grievance procedure outlined herein.

An employee denied a step increase shall thereafter have monthly meetings to review his/her performance with his/her supervisor and shall have the City approved employee evaluation form completed no later than six (6) months after the date of the performance evaluation which led to the denial of the step increase. If the employee's overall performance is rated satisfactory, then the employee shall be granted the appropriate step increase effective the first pay period following the six-month re-evaluation period. Such step increase shall not be retroactive.

If the employee's performance continues to be unsatisfactory after the six month re-evaluation period, the employee shall be given a final denial of step increase for the remainder of the regular evaluation period. After this final denial the monthly meetings to review his/her performance with his/her supervisor shall continue until the employee's next annual review. Denial of a step increase under this subsection shall be subject to review by an Evaluation Review Committee. The Evaluation Review Committee shall be comprised of the Employee Relations Officer, a non-evaluating Department Head selected by the employee, and an Union business representative. The Evaluation Review Committee shall make any adjustment to the evaluation that it deems justified by majority vote and its decision shall be final with no other right of appeal or grievance on the matter.

An employee at the top of his or her range shall have his or her performance evaluated at least annually within thirty (30) days of her/her anniversary date.

11.3 - Probationary Period. Employee will pass probation at the end of the one year probation period upon satisfactory performance evaluation, or shall pass probation if employee's supervisor does not provide the performance evaluation by the due date of such. The probationary period for promotions will remain at six (6) months.

Probation Extension on an employees' initial probation can be extended if necessary, for a period not to exceed six (6) months. If extended, such action must be extended during initial probation period. Any extended period of absence from duty four continuous weeks (2 pay periods) or more for any reason except scheduled vacation, will automatically cause a probation period to be extended equal to the period of absence.

The City agrees that as soon as practicable, job specifications will be reviewed to determine any necessary changes in minimum education requirements.

11.4 - California Public Employees Retirement System ("CalPERS") Formulas.

All Unit members hired prior to December 11, 2012 will remain eligible to receive the CalPERS retirement plan known as "two and one-half at fifty- five" retirement (2.5% @ 55) formula for Miscellaneous Employees.

Beginning on or after December 11, 2012, the City implemented the 2% @ 60 retirement formula for miscellaneous new hires with average three years for calculation of final retirement benefit, which after January 1, 2013 shall only apply to new hires defined by CalPERS as "classic members."

(Approved by City Council through side letter December 11, 2012.)

Beginning January 1, 2013, new hires defined by CalPERS as "new members" shall receive the newly created 2% @ 62 retirement formula with average of three years for calculation of final retirement benefit. (Mandated by the Public Employees' Pension Reform Act of 2013.)

11.5 - Contributions to CalPERS.

Effective January 1, 2013, all miscellaneous new hires defined by CalPERS as "new members" pay their full employee member contribution rate towards their CalPERS retirement benefit per the Public Employee's Pension Reform Act of 2013 (rates vary per retirement formula).

Effective the first full pay period that included January 22, 2013, all Union represented employees began paying their full member contribution rate as well to their respective retirement plan with CalPERS and the City eliminated any and all Employer Paid Member Contributions.

11.6 - FICA. – Unit members shall pay the employee's portion of the Federal Insurance Contributions Act ("FICA") tax and the City shall be responsible for payment of the employer's portion.

11.7 - Disability.

a) Each Unit member shall pay the cost of membership in the State Disability Insurance or other long term disability insurance selected by the City. City agrees to offer a short term disability program at the employee's expense provided that such short term disability program can be offered in conjunction with the City's existing long term disability insurance and the Short Term Disability waiting period will reduce from 30 days to 7 days.
b) An employee with sick leave accruals available may use their accruals in conjunction with STD/LTO benefits until exhausted. When sick leave is exhausted, an employee may use accumulated vacation leave and may also elect to use compensatory time to extend full pay as long as possible except when exempted by Human Resources Policy and the Family Leave Policy. An employee is prohibited from receiving more than 100% of salary in combined sick/vacation/comp time and the City mandated STD or LTD benefits.

11.8 - Direct Deposit. All Unit members shall be paid by direct deposit of their payroll check into an account of their choice, except those employees who either do not hold an account with a financial institution that offers direct deposit or who do not hold an account of any type. It shall be the responsibility of the employee to establish and maintain such account. When separation from the City is caused by death, payment of all outstanding compensation, including Salary and all remaining Sick Leave, Vacation, Comp Time or Holiday Time accruals shall be paid into the employee's direct deposit account the same as regular payroll.

11.9 - Residency Credit. All Unit members who reside within City limits shall receive one $150 per month per employee(s) discount against the cost of electric and water service during the period of such residence.

11.10 - Education Incentive. Unit members whose job specification does not require a bachelor's

degree as a minimum requirement shall receive additional compensation of $200.00 per month for a Bachelor's Degree; employees who possess a Bachelor's Degree and a job related certificate shall receive $225.00 per month; employees who possess a Bachelor's Degree and a certification through a professional designation of official competency after taking a test or meeting established criteria by a universally recognized authority or association will receive $250.00 per month; employees who possess a Master's Degree will receive $275.00 per month; those employees who possess a Master's Degree and a certification through a professional designation of official competency after taking a test or meeting criteria established by a universally recognized authority of association shall receive $300.00 per month.

ARTICLE 12- COMPENSATORY TIME, OVERTIME AND ON-CALL PAY

12.1- Exempt Employees.

Except as outlined in Article 12.8, the following listed Unit classifications shall not receive overtime pay:

Administrative City Clerk
Assistant Civil Engineer
Associate Civil Engineer
Associate Civil Engineer w/Certification
Assistant Planner
Assistant Public Works Director/City Engineer
Associate Electrical Engineer
Business Support Manager
Capital Improvement Projects Manager
CORE Manager
Customer Service & Billing Manager
Customer Service Supervisor
Development Service Manager (Building Official)
Economic Development Manager
Electric Operations Manager
Electric Engineering Supervisor
Fleet Manager
Homeless Services Director
Grants Program Manager
Management Analyst
Planning Engineer
Principal Civil Engineer
Power Resources & Revenue Administrator
Public Works Program Manager
Public Works Superintendent
Purchasing Manager
Recreation Manager
Risk Management Analyst
Senior Civil Engineer
Senior Electrical Engineer
Senior Planner

Streets/Parks Maintenance Manager
Transit Manager
Water/Wastewater Superintendent

12.2 - Non-Exempt Employees.

The following Unit members are entitled to receive overtime pay:

Assistant Planner
Associate Planner
Assistant Civil Engineer

12.3 - Compensated time off for Non-Exempt employees listed in Article 12.2:

Non-Exempt Unit members shall be paid for all overtime at the rate of time and one-half (1-112) for each hour worked, or they shall accrue compensatory time off hours at the rate of one and one-half hour (1-1/2) for each hour worked up to a maximum of two-hundred forty (240) hours.

Unit members may exercise the option to cash out a maximum of sixty (60) hours of compensatory time off per fiscal year.

12.4 - Hours Worked. For purposes of overtime calculation, "hours worked" for non- exempt Unit members shall include time spent in required court appearances as set forth in Article 14. All other hours paid for but not worked, including, but not limited to vacation, holiday, sick leave, on call time and compensatory time off shall not be counted as hours worked for overtime calculation.

12.5 - Non-Exempt Overtime. All work performed by Unit members listed in Article 12.2 in excess of forty (40) hours per week shall be paid at the rate of one and one half times (1-1/2) the employee's regular hourly base rate of pay, except for employees who choose to be compensated in additional compensatory time as outlined in Article 12.3. All overtime worked shall be authorized by a supervisor in advance of working overtime hours, if possible. Otherwise, the claim for overtime shall be subject to review by the Department Director.

12.6 - Non-Exempt On-Call Status. Only the employees listed in Article 12.2, the non FLSA exempt Unit members, shall be entitled to additional compensation for on call status. Unit members required to remain in an on call status shall, at employee's option, receive an additional eight (8) hours of compensatory time or pay at his/her regular rate for each week for such duty plus and additional one (1) hour for any week in which a holiday occurs. Unit members shall be entitled to receive the pro rata equivalent for any partial week.

When required to respond, Unit members shall receive, at employee's option, a minimum of two (2) hours of compensatory time or pay at his/her regular rate for any time worked during the first one (1) hour and compensatory time or pay at time and one-half (1-1/2) for each hour worked thereafter.

For purposes of this Article, Unit members shall be deemed to be in on call status only when all of the following conditions are met:

The appropriate Director has placed the employee in on call status by a notice in writing;

The employee is required to respond to the City Yard or other designated location within a specified time not to exceed thirty (30) minutes; and,

While on call the employee is prohibited from engaging in any activity which may interfere with the employee's ability to respond to an emergency call and immediately commence the required job performance.

12.7 - CTO Cash-Out. In the event a Unit member terminates his or her employment, the City shall "cash out" the employee's accrued compensatory time. The employee shall be compensated for all such compensatory time at his/her then current, straight time rate of pay.

12.8 - Contract Overtime for Non-Exempt Employees. In assessing costs against such other agency for work performed by Unit members, the City shall assess compensation for such employee at the rate of one and one-half (1-1/2) times the regular rate of compensation. Represented employees shall receive in compensation the greater of that received from the third party agency for the employee's services or such compensation as he/she shall be otherwise entitled to under law and this MOU.

12.9 - Personal Leave. Unit members shall receive paid personal leave time accrued at a rate of 3.77 hours per pay period to compensate for time spent in excess of normal working hours in completing their responsibilities. This personal leave time shall be capped at a total of one hundred ninety-two (192) hours, at which time accrual shall cease until the unused balance of accrued time drops below the cap.

a) In the event a Unit member terminates his or her employment with the City, the employee shall be compensated for all accrued personal leave at his or her current rate of pay.
b) Unit members may elect to receive cash in lieu of up to 60 hours of personal leave accrual each calendar year, subject to the terms and conditions set forth below. To receive cash in lieu of leave accrual, an employee must submit an irrevocable written election form no later than December 31st of the calendar year prior to the calendar year in which the employee wishes to receive cash in lieu of leave. The cash in lieu will be payable in the last pay period of November the following calendar year. Only leave hours already accrued in the calendar year for which an election is made may be cashed out. Cash-outs for leave hours accrued in a prior calendar year are not allowed. If a Unit member for any reason would not have accrued the full amount elected for cash-out during the current year, the cash-out amount will be reduced accordingly. Employees may choose to have the cash-out amount made as an employee contribution to the 457 Deferred Compensation Plan, subject to the applicable elective contribution limits imposed by IRS regulations.

ARTICLE 13 - ACTING PAY AND PROMOTION PAY

13.1 - Unit members temporarily assigned by management to fill a vacancy in a higher classification, when the vacancy is created by a departure, or when the incumbent is absent in excess of twenty (20) work days, shall be compensated from the first day working such assignment, and consecutive days worked thereafter, at the lowest pay range of the incumbent which is at least five percent (5%) above the acting employee's normal rate of compensation while

working in the higher classification. The conditions of this subsection are a prerequisite to the receipt of any higher acting pay. At such time as an employee is no longer performing work out of his permanent classification, he/she shall be compensated at his/her regular rate of pay for his/her permanent classification.

13.2 - Unit members promoted to work in a higher classification shall be paid five percent (5%) more than the employee received in the lower classification.

13.3 - Temporary assignments to perform work out of a Unit member's permanent classification shall be limited in duration to 960-hours in any one (1) year. A time extension to the temporary assignment beyond the initial six months may be made with the concurrence of the Union in writing.

ARTICLE 14 - PAY FOR JURY DUTY & COURT APPEARANCES

Any Unit member who shall be summoned for attendance to any court for jury duty during his/her normal working hours shall be deemed to be on duty and there shall be no loss of salary, but any jury fees received by him/her shall be paid into the City treasury. Any employee, who shall be called as a witness arising out of and in the course of his/her City employment, shall be deemed to be on duty and there shall be no loss of salary, but any witness fees received by him/her shall be paid into the City treasury. An employee absent as a witness in a private matter shall not be entitled to be paid during such absence, but he/she may, however, use vacation leave, holiday leave, personal leave or compensatory leave for such absence.

ARTICLE 15 - SAFETY, EQUIPMENT, AND TRAINING

15.1 - The City will provide Unit members safety equipment in accordance with California State Law. Effective the first full pay period in January, 2013, and annually thereafter, the City shall provide a yearly boot/safety shoe allowance of two-hundred fifty dollars ($250) to each employee who is required, by nature of his/her work to wear a specific type/style of shoe or boot. An approved shoe/boot is one which meets the minimum standards as determined by the department head. Departmental standards shall not be less than those which may be required by CAL/OSHA. Employees shall wear approved shoes/boots during working hours where required by work conditions.

15.2 - The City shall reimburse Unit members the reasonable replacement value of personal property destroyed in the course and scope of their employment. The employee shall make application for reimbursement by presenting to the appropriate supervisor the damaged or destroyed article. Personal property subject to this provision consists of personal property necessary to fulfill the employee's job duties and that is approved in advance for use on the job. Replacement for prescription eyewear is limited to two-hundred dollars ($200) per pair per year. Replacement for watches is limited to one-hundred dollars ($100) per year. Replacement of items will be secondary to any applicable insurance.

15.3 - A Joint Safety and Training Committee shall be continued.

a) Joint Safety and Training Committee. The Committee shall consist of an equal number of members appointed by the City and the Union. The Committee shall be advisory only. The Committee shall meet on a regular basis, but not less than once per quarter. The Union and City may agree to meet more frequently on a regular or special basis. The Committee may review work practices, training, procedures and rules and may recommend changes in the interest of health and safety. The Committee may review all serious accidents, injuries or fatalities, and include recommendations resulting from its review in the Committee's minutes.
b) Reporting. Minutes of all Committee meetings shall be posted on Union bulletin boards, with copies to the Human Resource Department and to the President of the Union, within five (5) working days after the Committee meeting. Specific questions submitted either to the Committees or by the Committees to City Management will be responded to within a reasonable time and the answers posted on Union bulletin boards.
c) Findings. Proceedings of the Committee shall be completely independent of any disciplinary action and the Committee's findings shall not be entered into the record of any such disciplinary proceedings.

ARTICLE 16– MILEAGE, MEALS AND OTHER REIMBURSEMENTS

16.1 - Effective the first full pay period following Council approval of new MOU, the following listed Unit member classifications will be provided with a three-fifty ($350) per month vehicle allowance under this section. The City also provides employees with mileage reimbursements as provided in the Administrative Policy E-1 dated September 1, 2001, except that AP E-1 item C.4 was amended as follows: mileage for trips exceeding forty (40) miles round trip shall be reimbursable at the current IRS rate for total trip mileage that exceeds forty (40) miles, an employee may only request reimbursement for expenses equal to or greater than twenty dollars ($20) and an employee must keep record of the mileage or aggregate from multiple trips to establish the twenty dollar ($20) minimum.

Administrative City Clerk	Electric Engineering Supervisor
Associate Civil Engineer	Grants Program Manager
Associate Electrical Engineer	Homeless Services Director
Associate Planner	Management Analyst
Associate Civil Engineer	Planning Engineer
Assistant Planner	Public Works Program Manager
Associate Electrical Engineer	Power Resource & Revenue Administrator
Business Support Manager	Principal Civil Engineer
Capital Improvement Projects Manager	Purchasing Manager
CORE Manager	Recreation Manager
Customer Service Supervisor	Senior Planner
Customer Service & Billing Manager	Senior Civil Engineer
Economic Development Manager	Transit Manager
	Water/Wastewater Superintendent

16.2 - The following listed Unit member classifications shall be provided with a City

Vehicle for performing City business and travel to and from work:
City Engineer
Development Services Manager (CBO)
Electric Operations & Maintenance Manager
Fleet Manager
Public Works Superintendent
Streets/Parks Maintenance Manager

In the event the City vehicle is unavailable, then the employee shall receive a vehicle allowance or mileage, consistent with City policy. The City is currently working on a new and updated Vehicle Policy and the parties agree to meet and confer on such policy even to the extent that it changes the benefits provided in this Article.

16.3 - All Unit members receiving such vehicle allowance shall name the City as an additional named insured on any policy of insurance providing coverage for the vehicle used by the employee for the purposes set forth herein. Proof of current insurance shall be available upon request.

16.4 - Unit members assigned a take home vehicle shall be reimbursed for use of their own vehicle for authorized City business at the rate set by the Internal Revenue Service.

16.5 - Unit members shall be reimbursed for meals as per the Administrative Policies of the City and in compliance with IRS rules, whichever is more current.

16.6 - The City shall bear the full cost of any fidelity or other bonds required of Unit members under any law or ordinance.

ARTICLE 17 - TUITION, AND PROFESSIONAL TRAINING AND TRAVEL

17.1 - Qualifications. Maximum reimbursement to all permanent employee Unit members shall be four thousand five hundred dollars ($4,500) per fiscal year for tuition and required books related to classes qualified for tuition reimbursement. Tuition paid will be reimbursed for courses approved by the Department Head and taken in an accredited educational institution provided that:

The subject matter of the course relates to obtaining a degree, including prerequisites, or relates directly to and contributes toward the employee's position with the City.

The employee has received at least a competent proficiency rating on the last evaluation report.

The employee has furnished evidence that the course has been completed with at least a 'C' grade or "pass" grade, verified by Human Resources.

17.2 - Reimbursement.

Requests for reimbursement must be completed and returned to the Human Resources

Department within three (3) weeks after receipt of course completion documentation. (No reimbursement will be made without bona fide receipts or documentation.)

Reimbursements will be made only after proof of completion of course with minimum 'C' average or "pass" and satisfactory receipts of payment for tuition are approved by the Human Resources Department.

17.3 - Training. The City hereby agrees to pay, as outlined in Article 16, the travel and subsistence expenses of Unit members for professional and official travel, meetings, and occasions required to continue the professional development of Unit members and to adequately pursue necessary official and other functions of the City, including but not limited to annual state conference of the California League of Cities, and such other national, regional, state and local governmental groups provided it is budgeted in the annual operations budget. Time spent in City required and approved training or conferences, including travel time shall be included as time worked in accordance with FLSA standards. The City shall not pay for the costs incurred to meet minimum job requirements. Reimbursement for meals, lodging or travel are subject to IRS rules for reporting compensation through payroll or reimbursement through accounts payable.

17.4 – Tools. The City hereby agrees to finance at no interest the purchase of any job- related tools or equipment that serve the professional development of any Unit members over the term of this MOU. Such tools and equipment shall be approved in advance by the Human Resource Department. Repayment to the City by the Unit member shall be made by payroll deductions until the amount loaned is completely repaid. The maximum period for repayment shall be two (2) years.

ARTICLE 18 - SICK LEAVE

18.1 - Sick Leave Accrual. Unit members shall accrue three and sixty-nine hundredth (3.69) hours of sick leave per pay period. Sick leave shall accrue up to a cap of four hundred (400) hours. Leave banks can be utilized for time off or for conversions per provisions in the MOU.

18.2 - Use of Sick Leave. Sick leave shall be granted only where consistent with the City's Sick Leave policy (currently AP-01), except as otherwise provided in the Family Medical Leave Act and Pregnancy Leave policies of the City (currently AP-02).

18.3 - Elective Sick Leave Cash Out

Unit members may elect to receive cash in lieu of up to 96 hours of sick leave accrual each calendar year, subject to the terms and conditions set forth below. To receive cash in lieu of leave accrual, an employee must submit an irrevocable written election form no later than December 31st of the calendar year prior to the calendar year in which the employee wishes to receive cash in lieu of leave. The cash out must not reduce the employee's available sick leave bank at the time of the cash-out below eighty (80) hours. The cash in lieu will be payable in the last pay period of November the following calendar year. Only leave hours already accrued in the calendar year for which an election is made may be cashed out. Cash-outs for leave hours accrued in a prior calendar year are not allowed. If a Unit member for any reason would not have accrued the full amount elected for cash-out during the current year, the cash-out amount will be reduced accordingly. Employees may choose to have the cash-out amount made as an employee contribution to the 457 Deferred Compensation Plan or to the Retiree Health Savings plan, subject to any applicable elective contribution limits imposed by

IRS regulations.

Sick Leave Upon Separation. Upon separation, service retirement, disability retirement, or termination, a Unit member shall be eligible to receive a cash payment for accrued sick leave in the "Banks" in an amount equivalent to straight time, to a maximum of ninety-six (96) hours. After ten (10) years of continuous City service, all hours accrued in the "Bank," less the total hours cashed out in 18.3, shall be eligible for conversion to cash in an amount equivalent to thirty percent (30%) of such unused sick leave. After twenty (20) years of continuous City service, a represented employee shall be eligible to convert to cash an amount equivalent to fifty percent (50%) of all unused sick leave. Such reimbursement to be computed based upon the employees' final compensation rate. (See AP-01.)

Sick Leave Conversion. Beginning with the eleventh (11) year of City service, Unit members may convert the value of the total amount of their sick leave bank minus forty (40) hours to either Deferred Compensation or the Retiree Health Savings via an irrevocable election. Conversion forms are due no later than November 1st of the eleventh year of service. The irrevocable option will be converted the following calendar year in the pay period that includes January 1st.

18.4 - Bereavement. All Unit members covered by this MOU are granted bereavement leave. In the event of the death of a member of their family, including spouse, domestic partner, mother, father, brother, sister, child, stepchild, grandchild, or grandparent of the employee or any one of the same relatives of the employee's spouse or domestic partner, the employee shall be allowed five days, thirty (30) hours of which are with pay, bereavement leave for each death of a family member. For the unpaid time between the 30 hours and five days, an employee may use vacation, compensatory time, sick leave, or any other paid leave that would otherwise be available. In the event of the death of a spouse or multiple family deaths occurring within a twenty-four (24) hour period, the employee shall be allowed forty (40) hours of bereavement leave.

18.5 - Bereavement- Use of Leave Balances. In addition to the foregoing bereavement leave, the Unit member may also utilize up to twenty (20) hours from accrued sick leave, if there is a death of a family member and up to forty (40) hours from accrued sick leave in the event of the death of a spouse or multiple family deaths. If the employee has insufficient accumulated sick leave to exercise this option, then the employee may utilize accrued vacation, or compensated time off for the additional bereavement leave.

18.6 - Administrative Leave. Employees will be granted paid time off based on their regular work schedule. Employees will be compensated for holidays while they are on paid administrative leave.

ARTICLE 19 - VACATION AND HOLIDAY LEAVE.

19.1 - Vacation Leave Accruals. Unit member vacation leave shall accrue in accordance with the following schedules:

(a) One (1) through four (4) years of service:
Ten (10) eight (8) hour days per year = three and eight hundredth (3.08) hours per pay period

(b) Beginning the fifth (5th) year through the ninth (9th) year:

Fifteen (15) eight (8) hour days per year = four and sixty-two hundredth (4.62) hours per pay period

(c) Beginning the tenth (10th) year & thereafter:
Twenty (20) eight (8) hour days per year= six and fifteen hundredth (6.15) hours per pay period

19.2 – Maximum Vacation Leave Accrual. Vacation leave may be accrued to a maximum of three-hundred twenty (320) hours. If an employee has accumulated the maximum allowed under this Article, said employee will receive no further vacation leave accruals until said employees uses a portion of his/her vacation leave and his/her vacation leave accruals have been reduced below the maximum. There shall be no retroactive receipt of any vacation leave lost as a result of this Article.

19.3 - Vacation Leave Approval Required. Vacation leave may be taken with approval of the employee's supervisor, and as otherwise consistent with the policies of the City. Vacation leave may be taken at any time after six (6) months of City employment. Vacation leave taken shall not be in excess of that actually accrued at the time such vacation leave is taken. Vacation leave must be approved a minimum of fourteen (14) days in advance of the first day of such vacation. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the employee's supervisor.

19.4 - Vacation Leave Payment upon Termination. Any Unit member who has been in continuous full-time service of the City for a period 960 hours, who is about to. terminate his or her employment, and has earned vacation leave to his/her credit, shall be paid for such vacation leave within one payroll period of the effective date of such termination.

19.5 – Elective Vacation Leave Cash Out. Unit members may elect to receive cash in lieu of up to 80 hours of vacation leave accrual each calendar year, subject to the terms and conditions set forth below.

To receive cash in lieu of leave accrual, an employee must submit an irrevocable written election form no later than December 31st of the calendar year prior to the calendar year in which the employee wishes to receive cash in lieu of leave. The cash out must not reduce the employee's available vacation leave bank at the time of the cash-out below eight (80) hours. The cash in lieu will be payable in the last pay period of November the following calendar year. Only leave hours already accrued in the calendar year for which an election is made may be cashed out. Cash-outs for leave hours accrued in a prior calendar year are not allowed. If a Unit member for any reason would not have accrued the full amount elected for cash-out during the current year, the cash-out amount will be reduced accordingly.

Employees may choose to have the cash-out amount made as an employee contribution to the 457 Deferred Compensation Plan, subject to the applicable elective contribution limits imposed by IRS regulations.

19.6 - Holiday Leave Accrual. The following holidays shall be granted to employees: New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Juneteenth, Fourth of July, Labor Day, Veteran's Day, Thanksgiving, Day after Thanksgiving, Christmas Eve, Christmas and New Year's Eve.

One (1) ten (10) hour floating holiday will be credited to Employee's Holiday Leave bank July 1st

each year. Accrued floating holiday hours may be taken in one- hour increments. Leave balances must be used during the fiscal year or they will be cashed out according to Administrative Policy A-30.

Effective July 1st, 2013, all of a Unit member's existing holiday leave hours were moved to a new unique leave account bank. The cash value of any holiday leave hours in the unique leave account bank shall be equal to and, upon cash-out, remain at the employee's then current pay rate. Upon termination, for any reason, the employee shall be entitled to one- hundred percent (100%) of the unused holiday leave on the books then existing, including in the unique leave bank account.

19.7 - Holiday Leave Approval Required. Holiday leave (section 19.6 (a) and (b)) other than City recognized holidays (City Hall closed) must be approved a minimum of fourteen (14) days in advance of the first day of such leave. Exceptions may be made to the fourteen (14) day notice requirement for emergencies or at the discretion of the Unit member's supervisor.

19.8 - Holiday Leave Payment Upon Termination. Any Unit member, who is about to terminate his/her employment, and has earned Holiday leave to his/her credit, shall be paid for such holiday leave within one payroll period of the effective date of such termination at the employee's then current rate of pay.

19.9 - Additional Holidays. If, during the term of this MOU, the City Council recognizes an additional Holiday for City employees, Unit members will be granted the holiday.

19.10 - Promotional Pay Out of Leave –When employees transfer/promotions occur between bargaining groups, the leave hours will be transferred and maintained by the employee, not cashed out.

ARTICLE 20 - CAFETERIA PLAN

20.1.1 – Pre-January 1, 2024 Benefits. Effective July 1, 2019, the cafeteria plan contribution will be increased by $50 to $1,400 per month, or $16,800 annually to each Unit member for the cafeteria benefits plan detailed in this section.

Said contribution shall first be used to provide for health insurance for the employee. Employee shall be covered by health insurance with a City approved health plan unless the employee provides proof to the City that employee is covered by another acceptable health plan as determined by the City's Human Resource Department.

The balance may be used for any of the following or any combination thereof:

1. Health insurance for employee's spouse and/or dependents;
2. Dental Insurance for employee, spouse and/or dependents;
3. Eye care plan for employee, spouse and/or dependents;
4. Deferred compensation programs;
5. Eye care plan for employee, spouse and/or dependents; and
6. Supplemental insurance options.

a) Unit members may elect to receive ninety-two and five-tenths percent (92.5%) of the balance in cash as CalPERS non-includable taxable income.
b) The City will pay for life insurance in the amount of one-hundred fifty thousand dollars ($150,000) and the Unit member will pay the taxes on the portion of the premium attributable to coverage above fifty thousand dollars ($50,000).
c) During the term of the MOU, upon written notice by the City, parties agree to reopen this Article and begin meeting and conferring no later than two weeks following such written notice.

20.1.2 – Benefits Effective January 1, 2024.

The parties have completed the above re-opener negotiations of this Article. The following is effective January 1, 2024. Accordingly, the above Pre-January 1, 2024 Benefits under 23.1.1 shall no longer be in effect as of January 1, 2024.

(a) Health Benefit Contributions and Benefit Money.

i. Healthcare Plan Contributions – Effective January 1, 2024, the City shall contribute for each employee who participates in a City Healthcare Plan a maximum amount up to the 2024 rates for mid-tier HMO Healthcare Plan (Blue Shield Access+), which are stated below.

BS ACCESS+	
Single Employee	$756.65
2 Party	$1,513.30
Family	$1,967.29

Beginning January 1, 2025 and annually thereafter on January 1, the maximum annual inflator for the City contribution increase is up to 2.5% above the maximum contribution amount for rates for mid-tier HMO Healthcare Plan (Blue Shield Access+ in 2024) of the prior year.

ii. In addition to the healthcare plan contribution, employees participating in the City Healthcare Plan shall receive the following amounts as cafeteria plan Benefit Money.

Single Employee	$600
2 Party	$250
Family	$250

Employees may use the Benefit Money stated above for any combination of the following cafeteria plan benefits: (1) dental insurance for employee, spouse, and/or dependents; (2) vision insurance for employee, spouse, and/or dependents; (3) health flexible spending account (health FSA); and/or (4) additional City offered health benefits. Any leftover unused Benefit Money is forfeited.

*Because of requirements related to the 457 plan election, those employees who are currently contributing to their 457 plan amounts for 2024 from their cafeteria plan contribution would continue to maintain their current level of contribution using the cafeteria plan contribution through the end of 2024 only.

Employees shall be responsible for paying any cost for the employee's selected cafeteria plan benefits that exceed the City's contribution described above.

(b) Option to Opt-Out with Proof of Alternative Minimum Essential Coverage.

Employees who provide the City with reasonable evidence of alternative minimum essential coverage can decline, in writing, coverage under the City's Healthcare Plans and will not receive any cafeteria plan contribution from the City.

i. Employees hired before July 1, 2024 may opt out and choose to receive a maximum cash out of $1,000 per month as taxable income that is not includable as compensation earnable or pensionable compensation for CalPERS purposes if they meet the conditions of the eligible opt out arrangement described below. Such employees would also receive $150 per month as Non-Medical Benefit Money that may be used for (1) dental insurance for employee, spouse, and/or dependents; (2) vision insurance for employee, spouse, and/or dependents; (3) health flexible spending account (health FSA); and/or (4) additional City offered health benefits. Any leftover unused Non-Medical Benefit Money is forfeited.

ii. Employees hired after July 1, 2024 may opt out and choose to receive a maximum cash out of $500 per month as taxable income that is not includable as compensation earnable or pensionable compensation for CalPERS purposes if they meet the conditions of the eligible opt out arrangement described below. Such employees would also receive $150 per month as Non-Medical Benefit Money that may be used for (1) dental insurance for employee, spouse, and/or dependents; (2) vision insurance for employee, spouse, and/or dependents; (3) health flexible spending account (health FSA); and/or (4) additional City offered health benefits. Any leftover unused Non-Medical Benefit Money is forfeited.

*Because of requirements related to the 457 plan election, those employees who are currently contributing to their 457 plan amounts for 2024 from their cafeteria plan contribution would continue to maintain their current level of contribution using the cafeteria plan contribution through the end of 2024 only.

iii. Eligible Opt Out Arrangement – The eligible opt out arrangement conditions that must be satisfied in order for an employee to receive cash for opting out of the City's Healthcare Plan coverage are as follows:

a. The employee and the employee's Tax Family must have (or will have) minimum essential coverage through another source (other than coverage in the individual market, whether or not obtained through Covered California);
b. A Tax Family means all individuals for whom the employee reasonably expects to claim a personal exemption deduction for the taxable year(s) that cover the employee's plan year for which the eligible opt out arrangement applies;
c. The employee must provide reasonable evidence of the alternative minimum essential coverage for the employee and their Tax Family for applicable period. Reasonable evidence may include an attestation by the employee;
d. The employee must provide the evidence/attestation every plan year;
e. The employee must provide the evidence/attestation no earlier than a reasonable time before coverage starts (e.g., open enrollment). The evidence/attestation may also be provided within a reasonable time after the plan year starts; and

f. The cash for opting out cannot be made if the City knows or has reason to know that the employee or the employee's tax family member does not have alternative minimum essential coverage.

20.2 – IRS 125 Flexible Spending Plan (Cafeteria Plan). During the term of this MOU, the City shall maintain an Internal Revenue Service (IRS) Section 125 plan which will allow Unit members to allocate specified amounts of monthly pre-tax salary or wages for the reimbursement of medical care expenses or dependent care expenses or both, as well as health and welfare insurance premiums, with the exception of disability insurance premiums.

20.3 - Eye Wear Reimbursement. The City will reimburse Unit members and/or their spouse & dependents a maximum combined total annual (per fiscal year) amount for all covered (employee/spouse/dependents) of three-hundred dollars ($300) for prescription eyewear every year from the date of last reimbursement.

ARTICLE 21 - LAYOFFS AND RE-EMPLOYMENT

21.1 - Purpose. The purpose of this Article is to provide a fair and equitable basis for the reduction of full-time classified personnel due to insufficient work or funds.

21.2 - Reasons for Layoff. The City retains the right to determine when a lack of work or lack of funds condition exists. Lack of work means that a category of work effort within the City can be fulfilled with fewer employees at an acceptable level of service. Lack of funds means that the City cannot sustain operations at the current level of employment within the funding available.

21.3 - Notice of Layoff. Any layoff initiated under the provisions of this MOU can take place at any time during the year. The City shall notify the affected Unit members in writing at least sixty (60) calendar days prior to the employee's last day of work. The City reserves the right to pay the employee for such sixty (60) day period or any remaining portion thereof, and to require the employee to immediately vacate City property. A copy of any notice will be forwarded to the appropriate Union representative. Any notice of layoff shall specify the reason for the layoff and effective date. The form, procedure and timing of such notice shall be subject to the established Grievance Procedure, provided however, that the City's decision to layoff is not subject to the Grievance Procedure. The date of layoff shall not be delayed by the pendency of a grievance.

21.4 - Order of Layoff. Any layoff shall be effective within classes determined by the City. The order of layoff shall be based on the City Manager's evaluation of critical position function and seniority measured as the length of uninterrupted service within the class as measured to the date of the layoff notice.

21.5 - Equal Seniority. If two (2) or more employees subject to layoff have equal class seniority, then the determination as to who has seniority shall be based upon total length of uninterrupted service with the City

21.6 - Re-Employment Rights.
Any Unit member who has been given a written notice of layoff may compete for any open position for which he or she is qualified. The City will make reasonable efforts to notify the affected

employee of any position that is open or any future position that is opening for the Unit member's consideration. The Human Resource Department shall receive and date the resume/application and set up testing for the Unit member who is qualified for that position. The Unit member shall compete with any other laid off employee who also qualifies for that position. A Unit member that has been laid off and is qualified shall compete for the position that has opened or that is opening prior to it being open to present employees or to the public.

Unit members who have been laid off or reduced in classification under the provisions of this Article shall be placed upon reemployment lists for a period of two (2) years, or until they are re-employed with the City, whichever occurs first. For purposes of this section, "reemployment" means any full-time employment with the City. Employees on a reemployment list shall have hiring preference for vacancies in their original classifications in order of their respective seniorities within those classifications, with the most senior employees having first preference. Employees on such reemployment lists shall also have preference over new hires in applying for vacancies in bargaining unit classifications other than those from which they were laid off, and according to the City's usual and customary hiring practices.

(c) This Article shall be implemented consistent with the provisions of Administrative Policy AP-10.

ARTICLE 22 - GRIEVANCE PROCEDURE

22.1 - FLSA Applicability. As to all Unit members, no discipline may be imposed except as consistent with FLSA rules for the applicable class of exempt employee.

22.2 - Grievable Matters. Any permanent employee in the Unit who has a grievance based upon his/her demotion, dismissal, reduction in pay, improper treatment, violation of the personnel ordinance or salary resolution, shall be entitled to have the matter reviewed through the following grievance procedure outlined in this Article. This right shall not extend to complaints concerning Performance Evaluation forms.

22.3 - Informal Step. An attempt shall be made to ascertain all facts and adjust such grievance on an informal basis between the Unit member and, if he/she desires, his/her representative, and the immediate supervisor. Presentation of such grievance shall be made within fourteen (14) calendar days of the incident causing the grievance, or the date on which the employee first became aware of it.

22.4 - Step One. If the grievance is not adjusted to the satisfaction of the Unit member under the procedures set forth in Sections 22.3 above, the employee or his/her representative may submit the grievance, in writing, to their department head, within fourteen (14) calendar days after the completion of the last step under paragraph 23.3 above. The department head and a representative of the Human Resources department shall meet with the employee and his/her representative if applicable, within fourteen (14) calendar days of receipt of such written grievance, and the department head shall deliver a decision in writing, to the employee, along with the reasons for such decision, within fourteen (14) calendar days after the meeting.

22.5 - Step Two. If the grievance is not adjusted to the satisfaction of the employee under the procedure set forth in Section 22.4 above, the employee or his/her representative may submit written notice to the City Manager within fourteen (14) calendar days after the completion of the last step under paragraph 22.4 above of his/her intent to submit the matter to advisory arbitration. The procedures set forth below shall be followed.

a) Within seven (7) calendar days of receipt of the written notice, the parties shall request a list of seven (7) arbitrators from the Federal Mediation and Conciliation Service.
b) Within fourteen (14) calendar days of receipt of the list of arbitrators the City and the Union shall attempt to reach an agreement on an arbitrator. Failing to agree on an arbitrator, the Union and the City shall take turns striking the names or arbitrators from the FMCS list until one (1) name remains. The Union shall strike the first name.
c) The parties shall contact the arbitrator to arrange for a mutually convenient time and date for the advisory arbitration hearing.
d) The cost of the arbitrator shall be split equally by the City and the Union.
e) All arbitration proceedings shall be recorded. The arbitrator shall be required to provide both parties with a decision and with written findings of fact in support of the decision. The arbitrator's decision shall be consistent with and supported by the substantive law.

22.6 - Step Three. Within seven (7) calendar days after the Union and City receive the advisory arbitrator's recommendation, either party may submit written argument whether the arbitrator's opinion should be accepted, rejected or modified. Within fourteen (14) calendar days after the seven (7) day period above has expired, the City Manager shall advise the Union and the department head whether the City Manager is accepting, rejecting, or modifying the recommended decision. The decision of the City Manager shall be final and binding.

22.7 - Time Extensions. The above time limits may be changed by mutual agreement.

ARTICLE 23- SAVINGS CLAUSE

If any of the provisions contained in this MOU are determined to be unlawful, then only such provision(s) shall be deleted from this MOU with the remainder of this MOU remaining in full force and effect Upon the issuance of a decision by a Court of Competent Jurisdiction declaring any section of this MOU to be unlawful, unenforceable, unconstitutional, or not applicable, the parties agree to meet and confer as soon as possible concerning only those sections.

ARTICLE 24 - COMPLETE AGREEMENT

Anything contained herein to the contrary notwithstanding, during the meeting and conferring resulting in this MOU, the City and the Union each had the unlimited right and opportunity to make demands and proposals with respect to any subject matter as to which the Meyers-Milias-Brown Act imposes an obligation to meet and confer. Except as specifically set forth elsewhere in this MOU, the City expressly waives its right to require the Union meet and confer, and the Union expressly waives its right to require the City to meet and confer, over all matters as to which the

Meyers-Milias-Brown Act imposes an obligation to meet and confer, whether or not: (a) such matters are specifically referred to in this MOU; (b) such matters were discussed between the City and the Union during the negotiations which resulted in this MOU; (c) such matters were within the contemplation of or knowledge of the City or the Union at the time this MOU was negotiated and executed. This MOU contains the entire understanding, undertaking, and agreement of the City and the Union, after exercise of the right and opportunity referred to in the first sentence of this Article, and finally determines all matters of meeting and conferring for its term. Changes in this MOU, whether by addition, waiver, deletion, amendment, or modification, must be reduced to writing and executed by both the City and the Union.

ARTICLE 25 - RATIFICATION AND EXECUTION

This MOU has been developed as a result of meet and confer sessions between authorized representatives of the City and the Union regarding issues related to wages, hours and other terms and conditions of employment. The City's representatives and the Union have reached an understanding as to certain recommendations to be made to the City Council for the City of Banning and have agreed that the parties hereto will jointly urge said Council to adopt this MOU as a new wage and benefit resolution which will provide for the changes contained in said joint recommendation. The parties hereto acknowledge that this MOU shall not be in full force and effect until adoption by the Banning City Council.

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IN WITNESS WHEREOF THE PARTIES HAVE CAUSED THEIR SIGNATURES TO BE AFFIXED THIS ___ DAY OF _____, 2024.

Teamsters Local, 1932

Date: July 2, 2024

By:

Doug Martinez, Business Agent DocuSigned by: Doug Martinez FC8044A54F1A4D9...	Brandon Robinson, Employee Representative DocuSigned by: Brandon Robinson 0695FB656D5F403... Emery Papp, Employee Representative DocuSigned by: Emery Papp A566F233295E413... Carla Young, Employee Representative DocuSigned by: Carla Young AB4BBB3EE7E2480...

CITY OF BANNING REPRESENTATIVES

Date: _____, 2024

By:

Doug Schulze, City Manager	Lincoln Bogard, Administrative Services Director
Nicole Jews, Human Resources Manager	
Arturo Vela, Public Works Director	

Attest:

By: _____

City Clerk

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Perry Gerdes, Water/Wastewater Superintendent** **Art Vela, Director of Public Works**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-06 UA, Adopting the City of Banning's Sanitary Sewer Management Plan**

RECOMMENDATION:

Adopt Resolution 2024-06 UA.

BACKGROUND:

On July 14, 2009 the City Council adopted Resolution 2009-56 for the City of Banning Sanitary Sewer Management Plan per the State of California Water Resources Control Board ("State Board") Order No. 2006-0003-DWQ ("Order"). The Order contained Statewide General Waste Discharge Requirements (GWDR) for sanitary sewer systems to follow. The State Board the Order and issued Order 2022-0103-DWQ which became effective June 5, 2023. The City submitted an application package requesting regulatory coverage on July 6, 2023 and received confirmation of new regulatory coverage effective August 9, 2023. This new coverage gave requirements to comply by certain dates including a requirement to develop, certify and upload an updated Sewer System Management Plan (SSMP).

The goal of the GWDR is to eliminate the occurrence of preventable sanitary sewer overflows by requiring public agencies to develop and implement written programs that improve the effectiveness and sustainability of existing sewer systems. Currently, the City has an existing SSMP in place but does not meet the new Board Order requirements. As part of the Order 2022-0103-DWQ, the City is required to have the new SSMP adopted by the governing body prior to August 9, 2024.

Therefore, staff worked with a consultant to produce an updated document for the City of Banning. A copy of the document is attached to this report.

JUSTIFICATION:

On August 9, 2023 State Water Resource Control Board approved the application package from the City of Banning for the New Regulatory Coverage; Statewide Sanitary Sewer Systems General Order 2022-0103-DWQ. The order contains statewide General Waste Discharge Requirements that the City of Banning must meet to remain in compliance with the order including the adoption of an updated SSMP.

FISCAL IMPACT:

There is no fiscal impact associated with the approval of Resolution 2024-06 UA.

ALTERNATIVES:

Do not approve Resolution 2024-06 UA and provide alternative direction to staff. Not approving Resolution 2024-06 UA would likely result in non-compliance with Order 2022-0103-DWQ.

ATTACHMENTS:

1. Resolution 2024-06 UA, Sanitary Sewer Plan.docx
2. SSMP - FULL.pdf
3. Order 2022-0103-DWQ.pdf

RESOLUTION 2024-06 UA

A RESOLUTION OF THE UTILITY AUTHORITY OF THE CITY OF BANNING, CALIFORNIA, ADOPTING THE CITY OF BANNING'S SANITARY SEWER MANAGEMENT PLAN

WHEREAS, the City of Banning owns and operates a public sewer system; and

WHEREAS, on August 9, 2023, the State Water Resources Control Board issued Order 2022-0103 DWQ which became in effect June 5, 2023; and

WHEREAS, on July 6, 2023 the City received confirmation of new regulatory coverage effective August 9, 2023; and

WHEREAS, the goal of the General Waste Discharge Requirements is to eliminate the occurrence of preventable sanitary sewer overflows by requiring public agencies to develop and implement written programs that improve the effectiveness and sustainability of existing sewer systems; and

WHEREAS, Order 2022-0103 DWQ requires that the City update and adopt the City's Sanitary System Management Plan (SSMP).

NOW, THEREFORE, BE IT RESOLVED by the Banning Utility Authority of the City of Banning as follows:

SECTION 1. The Banning Utility Authority adopts the Sewer System Management Plan.

SECTION 2. The Banning Utility Authority authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Chairperson
Banning Utility Authority

ATTEST:

Caroline Patton, Secretary
Banning Utility Authority

APPROVED AS TO FORM:

Serita R. Young, Authority Counsel
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Secretary of the Banning Utility Authority, do hereby certify that the foregoing Resolution 2024-06 UA, was duly adopted by the Banning Utility Authority of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Secretary
Banning Utility Authority

Exhibit A
Sanitary System Management Plan (SSMP)

SEWER SYSTEM MANAGEMENT PLAN (SSMP)







City of Banning
Public Utilities Department
176 East Lincoln Street
Banning, CA 92220

Adopted on July 9, 2024
Revisions:

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Definitions, Acronyms, and Abbreviations

BMP	Best Management Practice
CCTV	Closed-Circuit Television
CDO	Cease and Desist Order
CIWQS	California Integrated Water Quality System Projects
FOG	Fats, Oils, and Grease
FSE	Food Service Establishment
General Order	ORDER WQ 2022-0103-DWQ
GIS Mapping	Geographic Information System Mapping
IMP	Integrated Master Plan
MGD	Millions of Gallons per Day
NOV	Notice of Violation
RWQCB	Regional Water Quality Control Board
SSMP	Sanitary Sewer Management Plan
SSO	Sanitary Sewer Overflow
SWRCB	State Water Resources Control Board
WDR	Waste Discharge Requirements

1.0 Goal and Introduction

The goal of the Sewer System Management Plan (SSMP) is to provide a plan and schedule to:

- Properly manage, operate, and maintain all parts of the City's sanitary sewer system(s),
- Reduce and prevent spills, and
- Contain and mitigate spills that do occur.

This plan outlines the procedures, practices, and policies that we employ to minimize sanitary sewer overflows (SSOs), protect public health and the environment, and ensure compliance with the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems as established by the California State Water Resources Control Board (Order No. 2022-0103-DWQ), hereinafter referred to as the General Order.

The SSMP is structured to address all required elements outlined in the General Order, including:

1. **Goals**: Establishing clear goals to manage and maintain our sewer system.
2. **Organization**: Defining roles and responsibilities within our agency.
3. **Legal Authority**: Ensuring we have the legal authority to enforce regulations.
4. **Operation and Maintenance Program**: Maintaining the sewer system efficiently.
5. **Design and Performance Provisions**: Setting standards for new and rehabilitated infrastructure.
6. **Spill Emergency Response Plan**: Responding effectively to SSOs.
7. **Sewer Pipe Blockage Control Program**: Reducing blockages caused by fats, oils, and grease (FOG), rags, and debris.
8. **System Evaluation, Capacity Assurance and Capital Improvements**: Assessing and improving system capacity.
9. **Monitoring, Measurement, and Program Modifications**: Continuously improving our SSMP.
10. **Internal Audits**: Regularly auditing the SSMP for effectiveness.

11. **Communication Program**: Keeping stakeholders informed.

1.1 Regulatory Context

The SSMP for the City is developed to comply with the State Water Resources Control Board (SWRCB) Order No. 2022-0103-DWQ, which mandates the minimization of SSOs to protect public health and the environment. The SSMP includes a comprehensive inventory of the sewer system, regular preventive maintenance, capacity management, emergency response procedures, and public education programs. Implementation involves coordinated efforts across departments, with staff trained on SSMP protocols and responsibilities. Preventive maintenance activities include scheduled inspections and cleanings using advanced technologies, while capital improvement projects ensure the system's capacity and reliability. The emergency response plan provides clear procedures for SSO incidents, supported by continuous monitoring and timely reporting to regulatory agencies. To maintain compliance and effectiveness, the SSMP undergoes a comprehensive audit every three years, with updates occurring every six years. This structured approach ensures the SSMP remains a dynamic tool for effective sewer system management.

A dedicated team comprising various key positions within the City of Banning and a contracted team of environmental compliance professionals led the development of the SSMP. The team members include the Director of Public Works, Water/Wastewater Superintendent, the Sewer System Supervisor, and G&G Environmental Compliance, Inc. (G&G). Each member played a crucial role in the review, development, implementation, and updating of the SSMP, ensuring compliance with all 11 required elements of the WDR, outlined in the above section.

The City has established a process to ensure the SSMP will be fully implemented as written. This includes regular training sessions, internal audits, and performance evaluations. Additionally, the agency confirms that periodic reviews of the SSMP will be conducted to ensure continuous compliance, effective implementation, and ongoing improvements. This structured approach ensures that all elements of the SSMP are addressed comprehensively, maintaining the integrity and effectiveness of the sewer system management program.

1.2 Sewer System Management Plan Update Schedule

To ensure the effectiveness and compliance of our SSMP, the City has established a regular schedule for development, updates and internal audits shown below:

Requirements	Initial Regulatory Due Date	Next Scheduled Date	Ongoing Due Date
SSMP Certification and Upload	August 9, 2024	August 9, 2030	Every six years
SSMP Audit	July 1, 2027	July 1, 2030	Every three years after the initial audit
Electronic Sanitary Sewer System Boundary Map	August 9, 2024	As Updates Occur	As map is updated, include in the Change Log and submit updated copy to the State.

Table 1-1 SSMP Update Schedule

To ensure the SSMP remains effective and compliant with the General Order, the City has established a comprehensive update plan. This plan includes significant milestones aimed at preventing SSOs and enhancing the overall performance of the sewer system. The SSMP includes a change log to document incremental changes made to the SSMP to keep it current and more effective. The change log is located in Appendix G.

Regular flow monitoring will be conducted across the entire sewer system to identify areas with potential capacity issues and inform necessary improvements. The CCTV inspection cycle will be completed systematically, covering all critical sections of the sewer system to identify defects and areas needing maintenance or repair. The rehabilitation of key lift stations will be undertaken to maintain reliable operations and prevent SSOs. Major capital improvement projects will be initiated to increase the capacity of the sewer system, accommodate future growth, and prevent SSOs. Additionally, new sewer maintenance equipment, such as vacuum trucks and inspection tools, will be purchased and deployed to enhance maintenance capabilities.

These milestones are integral parts of our SSMP, reflecting our commitment to proactive maintenance, timely upgrades, and continuous improvement. By adhering to this structured update schedule and achieving these milestones, the City ensures the SSMP remains a dynamic and effective tool for managing the sanitary sewer system, preventing SSOs, and protecting public health and the environment.

A Change Log is provided in the SSMP to track changes made to the SSMP during the permit cycle that are intended to maintain current contact information, updated procedural documentation, and other changes as necessary to maintain the effectiveness of the program.

1.3 Sewer System Asset Overview

The sewer system for the City of Banning, located in Riverside County, is regulated by Region 7 - Colorado River Basin Regional Water Quality Control Board. Covering a service area of 23 square miles and serving a population of 31,221, the system includes 10,422 residential sewer connections and 591 commercial/industrial connections. The City owns and operates 25 of the laterals within this system.

The infrastructure comprises 125 miles of gravity sewer mains, 5 miles of force mains, and 5 lift stations. Additionally, the City owns and operates a Water Reclamation Facility located at 2242 East Charles Street in Banning, CA. This facility has a design capacity of 3.6 million gallons per day (MGD), with an average flow of 2.4 MGD and an average dry weather flow of 2.3 MGD.

There are no structures within the system that divert stormwater into the sewer system. In the City of Banning, the responsibility for the upper and lower portions of the sewer lateral falls to the owner of the building connected to the sewer system. This includes the service lateral running from the collection main to the building.

For a detailed visual representation, refer to the City's up-to-date map of its sewer system, which provides comprehensive information on the layout and components of the sewer infrastructure.

2.0 Organization

This section identifies organizational staffing responsible and integral for implementing the SSMP. More specifically, it identifies the following:

a. The name of the Legally Responsible Official as required in section 5.1 of the General Order;

b. The position titles, telephone numbers, and email addresses for management, administrative, and maintenance positions responsible for implementing specific Sewer System Management Plan elements;
c. Organizational lines of authority; and
d. Chain of communication for reporting spills from receipt of complaint or other information, including the person responsible for reporting spills to the State and Regional Water Boards and other agencies, as applicable. (For example, county health officer, county environmental health agency, and State of Emergency Services.)

2.1 Authorized Representatives

The City's authorized representative responsible for the overall operation and maintenance of City facilities, as well as ensuring compliance with the Waste Discharge Requirement for Sanitary Sewer Systems (WDR SSS), is the Water/Wastewater Superintendent.

The Wastewater Collection Supervisor is authorized as Data Submitters in the California Integrated Water Quality System Project (CIWQS) and is responsible for entering data.

2.2 Roles and Responsibilities

City Council - Policy makers; approves city budget allocations; and SSMP and legal authority approval.

City Manager – Recommends policy, plans organizes, and directs the activities of all City Departments including the Public Utilities Department. Reviews budgets and recommends financing related to wastewater system infrastructure. Reports and advises the City Council regarding financial impacts of city and regulatory programs on the citizens and businesses within the City.

Legal Counsel – Reviews and recommends appropriate legal authority language needed for Ordinances, Municipal Codes, and advises the City on a wide range of legal issues pertaining to City management.

Public Utilities Director - Under general policy direction, plans, organizes, directs and implements the City's Public Utilities Department activities and operations. Prepares wastewater collection system planning documents, manages capital improvement delivery system, documents new and rehabilitated assets and assists in coordinating the development and implementation of SSMP.

Asst. Public Utilities Director - Under general policy direction, plans organizes, directs and implements comprehensive strategies and programs for the operation of a large potable water distribution and wastewater collection and treatment system. The Asst. Public Utilities director also assists in coordinating the development and implementation of SSMP.

Senior Engineer – Provides engineering expertise to the review of projects; conformance with standards; develops and approves new standards; and ensures wastewater system integrity is maintained in a manner that provides a reliable infrastructure for the transportation, treatment, and disposal or re-use of wastewater.

Water & Wastewater Superintendent – Under the general direction of the Public Utilities Director plans, organizes, and supervises the operations and maintenance for the City's Water & Wastewater Department. The Water and Wastewater Superintendent develops procedures and plans (including the SSMP) to ensure safe, effective, and compliant operational programs.

Wastewater Collection System Supervisor - Assists in coordinating the development and implementation of the City's SSMP. Manages field operations and maintenance activities, provides relevant information to agency management, prepares and implements contingency plans, leads emergency response, investigates and reports SSOs and trains field crews. Supervises the operation, maintenance, and cleaning of lift stations domestic sewer systems and contract wastewater systems.

Collection System Crew - Performs a wide variety of preventive maintenance activities, mobilizes and responds to notification of stoppages and SSOs (mobilize sewer cleaning equipment, by-pass pumping equipment, and portable generators). Assists with sewer line cleaning, inspects, repairs sewer lift stations and performs required maintenance.

Construction Inspector - Ensures that new and rehabilitated assets meet City standards, works with field crews to handle emergencies when contractors are involved, and provides verbal reports to Senior Engineer.

Sewer Pipe Blockage Control Program Services – The City contracts out the Pretreatment (Source Control) and FOG Program services. This Program is responsible for the performance of inspections, permitting, and compliance activities needed to protect the sewer collection system from prohibited and other conditional restrictions established by Ordinance and permit requirements. The Water & Wastewater Superintendent manages this

contract. The program also provides Best Management Practices (BMP) literature to food service establishments.

The following Table lists key personnel and contact information:

Positions	Office Phone No.	Cellular Phone No.	E-mail
City Manager	(951) 922-3105		dschulze@banningca.gov
Legal Counsel	(949)223-1170 Ext. 5409		
Public Utilities Director	(951) 922-2134	(951) 545-9585	avela@banningca.gov
Asst. Public Utilities Director	VACANT		
Senior Engineer	VACANT		
Water/Wastewater Superintendent	(951) 849-3273	(951) 232-9236	pgerdes@banningca.gov
Wastewater Collection System Supervisor	(951) 849-3273	(951) 634-1893	cthornton@banningca.gov
Wastewater Collection System Crew	(951) 392-7172		
Construction Inspector	(951) 922-3142	(951) 232-4017	jthompson@banningca.gov
Pretreatment Program Source Control & FOG Program	(951) 683-3538	(951) 346-8233	ev@ggcorp.net

Table 2-1 Key Personnel and Contact Information

2.3 SSMP Organizational Chart

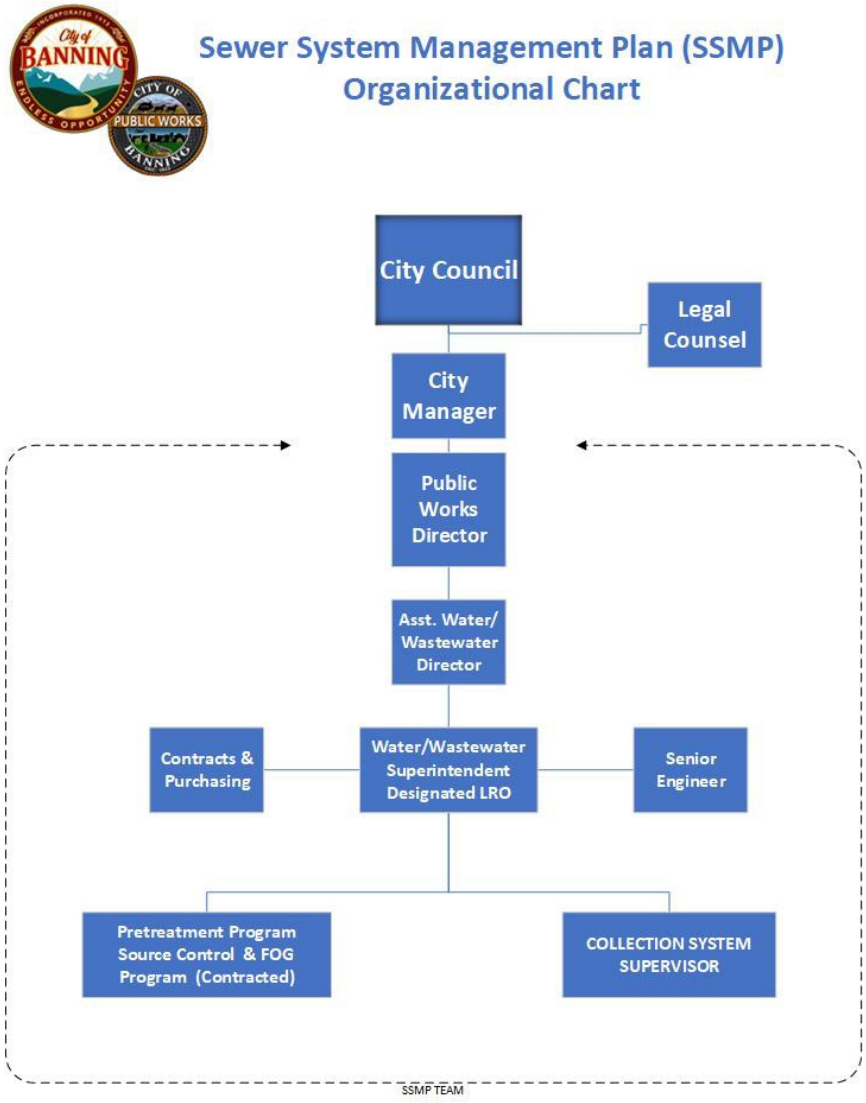


Figure 2-1 Organization Chart

2.4 SSO Chain of Communication

The City's Spill Emergency Response Plan Flow Diagram can be found in Appendix F. The flow chart provides a chain of communication for reporting spills from receipt of complaint or other information, including the person responsible for reporting spills to the State and Regional Water Boards and other agencies, as applicable.

3.0 Legal Authority

This section describes how the City's legal authority addresses those mandatory SSMP provisions outlined in Section 3, Legal Authority, of Attachment D to the General Order.

3.1 Illicit Discharges

Illicit discharges are prohibited from entering into the City's sewer system by Ordinance No. 1271 and Municipal Code Section 13.20.050 Prohibited discharges. This section prohibits the discharge of any material or waste that could harm the collection system, including, but not limited to, any solids or viscous substances of such size or character, or in such quantity, that they may cause obstruction to flow in the collection system. It also prohibits the discharge of any rainwater, stormwater, groundwater, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds, lawn sprays, or any other uncontaminated water. Additionally, fats or greases in excessive concentrations that would tend to cause adverse effects on the wastewater system are prohibited, as well as any toxic or poisonous solids, liquids, or gases in such quantities that, alone or in combination with other waste substances, may create pass-through or interference.

3.2 Design and Construction

Sewers and sewer connections are required to meet the criteria contained in the Greenbook: Standard Specifications for Construction & Standard Drawings for Water & Sewer Facilities, and the latest City approved edition of the Uniform Plumbing Code.

3.3 Service Lateral Access

The City has sewer easements in place to ensure access for maintenance, inspection, or repairs for portions of the lateral owned or maintained by the City. The City has a variety of methods for obtaining easements to construct and maintain sewer lines through private property:

- Acquisition of the easement through voluntary purchase from the owner.
- Acquisition through condemnation for a sewer line easement.

- As a condition of development, the property owner is requested to dedicate or grant an easement to the City for sewer line installation.

3.4 Enforcement

The City has the authority to enforce the conditions of Municipal Code Chapter 14.20, Industrial Wastewater Collection and Treatment, through Municipal Code Section 14.20.240 - Enforcement. Further, California Government Code, Sections 54739-54740 grants the City the authority to regulate and/or prohibit, by the adoption of an ordinance, and by issuance of control mechanisms, the discharge of any waste, directly or indirectly, to the City's sewerage facilities.

4.0 Operation and Maintenance Program

The City of Banning employs an Operations and Maintenance Program consistent with the requirements outlined in Section 4.0 of Attachment D to the General Order. The purpose of this program is to prevent environmental discharges by ensuring that all facilities, treatment, and control systems designed to contain and convey sewage to a treatment plant are maintained in good working order and operated as designed.

4.1 Updated Map of Sanitary Sewer System

Figure 4-1 below illustrates the sewer system service area boundaries. The State and Regional Water Boards will be provided access to the City's most up-to-date maps of the sanitary sewer system via https://new.geoviewer.io/, the City's GIS system. The City has established view-only access for Water Boards staff. Upon request, the view-only credentials will be provided to the State and Regional Water Boards via both email and phone call. Additionally, GIS maps will be accessible at the City for review by Water Board Inspectors.

4.2 Preventive Operation and Maintenance Activities

This section describes the City's scheduling system and data collection system for preventive operation and maintenance activities conducted by City staff and contractors.

Planned Operation and/or Maintenance Activity	Activity Schedule/Goal	Party Responsible for Performing Activity
Sewer line inspection and cleaning	The entire sewer system is inspected and cleaned **biennially**. Additionally, specific attention will be given to known problem areas, including those prone to tree root intrusion. These areas will undergo higher-frequency inspections and maintenance to proactively address potential issues before they escalate. Additionally, areas where roots become a problem the City hires a company to perform herbicide foaming agent to kill roots within the troubled area.	City Staff and Contractors
Visual inspections of manholes	Manholes are visually inspected **annually.** Additionally, 50% of the manholes in the system are sprayed with insecticide **biennially**.	City Staff and Contractors
CCTV inspections of sewer pipes	CCTV inspections occur at an average rate of **2-2.5 miles/month**.	City Staff

Table 4-1Preventive Operation and Maintenance Schedule

4.2.1 Sewer Line Inspection and Cleaning

A work order system is used to track the time spent cleaning the City's sewer system. Scheduled cleanings are based on the date the system was last cleaned, with the goal of cleaning the entire sewer system every 12 months. Therefore, the last cleaned date is typically 12 months prior to the current date. However, this date can change

based on need-based cleanings, such as removing blockages. At the beginning of each week, the collection crew is informed about the lines that require servicing that week. When a section of the sewer is cleaned, the collection crew completes a cleaning record for that section, including:

- Date and time of the cleaning
- Method of cleaning
- Identity of the cleaning personnel
- Cause of any stoppages
- Location of stoppage or routine cleaning activity
- Any further actions that are necessary or taken

Upon completing the job, the collection crew documents their findings on the inspection order. All completed inspection orders are entered into the Nobel "Geoviewer" GIS system, along with daily statistics (e.g., sewer line footage cleaned, CCTV footage). The information from the work orders is then entered into the sewer maintenance log. This data allows for the identification of trends in various sewer problems, such as root intrusion, grease accumulation, hydraulic restrictions, and surcharge conditions. Additionally, the information from the inspection orders helps determine if an area requires high frequency cleaning due to periodic obstructions like roots or grease.

A sewer line inspection program has been developed to document chronic sewer problems and recommend increased cleaning frequencies for problematic areas. Additionally, the sources of these chronic issues will be identified and addressed. Problematic sites are added to the high-frequency cleaning list until the issues are effectively mitigated.

4.2.2 Visual Inspections of Manholes

The City's Wastewater Department and contractors inspect manholes as part of the cleaning activities. If deficiencies are found, a work order is created to address the issue. During the inspection of manholes and sewer lines, the following observations are recorded:

- Conditions of the manhole frame and cover
- Evidence of surcharge
- Offsets or misalignments

- Details of the primary cause of cracks or breaks in the manhole or pipe, including blockages
- Presence of corrosion (only if extreme)
- If repairs are necessary
- Manhole identifying number and location
- Wastewater flow only if surcharged or backed up
- Presence of infiltration, location, and estimated quantity
- Accumulations of grease, debris, or grit

4.2.3 CCTV Inspections

The City's closed-circuit television (CCTV) inspection crew and contractors perform video inspections of the sewer lines. City crews are trained in the use of the equipment. These video inspections focus on the following:

- Pipe size, type, length, and joint spacing
- Distances are recorded
- Structural deficiencies
- Corrosion
- Inflow/Infiltration
- Illegal connections
- Results of the video inspection
- CCTV operator name
- Cleanliness of the line
- Location and identification of the line and manholes being examined

Upon completion of the CCTV examination, the sewer line is rated based on the defects discovered during the video inspection. The City acknowledges that the CCTV program is essential for the effective management and maintenance of the sewer collection system.

4.2.4 Data Collection System

The City uses Nobel, a GIS program, to document and track system inspection and maintenance activities. City staff employ Nobel to record the distance of sewer pipes inspected through CCTV and visual means, the distance cleaned, locations of emergency call-outs, sewer repairs, lift station maintenance and repairs, and sewer investigations. Periodically, the City generates a report from the data

entered into Nobel, presented as a table. This information is used by the City to address areas with frequent problems.

4.3 Training

To comply with the General Order, the City employs a comprehensive training program that includes the following components:

- **General Order Requirements**: Staff receive detailed training on the specific obligations and responsibilities outlined in the General Order.
- **Spill Emergency Response Plan**: Training covers the City's Spill Emergency Response Plan procedures, including practice drills.
- **Spill Volume Estimations**: Filed operators are trained in accurately estimating spill volumes using practices and estimation tools.
- **CIWQS Reporting**: Staff responsible for data submission are trained in electronic procedures within the CIWQS platform.

This structured training ensures all staff are knowledgeable and prepared to comply with the requirements of the General Order.

4.4 Equipment Inventory

The City maintains a comprehensive inventory of sewer system equipment to ensure the efficient operation and maintenance of the sewer collection system. This inventory includes detailed records of all equipment used in the system, along with the identification of critical replacement and spare parts necessary for maintaining system reliability and performance.

Equipment Inventory:

The inventory includes, but is not limited to, the following types of equipment:

- Pumps and motors
- Valves and actuators
- Manhole covers and frames
- Sewer cleaning and inspection equipment (e.g., jetting machines, CCTV inspection units)
- Monitoring and control systems

Critical Replacement and Spare Parts:

To minimize downtime and ensure prompt repairs, the City identifies and maintains a stock of critical replacement and spare parts. These parts are essential for addressing equipment failures and include:

- Spare pumps and motor units
- Backup valves and actuators
- Replacement manhole covers and frames
- Essential components for sewer cleaning and inspection equipment
- Spare parts for monitoring and control systems

Inventory Management:

The City employs a systematic approach to inventory management, which includes:

- Regular audits of the equipment inventory to ensure accuracy and availability
- A tracking system to monitor the usage and replenishment of spare parts
- Coordination with suppliers to ensure the timely procurement of critical components
- Documentation of all equipment and parts in a centralized database accessible to maintenance staff

This inventory and management system ensures that the City is well prepared to handle maintenance and emergency situations, thereby maintaining the integrity and reliability of the sewer collection system.

5.0 Design and Performance Provisions

This section outlines updated design criteria, construction standards, and inspection procedures for sewer system infrastructure. It ensures that construction, repair, and rehabilitation activities meet current hydraulic capacity requirements and operational standards. Additionally, it specifies procedures for inspecting and testing newly constructed, installed, repaired, and rehabilitated components to ensure quality and reliability.

5.1 Updated Design Criteria and Construction Standards and Specifications

The City has established design criteria for the construction, installation, repair, and rehabilitation of sewer system infrastructure. These criteria include:

- **Pipelines**: Minimum diameter, material specifications, slope requirements, and hydraulic capacity.
- **Pump Stations**: Design flow rates, pump capacity, redundancy requirements, and control systems.
- **Appurtenances**: Manhole specifications, backflow prevention devices, and connection standards.

The City's design criteria can be found in the 2018 Integrated Master Plan (Appendix E) while our construction details can be found on the City's website at: https://banningca.gov/21/Engineering.

5.2 Procedures and Standards

The City's procedures and standards for inspecting and testing newly constructed, newly installed, repaired, and rehabilitated system pipelines, pumps, and other equipment are based on the Greenbook: Standard Specifications for Public Works Construction. This established standard encompasses the necessary guidelines and requirements for ensuring the quality and integrity of all relevant system components.

6.0 Spill Emergency Response Plan

6.1 State Regulatory Requirement

Each Enrollee shall develop and implement an overflow emergency response plan that identifies measures to protect public health and the environment. At a minimum, this plan must include:

(a) Proper notification procedures so that the primary responders and regulatory agencies are informed of all SSOs in a timely manner;
(b) A program to ensure an appropriate response to all overflows;
(c) Procedures to ensure prompt notification to appropriate regulatory agencies and other potentially affected entities (e.g. health agencies, Regional Water Boards, water suppliers, etc.) of all SSOs that potentially affect public health or reach the waters of the State in accordance with the MRP. All SSOs shall be reported in accordance with this MRP, the California Water Code, other State Law, and other applicable Regional Water Board WDRs or National Pollution Discharge Elimination System (NPDES) permit requirements. The SSMP should identify the officials who will receive immediate notification;
(d) Procedures to ensure that appropriate staff and contractor personnel

are aware of and follow the ERP and are appropriately trained;

(e) Procedures to address emergency operations, such as traffic and crowd control and other necessary response activities;

(f) A program to ensure that all reasonable steps are taken to contain and prevent the discharge of untreated and partially treated wastewater to waters of the United States and to minimize or correct any adverse impact on the environment resulting from the SSOs, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the discharge;

(g) Clean the spill area and drainage conveyance system in a manner that does not inadvertently impact beneficial uses in the receiving waters;

(h) Implement technologies, practices, equipment, and interagency coordination to expedite spill containment and recovery;

(i) Implement pre-planned coordination and collaboration with storm drain agencies and other agencies/departments prior, during, and after spill event;

(j) Conduct post spill assessments of spill response activities;

(k) Document and report spill events as required in the General Order; and

(l) Annually, review and assess effectiveness of the Spill Emergency Response Plan, and update Plan as needed.

6.2 Spill Emergency Response Plan Operating Procedures

The City has created SOP's that address specific aspects of its SSO emergency response that satisfies plan requirements contained within the WDR SSS. All staff are trained on the procedures contained within the applicable SOP's and all contractors who may be working on or around sewer facilities are made aware of emergency response procedures in their scope of work which is included in mandatory pre-job training sessions. A copy of the Spill Emergency Response Plan can be found in Appendix F.

7.0 Sewer Pipe Blockage Control Program

This section outlines the comprehensive Sewer Pipe Blockage Control Program aimed at preventing or mitigating blockages within the sanitary sewer system. The program encompasses various strategies and initiatives to prevent, manage, and address blockages caused by substances such as FOG and other pipe-blocking materials.

Discharges of FOG from animal and vegetable sources can cause sewer line blockages, leading to SSOs. The primary sources of FOG discharges are Food

Service Establishment (FSE), such as restaurants, cafeterias, penal institutions, schools, colleges, universities with food services, and commercial kitchens, as well as residential users. These discharges often result from poor housekeeping practices in restaurants and uninformed decisions by residential users, ultimately leading to SSOs.

Rags are commonly introduced into the sewer system by hospitals, hotels, industrial launderers, assisted living facilities, and residential users. When rags enter the sewer system, they can cause blockages that may result in SSOs. These discharges often stem from uninformed decisions by commercial, industrial, and residential users.

Other common sewer pipe blocking categories include root intrusions. Tree roots can become difficult to control, and sometimes they will permeate sewer lines and cause blockages. The City implements mitigating efforts to control root intrusion and they include sewer line inspections and cutting.

7.1 Public Education and Outreach Program

The City has developed a comprehensive public education and outreach program to promote the proper disposal of pipe-blocking substances, including FOG, rags, and other materials. The objective of this program is to prevent sewer line blockages and SSOs by informing and educating residents, businesses, and institutions within the city.

The outreach program targets a variety of audiences, including residential users, FSEs, commercial kitchens, schools, colleges, universities, hospitals, healthcare facilities, and industrial facilities.

To effectively reach these audiences, the City will utilize a range of educational materials and methods, such as:

- Regular inspections at FSEs and industrial facilities.
- Informational brochures and flyers distributed semi-annually.
- Distribution of BMP posters at FSEs.
- Direct mailings to residents and businesses.
- Collaboration with local organizations and agencies.

The implementation schedule for these activities includes:

- Semi-annual inspections and educational visits to FSEs and other facilities.

- Semi-annual distribution of informational brochures and flyers.
- Consistent delivery of BMP posters whenever an FSE is found to be missing one.
- Ongoing collaboration with local organizations and agencies.

Regular inspections are the primary means of education and outreach to the FSE community. During FSE inspections, inspectors take the opportunity to inform and educate owners or managers about the various laws and regulations that impact their business. They also provide useful information related to interceptor design, maintenance, and businesses that can assist restaurants in maintaining pretreatment equipment. Topics covered include:

1. Product usage and substitution;
2. Good housekeeping practices;
3. Grease interceptor evaluation;
4. Ordinance 1271 legal authority citations; and
5. The City's wastewater permits requirements.

Inspectors provide BMP FOG Posters, displayed below, to each FSE and instruct site managers on the importance and requirements of implementing BMPs. Posting FOG Posters is mandatory, and failure to implement BMPs will result in enforcement actions.





Figure 7-1 FSE BMP Posters

The City will evaluate the effectiveness of the public education and outreach program through community feedback, inspection results, and the frequency of SSOs. An annual review of the program will be conducted, and necessary adjustments will be made to enhance its effectiveness and ensure it meets the needs of the community.

7.2 Disposal Plan and Schedule

The City has developed a comprehensive plan to ensure the proper disposal of pipe-blocking substances, including FOG, rags, and other debris, generated within the sanitary sewer system service area. This plan includes a list of acceptable disposal facilities, a schedule for regular disposal, and provisions for additional facilities as needed.

The following facilities are approved for the disposal of FOG, rags, and other debris:

Baker Commodities
4020 Bandini Blvd.
Vernon, CA 90058
(323) 267-3634

California Pumping and Sanitation
1057 S. Washington Ave.
San Bernardino, CA 92408
(866) 672-1177

Co-West
2586 Shenandoah Way
San Bernardino, CA 92407
(909) 887-4309

JN Grease Services
P.O. Box 7093
Riverside, CA
(951) 343-1221

These facilities have been vetted to ensure they meet all necessary regulatory and operational standards. The list is reviewed and updated annually.

FSEs and other facilities must dispose of used cooking grease and oil in designated containers and hire a third-party company for waste hauling as needed. Additionally, commercial, industrial, and residential users are instructed to dispose of other pipe-blocking substances, such as rags, in their garbage cans, provided they comply with all garbage hauler requirements. Emergency disposal services are available to promptly address unexpected blockages.

Compliance with the disposal plan is monitored through regular inspections and audits of FSEs and other facilities. These facilities must maintain

records of all disposal activities, including receipts from approved disposal facilities, which must be available for review upon request.

7.3 Legal Authority and Preventive Measures

The discharge of wastewater by a user that causes a sewer line obstruction or blockage is prohibited by the federal Clean Water Act (40 CFR 403.5(b)(3)) and Ordinance 1206. This authority allows the City to take necessary actions to prevent harmful discharges, ensuring the protection of the sewer infrastructure and the environment.

Prohibited discharges include but are not limited to hazardous waste, FOG, rags, chemicals, and any substances that can cause blockages or damage to the sewer system. To enforce these prohibitions, the City established an inspection and monitoring program. Regular inspections, including CCTV inspections and manhole checks, are conducted to identify potential issues. Preventive maintenance activities, such as routine sewer line cleaning and root control measures, are implemented to keep the sewer system in good working order.

Public education and outreach programs are crucial in preventing discharges that cause blockages. The City informs residents and businesses about proper disposal practices through informational materials, routine inspections, and resources available on the City's website. These efforts help to ensure that the community understands the importance of keeping harmful substances out of the sewer system.

The City's enforcement mechanisms include issuing Notices of Violation (NOVs), Cease and Desist Orders (CDOs), and imposing fines for non-compliance with discharge prohibitions. Severe or repeated violations may result in legal action. By maintaining a firm legal framework and proactive measures, the City effectively prevents spills and blockages, ensuring the integrity and reliability of the sewer system.

7.4 Grease Removal Device Requirements

The City mandates that all FSEs, including restaurants, cafeterias, commercial kitchens, and similar facilities, install grease removal devices such as grease traps or interceptors to prevent FOG from entering the sewer system. These requirements are in place to ensure the effective management of FOG discharges and to prevent blockages that could lead to SSOs. The County of Riverside Department of Environmental Health generally does not allow the indoors installation of grease traps.

Grease removal devices must meet the design criteria specified in the current version of the Uniform Plumbing Code. Devices must be adequately sized based on the volume and type of wastewater generated by the facility. Each device must include at least two chambers with manhole covers and a sample box to allow for compliance sampling.

Proper maintenance of grease removal devices is crucial for their effective operation. FSEs are required to clean and maintain their devices regularly to ensure that at least 75% of the design capacity is available at all times. The City conducts semi-annual inspections of grease interceptors to evaluate their condition and effectiveness in removing FOG.

FSEs must implement BMPs to minimize FOG discharges. These practices include proper disposal of cooking oil, regular cleaning of kitchen equipment, and employee training on FOG management. The City provides FOG BMP posters that must be displayed at each facility to reinforce these practices. See Figure 7-1 for an example of the posters.

To ensure compliance, FSEs must maintain records of all maintenance activities, including cleaning schedules, service receipts, and inspections. These records must be available for review by City inspectors upon request.

7.5 Inspection and Enforcement Authority

The City is authorized to inspect grease-producing facilities under Municipal Code Section 13.20.210, which mandates regular inspections to ensure compliance with FOG regulations. Inspections are conducted semi-annually, and frequencies are increased based on the FSE's compliance history. During inspections, staff will check grease interceptors, review maintenance logs, and ensure that BMPs are being followed.

The ordinance provides the legal authority to take enforcement actions against any user causing a sewer line obstruction and/or SSO. Successful enforcement requires a firm foundation of court-admissible evidence, which must be objective and free of personal opinions. CCTV evidence is critical in enforcement actions against users responsible for sewer line blockages and/or SSOs. In addition to CCTV evidence, Pretreatment conducts inspections at suspected businesses to investigate the causes of blockages and/or SSOs. Once all evidence is collected, it is reviewed, and an enforcement strategy is developed.

The level of initial enforcement will always align with the severity or chronic nature of the violation. If debris accumulation in the sewer line has just begun (i.e., no SSO or sewer obstruction has occurred), a correction

notice may be issued to improve housekeeping practices and evaluate business practices. If debris accumulation is significant and/or an SSO has occurred, more severe enforcement actions are warranted. A Notice of Violation (NOV) or a Cease and Desist Order (CDO) may be issued with a compliance schedule to mitigate the conditions that caused the blockage and/or SSO. The NOV or CDO will require the immediate cessation of discharges causing the blockage and/or SSO, and the user must take all necessary actions to prevent future occurrences. Written corrective action plans are required, and users are held accountable for their implementation. Failure to comply with correction orders may result in additional civil and/or criminal actions.

Ordinance 1271 prohibits the use of any chemical or material that emulsifies, suspends, or dissolves oil and grease, as well as the use of any microbiological product to metabolize FOG. Pretreatment inspection staff continually search for these products during restaurant inspections. When a prohibited product is discovered, the user is ordered to stop its use immediately and remove it from the premises. Non-compliance with these orders may lead to further enforcement actions, including civil and/or criminal actions.

The City contracts with G&G Environmental Compliance, Inc. that employs three full-time inspectors trained and certified in FOG program enforcement. Inspectors undergo annual training to stay updated on FOG regulations and best practices. All inspections and enforcement actions are documented in the City's database, and activities are reviewed quarterly to assess the program's effectiveness and identify areas for improvement.

7.6 Identification of Blockage-Prone Sections

The City has implemented a program to identify sections of the sanitary sewer system that are prone to FOG blockages and to establish a cleaning schedule for each identified section. This program includes:

- **Data Collection and Analysis**: Historical data on SSOs and blockages are reviewed regularly. GIS mapping is used to track and visualize problem areas.
- **Regular Inspections**: Field inspections, including CCTV, are conducted regularly in high-risk areas. Findings are documented.
- **Prioritized Cleaning Schedule**: Based on inspection data and historical trends, cleaning schedules are developed with higher frequencies for problem areas.

- **Documentation**: All cleaning activities are recorded, including dates, locations, and observations, to ensure an effective and responsive maintenance program.
- **Ongoing Evaluation**: Performance metrics are established, and periodic reviews of the cleaning schedules are conducted to ensure their effectiveness and make adjustments as needed.
- **Staff Coordination and Training**: Regular training and communication ensure that all relevant personnel are informed and equipped to address FOG issues.
- **Reporting**: Activities and compliance with the General Order are reported to regulatory bodies, and public awareness initiatives are conducted to educate the community on the importance of proper FOG disposal.

7.7 Source Control Measures Implementation

The City implements a comprehensive approach to address FOG discharges into the sanitary sewer system. Through field inspections and stakeholder engagement, we have identified key areas within each sewer system section where FOG sources are prevalent. We enforce regulatory compliance by conducting regular inspections of FOG-generating establishments and ensuring adherence to relevant regulations and ordinances.

To raise awareness and promote proper FOG disposal practices, we have developed public education and outreach programs targeting residents and businesses. These programs provide valuable information on the importance of FOG control and offer training and resources to establishments to implement best management practices.

Furthermore, we offer technical assistance and support to establishments to help them effectively manage FOG. Our collaboration with industry associations and stakeholders enhances our efforts in providing guidance and support to FOG-generating establishments.

To monitor FOG discharges and assess their impact, we have established a robust monitoring program. This allows us to track FOG levels in the sewer system and take necessary enforcement actions for non-compliance, including penalties and corrective measures.

8.0 System Evaluation, Capacity Assurance and Capital Improvements

This section of the SSMP details the City's approach to maintaining and improving its sanitary sewer system. In line with the General Order, the City routinely

evaluates and assesses system conditions using inspections and advanced technologies like CCTV surveys. Capacity assessments ensure the system can handle current and future flows, guided by updated design criteria and construction standards. Corrective actions are prioritized based on risk to address the most critical issues first, focusing resources on preventing system failures. The City also maintains a Capital Improvement Plan (CIP) to systematically address infrastructure needs, ensuring long-term reliability and compliance with regulatory requirements.

8.1 System Evaluation and Condition Assessment

To evaluate the sanitary sewer system assets, the City of Banning schedules and conducts routine CCTV inspections of the collection system, while its staff and contractors visually inspect lift stations. Additionally, the City reviews historical inspection records as part of the evaluation process.

Over the past five years, the City of Banning has experienced only one spill. This impressive spill record suggests that the current frequency of assessments is sufficient. The annual review of system data and incident reports will guide the identification of high-risk areas requiring more frequent assessment. Budget and resource constraints are also considered to ensure the plan's feasibility. The selected percentage is documented and justified in the SSMP, with progress and outcomes reported annually to adjust the plan as needed.

The City has pinpointed several areas in their sewer system that are prone to collapse and has initiated a plan to re-line these sections. However, these areas are not located near any environmentally sensitive zones, as outlined in Element 8.1 of the General Order. Additionally, according to the latest Clean Water Act Section 303(d) List, none of these sections are near receiving waters with bacterial-related impairments.

City of Banning staff systematically document observations and evidence of potential discharge conditions during and after visual and CCTV inspections. The information gathered during and after the inspections is maintained in the City’s GIS tracking system, Nobel. This information is then utilized to prioritize areas near water bodies and environmentally sensitive regions. Staff receive regular training to recognize and report conditions that could lead to sewage overflows, and immediate response protocols are in place for quick corrective actions. The City maintains a proactive maintenance schedule to address identified issues and prioritizes repairs based on severity and potential impact on water bodies. A public reporting system allows residents to report signs of sewage overflows, ensuring prompt investigation and action.

The City of Banning recognizes the potential impacts of increased storm volumes on the sanitary sewer system. As part of our SSMP, we have established procedures to identify and assess system assets vulnerable to flooding and erosion due to heavier and more frequent storm events. Regular CCTV inspections and visual inspections of lift stations will focus on areas historically prone to stormwater inflows. We will prioritize these areas for maintenance and infrastructure upgrades. Staff training programs will ensure our team is prepared to manage and mitigate climate-related risks, and public communication strategies will keep residents informed of potential impacts and necessary precautions. By implementing these procedures, the City aims to enhance the resilience of our sewer system against climate change-related challenges.

8.2 Capacity Assessment and Design Criteria

The City of Banning includes procedures to identify system components affected by hydraulic deficiencies or capacity limitations. The City utilizes data from the Integrated Master Plan (Appendix E) developed by Carollo, which includes comprehensive flow monitoring and inflow and infiltration (I/I) analysis. This analysis, conducted over a four-week period, establishes baseline sewer flows, estimates available capacity, and isolates I/I impacts. The City assesses system components for dry-weather peak flows and wet weather conditions, evaluating their capacity to handle identified peak flows and extreme weather events. The IMP also informs the identification of major sources contributing to peak flows and the necessary redundancy in pumping and storage capacities. By integrating these procedures, the City ensures that key system elements are adequately sized to prevent spills caused by hydraulic deficiencies and limited capacity.

8.3 Prioritization of Corrective Action

Despite the City's impressive track record with very few spills, we remain committed to using insights from condition and capacity assessments to effectively prioritize corrective actions. After conducting routine evaluations, including inspections and capacity analyses, the City assesses the severity of potential spills associated with system deficiencies. This assessment considers factors such as the potential environmental impact, public health risks, and the likelihood of system failure. Corrective actions are then prioritized based on these severity factors, ensuring that the most critical issues, which could lead to significant spills or adverse impacts, are addressed first. By integrating these assessments into our prioritization process, the City aims to mitigate risks and enhance the overall resilience of the sewer system.

8.4 Capital Improvement Plan

The 2018 Integrated Master Plan provides detailed project schedules and completion dates for all capital improvement initiatives, ensuring timely implementation. The City's 5-year CIP outlines internal and external funding sources for each project, securing financial resources necessary for successful execution. To ensure effective project execution, the City's operations and engineering staff regularly hold routine meetings to coordinate during the planning, design, and construction phases of capital projects. Although there are no other impacted utility agencies, this internal collaboration ensures seamless integration and execution of the CIP.

9.0 Monitoring, Measurement and Program Modifications

This section addresses the City's Adaptive Management, which addresses Plan-implementation effectiveness and the steps for necessary Plan improvement. The City accomplishes this by:

- Maintaining relevant information to establish and prioritize appropriate Plan activities;
- Monitoring the implementation and measuring the effectiveness of each Plan Element;
- Assessing the success of the preventive operation and maintenance activities;
- Updating Plan procedures and activities, as appropriate, based on results of monitoring and performance evaluations; and
- Identifying and illustrating trends, including spill frequency, locations, and estimated volumes.

9.1 Maintaining Relevant Information

The City maintains a centralized database to collect and store all relevant SSMP information, including audit findings, inspection reports, and maintenance records. Regular internal audits are conducted to evaluate compliance and prioritize necessary improvements.

9.2 Monitoring Implementation and Measuring Effectiveness

The Through the State's CIWQS database, the City will monitor the number of spills, spill categories, and spill causes. This data will be utilized to assess the effectiveness of the current Plan and program, identifying areas that need improvement. For instance, if spills are found to be caused by

structural deficiencies, the City will create and implement a plan to enhance its operation and maintenance program.

9.3 Assessing Success of Preventive Operation and Maintenance Activities

Evaluation metrics are established to assess the success of preventive operations and maintenance activities. Field assessments and feedback from staff are used to identify practical challenges and opportunities for enhancement.

9.4 Updating Plan Procedures and Activities

A continuous improvement process is implemented to update SSMP procedures and activities based on monitoring results and performance evaluations. Stakeholders are engaged in the review and update process through regular workshops and training sessions.

9.5 Identifying and Illustrating Spill Trends

Spill data is analyzed to identify trends in frequency, locations, and estimated volumes. GIS mapping tools are used to visualize spill locations and identify hotspots. Root cause analysis is performed for recurring spills to develop targeted solutions and incorporate lessons learned into preventive measures and Plan updates.

9.6 System Resilience

To ensure the effectiveness of resilience measures, we continuously monitor system performance and make necessary adjustments. This includes:

1. **Performance Metrics**: Tracking key performance indicators such as the number of spills, response times, and maintenance activities.

2. **Data Analysis**: Analyzing data from inspections, maintenance records, and spill reports to identify trends and areas for improvement.

3. **Feedback Loop**: Incorporating feedback from system operators, maintenance crews, and the public to refine our procedures and enhance system resilience.

By integrating these procedures into the SSMP, the City maintains a resilient sewer system that can effectively respond to current and future challenges, ensuring the protection of public health and the environment.

10.0 Internal Audits

The City will conduct comprehensive internal audits of the SSMP at a minimum frequency of once every three years, with the first audit due July 1, 2027. These audits are designed to evaluate the implementation and effectiveness of the SSMP, ensure compliance with the General Order, and identify and correct deficiencies to prevent spills and discharges. Each audit will cover the period following the last audit and an audit report will be submitted to the CIWQS Sanitary Sewer System Database within six months after the end of each audit period.

The scope of these audits includes evaluating the SSMP's effectiveness in preventing spills, assessing compliance with the General Order, identifying deficiencies related to ongoing spills and discharges, and recommending necessary modifications to improve the SSMP. The audit will be appropriately scaled to the size and performance of the sewer system, including the number of spills.

The audit team will include sewer system operators and other relevant personnel, with their input being crucial and considered in the audit findings. The audit process begins with a thorough preparation phase, during which previous audit reports and corrective actions are reviewed, and relevant data and documentation related to SSMP activities, spill records, and compliance measures are gathered.

The audit team will consist of the Water and Wastewater Superintendent and a consulting firm to provide third-party independent observation and input into the SSMP's effectiveness. During the execution phase, the audit team will conduct interviews with sewer system operators and other key staff, inspect and review SSMP procedures, maintenance records, and spill response actions, and evaluate the effectiveness of preventive maintenance activities and spill response strategies. In the analysis phase, the collected data will be examined to identify trends, deficiencies, and areas for improvement, and current performance will be compared against SSMP goals and regulatory requirements.

An audit report will be prepared that includes the audit findings, recommended corrective actions, and confirmation that sewer system operators' input has been considered. This report will also include a proposed schedule for addressing identified deficiencies and will be submitted to the CIWQS Sanitary Sewer System Database, ensuring it is accessible only to Water Boards staff.

Following the audit, an action plan will be developed to address the deficiencies identified in the audit report. Responsibilities and timelines for implementing corrective actions will be assigned, and progress will be monitored to ensure that corrective actions are completed as scheduled. The completion of corrective actions

and any subsequent improvements in the SSMP will be documented to ensure continuous improvement and compliance with the General Order.

11.0 Communication Program

This section addresses the City's processes for effective communication with the public and owners/operator of connected systems. The procedures ensure transparency, public involvement, and coordinated management of the sewer system.

11.1 Public Notification of Spills and Discharges

In the event of a spill or discharge that results in the closure of public areas or enters a designated area classified as waters of the state, the City will promptly notify the public through multiple channels. These channels include the City's official website, social media platforms, local news outlets, and community alert systems. The notifications will include details about the incident, affected areas, potential health risks, and recommended actions for the public.

11.2 Public Involvement in SSMP Development and Updates

The City will actively seek public input during the implementation and update of the SSMP. Public meetings and workshops will be held to present the SSMP. These platforms will provide a platform for the public to ask questions, provide feedback, and suggest improvements. All public input will be considered in the finalization of the SSMP and subsequent updates.

11.3 Regular Updates and Information Sharing

The City will maintain a dedicated section on its website for SSMP-related information, including current plans, updates, and progress reports. Regular updates will be provided to keep the public informed about ongoing and upcoming activities related to sewer system management. Additionally, the City's website will be used to communicate the SSMP, FOG Control Program, and other wastewater-related guidance documents and policies. The SSMP, Ordinance, Enforcement Response Plan, and the FOG program will be available for public review, which will also contain feedback opportunities for the public to comment on the City's wastewater services.

Furthermore, the City is providing the Water Boards with access to the City's GIS system, which contains up-to-date sanitary sewer maps, to facilitate effective communication and transparency.

11.4 Communication with Owners/Operators of Connected Systems

The requirement stated in the General Order mandates that the SSMP must include procedures for the Enrollee to communicate with owners/operators of systems that connect into the Enrollee's system, including satellite systems, for system operation, maintenance, and capital improvement-related activities.

However, the City does not have any systems that connect into its sewer system, nor does it have any satellite systems. Therefore, this specific requirement is not applicable to the City's SSMP.

The City's sewer system is a standalone system with no external systems connecting into it. As a result, there are no external owners or operators with whom the City needs to communicate regarding system operation, maintenance, or capital improvement-related activities. All sewer operations and activities are managed internally by the City's own staff and resources.

APPENDIX A-1

STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

State Water Resources Control Board Order No. 2022-0103

APPENDIX A-2

RIVERSIDE CPOUINTY FLOOD CONTROL MS4 PERMIT

APPENDIX B-1

STATEWIDE GENERAL PERMIT – APPLICATION FOR ENROLLMENT

Application for Enrollment

APPENDIX B-2

STATEWIDE GENERAL PERMIT – NOTICE OF APPLICABILITY

Notice of Applicability

APPENDIX C-1

SEWER USE ORDINANCE NO. 1206

APPENDIX C-2

SEWER USE ORDINANCE NO. 1271

APPENDIX D

CITY OF BANNING SEWER STANDARDS

APPENDIX E

CITY OF BANNING INTEGRATED MASTER PLAN

APPENDIX F

SPILL EMERGENCY RESPONSE PLAN

APPENDIX G
SSMP CHANGE LOG

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION

ORDER NO. R8-2010-0033
NPDES NO. CAS 618033

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR THE RIVERSIDE COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, THE COUNTY OF RIVERSIDE, AND THE INCORPORATED CITIES OF RIVERSIDE COUNTY WITHIN THE SANTA ANA REGION

AREA-WIDE URBAN RUNOFF MANAGEMENT PROGRAM

The following Discharger(s) are subject to waste discharge requirements as set forth in this Order:

Table 1. Municipal Permittees (Dischargers)

Principal Permittee	Riverside County Flood Control and Water Conservation District (RCFC&WCD)*	
Co–Permittees	1. Beaumont	9. Moreno Valley
	2. Calimesa	10. Murrieta
	3. Canyon Lake	11. Norco
	4. Corona	12. Perris
	5. County of Riverside (County)	13. Riverside
	6. Hemet	14. San Jacinto
	7. Lake Elsinore	15. Wildomar
	8. Menifee	

The Principal Permittee and the Co-Permittees are collectively referred to as the Permittees or the Dischargers.

Table 2. - Administrative Information

This Order was adopted by the Regional Water Board on:	**January 29, 2010**
This Order will become effective on:	**January 29, 2010**
This Order will expire on:	**January 29, 2015**
The U.S. Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board have classified this discharge as a major discharge.	
The Discharger must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, as application for issuance of new waste discharge requirements no later than 180 days in advance of the Order expiration date.	

IT IS HEREBY ORDERED, that this Order supersedes Order No. R8-2002-0011 except for enforcement purposes, and, in order to meet the provisions contained in Division 7 of the California Water Code (CWC) and regulations adopted there under, and the provisions of the federal Clean Water Act (CWA), and regulations and guidelines adopted there under, the Permittees must comply with the requirements in this Order.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that this Order No. R8-2010-0033 with all attachments is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 29, 2010.



_____
Gerard J. Thibeault, Executive Officer

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LIST OF APPENDICES

Appendix Number	DESCRIPTION
1	Permit Area
2	Other Entities that May Discharge Pollutants to the MS4
3	Monitoring And Reporting Program
4	Glossary
5	Notice of Intent and Notice of Termination for Construction Activities
6	Fact Sheet
7	Notice of Intent and Notice of Termination for De-Minimus Discharges

I. FACILITY INFORMATION

A. Each of the municipalities listed in Table 1, above, hereinafter called Permittees, owns and/or operates portions of the municipal separate storm sewer system (MS4[1]), through which Urban Runoff is discharged into Waters of the United States (Waters of the US) that are located within the jurisdiction of the Santa Ana Regional Water Quality Control Board (Santa Ana Region). The MS4 falls into one or more of the following categories: (1) a medium or large MS4 that services a population of greater than 100,000 or 250,000 respectively; or (2) an MS4 which contributes to a violation of a Water Quality Standard; or (3) an MS4 which is a significant contributor of Pollutants to Waters of the US; or (4) an MS4 owned and/or operated by a small municipality that is interrelated to a medium or large municipality. Section 402(p) of the CWA requires that discharges of Urban Runoff from MS4 be regulated under a National Pollutant Discharge Elimination System (NPDES) permit.

B. This Order regulates the discharge of Pollutants in Urban Runoff from non-agricultural Anthropogenic sources from the MS4 that is owned and/or operated by the Permittees. The Permittees lack legal jurisdiction over discharges into their MS4 facilities from agricultural activities, State and federal facilities, public schools and hospitals, utilities, railroads, and special districts, Native American tribal lands, wastewater management agencies and other point and non-point source discharges otherwise permitted by the Regional Board. The Regional Board recognizes that the Permittees should not be held responsible for discharges from such facilities or Pollutants in those discharges. However, to the extent that the Permittees authorize the connection of these discharges into their MS4s, this Order requires the Permittees to provide written notification of Water Quality Management Plan (WQMP) requirements for post-construction best management practices (BMPs) and/or other applicable requirements of this Order. A WQMP approved by the Permittee who owns the MS4 may constitute compliance with the General Construction Permit post construction Standards[2] for the Permit Area.

C. The Co-Permittees have established legal authority to control discharges into the MS4 facilities that they own and/or operate. As owners and/or operators of the MS4, the Permittees are responsible for discharges into their MS4 facilities to the extent of their legal authority. The discharge of Pollutants into the MS4 may cause or contribute to, or threaten to cause or contribute to, a condition of Pollution in Receiving Waters. Federal regulations, 40 CFR 122.26(d)(2)(i), require the Permittees to control the discharge of Pollutants into the MS4 to the maximum extent practicable (MEP).

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1 Note: Acronyms and capitalized terms used in this document are defined in Appendix 4.
[2] The State General Construction Permit Section Order No. 2009-0009-DWQ XIII

Certain activities and sources that generate Pollutants present in Urban Runoff may be beyond the ability of Permittees to prevent or eliminate. Examples of these activities and sources include, but are not limited to: emissions from internal combustion engines, brake pad wear and tear, atmospheric deposition, bacteria and wildlife (including feral cats and dogs) and leaching of naturally occurring nutrients and minerals from local soils. This Order is not intended to address background or naturally occurring Pollutants or flows.

D. The Permittees have identified Major Outfalls and have submitted maps of existing MS4 facilities. The Co-Permittees reported having approximately 269 miles of underground storm drains, and 95 miles of channels[3]. The RCFC&WCD reported having 75 miles in underground storm drains and 59 miles of channels in the Permit Area.

E. On February 5, 2008 Wildomar residents voted for cityhood and the city incorporated on July 1, 2008. Menifee residents voted for cityhood on June 3, 2008 and the city incorporated on October 1, 2008. Both cities in letters dated May 5 and May 6, 2009, respectively, have expressed their intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such. Urban Runoff from the cities of Menifee, Murrieta and Wildomar discharges into watersheds within the Santa Ana Regional Board and the San Diego Regional Board jurisdictions. Therefore, these cities are regulated by MS4 permits issued by both Regional Boards. Urban Runoff from the County of Riverside and RCFC&WCD discharge into watersheds within the Santa Ana, San Diego and Colorado River Region Regional Board jurisdictions. Therefore, these entities are regulated by MS4 permits issued by three Regional Boards.

F. The Permit Area contains 1,396 square miles or 19.1% of the 7,300 square miles within Riverside County and includes 15 of the 26 municipalities within Riverside County. The more densely populated areas of Riverside County are located within the Santa Ana Regional Board's jurisdiction. The population of the Permit Area was estimated at 1,237,388 as of January 1, 2006[4]. The California Department of Finance estimates that as of January 1, 2009, the population of Riverside County was 2,107,653[5]. Other portions of Riverside County are regulated by the San Diego and the Colorado River Basin Regional Boards.

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[3] 2008-2009 Permittee Santa Ana NPDES MS4 Annual Report.
[4] Section 3.3.1 of the 2007 ROWD (Western Riverside Council of Governments (WRCOG), Sub-regional Growth Forecast, Riverside County Projection (Revised Draft), November 22, 2006.)
[5] E-1 report dated April 30, 2009 (http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/2008-09/documents/E-1_2009%20Press%20Release.pdf).

II. FINDINGS

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter the "Regional Board") finds that:

A. BACKGROUND

1. The Co-Permittees own and operate flood control facilities. Some of the natural channels, streambeds and other drainage facilities that are generally considered as Waters of the U.S. have been converted to flood control facilities. In such cases, where a natural streambed is modified to convey storm water flows, the conveyance system becomes both a MS4 and a Water of the US.

2. The Permittees are currently discharging from the MS4 pursuant to Order No. R8-2002-0011, NPDES Permit No. CAS 618033. This Order renews Order No. R8-2002-0011 and regulates discharges of Urban Runoff from the MS4 within Riverside County.

3. On April 27, 2007, the RCFC&WCD, in cooperation with the County of Riverside, (the "County") and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto, jointly submitted a permit renewal application, a Report of Waste Discharge (the "2007 ROWD"), to renew the NPDES permit for discharges of Urban Runoff from the MS4 in the Permit Area. Subsequently, the cities of Menifee and Wildomar also signed letters of intent to include discharges from their MS4 facilities under this MS4 Permit. The County and incorporated cities are hereinafter the "Co-Permittees", and collectively with the Principal Permittee referred to as the "Permittees". The Permit Area is shown in Appendix 1 and includes the urban areas and those portions of agriculture and open space as shown on Appendix 1 that may convert to industrial, commercial, or residential use during the term of this Order.

4. To more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and the incorporated cities within the Permit Area will continue as the Co-Permittees.

5. The Permittees submitted a revised Drainage Area Management Plan ("2007 DAMP") as contained in Appendix B of the 2007 ROWD. The proposed DAMP identifies programs and policies, including best management practices (BMPs), to achieve Water Quality Standards in the Receiving Waters. These BMPs can be organized into two categories: BMPs for existing facilities and BMPs for New Development and Significant Redevelopment. Both categories include regulatory activities, public education programs, waste management, and operations and

maintenance activities. The Permittees currently implement the 2006 DAMP. With the adoption of this Order, the Permittees are required to implement the 2007 DAMP. The DAMP is a dynamic document that defines the MEP standard (see discussion of this term in the Glossary, Appendix 4) for the Permittee activities and is incorporated by reference as an enforceable element of this Order.

6. This Order requires the Permittees to revise the DAMP and associated documents to incorporate new MS4 Permit requirements which include recommendations from the 2007 ROWD. Future modifications of the DAMP, once approved by the Regional Board Executive Officer[6], are also enforceable elements of this Order.

7. During the Third Term Permit, Regional Board staff conducted an evaluation of each of the Permittees' Urban Runoff programs. This evaluation indicated that most of the Permittees lacked proper documentation of procedures and policies for implementation of various elements of their Urban Runoff program. This Order requires each Permittee to develop a Local Implementation Plan (LIP) that documents its internal procedures for implementation of the various program elements described in the DAMP and this Order.

8. On July 13, 1990, the Regional Board adopted the first term Riverside County MS4 permit, Order No. 90-104 (NPDES No. CA 8000192). On March 8, 1996, the Regional Board renewed Order No. 90-104 by adopting the second term Riverside County MS4 permit, Order No. 96-30 (NPDES No. CAS618033). On October 25, 2002, the Regional Board renewed Order No. 96-30 by adopting the third term MS4 permit, Order No. R8-2002-0011(NPDES No. CAS618033).

9. This Order renews Order No. R8-2002-0011 (NPDES No. CAS618033), and regulates discharges of Urban Runoff from the MS4 within the Permit Area in Riverside County. This Order is the fourth term permit and is intended to regulate the discharge of Pollutants in Urban Runoff from non-agricultural Anthropogenic activities and sources under the jurisdiction of and/or maintenance responsibility of the Permittees and is not intended to address background or naturally occurring Pollutants or flows.

10. The Santa Ana River Basin is the major watershed within the Santa Ana Region. The Regional Board and the Permittees recognize the importance of watershed

[6] The Executive Officer shall provide members of the public with notice and at least a 30-day comment opportunity for all documents submitted in accordance with this Order. If the Executive Officer, after considering timely submitted comments, concludes that the document is adequate or adequate with specified changes, the Executive Officer may approve the document or present it to the Board for its consideration at a regularly scheduled and noticed meeting. If there are significant issues that cannot be resolved by the Executive Officer, the document will be presented to the Board for its consideration at a regularly scheduled meeting.

management initiatives and regional planning and coordination in the development and implementation of programs and policies related to water quality protection.

11. It is recognized that in some cases MS4 facilities are used to convey Urban Runoff to sub-regional or regional Treatment Control BMPs or may incorporate regional BMPs directly. The Regional Board recognizes this appropriate strategy for treatment provided that Waters of the US are not used to convey Pollutants. Further, such BMPs are not considered MS4 or Waters of the US.

12. A number of regional and watershed-wide efforts are underway in which the Permittees are active participants. The Regional Board also recognizes that, in certain cases, diversion of funds targeted for certain monitoring programs to regional monitoring programs may be necessary. The Executive Officer is authorized to approve, after proper public notification and consideration of all comments received, reallocation of resources to the watershed management initiatives and regional planning and coordination programs and regional monitoring programs.

13. The Permittees are required to submit all documents, where appropriate, to the Regional Board in an electronic format. All such documents will be posted at the Regional Board's website and all interested parties will be notified. In addition, the website will include the administrative and civil procedures for appealing any decision made by the Executive Officer. Some Urban Runoff issues, such as monitoring, public education, and training can be more effectively addressed on a regional or statewide basis thereby increasing program consistency and efficiency. This Order encourages continued participation in such programs and policies.

B. LEGAL AUTHORITIES

1. This Order Is issued pursuant to Section 402 of the CWA, the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code, commencing with Section 13000), applicable State and federal regulations, all applicable provisions of statewide Water Quality Control Plans and Policies adopted by the State Water Resources Control Board (State Board), the Water Quality Control Plan for the Santa Ana River Basin adopted by the Regional Board (Basin Plan), the California Toxics Rule (CTR), and the California Toxics Rule Implementation Plan. This Order also serves as Waste Discharge Requirements (WDRs) pursuant to Article 4, Chapter 4, Division 7 of the Water Code (commencing with Section 13260).

2. This Order is consistent with the following precedential Orders adopted by the State Board addressing municipal storm water NPDES Permits: Order 99-05-DWQ (Petition of Environmental Health Coalition/Receiving Water Limitation Language for Municipal Storm Water Permits), Order WQ-2000-11 (Petitions Bellflower, City of Arcadia, Western States Petroleum Association, Review of RWQCB and Its

Executive Officer Pursuant to Order 96-054, Permit for Municipal Storm Water and Urban Run-Off Discharges within Los Angeles County), Order WQ 2001-15 (In the Matter of the Petitions of Building Industry Association of San Diego County and Western States Petroleum Association), and Order WQO 2002-0014 (Petitions of Aliso Viejo, et al/Order to stay provision F.5.f of the permit and part of last sentence of Finding 26, permit issued by San Diego Regional Water Quality Control Board).

3. Consistent with the State Board's orders, this Order requires the Permittees to comply with the applicable Water Quality Standards, which is to be achieved through an iterative approach requiring the implementation of increasingly more effective BMPs until Water Quality Standards are not impaired by Urban Runoff. All MS4 permits issued in California specify certain minimum BMPs and incorporate an iterative process that requires increasingly more effective BMPs if the Water Quality Standards are not met.

4. The federal Clean Water Act established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of Pollutants from Point Sources to Receiving Waters. From 1972 to 1987, the main focus of the NPDES program was to regulate conventional Pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, non-point sources, including agricultural runoff and Urban Runoff, now contribute a larger portion of many kinds of Pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.

5. Studies conducted by the USEPA, the states, counties, cities, flood control districts and other entities dealing with Urban Runoff indicate that the following are major sources of Urban Runoff Pollution nationwide:

   a. Industrial Facilities where appropriate Pollution Prevention and BMPs are not implemented;

   b. Construction Sites where erosion and sediment controls and BMPs are not implemented; and,

   c. Runoff from urbanized areas.

6. The 1987 amendments to the CWA added Section 402(p) that required the USEPA to develop permitting regulations for storm water discharges from MS4 and from Industrial Facilities, including construction sites. The USEPA promulgated the final Phase I storm water regulations on November 16, 1990. Neither the 1987 amendments to the CWA nor the Phase I storm water regulations (40 CFR Part 122) have been amended since their effective dates.

7. Prior to the USEPA's promulgation of the final storm water regulations, three counties (Orange, Riverside, and San Bernardino) and their incorporated cities located within the Regional Board's jurisdiction requested area-wide NPDES MS4 permits. These area-wide MS4 NPDES permits are:

   a. Orange County, NPDES No. CAS 618030

   b. Riverside County, NPDES No. CAS 618033

   c. San Bernardino County, NPDES No. CAS 618036

8. Consistent with the CWA and the USEPA regulations promulgated pursuant thereto, the State Board and the Regional Board have adopted a number of permits to address Pollution from the sources identified in Finding 5, above. Industrial activities (as defined in 40 CFR 122.26(b)(14)) including construction activities on one or more acres are to be covered under one of the following permits and those individuals or entities that engage in such activities are required to secure permission to engage in such identified activities pursuant to the provisions of one of the following permits:

   a. State Board Order No. 97-03-DWQ, for storm water runoff from industrial activities (NPDES No. CAS000001), (the "General Industrial Activities Storm Water Permit").

   b. State Board Order No. 99-08-DWQ, for storm water runoff from construction activities (NPDES No. CAS000002), (the "General Construction Activity Storm Water Permit"). Order No. 99-08- DWQ was amended by State Board Resolution No. 2001-046 on April 26, 2001, to incorporate monitoring provisions as directed by the Superior Court, County of Sacramento. This Order was renewed on September 2, 2009 by State Board Order No. 2009-0009-DWQ. The requirements of Order No. 2009-0009-DWQ will be effective July 1, 2010.

   c. State Board Order No. 99-06-DWQ (NPDES No. CAS000003) for storm water runoff from facilities (including freeways and highways) owned and/or operated by the California Department of Transportation ("Caltrans").

   d. State Board Order No. 2003-0007-DWQ, for discharges of storm water runoff associated with small linear underground/overhead construction projects (NPDES No. CAS000005), (the "General Permit-Small Linear Underground Projects). After July 1, 2010, most linear construction projects will be regulated under State Board Order No. 2009-0009-DWQ.

   e. The Regional Board also issues individual storm water NPDES permits for certain Industrial Facilities within the Santa Ana River watershed. Currently

there is only one individual storm water NPDES permit that has been issued by the Regional Board for an Industrial Facility (March Air Reserve Base) located within the Permit Area. Additionally, the Regional Board has issued NPDES permits for a number of facilities that discharge process wastewater and storm water; storm water discharge requirements are included in such a facility's NPDES permit.

9. Section 402(p) of the CWA establishes two different performance standards for storm water discharges. NPDES MS4 permits require controls to reduce the discharge of Pollutants to the MEP. NPDES permits issued for industrial storm water discharges (including construction activities) must meet Best Available Technology (BAT) and Best Conventional Pollutant Control Technology (BCT) standards. The CWA and the USEPA regulations allow each state the flexibility to decide what constitutes the MEP.

10. This Order does not constitute an unfunded mandate subject to subvention under Article XIII.B, Section (6) of the California Constitution for several reasons, including the following:

    a. This Order implements federally mandated requirements under CWA Section 402(p)(3)(B). (33 USC § 1342(p)(3)(B)).

    b. The Permittees' obligation under this order are similar to, and in many respects less stringent than, the obligations of non-governmental dischargers who are issued NPDES permits for storm water discharges.

    c. The Permittees have the authority to levy service charges, fees, or assessments to pay for compliance with this Order[7].

    d. The Permittees requested permit coverage in lieu of compliance with the complete prohibition against the discharge of Pollutants contained in federal Clean Water Act Section 301, subdivision (a). (33 USC § 1311(a)).

11. Section 13225 of the CWC identifies the Regional Board as being the enforcement authority for NPDES permits, including the Industrial General Permit, and the Construction General Permit which are collectively referred to as the "General Stormwater Permits." However, in many areas, the Industrial Facilities and Construction Sites discharge directly into MS4 facilities owned and operated by the Permittees. These Industrial Facilities and Construction Sites are also regulated under local ordinances and regulations. The Permittees and Regional Board staff work together to avoid duplicative efforts in regulating these facilities. As part of

[7] Voter approval may be required for new tax levies.

this coordination, the Permittees have been notifying Regional Board staff when they observe, during their routine activities, conditions that result in a threat or potential threat to water quality, or when a required Industrial Facility or Construction Site fails to obtain coverage under the appropriate General Stormwater Permit.

12. This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code Sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. Sections 1531 to 1544). This Order requires compliance with Effluent Limits, Receiving Water Limits, and other requirements to protect the Beneficial Uses of Waters of the US. The Permittees are responsible for meeting all requirements of the applicable Endangered Species Act.

13. The Permittees may petition the Regional Board to issue a separate NPDES permit to any discharger of Non-storm Water into MS4 facilities that they own or operate.

14. The Regional Board has considered anti-degradation requirements, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, for this discharge. The Regional Board finds that the Urban Runoff regulated under this Order is consistent with the federal and state anti-degradation requirements and a complete anti-degradation analysis is not necessary. This Order requires the continued implementation of programs and policies to reduce the discharge of Pollutants in Urban Runoff. This Order includes additional requirements to control the discharge of Pollutants in Urban Runoff from “Significant Redevelopment,” and “New Development,” as defined in Finding II.G. and Section XII of this Order.

C. RATIONALE FOR REQUIREMENTS

1. The Regional Board developed the requirements in this Order based on information submitted as part of the 2007 ROWD (including the 2007 DAMP), monitoring and reporting data, program audits, and other available information and consistent with the CWA, CWC and regulations adopted thereunder.

2. The Fact Sheet (Appendix 6) which contains additional background information and rationale for requirements specified in this Order is hereby incorporated into this Order and constitutes part of the Findings for this Order. Appendices 1 through 5 and 7 are also incorporated into this Order.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. Under Water Code Section 13389, this action to adopt an NPDES permit is exempt from the provisions of CEQA, Public Resources Code Sections 21100 -21177 (*County of Los Angeles v. California State Water Resources Control Board* [2006] 142 Cal Appl. 4th 985, mod. [Nov. 6, 2006, B184034] 50 Cal. Rptr 3rd 619, 632-636). This action also involves the re-issuance of WDRs for existing facilities and as such, is exempt from the provisions of CEQA (commencing with Section 21100) in that the activity is exempt pursuant to Title 14 of the California Code of Regulations Section 15301.

2. Compliance with this Order and the DAMP does not necessarily constitute mitigation that is sufficiently specific to satisfy the requirements of CEQA with regards to projects. The intent of the DAMP, WQMP, Storm Water Pollution Prevention Plan (SWPPP) and other programs and policies incorporated into this order is to minimize the impacts from a specific project to a level that is below significance as defined in CEQA.

E. DISCHARGE CHARACTERISTICS

1. This Order regulates Urban Runoff from areas under the jurisdiction of the Permittees. The term Urban Runoff as used in this Order includes storm water runoff, snowmelt runoff and surface runoff and drainage as defined in Appendix 4.
2. Pollutants in Urban Runoff can threaten and adversely affect human health and the environment. Human illnesses have been clearly linked to recreating near storm drains flowing into coastal waters[8]. Also, Pollutants in Urban Runoff can bioaccumulate in receiving waters in the tissues of invertebrates and fish and eventually consumed by humans and other animals.
3. Urban Runoff can carry Pollutants described in the Fact Sheet to rivers, streams, and lakes within the Permit Area (collectively the “Receiving Waters”). In addition, although infrequently, Urban Runoff from the Permit Area can carry these Pollutants to other receiving waters such as the Pacific Ocean.
4. Management of Dry Weather discharges resulting from urbanization provides an opportunity to promote water conservation as well as address water quality.
5. The Co-Permittees discharge Urban Runoff into lakes, drinking water reservoirs, rivers, streams, creeks, and tributaries thereto within the Upper Santa Ana River, Middle Santa Ana River, and San Jacinto hydrologic units within the Santa Ana Region, as shown in Tables 3a and 3b. Some of the Receiving Waters have been designated as Impaired by the Regional Board and the USEPA pursuant to CWA Section 303(d).

[8] The Santa Monica Bay Restoration Project, Epidemiology Study, 1996.

Table 3a – Receiving Waterbodies and Municipal Dischargers:

	Upper Santa Ana									San Jacinto								
Municipality	**Mill Creek Prado Area**	**Chino Creek, Reach 1A**	**Chino Creek, Reach 1B**	**Temescal Creek**	**San Timoteo Wash**	**Little San Gorgonio**	**Santa Ana River, Reach 3**	**Santa Ana River, Reach 4**	**Cucamonga Creek**	**San Jacinto River reaches 1-4**	**Lake Elsinore**	**Canyon Lake**	**Strawberry Creek**	**Lake Hemet**	**Salt Creek**	**Poppet Creek**	**Indian Creek**	**Bautista Creek**
RCFC&WCD				◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Beaumont					◆	◆	⋓	⋓		◆	⋓		◆					
Calimesa					◆	⋓	⋓	⋓		◆	⋓	◆	◆					
Canyon Lake				⋓			⋓			⋓	⋓	◆						
Corona				◆			⋓											
County of Riverside (County)	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆	◆
Hemet				⋓			⋓			⋓	⋓	⋓			⋓			
Lake Elsinore				◆			⋓			⋓	◆							
Menifee				⋓			⋓			⋓	⋓	⋓			⋓			
Moreno Valley				⋓			⋓			⋓	⋓	⋓						
Murrieta				⋓			⋓				⋓							
Norco				⋓			◆											
Perris				⋓			⋓			◆	⋓	⋓			⋓			
Riverside				⋓			◆	◆			⋓							
San Jacinto										◆	⋓	⋓						
Wildomar				⋓			⋓				⋓							

◆ Direct Discharge of MS4 to Receiving Water
⋓ Tributary to Receiving Water

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Table 3b. Beneficial Uses and 2006 CWA Section 303(d) Impaired Waters

Watershed Management Areas in Riverside County	Hydraulic Unit	Beneficial Uses
Upper Santa Ana River		
Santa Ana River, Reach 3,	801.21, 801.25, 801.27,	AGR, GWR, REC1, REC2, WARM, WILD, RARE, SPWN
Santa Ana River, Reach 4	801.27, 801.44	GWR, REC1, REC2, WARM, WILD, SPWN
Temescal Creek – Reach 1	801.25	REC1, REC2, WARM, WILD
Temescal Creek – Reach 2	801.32, 801.25	INTERMITTENT - AGR, IND, GWR, REC1, REC2, LWARM
Temescal Creek – Reach 3 **See Lee Lake**		
Temescal Creek – Reach 4	801.34	RARE, INTERMITTENT - AGR, GWR, REC1, REC2, WARM, WILD
Temescal Creek – Reach 5	801.35	AGR, GWR, REC1, REC2, WARM, WILD, RARE
Temescal Creek – Reach 6	801.35	INTERMITTENT - GWR, REC1, REC2, WARM, WILD
Coldwater Canyon Creek	801.32	MUN, AGR, GWR, REC1, REC2, WARM, WILD
Bedford Canyon Creek	801.32	INTERMITTENT - GWR, REC1, REC2, WARM, WILD
Dawson Canyon Creek	801.32	MUN, GWR, REC1, REC2, WARM, WILD
Day Creek	801.21	MUN,PROC, GWR, REC1, REC2, COLD, WILD
San Sevaine Creek	801.21	INTERMITTENT - MUN, GWR, REC1, REC2, COLD, WILD
San Timoteo Wash Reach 3	801.62	IGWR, REC1, REC2, WARM, WILD, RARE
Little San Gorgonio Creek & Tributaries	801.62, 801.63, 801.69	MUN, GWR, REC1, REC2, COLD, WILD
Sunnyslope Channel	801.27,	MUN, REC1, REC2, WARM, WILD, SPWN
Tequesquite Arroyo (Sycamore Creek)	801.27,	GWR, REC1, REC2, WARM, WILD, SPWN
Chino Basin/ Middle Santa Ana		
Chino Creek, Reach 1A	801.21	REC1, REC2, WARM, WILD, RARE
Chino Creek, Reach 1B	801.21	REC1, REC2, WARM, WILD, RARE
Mill Creek (Prado Area)	801.25	REC1, REC2, WARM, WILD, RARE
Cucamonga Creek – Reach 1	801.21	GWR, REC1, REC2, LWARM, WILD

Watershed Management Areas in Riverside County	Hydraulic Unit	Beneficial Uses
San Jacinto San Jacinto River reaches 1 and 6	802.31, 802.32 & 802.21	INTERMITTENT - MUN, AGR, GWR, REC1, REC2, WARM, WILD
San Jacinto San Jacinto River reaches 3-5	802.11, 802.14, 802.21,	INTERMITTENT - AGR, GWR, REC1, REC2, WARM, WILD
San Jacinto San Jacinto River reach 2 **See Canyon Lake**		
San Jacinto San Jacinto River reach 7	802.21	MUN, AGR, GWR, REC1, REC2, COLD, WILD
- Bautista Creek	802.21, 802.23	MUN, AGR, GWR, REC1, REC2, COLD, WILD
Strawberry Creek	802.21	MUN, AGR, GWR, REC1, REC2, COLD, WILD
Fuller Mill Creek	802.22	MUN, AGR, GWR, REC1, REC2, COLD, WILD
Stone Creek	802.21	MUN, AGR, GWR, REC1, REC2, COLD, W ILD
Salt Creek	802.12	INTERMITTENT - REC1, REC2, WARM, WILD
Logan, Black Mtn, Juaro Canyon, Indian, Hurkey, Poppet and Protrero Creeks, and other Tributaries to these Creeks	802.21, 802.22	INTERMITTENT - MUN, AGR, GWR, REC1, REC2, WARM, WILD
Lakes		
Lake Elsinore	802.31	REC1, REC2, WARM, WILD
Canyon Lake	802.11	MUN, AGR, GWR, REC1, REC2, WARM, WILD
Lake Hemet	802.22	MUN, AGR, GWR, POW, REC1, REC2, WARM, COLD, WILD, SPWN
Lake Fulmor	802.21	MUN, AGR, REC1, REC2, WARM, COLD, WILD
Lake Perris	802.11	MUN, AGR, IND, PROC, GWR, REC1, REC2, COMM, WARM, COLD, WILD
Lake Evans	801.27	REC1, REC2, WARM, COLD, WILD
Lake Mathews	801.33	MUN, AGR, IND, PROC, GWR, REC1, REC2, WARM, WILD, RARE
Lee Lake	801.34	AGR, IND, GWR, REC1, REC2, WARM, WILD
Mockingbird Reservoir	801.26	AGR, REC1, REC2, WARM, WILD

AGR: Agricultural Supply; MUN: Municipal and Domestic Supply; GWR: Groundwater Recharge; IND – Industrial Service Supply, POW – Hydropower generation, REC1: Water Contact Recreation; REC2: Non-Contact Water Recreation; WARM: Warm Freshwater Habitat; LWARM: Limited Warm Freshwater Habitat, COLD - Cold freshwater habitat, WILD: Wildlife Habitat, RARE – Rare threatened or endangered species. SPWN – Spawning, reproduction and development waters.

6. Urban Runoff is defined in the Glossary (Appendix 4). It includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from Open Space[9], feedlots, dairies, farms and agricultural fields. Urban Runoff consists of storm water and "authorized non-storm water" (see Section VI) surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Receiving Waters. In addition to Urban Runoff, the MS4 regulated by this Order receives flows from Open Space, agricultural activities, state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4 varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices and Illicit Connections.

7. Pathogens (from sanitary sewer overflows, septic system leaks, and spills and leaks from portable toilets, pets, wildlife, and human activities) can impact water contact recreation and non-contact water recreation. Floatables (from trash) are an aesthetic nuisance and can be a substrate for algae and insect vectors. Oil and grease can coat birds and aquatic organisms, adversely affecting respiration and/or thermoregulation. Other petroleum hydrocarbon components may cause Toxicity to aquatic organisms and may impact human health. Suspended and settleable solids (from sediment, trash, and industrial activities) may be deleterious to benthic organisms and may cause anaerobic conditions to form. Sediments and other suspended particulates may cause turbidity, clog fish gills and interfere with respiration in aquatic fauna. They may also screen out light, hindering photosynthesis and normal aquatic plant growth and development. However, it is recognized that storm flows from non-urbanized areas such as national forest, state parks, wilderness, and agriculture, as shown on Appendix 1, naturally exhibit high levels of suspended solids due to climate, hydrology, geology and geography.[10] Toxic Substances from pesticides, petroleum products, metals, and industrial wastes can cause acute and/or chronic Toxicity, and can bioaccumulate in organisms to levels that may be harmful to human health. Nutrients (from fertilizer use, fire fighting chemicals, decaying plants, confined animal facilities, pets, and wildlife) may cause excessive algal blooms. These blooms may lead to problems with taste, odor, color and increased turbidity, and may depress the dissolved oxygen content, leading to fish kills.

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[9] Only includes Open Space in strictly unurbanized areas. See Glossary definition of Urban Runoff.
[10] Riverside County Flood Control and Water Conservation District's "Hydrology Manual," dated April 1978 and page II-4 of "Santa Ana River, Design Memorandum No. 1, Phase II GDM on the Santa Ana River Mainstem, including Santiago Creek, Volume 2, Prado Dam." dated August 1988 and D.I. Inman & S.A. Jenkins "Climate Change and the Episodicity of Sediment Flux in Small California Rivers," Journal of Geology, Volume 107, pp. 251-270, 1999.

8. Bacteria and nutrients are the Pollutants of Concern for a majority of the inland waters that are listed under the 303(d) list of Impaired Waterbodies or an adopted Total Maximum Daily Load (TMDL). This Order requires the Permittees to identify sources of bacteria and nutrients in Urban Runoff to their MS4 and to control those Pollutant sources.

9. Recent information[11] shows that plastic wastes and materials released to surface water bodies can harm aquatic species by entanglement or ingestion. This Order requires the Permittees to consider facilities that handle nurdles[12] as a high priority site for inspection, and outreach. Nurdles are a major contributor to marine debris. During a three month study of Orange County researchers found them to be the most common beach contaminant[13]. Nurdles comprised roughly 98% of the beach debris collected in a 2001 Orange County study.

10. The Permittees' water quality monitoring data submitted to date document a number of exceedances of Water Quality Objectives for various Urban Runoff-related Pollutants (fecal coliform bacteria, nutrients, total suspended solids, turbidity, metals, etc.) at various watershed monitoring stations.

11. This Order includes requirements for control of Dry Weather flows from Permittee activities that may cause an exceedance of Water Quality Objectives in Receiving Waters for Total Dissolved Solids (TDS) or total inorganic nitrogen (TIN). Storm water was considered to be an insignificant source for nitrogen/TDS in groundwater.

12. The Permittees' 2003-2004, 2004-2005, 2005-2006, 2006-2007 and 2007-2008 Annual Reports indicate exceedances of Water Quality Objectives for each core MS4 monitoring station discussed in a through g, below. The Permittees have identified nutrients and bacteria as priority constituents for initial corrective actions.

    a. Corona Storm Drain (40) - Six samples were collected and analyzed for fecal coliforms. Three samples were collected in the Dry Season and three during Wet Weather events. All samples analyzed exceeded bacteria (as fecal coliform) Water Quality Objectives with a maximum value of 160,000 MPN fecal coliforms. Boron analyses exceeded Water Quality Objectives of 0.75 mg/L in

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[11] http://www.bestlifeonline.com/cms/publish/health-fitness/Our_oceans_are_turning_into_plastic_are_we_2_printer.shtml, (alternative reference: http://rstb.royalsocietypublishing.org/search?fulltext=entanglement+and+ingestion&sortspec=date&submit=Submit&andorexactfulltext=phrase)

[12] A nurdle is a plastic pellet, also known as pre-production plastic pellet or plastic resin pellet.
[13] Moore, Charles (2002). "A comparison of neustonic plastic and zooplankton abundance in Southern California's coastal waters and elsewhere in the North Pacific". *Algalita Marine Research Foundation*. http://www.mindfully.org/Plastic/Ocean/Marine-Debris-Panel30oct02.htm.

one out of eighteen samples collected (0.78 mg/L). Six samples were collected and analyzed for Total Dissolved Solids (TDS) in 2003-2004. All samples were below the Temescal Creek and Santa Ana River Reach 3 Water Quality Objectives of 800 mg/L/700 mg/L TDS (respectively) and only one (11 mg/L) of ten samples (2005-2008) exceeded the 10 mg/L total nitrogen objective.

b. Sunnymead Channel (316) - Three samples were collected during Wet Weather events and analyzed for fecal coliforms in this time frame. All samples were greater than 5000 MPN and exceeded bacteria Water Quality Objectives of 200 or 400 MPN fecal coliforms. Two samples were collected during Wet Weather events and analyzed for TDS and were below the Water Quality Objective of 700 mg/L for Canyon Lake. Total nitrogen values in all ten samples collected during Wet Weather events were below the Water Quality Objective of 8 mg/L.

c. Hemet Channel (318) - All four Wet Weather samples were detected at greater than 7000 MPN and exceeded the bacteria Water Quality Objective of 200 or 400 MPN for fecal coliforms. As Salt Creek does not have numeric objectives for TDS, the Receiving Water for Salt Creek is Canyon Lake with an objective of 700 mg/L TDS. All eighteen samples collected during Wet Weather events and analyzed for TDS were below the Canyon Lake Water Quality Objective. Total nitrogen values in all nine samples collected during Wet Weather events were below the Water Quality Objective of 8 mg/L.

d. Magnolia Center (364) – Eleven out of thirteen samples (3-Wet Weather samples [>160000 MPN maximum concentration] and 10 dry [5000 MPN maximum]) collected exceeded the Water Quality Objective for fecal coliform (200 or 400 MPN MPN). Two (both collected during Wet Weather events) out of thirty-four samples identified total nitrogen concentrations in excess of the 10 mg/L Water Quality Objective. The maximum concentration measured was 13 mg/L. Water Quality Objective of 700 mg/L TDS were exceeded in three out of eight samples analyzed. The maximum TDS concentration was 930 mg/L TDS.

e. University Wash Channel (702) – All three samples were detected at greater than 5000 MPN concentration and exceeded the fecal coliform Water Quality Objectives of 200 or 400 MPN. The maximum concentration was 13,000 MPN. One (11 mg/L) out of sixteen samples analyzed for total nitrogen was above the Santa Ana River Reach 4 Water Quality Objective of 10 mg/L. Ten samples analyzed for TDS were below Water Quality Objective of 550 mg/L.

f. North Norco Channel (707) – Three out of four samples (>16000 MPN maximum) analyzed for fecal coliform exceeded bacteria Water Quality Objective of 200 or 400 MPN fecal coliform. Three (1300 mg/L maximum concentration dry, 900 mg/L wet) out of four samples analyzed for TDS were above the Santa Ana River-Reach 3 Water Quality Objective of 700 mg/L. Two

samples were Dry Weather and two samples were Wet Weather. One out of ten samples analyzed for total nitrogen exceeded the Water Quality Objective of 10 mg/L for total nitrogen.

g. Perris Line J Channel (752) – All four Wet Weather samples analyzed exceeded bacterial indicator Water Quality Objective the highest value was 13,000 MPN fecal coliform. Two of four samples analyzed for TDS exceeded the Water Quality Objective of 700 mg/L for Canyon Lake. One out of twelve samples analyzed exceeded the Water Quality Objective of 8 mg/L for total nitrogen.

13. The Permittees are participating in several studies in conjunction with the Storm Water Monitoring Coalition (SMC), Storm Water Quality Standards Task Force, the Lake Elsinore and Canyon Lake TMDL Task Force, the Middle Santa Ana River TMDL Task Force and Southern California Coastal Water Research Project (SCCWRP) to address the elevated fecal bacterial indicator levels. Also, the Permittees are anticipating that the use of fecal bacterial indicator will be changed to E. coli and the reclassification of REC uses for several MS4 facilities in the near future. However, E. coli data still indicates Water Quality Objective exceedances that will need to be addressed as part of the TMDL.

14. The above monitoring results, the 303(d) list of Impaired Waterbodies and the approved TMDLs indicate that bacterial contamination is one of the persistent problems in Urban Runoff. TMDL Implementation Plans including Urban Runoff Waste Load Allocations (WLAs) have been adopted by the Regional Board for the Middle Santa Ana River to address this problem. It should be noted, however, that the work of the Storm Water Quality Standards Task Force is likely to result in changes to Recreational Water Quality Objectives and implementation measures, including the suspension of recreational standards during high flow events. Further, some MS4 facilities may be recategorized as REC 2 or REC X (REC 1 nor REC 2) pursuant to Use Attainability Analyses (UAAs). These changes will likely allow the Permittees to focus their TMDL compliance resources on bacterial contamination that is affecting recreational swimming areas used during the Dry Season as the highest priority.

15. The Santa Ana River is the major Receiving Water in the Permit Area. During non-storm periods the flow in the River is dominated by effluent from POTW discharges. POTW discharges are regulated under NPDES permits issued by the Regional Board. In addition, the quality of the Santa Ana River within the Upper Santa Ana sub-watershed is greatly influenced by runoff from agricultural activities. Urban Runoff from the Permit Area constitutes a minor component of the Dry Weather flow in the Upper Santa Ana and San Jacinto sub-watersheds of the Santa Ana River. However, Urban Runoff may be more polluted than POTW discharges and therefore a more significant concern based on monitoring results identified in the Annual Reports.

F. CWA SECTION 303(D) LISTED WATERBODIES AND TMDLS (ALSO SEE SECTION K)

1. Water quality assessment conducted by Regional Board staff has identified a number of Beneficial Use Impairments due, in part, to Urban Runoff. Section 305(b) of the CWA requires the USEPA and each state that has been delegated NPDES permitting authority to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that Beneficial Uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an Impaired Waterbody.
2. Based on the Regional Board's 2006[14] water quality assessment a number of water bodies within the Permit Area are listed (see Table 4, below) as Impaired pursuant to Section 303(d).

Table 4 - Impaired Waterbodies

Waterbody	Pollutant	Potential Sources	Proposed TMDL Completion
Santa Ana River, Reach 3,	Pathogens	Dairies	Approved 2007
Canyon Lake	Nutrients	Non-point Source	Approved 2005
	Pathogens	Non-point Source	Listing under evaluation
Lake Elsinore	Nutrients	Non-point Source	Approved 2005
	Unknown Toxicity PCBs	Unknown Unknown Non-point Source	2021 2019
Lake Fulmor	Pathogens	Unknown Non-point Source	2019
Santa Ana River, Reach 4	Pathogens	Non-point Source	2019

3. Federal regulations require that a total maximum daily load (TMDL) be established for each 303(d) listed waterbody for each of the Pollutants causing Impairment. The TMDL is the total amount of a Pollutant that can be discharged to a subject waterbody, while still enabling the waterbody to attain Water Quality Standards in

[14] On April 24, 2009, the Regional Board adopted Resolution No. R8-2009-0032 approving the CWA Section 305(b) Integrated Report/CWA Section 303(d) List of Impaired Waterbodies. Minor additional modifications were approved by the Regional Board on October 23, 2009. When the revised list is approved by the State Board and the USEPA, the 2006 list will be updated.

the receiving water. Attaining Water Quality Standards means that the receiving waterbody's Water Quality Objectives are met and its Beneficial Uses are protected. The TMDL is the sum of the individual WLAs for point source inputs, Load Allocations (LAs) for Non-Point Source inputs and natural background, and a margin of safety. The TMDLs are one of the bases for limitations established in Waste Discharge Requirements.

4. The Basin Plan amendment incorporating the Middle Santa Ana River Watershed Bacterial Indicator TMDLs (MSAR TMDL) was approved by the Regional Board on August 26, 2005 (Resolution No. R8-2005-0001), by the State Board on May 15, 2006, by the state's Office of Administrative Law on September 1, 2006, and by the USEPA on May 16, 2007.

5. The MSAR TMDL established limits for Bacterial source Indicators for Santa Ana River (Reach 3), Chino Creek (Reaches 1 and 2), Prado Park Lake, Mill Creek (Prado Area), and Cucamonga Creek (Reach 1). The MSAR TMDLs Implementation Plan identifies three sub-watersheds in Riverside County that drain to the Santa Ana River, Reach 3: 1) Riverside Watershed - Contributes surface drainage generally westward from the City of Riverside to the Santa Ana River; 2) Temescal Canyon watershed - Contributes surface drainage generally northward to Temescal Creek and then to the Santa Ana River; and 3) Chino Basin - The southeastern portion of the Chino Basin drains generally south to the Santa Ana River in Riverside County.

6. The MSAR TMDLs specifies WLAs for Urban Runoff, and discharges from concentrated animal feeding operations. LAs are specified for runoff from other types of agriculture and from natural sources (open space/undeveloped forest land). WLAs and LAs are specified for both Dry Season discharges and Wet Season discharges, with separate compliance dates. To protect REC1 Beneficial uses, the TMDL has WLAs for fecal coliform and *E. coli*. The Basin Plan currently does not have an established Water Quality Objective for *E. coli*. Stakeholders in the Santa Ana Region have formed the Storm Water Quality Standards Task Force (SWQSTF) to evaluate USEPA's bacterial indicator recommendations and appropriate recreational beneficial use designations for waterbodies throughout the Region. The SWQSTF is expected to make recommendations for the adoption of alternative bacterial indicators such as *E.coli,* based on USEPA's "Ambient Water Quality Criteria for Bacteria - 1986". These and other recommendations of the SWQSTF are likely to result in changes to recreational Water Quality Objectives.

7. The MSAR TMDL Implementation Plan assigns responsibilities to specific MS4 dischargers to identify sources of impairment, to propose BMPs to address those sources, and to monitor, evaluate, and revise BMPs as needed, based on the effectiveness of the BMP implementation program. These are generally considered as the short-term solutions. The MSAR Permittees are required to develop and

implement a long-term solution (a Comprehensive Bacteria Reduction Plan (CBRP)) designed to achieve compliance with the WLAs by the dates specified in the TMDLs. Specific Implementation Plan tasks are described in Chapter 5 of the Basin Plan and are assigned to one or more of the Permittees. Requirements of the TMDL Implementation Plan tasks are incorporated into this Order. A number of these Implementation Plan tasks are also jointly assigned to non-Permittee stakeholders. The stakeholders have established TMDL task forces to jointly implement and coordinate the TMDL Implementation Plan tasks.

8. The MSAR TMDL Task Force members are listed in Table 5.

Table 5 - Middle Santa Ana River Bacterial Indicator TMDL Task Force

MS4 Permittees	**Non-MS4 Permittees**
Corona, City of	Santa Ana Watershed Project Authority
Norco, City of	US Department of Agriculture, Forest Service
Riverside, City of	Ag Pool, Milk Producers Council
Riverside, County of	Region 4 MS4 Permittees - Claremont and Pomona (pending formal agreement)
RCFC&WCD	Regional Board
San Bernardino County Flood Control District (representing the County of San Bernardino and the municipalities named in the TMDL)[(San Bernardino County, and the Cities of Chino, Chino Hills, Fontana, Montclair, Ontario, Rancho Cucamonga, Rialto and Upland)]	

9. Pursuant to Task 3 of the MSAR TMDL, on June 29, 2007, the Regional Board approved the monitoring program (Resolution No. R8-2007-0046) proposed by the TMDL Task Force. Pursuant to Task 4 of the MSAR TMDL, on April 18, 2008, the Regional Board approved the Urban Source Evaluation Plan (USEP) that included a BMP effectiveness study (Resolution No. R8-2008-0044) proposed by the TMDL Task Force. This Order requires the Permittees on the Task Force to continue to implement the approved monitoring program and the USEP.

10. A BMP effectiveness study was completed as part of the MSAR Watershed–Wide and BMP effectiveness components of the Middle Santa Ana River Water Quality Monitoring Plan (dated April 3, 2008). The results of this study will be incorporated into a BMP selection criteria that will be used as a guide to address bacterial indicator sources within the MSAR watershed. The Principal Permittee plans to conduct a phase 2 study at its Low Impact Development (LID) testing facility to evaluate the effectiveness of several LID-based BMPs, which will further guide BMP selection in the MSAR watershed.

11. As part of Task 4.1, the MSAR Permittees completed the first phase of the approved USEP (Resolution No. R8-2008-0044) and the report is currently under review by Regional Board staff. Several discrete sources of bacterial indicator were identified, controlled, or eliminated as a result of this effort. Based on the outfall monitoring data collected to date, additional sites are identified, monitored and prioritized yearly for further evaluation in the next phases of the USEP. The next phase of the USEP that will focus on an implementation plan to retrofit BMPs to address elevated bacterial indicators from urban drainage areas flowing into Mill Creek and Cucamonga Creek in San Bernardino County is currently being evaluated.

12. Consistent with Task 4.3, this Order requires the Permittees to revise the DAMP to incorporate the results of the USEP and/or other studies. The DAMP revisions shall include schedules for meeting the bacterial indicator WLAs based on the schedule established in the MSAR TMDLs and the results of the USEP and/or other studies. These revisions shall also provide a proposal and schedule for 1) evaluating the effectiveness of BMPs and other control actions implemented and 2) evaluating compliance with the bacterial indicator WLAs for Urban Runoff by initiating a WLA pre-compliance evaluation monitoring program[15].

13. Pursuant to Task 4.5, the Permittees are required to revise the Water Quality Management Plan to incorporate BMPs as per the USEP, Task 4.1, for New Development and Significant Redevelopment Projects.

14. The Permittees are required to develop a CBRP to achieve compliance with the WLAs by the compliance dates. Periodic evaluation and update of the CBRP may be necessary based on a BMP effectiveness analysis to ensure compliance with the WLAs by the compliance dates.

15. Within the Permit Area, there are two watershed-wide MSAR TMDL monitoring stations (WW-S1 Santa Ana River Reach 3 at MWD Crossing and WW-S4 Santa Ana River Reach 3 at Pedley Avenue). The MSAR Permittees are required to comply with the numeric Bacterial Indicator targets at these monitoring locations by December 31, 2015 for the Dry Weather conditions (April 1 through October 31, as defined in the TMDL) and by December 31, 2025 for the Wet Weather conditions (November 1 through March 31, as defined by the TMDL).

16. In the absence of an approved CBRP, the WLAs become the final numeric WQBEL that must be achieved by the compliance dates.

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[15] Pre-compliance evaluation monitoring is monitoring conducted prior to the TMDL compliance date to assess the effectiveness of BMPs implemented in reducing pollutant(s) of concern by the compliance date.

17. On December 20, 2004, the Regional Board adopted Resolution R8-2004-0037 amending the Basin Plan to incorporate the Lake Elsinore and Canyon Lake Nutrient TMDLs. These TMDLs were subsequently approved by the State Board on May 19, 2005, by the Office of Administrative Law on July 26, 2005 and by the USEPA on September 30, 2005. These TMDLs include urban WLAs that are now incorporated into Chapter 5 of the Basin Plan. For both Canyon Lake and Lake Elsinore, the TMDLs specify causal numeric targets (nitrogen and phosphorus) and response numeric targets (chlorophyll *a*, dissolved oxygen and un-ionized ammonia). The TMDLs also specify nitrogen and phosphorus WLAs (point source discharges) and LAs (nonpoint source discharges) for each lake. Compliance with interim dissolved oxygen and chlorophyll a numeric targets is to be achieved by December 31, 2015. Compliance with the final numeric targets and WLAs and LAs is to be achieved by December 31, 2020. The LAs and WLAs are specified as 10-year running average.

18. The nitrogen and phosphorus WLAs and LAs for Canyon Lake are applicable to those discharges tributary to Canyon Lake. The nitrogen and phosphorus WLAs and LAs for Lake Elsinore apply to those areas downstream of Canyon Lake and to overflows from Canyon Lake.

19. TMDL Implementation Plans for each TMDL assign responsibilities to specific MS4 dischargers/stakeholders to identify sources of Impairment, to propose BMPs to address those sources, and to monitor, evaluate and revise BMPs based on monitoring results. Specific TMDL Implementation Plan tasks associated with Urban Runoff are described in Chapter 5 of the Basin Plan and are assigned to one or more of the Permittees. Requirements of the TMDL implementation plan tasks are incorporated into this Order and were proposed for inclusion in Chapter 13 of the DAMP (see 2007 ROWD). Several of these tasks are also jointly assigned to non-Permittee stakeholders. The Permittees have established TMDL Task Forces to jointly implement and coordinate those tasks.

20. To evaluate compliance with TMDL WLAs as per the Implementation Plans, the Permittees proposed to submit a Comprehensive Nutrient Reduction Plan to:

    a. Evaluate the effectiveness of BMPs and other control actions implemented; and

    b. Evaluate the progress towards compliance with the nutrient WLA for Urban Runoff.

21. The Canyon Lake and Lake Elsinore Nutrient TMDL Task Force (also referred to as the San Jacinto Watershed Urban Dischargers) members are tabulated below:

Table 6 - Canyon Lake and Lake Elsinore Nutrient TMDL Task Force

Riverside MS4 Permittees	Non-Permittees
Beaumont, City of	California Department of Fish and Game
Canyon Lake, City of	California Department of Transportation (Caltrans),
Hemet, City of	Eastern Municipal Water District
Lake Elsinore, City of	Elsinore Valley Municipal Water District
Moreno Valley, City of	U.S. Air Force (March Air Reserve Base), March Joint Powers Authority,
Murrieta, City of	U.S. Forest Service
Perris, City of	Western Riverside County Agricultural Coalition
San Jacinto, City of	
Riverside, City of	
Riverside, County of	
RCFC&WCD	

22. The cities of Menifee and Wildomar were recently incorporated and are responsible for compliance with the Canyon Lake and Lake Elsinore Nutrient TMDL requirements. They have the option to participate in the TMDL Task Force or comply with the TMDL requirements on their own.

23. Interim compliance (compliance determination prior to the final WLA compliance dates) determination with the WLAs in the TMDLs will be based on the Lake Elsinore and Canyon Lake (LE/CL) Permittees progress towards implementing the various TMDL Implementation Plan tasks as per the resultant studies and plans approved by the Regional Board. The CL/LE Permittees are required to develop a Comprehensive Nutrient Reduction Plan (CNRP) designed to achieve compliance with the WLAs by the final compliance date for approval of the Regional Board. In the absence of an approved CNRP, the WLAs specified in the approved Canyon Lake/Lake Elsinore Nutrient TMDL will constitute the final numeric WQBELs.

G. NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT – WQMP /LID

1. The California Constitution and Government Code provide the Co-Permittees planning policy powers that mandate that the Co-Permittees review and condition New Development consistent with the Subdivision Map Act, CEQA, and their respective general plans, ordinances, and resolutions to ensure the general public's health and safety. If these constitutional and statutory mandates are not properly implemented and local ordinances and resolutions are not properly enforced, there is a creditable potential that New Development could result in the discharge of Pollutants via Urban Runoff to the Waters of the U.S within the Permit Area.

2. Significant development has taken place in Riverside County in the last decade. These developments have resulted in the urbanization of many areas. Urbanization generally increases Urban Runoff volume and velocity of runoff and the amount of Pollutants in the runoff. As development occurs, natural vegetated

pervious ground cover is converted to impervious surfaces such as highways, streets, rooftops and parking lots. Natural vegetated soil can both absorb rainwater and remove Pollutants providing an effective natural purification process. In contrast, impervious surfaces can neither absorb water nor remove Pollutants, and the natural purification characteristics are lost. Additionally, urban development can significantly increase Pollutant loads as the increased population density causes proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage wastes, pesticide, household hazardous wastes, pet wastes, trash, and other Anthropogenic Pollutants.

3. Urbanization can especially threaten environmentally sensitive areas (ESAs) and stream geomorphology. ESAs typically have a much lower capacity to withstand Pollutant loads. In essence, development that is ordinarily insignificant in its impact on the environment may in a particular sensitive environment become significant. Designated ESAs are defined in the Glossary (Appendix 4).

4. Unmitigated high volumes and velocities of discharges from MS4 facilities associated with new development (which may include non-Urban Runoff) into natural watercourses can alter the natural rate of change of a stream and adversely impact aquatic ecosystems and stream habitat and cause stream bank erosion and physical modifications. These changes are the result of Hydromodification. Typically, Hydromodification especially impacts those natural streams in the developing foothills and in other urbanizing fringe portions of the Permit Area.

5. On October 5, 2000, the State Board adopted Order No. WQ-2000-11, which is a precedential order. Order No. WQ-2000-11 required that Urban Runoff generated by 85th percentile storm events from specific types of development categories be infiltrated, filtered or treated. The essential elements of this precedential order were incorporated into the 2002 MS4 Permit and are incorporated herein. In accordance with the requirements specified in the 2002 MS4 Permit, the Permittees developed a model WQMP and Template.

6. The WQMP and Template provide a framework to incorporate some of the watershed protection principles into the Co-Permittees' planning, construction and post-construction phases of New Development and Significant Redevelopment projects. The WQMP includes site design (including, where feasible, LID principles), Source Control and Treatment Control elements to reduce the discharge of Pollutants in Urban Runoff. On September 17, 2004, the Regional Board approved the WQMP. The Co-Permittees are requiring proponents of New Developments and Significant Redevelopments to develop and implement site-specific WQMPs. This Order requires Co-Permittees to continue requiring preliminary project-specific WQMPs as early as possible during the environmental review or planning phase (land use entitlement) and to review and approve final project-specific WQMP that is in substantial conformance with the preliminary

project-specific WQMP prior to the issuance of any building or grading permit. This Order also requires Co-Permittees to verify functionality of post-construction BMPs prior to issuance of certificate of occupancy and to track and ensure long term operation and maintenance of those BMPs as per the approved project-specific WQMPs.

7. An audit of each of the Pemittees' Urban Runoff management programs during the term of the 2002 MS4 Permit indicated no clear nexus between the watershed protection principles, including LID techniques specified in the WQMP and the Permittees' General Plan or related documents such as Development Standards, Zoning Codes, Conditions of Approval and Project Development Guidance. Existing procedures, ordinances, local codes, and development standards may be barriers to implementation of LID practices. This Order requires the Permittees to evaluate their General Plans, comprehensive or master plans, zoning codes, subdivision ordinances, project development standards, conditions of approval or related documents to determine whether the removal of any barriers, within their control, is feasible for implementation of LID techniques and other requirements of this Order. Where feasible, the Co-Permittees will make appropriate changes to remove barriers to implement LID techniques and other requirements of this Order.

8. This Order also requires the Permittees to review and enforce covenants, conditions and restrictions (CC&R) or develop other mechanisms to ensure proper long term operation and maintenance of post-construction BMPs.

9. In addition to addressing post-development water quality, the WQMP includes requirements to protect ESAs and address potential Hydromodification issues. Section 4.4 of the WQMP requires identification of Hydrologic Conditions of Concern (HCOC). An HCOC exists when a site's hydrologic regime is altered and there are significant impacts on downstream channels and aquatic habitats, alone or in conjunction with impacts of other projects. Currently, New Development and Significant Re-development projects are required to perform this assessment and incorporate appropriate BMPs to ensure existing hydrologic conditions are maintained. This Order requires the Permittees to implement LID techniques to minimize HCOC.

10. Management of the impacts of urbanization on water quality and stream stability in the Permit Area is more effective if the techniques are implemented at the project site, within the neighborhood and within each Co-Permittee's jurisdiction based on an overall watershed plan. The Permittees have identified Major Outfalls and have submitted maps of existing MS4 facilities. This Order requires the Permittees to expand upon the existing maps to include a map of its lined and unlined channels and streams within the Permit Area with the goal of identifying, prioritizing, and developing specific action plans for protecting those segments of streams that are vulnerable to development impacts.

11. This Order further requires the Permittees to develop a Watershed Action Plan that would address TMDL Implementation Plan BMP strategies and provide regional tools to address Hydromodification. The Permittees may choose to implement a single Watershed Action Plan for the entire Permit Area, or subdivide the Permit Area into sub-watersheds as appropriate to cost-effectively address TMDL requirements. The Watershed Action Plan integrates existing watershed based planning efforts and incorporates watershed tools to manage cumulative impacts of development on vulnerable streams, preserve structure and function of streams, and protect source, surface and groundwater quality and water supply in the permitted area. The Watershed Action Plan should integrate Hydromodification and water quality management strategies with land use planning policies, ordinances, and plans within each jurisdiction. Existing Permittee watershed planning efforts include the Western Riverside County Multiple Species Habitat Conservation Plan, Special Area Management Plan, Santa Ana and San Jacinto Integrated Regional Watershed Management Plans, Lake Elsinore and Canyon Lake and Middle Santa Ana River TMDL Task Forces, SCCWRP Hydromodification sensitivity mapping project, and various regional BMP evaluations being conducted by the Principal Permittee in conjunction with various water districts should be evaluated and incorporated into the Watershed Action Plan as necessary to address TMDL Implementation Plan requirements and Hydromodification. The regional efforts should be evaluated, and if necessary, enhanced to provide Permittees with the tools to integrate Hydromodification and TMDL management strategies with Permittee MS4 Permit compliance programs and land use planning policies, ordinances, and plans within appropriate Permittee jurisdictions within the Permit Area.

12. Pending completion of a Watershed Action Plan and implementing tools, management of the impacts of urbanization shall be accomplished on a per project and per jurisdiction basis through jurisdictional implementation of the watershed tools incorporated into the local general plans, ordinances and other requirements and the project-specific WQMPs.

13. The SMC in collaboration with SCCWRP and the California Storm Water Quality Association (CASQA) with funding from the State Water Resources Control Board and CASQA is developing a LID manual for Southern California. This manual will be incorporated into the CASQA BMP Handbooks. The Permittees are encouraged to utilize the LID manual as a resource to implement LID techniques once completed.

14. This Order requires the project proponents to first consider preventative and conservation techniques (e.g., preserve and protect natural features to the MEP) prior to considering mitigative techniques (Structural BMPs such as infiltration systems, or other Treatment Control BMPs). The mitigative measures should be

prioritized with the highest priority for BMPs that remove Pollutants in Urban Runoff and reduce the volume of Urban Runoff, such as infiltration, then other BMPs, such as harvesting and use, evapotranspiration and bio-treatment should be considered. Consistent with the MEP standard, these LID BMPs must be implemented at the project site. Consideration of "highest and best use" of the discharge should also be considered. For example, Lake Elsinore is evaporating faster than runoff from natural precipitation can recharge it. Requiring infiltration of 85% of runoff events for projects tributary to Lake Elsinore would only exacerbate current water quality problems associated with Pollutant concentration due to lake water evaporation. In cases where rainfall events have low potential to recharge Lake Elsinore (i.e. no hydraulic connection between groundwater to Lake Elsinore, or other factors), requiring infiltration of Urban Runoff from projects is counterproductive to the overall watershed goals. Project proponents, in these cases, would be allowed to discharge Urban Runoff, provided they used equally effective filtration-based BMPs. The Regional Board also recognizes that site conditions, including site soils, contaminant plumes, high groundwater levels, etc., could limit the applicability of infiltration and other LID BMPs at certain project sites. Where LID BMPs are not feasible or appropriate at the project site, more traditional, but equally effective BMPs (proprietary or non-proprietary) should be implemented. This Order provides for alternatives and in-lieu programs where preferred LID BMPs are infeasible or inappropriate. In addition, extra diligence should also be performed when proposing infiltration BMPs in areas where the proposed land use is often associated with soil and groundwater contamination. Pre-treatment of the water prior to infiltration is necessary in most cases. Proprietary treatment devices may be utilized when it is demonstrated that they meet or exceed the MEP standard.

15. The USEPA has determined that LID/green infrastructure can be a cost-effective and environmentally preferable approach for the control of storm water pollution and to minimize downstream impacts by mimicking pre-development hydrology. LID techniques promote the reduction of impervious areas which may achieve multiple environmental and economic benefits in addition to enhanced water quality and supply, stream and habitat protection, cleaner air, reduced urban temperature, increased energy efficiency and other community benefits such as aesthetics recreation, and wildlife areas. This Order incorporates a volume capture metric based on the design volume specified in the WQMP.

16. If not properly designed and maintained, Treatment Control BMPs could create a nuisance and/or habitat for vectors[16] (e.g., mosquitoes and rodents). The 2002 MS4 Permit required the Permittees to closely collaborate with the local vector

[16] Managing Mosquitoes in Storm water Treatment Devices, Marco E. Metzger, University of California Davis, Division of Agriculture and Natural Resources, Publication 8125.

control agencies during the development and implementation of such Treatment Control BMPs. The Permittees should continue these collaborative efforts with the vector control agencies to ensure that Treatment Control BMPs do not become a Nuisance or a potential source of Pollutants. The requirements specified in this Order include identification of responsible agencies for maintaining the Treatment Control BMPs and for providing funding for operation and maintenance.

17. If not properly designed and maintained, groundwater infiltration systems may adversely impact groundwater quality. Restrictions placed on Urban Runoff infiltration in this Order (Section XI.D.8) are based on recommendations provided by the USEPA Risk Reduction Laboratory. The Permittees should work closely with the water districts and water conservation districts to insure groundwater protection.

18. This Order incorporates new project categories and revised thresholds for several categories of new development and redevelopment projects that trigger the requirement for a WQMP. The 2008 National Research Council (NRC) report[17] indicates that roads and parking lots constitute as much as 70% of total impervious cover in ultra-urban landscape, and as much as 80% of the directly connected impervious cover. Roads tend to capture and export more storm water Pollutants than other impervious covers. As such, roads are included as a priority development category for which WQMPs are required. Private New Development and Significant Redevelopment projects incorporating roads typically allow road runoff to be addressed as part of the overall water quality strategy for the larger common plans of development. Permittee streets, roads and highways capital projects have special limitations. For example, the footprint of street, road and highway capital projects is often limited and may have hydraulic constraints due to lack of underground storm drain systems that would otherwise be necessary to hydraulically facilitate treatment of runoff. There are also limitations specified in state and federal design and code specifications that may limit or prohibit certain BMPs. Permittees may also be subject to flow diversion liability and limited road maintenance budgets and equipment. Street, road and highway projects that function as part of the MS4 also receive runoff and associated Pollutants from both existing urban areas and other external sources, including adjacent land use activities, aerial deposition, brake pad and tire wear and other sources that may be outside the Co-Permittee's authority to regulate and/or economic or technological ability to control. These offsite flows can overwhelm Treatment Control BMPs designed to address the footprint (consistent with the typical requirements for a WQMP) of street, road or highway capital projects incorporating curb and gutter as part of its storm water conveyance function. Despite these limitations, the Regional Board finds that Permittee construction of streets, roads and highway capital

[17] National Research Council Report (2008), http://www.nap.edu/catalog.php?record_id=12465

projects may provide an opportunity to address Pollutant loads from existing urban areas. However, due to the nature of the facilities and projects, it would be unduly burdensome for the Co-Permittees to maintain WQMP documents for transportation projects (in addition to Facility Pollution Prevention Plans and other overlapping requirements of this Order). The Permittees are therefore not required to prepare WQMP documents for street, road and highway capital projects, but instead are required to develop functionally equivalent documents that include site specific consideration utilizing BMP guidance to address street, roads and highway capital project runoff to the MEP.

19. The NRC report also indicates that there is a direct relationship between impervious cover and the biological condition of downstream receiving waters. The Permittees are required to address HCOC from New Development and Significant Redevelopment projects to minimize downstream impacts.

H. CO-PERMITTEE INSPECTION PROGRAMS

1. Each Co-Permittee conducts inspections of those Construction Sites for which it has issued either a grading or building permit to determine compliance with its ordinances, regulations, and codes, including its Storm Water Ordinance. Each Co-Permittee, consistent with its ordinances, rules and regulations, inspects each site for compliance with the conditions of approval governing the grading or building permit. These inspections have been expanded by the Co-Permittees to determine that sites requiring coverage under the General Construction Activity Storm Water Permit have obtained permit coverage by verifying that a Waste Discharge Identification (WDID) number has been issued by the State Board..

2. The DAMP addresses compliance strategies with regard to industrial and commercial facilities. As part of their Urban Runoff management activities, the Principal Permittee and the County entered into an agreement, dated August 10, 1999 by which they have developed and funded, in cooperation with the Riverside County Environmental Health Department, the "Compliance Assistance Program" (CAP) which includes a storm water survey component as part of existing inspections of hazardous material handlers and retail food service activities. The CAP consists of educational outreach to the inspected facilities and detailed storm water compliance surveys for each facility that must secure a hazardous materials permit for either storing, handling or generating such materials (there are approximately 5,500 facilities of which approximately 2,300 are inspected annually, and all facilities are inspected at least once during a two year cycle) and retail food facilities (there are approximately 6,750 facilities, all of which are inspected 1 to 3 times annually). Storm Water Compliance Surveys are conducted with each inspection of hazardous materials facilities, and at least once during the MS4 Permit term for restaurants. Restaurant inspectors are authorized to conduct

additional surveys if they observe an IC/ID or ordinance violation. The type of industrial/commercial establishment that is inspected includes, but is not limited to, automobile mechanical repair, maintenance, fueling, or cleaning operation, automobile or other vehicle body repair or painting operations, and painting or coating operations. Completed surveys that indicate non-compliance are forwarded to the appropriate Co-Permittee's enforcement division for follow up action. In addition, the cities of Corona and Riverside, which operate publicly owned treatment works (POTW), conduct annually on average, approximately 4,400 wastewater pre-treatment inspections, on a variety of industrial and commercial establishments within their respective jurisdictions, including, but not limited to, retail food establishments, car washes, and carpet, drape & furniture cleaning establishments. The Permittees have agreed to notify Regional Board staff when conditions are observed during such inspections that appear to be in violation of either the Storm Water General Permits or a permit issued by the Regional Board.

3. An evaluation of the Permittees' inspection programs during the 2002 MS4 Permit indicated a wide range of compliance and non-compliance with the Construction Cite and Industrial and Commercial Facilities inspection requirements. In many instances, the Construction Site and Facilities' return to compliance was not properly documented. This Order includes requirements for a more effective inspection program and includes a performance measure, time to return to compliance, as a metric for program effectiveness.

I. ILLICIT CONNECTIONS/ ILLEGAL DISCHARGES (IC/ID)

1. Illegal Discharges to the MS4 can contribute to contamination of Urban Runoff and other surface waters. During the term of the 1990 MS4 Permit, the underground MS4 facilities were inspected and only one Illicit Connection was identified. Open channels and other aboveground elements of the MS4 are inspected for evidence of Illegal Discharges as an element of routine maintenance by the Permittees. The Permittees also developed a program to prohibit IC/IDs to their MS4 facilities. Continued surveillance and enforcement of these programs are required to eliminate IC/IDs. The Permittees have a number of procedures in place to eliminate IC/IDs to the MS4, including Construction Site and Commercial, and Industrial Facility inspections, MS4 facility inspections, water quality monitoring and reporting programs, and public education.

2. The Permittees have the authority to control Pollutants in Urban Runoff, to prohibit IC/ID, to control spills, and to require compliance and carry out inspections of the MS4 facilities within their respective jurisdictions. The Co-Permittees have been extended necessary legal authority through California

statutes and local charters. Consistent with this statutory authority, each of the Co-Permittees have adopted their respective Storm Water Ordinances.

3. Even though the Permittees have established the authority and the procedures to detect and eliminate IC/IDs, audits conducted during the term of the 2002 MS4 Permit indicated that this program element is generally carried out passively through complaint response. IC/IDs are also detected through inspection programs and maintenance activities. Reports from maintenance inspectors are also typically logged as complaints. This Order requires each Permittee to revise this program element based on the Center for Watershed Protection's Illegal Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments, or equivalent program.

J. TECHNOLOGY-BASED EFFLUENT LIMITATIONS (Not Applicable)

K. WATER QUALITY-BASED EFFLUENT LIMITATIONS (WQBELs) AND TMDL WLA

1. 40 CFR 122.44(d) requires that NPDES permits include WQBELs to attain and maintain applicable numeric and narrative water quality criteria to protect the Beneficial Uses of the Receiving Water. Where numeric water quality criteria have not been established, 40 CFR 122.44(d) specifies that WQBELs may be established using USEPA criteria guidance under CWA section 304(a), proposed State criteria or a State policy interpreting narrative criteria supplemented with other relevant information, or an indicator parameter. In *Defenders of Wildlife, et al* v. *Browner,* No. 98–71080 (9th Cir, October 1999), the Court held that the CWA does not require strict compliance with State Water Quality Standards for MS4 permits under section 301(b)(1)(C), but that at the same time, the CWA does give the permitting authority the discretion to incorporate appropriate WQBEL under another provision, CWA Section 402(p)(3)(B)(iii). The use of BMPs to control or abate the discharge of Pollutants is allowed by 40 CFR 122.44(k)(3) when Numeric Effluent Limitations are infeasible or when practices are reasonably necessary to achieve Effluent Limitations and standards or to carry out the purposes and intent of the CWA. The legislative history and the preamble to the federal storm water regulations indicate that the Congress and the USEPA were aware of the difficulties in regulating Urban Runoff solely through traditional end-of-pipe treatment. It is the Regional Board's intent to require the Permittees to implement BMPs consistent with the MEP standard in order to support attainment of Water Quality Standards. This Order includes Receiving Water Limitations based on Water Quality Objectives; it prohibits the creation of Nuisance and requires the reduction of Water Quality Standards Impairment in Receiving Waters. The Permit includes a procedure for determining whether Urban Runoff is causing or contributing to exceedances of Receiving Water Limitations and for evaluating whether the DAMP must be revised to include additional or more effective BMPs designed to meet

Water Quality Standards. The Order establishes an iterative process to determine compliance with the Receiving Water Limitations.

2. To support attainment of Water Quality Standards, consistent with the MEP standards, this Order aims to reduce the discharge of Pollutants in Urban Runoff from the MS4 by requiring Permittees to:
   a. Implement BMPs at Permittee facilities and activities,
   b. Require BMPs, including where appropriate, LID techniques, to be implemented at New Development and Significant Redevelopment project sites prior to accepting discharges into their MS4 facilities, where feasible,
   c. Implement and annually evaluate the DAMP and each Permittee's LIP for effectiveness in reducing Pollutants in Urban Runoff, and
   d. Determine if Urban Runoff is contributing to exceedances of Water Quality Objectives or Beneficial Uses in Receiving Waters by comparing outfall and receiving water monitoring results to: (1) Water Quality Objectives (WQOs), (2) California Toxic Rule (CTR), (3) USEPA Multi-Sector Permit Parameter Benchmark Values and (4) other appropriate data identified by the Permittees. The Permittees should also evaluate the Regional Monitoring reports prepared by SCCWRP to assess trends in Urban Runoff and Receiving Water quality within the Permit Area.
3. Federal regulations (40 CFR 122.44(d)(1)(vii)(B) require inclusion of Effluent Limits that are "consistent with the assumptions and requirements of any available WLA for the discharge prepared by the State and approved by USEPA." Consistent with this requirement, this Order includes interim effluent limits and a process for developing a BMP-based approach which, if adopted by the Regional Board prior to the compliance dates(s) specified in the associated comprehensive plan, shall become the final WQBEL(s). The Permittees are required to submit a comprehensive plan describing the proposed BMPs and the documentation demonstrating that the BMPs are expected to attain the WLAs by the compliance dates when implemented. If the Regional Board approves this comprehensive plan, this Order will be amended to include the comprehensive plan as the final WQBEL(s). If the Regional Board does not approve the comprehensive plan prior to the compliance date; the WLAs will become the final WQBEL(s) on the applicable compliance date and will remain in effect until a comprehensive plan is approved by the Regional Board. The comprehensive plan will be updated, as necessary, to reflect evaluations of the effectiveness of the BMPs, including evaluations presented in the annual reports.

4. These WQBELs are consistent with the assumptions and requirements identified in the TMDL Implementation Plans adopted with the TMDLs because the WQBELs are expected to be sufficient to meet the WLAs by the compliance dates. The

TMDLs within the Permit Area are described in Section F, above. These include the following:

a. MSAR Bacterial Indicator TMDL

i. The TMDL relies on this Order to implement the WLAs for Urban Runoff from the MSAR Permittees.

ii. This Order requires the MSAR Permittees to fully comply with the TMDL Implementation Plan. The TMDL Implementation Plan includes requirements for monitoring, and submittal of plans and schedules to implement short term solutions and develop long-term solutions to achieve TMDL compliance by the specified compliance dates.

iii. There are two components in the MSAR TMDL (fecal coliform and *E. coli*). The Basin Plan currently does not have an established objective for *E. coli*. The work that is currently being done by SWQSTF is expected to make recommendations for the adoption of *E. coli* objectives and revised WLAs based on *E.coli*. This Order incorporates the current WLAs as WQBELs. If the WLAs are revised, this Order will be reopened to incorporate the new WLAs.

iv. Upon adoption of this Order, the tasks identified in the MSAR TMDL Implementation Plan that have been developed by the MSAR Permittees and approved by the Regional Board become the interim Effluent Limits.

v. The MSAR Permittees are required to develop a Comprehensive Bacteria Reduction Plan(CBRP) designed to achieve WLAs by the compliance date. Once approved by the Regional Board, the CBRP becomes the final Effluent Limit. In the absence of an approved CBRP, the WLAs become the final numeric WQBEL by the compliance date specified in the TMDL.

b. Canyon Lake and Lake Elsinore Nutrient TMDLs

i. This Order is consistent with the Urban WLAs specified in the Canyon Lake and Lake Elsinore Nutrient TMDLs.

ii. Consistent with the TMDL Implementation Plan, this Order requires the LE/CL Permittees to identify sources of Impairment, propose BMPs to address those sources, and to monitor, evaluate and revise BMPs based on the monitoring results. Specific TMDL Implementation Plan tasks are described in Chapter 5 of the Basin Plan and are assigned to one or more of

the Permittees. Requirements of the TMDL Implementation Plan tasks are incorporated into this Order and Chapter 13 of the 2007 DAMP.

iii. In Chapter 13 of the 2007 DAMP submitted with the ROWD, the LE/CL Permittees have proposed BMP programs, consistent with the aforementioned TMDL Implementation Plan tasks.

iv. This Order also requires the LE/CL Permittees to monitor at representative Urban Runoff monitoring locations defined in the Consolidated Program for Water Quality Monitoring (CMP), (Phase 2 TMDL Monitoring is specified in the Lake Elsinore and Canyon Lake Nutrient TMDL Monitoring Plan dated February 15, 2006) and TMDL Implementation Plan and to evaluate the effectiveness of BMPs implemented in the Permit Area in reducing Pollutants of Concern in Urban Runoff to determine progress towards attainment of WLAs by the specified compliance date.

v. The Regional Board recognizes that additional research is needed to determine the most appropriate control mechanism to attain Water Quality Standards for nutrients in these two lakes. This Order provides the LE/CL Permittees the flexibility to meet the WLAs through a variety of techniques. Even though, the WLAs for the Canyon Lake and Lake Elsinore Nutrient TMDLs are expressed as WQBELs, if Water Quality Standards in the Lakes are met through biological or other in-Lake control mechanisms, the LE/CL Permittees' obligation to meet the WLAs is satisfied. as the impairment for which the TMDLs were developed would not exist anymore. The Permittees in the affected watersheds are required to develop a CNRP designed to achieve the WLAs by the compliance dates specified in the TMDL. In the absence of an approved CNRP, the WLAs become the final numeric WQBELs for nutrients.

L. WATER QUALITY CONTROL PLAN (BASIN PLAN)

1. The Regional Board adopted a revised Water Quality Control Plan for the Santa Ana River Basin (hereinafter Basin Plan) that became effective on January 24, 1995. The Basin Plan designates Beneficial Uses, establishes Water Quality Objectives, and contains implementation programs and policies to achieve those Water Quality Objectives for all waters in the Santa Ana Region addressed through the Basin Plan.

2. More recently, the Basin Plan was significantly amended to incorporate revised boundaries for groundwater subbasins, now termed "management zones", new nitrate-nitrogen and TDS objectives for the new management zones, and new nitrogen and TDS management strategies applicable to both surface and ground

waters. This Basin Plan Amendment was adopted by the Regional Board on January 22, 2004. The State Board and the Office of Administrative Law (OAL) approved the amendment on September 30, 2004 and December 23, 2004, respectively. The USEPA approved the surface water standard and related provisions of the amendment on June 20, 2007.

3. TDS and TIN limitations in Table 4-1 of the Basin Plan are specified in this Order for Permittees' discharges subject to the De Minimus Permit. Where Dry Season flows are identified as part of the IC/ID program element, this Order also requires Permittees to establish their baseline discharge concentration for Dry Season conditions.

4. As discussed in Section K, WQBELs, and TMDL WLA, the Basin Plan has been amended to incorporate several TMDLs and TMDL Implementation Plans adopted for waterbodies within the Permit Area. In addition, the Basin Plan implements State Board Resolution 88-63, which established a state policy that all waters, with certain exceptions, are suitable or potentially suitable for municipal or domestic water supply. Thus, as discussed in detail in the Fact Sheet, Beneficial Uses recognized in the Basin Plan for Receiving Waters in the Permit Area are as follows:

    a. Municipal and Domestic Supply,
    b. Agricultural Supply,
    c. Industrial Service Supply,
    d. Industrial Process Supply,
    e. Groundwater Recharge,
    f. Hydropower Generation,
    g. Water Contact Recreation,
    h. Non-contact Water Recreation,
    i. Warm Freshwater Habitat,
    j. Limited Warm Freshwater Habitat,
    k. Cold Freshwater Habitat,
    l. Preservation of Biological Habitats of Special Significance,
    m. Wildlife Habitat,
    n. Rare, Threatened or Endangered Species, and
    o. Spawning, Reproduction, and Development

5. The existing and potential Beneficial Uses of groundwater that could be impaired by the discharge of Urban Runoff within the Permit Area include one or more of the following:

    a. Municipal and Domestic Supply,
    b. Agricultural Supply,
    c. Industrial Service Supply, and

d. Industrial Process Supply

6. The Basin Plan also incorporates by reference all State Board water quality control plans and policies including the 1990 Water Quality Control Plan for Ocean Waters of California (Ocean Plan) and the 1974 Water Quality Control Policy for Enclosed Bays and Estuaries of California (Enclosed Bays and Estuaries Policy). Water Quality Objectives specified in the Basin Plan are local numeric and narrative objectives that may be more stringent than the national or statewide water quality criteria.

M. NATIONAL TOXICS RULE (NTR) AND CALIFORNIA TOXICS RULE (CTR)

NTR and CTR are blanket water quality criteria that apply to all surface water discharges. However, the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* states that the Policy does not apply to regulation of storm water discharges. Regional Board believes that compliance with Water Quality Standards through implementation of BMPs is appropriate for regulating Urban Runoff. The USEPA articulated this position on the use of BMPs in storm water permits in the policy memorandum entitled, ‘‘Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits’’ (61 FR 43761, August 9, 1996).[18]

N. STATE IMPLEMENTATION POLICY (SIP)

See Section M, above.

O. COMPLIANCE SCHEDULES AND INTERIM REQUIREMENTS

The Basin Plan contains schedules for achieving compliance with WLAs for Bacterial Indicators in the MSAR watershed and nutrients in the San Jacinto watershed (Canyon Lake/Lake Elsinore). It is appropriate to require the CL/LE Permittees to comply with those time schedules for various deliverables as specified in the approved TMDL Implementation Plans. Consistent with the State Board’s Compliance Schedule Policy (Resolution No. 2008-0025), this Order incorporates interim and final Effluent Limits, where applicable. Additionally, since the TMDL compliance dates are outside the term of this MS4 Permit, it is also appropriate to require the Permittees to monitor and report the effectiveness of BMPs implemented in the Permit Area to evaluate progress towards attainment of WLAs by the time schedules specified in the adopted TMDLs. This Order includes the schedules for deliverables as part of the TMDL Implementation Plans as well as a requirement to monitor the effectiveness of BMPs in the Permit

[18] See discussions on Wet Weather Flows in the Federal Register/Vol. 65, No. 97/Thursday, May 18, 2000/Rules and Regulations

Area in reducing Pollutant discharges and to report progress towards compliance with the TMDL WLAs by the compliance dates.

P. ANTIDEGRADATION POLICY

40 CFR 131.12 requires that State Water Quality Standards include an antidegradation policy consistent with the federal policy. The State Board established California's antidegradation policy in Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. As discussed in detail in the Fact Sheet (see sections IV and V), the permitted discharges are consistent with the antidegradation provisions of 40 CFR 131.12 and State Board Resolution No. 68-16.

Q. ANTI-BACKSLIDING

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require Effluent Limitations in a reissued NPDES permit to be as stringent as those in the previous permit, with some exceptions where Effluent Limitations may be relaxed. All Effluent Limitations in this Order are at least as stringent as the Effluent Limitations in the 2002 Order.

R. PUBLIC EDUCATION/PARTICIPATION

1. Public participation during the development of Urban Runoff management programs and implementation plans is necessary to ensure that all stakeholder interests and a variety of creative solutions are considered. In addition, the federal storm water regulations require public participation in the development and implementation of the Urban Runoff management program. As such, the Permittees are required to solicit and consider all comments received from the public and submit copies of the comments to the Executive Officer of the Regional Board with the Annual Reports. In response to public comments, the Permittees may modify reports, plans, or schedules prior to submittal to the Executive Officer.

2. There are Pollutants in Urban Runoff from privately owned and operated facilities such as residences, businesses and commercial establishments and public and private institutions. A successful NPDES MS4 permit program should include the participation and cooperation of public entities, private businesses, and public and private institutions. Therefore, public education is a critical element of the DAMP. As the population increases in the Permit Area, it will be even more important to

continue to educate the public regarding the impact of human activities on the quality of Urban Runoff.

3. In addition to the Regional Board, a number of other stakeholders are involved in the management of the water resources of the Region. These include, but are not limited to, the incorporated cities in the Region, POTWs, the three counties, and the Santa Ana Watershed Project Authority and its member agencies. The entities listed in Appendix 2 are considered as potential dischargers of Urban Runoff in the Permit Area. It is expected that these entities will also work cooperatively with the Permittees to manage Urban Runoff. The Regional Board, pursuant to 40 CFR 122.26(a), has the discretion and authority to require non-cooperating entities to participate in this Order or to issue individual MS4 permits. The Permittees may request the Regional Board to issue a separate NPDES Permit to any discharger into MS4 facilities they own or operate.

4. Cooperation and coordination among the stakeholders (regulators, Permittees, the public, and other entities) are critical to optimize the use of finite public resources and ensure economical management of water quality in the Region. Recognizing this fact, this Order focuses on integrated watershed management and seeks to integrate the programs of the stakeholders, especially the holders of the three MS4 permits within the Regional Board's jurisdiction.

5. Education is an important aspect of every effective Urban Runoff management program and the basis for changes in behavior at a societal level. Education of municipal planning, inspection, and maintenance department staff is especially critical to ensure that in-house staff understand how their activities impact water quality, how to accomplish their jobs while protecting water quality, and their specific roles and responsibilities for compliance with this Order. Public education, designed to target various urban land users and other audiences, is also essential to inform the public of how individual actions affect Receiving Water quality and how adverse effects can be minimized.

6. Some Urban Runoff issues, such as public education and training, can be effectively addressed on a regional or statewide basis. Regional approaches to Urban Runoff management can improve program consistency and promote sharing of resources, which can result in implementation of more efficient programs. In particular the counties of San Bernardino and Riverside and their collective municipalities are encouraged to cooperatively work together and generate a unified education and training program.

S. PERMITTEE FACILITIES AND ACTIVITIES

1. The Permittees own/operate facilities where industrial or related activities take place that may have an impact on Urban Runoff quality. Some of the Permittees

enter into contracts with outside parties to carry out activities that may also have an impact on Urban Runoff quality. These facilities and related activities include, but are not limited to, street sweeping, catch basin cleaning, maintenance yards, vehicle and equipment maintenance areas, waste transfer stations, corporation and storage yards, parks and recreational facilities, landscape and swimming pool maintenance activities, MS4 maintenance activities and the application of herbicides, algaecides and pesticides.

2. This Order requires continued implementation of BMPs intended to reduce Pollutant discharges from those Permittee activities/facilities that are found to be significant sources of Pollutants in Urban Runoff. This Order prohibits non-storm water discharges from facilities owned or operated by the Permittees unless the discharges are exempt under Section VI of this Order or are permitted by the Regional Board under an individual NPDES permit.

3. Program evaluations conducted during the term of the 2002 MS4 Permit indicated varying degrees of compliance/noncompliance at Permittee facilities and activities. This Order requires each Permittee to review its inventory of fixed facilities, field operations and drainage facilities to ensure that Permittee facilities do not cause or contribute to a Pollution or Nuisance in Receiving Waters. Permittee fixed public facilities and field operations are to be inspected annually.

T. MUNICIPAL CONSTRUCTION PROJECTS

1. The 2002 MS4 Permit authorized the discharge of storm water from construction activities on an acre or more, that are under ownership or direct responsibility of the Permittees. Permittees were required to notify the Regional Board prior to commencement of construction activities, and to comply with the latest Statewide General Construction Permit. Permittees were also required to develop a SWPPP and monitoring program specific to the Construction Site. Program evaluations conducted during the term of the 2002 MS4 Permit indicated that some Permittees were not submitting or were not aware of the requirement to submit a NOI and subsequent Notice of Termination (NOT) for Permittee Construction Sites. This Order continues the notification requirement.
2. This Order builds upon the requirement of the 2002 MS4 Permit by requiring Permittees to include post-construction BMP information for Permittee Construction Sites meeting WQMP and General Construction Permit criteria along with the NOT submitted to the Executive Officer upon completion of the construction activity. The NOT must include photographs of the completed project, a site map including structural post-construction BMP locations, long term operation and maintenance responsibility information, field verification report and copies of the final field verification reports required under Section XII.I. Permittees are required to develop

a database of post-construction BMPs per Section XII.K.4. for which they are responsible and reference this database in the LIPs.

3. Emergency Permittee public works projects required to protect public health and safety are exempted from these requirements, until the emergency ends, at which time they need to comply with the requirements.

U. MONITORING AND REPORTING

1. 40 CFR 122.48 requires that all NPDES permits specify requirements for monitoring and reporting. Sections 13267 and 13383 of the CWC authorize the Regional Board to require technical and monitoring reports. The Monitoring and Reporting Program, Attachment 3, establishes monitoring and reporting requirements to implement federal and State requirements.

2. An effective monitoring program characterizes Urban Runoff, identifies problem areas, and determines the impact of Urban Runoff on receiving waters and the effectiveness of BMPs. The Principal Permittee administers the CMP for the Permittees. The CMP includes Wet and Dry Season monitoring of MS4 Outfalls and Receiving Waters throughout Riverside County.

3. The Regional Board recognizes the importance of watershed management efforts and regional planning and coordination in the development and implementation of programs and policies related to Receiving Water quality protection, including the Urban Runoff program and TMDL processes. In light of recent TMDLs that have been developed and the expectation of future TMDLs, this Order allows the Permittees to develop a Coordinated Watershed Monitoring Plan that shows the nexus among various Urban Runoff related monitoring programs that the Permittees are participating and the MS4 permit requirements including but not limited to WLA pre-compliance, BMP effectiveness, urban source and trend evaluation, Receiving Water quality and Hydromodification effects monitoring as part of the requirements of the Monitoring and Reporting Program.

4. Multiple entities, such as POTWs, MS4, CAFOs, and other permitted and non-permitted dischargers, discharge into the same water bodies. The discharges from these various sources could potentially affect the water quality of these water bodies even when these dischargers are complying with their discharge permits. Monitoring the Receiving Waters where these multiple types of discharges take place is necessary to determine these water bodies' compliance with Water Quality Objectives and their attainment of Beneficial Uses.

5. In the past, multiple entities have individually monitored the water bodies receiving their discharges to determine impacts to these waters from their discharges. The

monitoring has resulted in fragmented data that is inconsistent in quality, and that has potentially resulted in duplication of resources.

6. The SMC's "Model Monitoring Program for Municipal Separate Storm Sewer Systems in Southern California", August 2004 Technical Report #419 indicated that "…the lack of mass emissions stations in the inland counties hampers their ability to estimate the proportional contribution of these inland areas to cumulative loads downstream." The SMC consists of representatives from the Counties of Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego and the City of Long Beach. Consistent with this coordinated effort, this Order includes requirements for mass emissions monitoring.
7. Every two years, the Regional Board will assess readily available data to determine if the water bodies within its jurisdiction comply with the Water Quality Objectives and attain the assigned Beneficial Uses. The data reviewed for the assessment comes from sources such as municipalities, POTWs, individual public submittals, TMDL monitoring, and special studies. The data necessary for the assessment is of known and documented quality and generated under the auspices of a Quality Assurance Project Plan (QAPP). The data also is required to be statistically sufficient to assess if the water body is meeting Water Quality Objectives and to determine if water quality is declining over time.
8. A coordinated monitoring effort is needed for each sub-watershed in the Santa Ana Region that will provide statistically sufficient data. These data should be collected with appropriate quality control and quality assurance programs and should be made available in an electronic format to meet assessment objectives.
9. The Regional Board has identified sub-watersheds in the Santa Ana Region where potential duplication of effort is taking place. These sub-watersheds include: the Upper Santa Ana River watershed, MSAR watershed, Lower Santa Ana River watershed, and the San Jacinto River watershed.
10. Regional Board staff proposes to require the various entities discharging into the waterbodies in these sub-watersheds to coordinate monitoring efforts, prepare, submit for approval, and implement a watershed monitoring plan; a QAPP, and a data management, validation, verification mechanism in order to meet the assessment objectives.
11. Under the direction of the MS4 permittees, SCCWRP is coordinating a watershed monitoring effort in Southern California. The Santa Ana Region is included in their monitoring effort. This effort will potentially produce data that will meet the needs of the Regional Board in assessing water quality. This Order requires the Permittees to continue their participation in this regional effort.

V. STANDARD AND SPECIAL PROVISIONS

The dischargers must comply with all standard provisions and with those additional conditions that are applicable under Federal NPDES Regulations 40 CFR122.41 and 40 CFR 122.42.

W. NOTIFICATION OF INTERESTED PARTIES

The Regional Board has notified the dischargers and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an opportunity to submit their written comments and recommendations. Details of notification are provided in the Fact Sheet for this Order.

X. CONSIDERATION OF PUBLIC COMMENT

The Regional Board has notified the Permittees, all known interested parties, and the public of its intent to issue WDRs for this discharge and has provided them with an opportunity to submit their written views and recommendations.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the discharge and the requirements of this Order. Details of the Public Hearing are provided in the Fact Sheet for this Order.

Y. ALASKA RULE

On March 30, 2000, USEPA revised its regulation that specifies when new and revised State and Tribal Water Quality Standards become effective for CWA purposes (40 CFR 131.21, 65 FR 24641, April 27, 2000). Under the revised regulation (also known as the Alaska rule), USEPA must approve new and revised Water Quality Standards submitted to USEPA after May 30, 2000 before being used for CWA purposes. The final rule also provides that standards already in effect and submitted to USEPA by May 30, 2000 may be used for CWA purposes, whether or not approved by USEPA.

Z. COMPLIANCE WITH CZARA

The Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), Section 6217(g), requires coastal states with approved coastal zone management programs to address Non-Point Source Pollution impacting or threatening coastal water quality. The CZARA addresses five sources of non-point pollution: agriculture, silviculture, urban, marinas, and Hydromodification. This Order addresses the management measures required for the urban category. Compliance with requirements specified in this Order relieves the Permittees for developing a Non-Point Source Plan, for the urban category, under CZARA.

AA. NON-POINT SOURCE DISCHARGES

Consistent with the State Board's 2004 "Policy for the Implementation and

Enforcement of the Nonpoint Source Pollution Control Program," the Regional Board may issue WDRs for Non-Point Source (NPS) Pollutant discharges, such as agricultural irrigation runoff or return flows that are not subject to NPDES requirements, if identified as a significant source of Pollutants. In addition, if the water quality significance of Non-Point Source discharges is not clearly understood, the Regional Board may issue conditional waivers of WDRs to Non-Point Source dischargers, and require monitoring to gather the information necessary to effectively manage these discharges.

BB. STRINGENCY REQUIREMENTS FOR INDIVIDUAL POLLUTANTS. (N/A)

CC. FISCAL RESOURCES

California is experiencing a fiscal crisis unprecedented since the Great Depression. The November 2009 unemployment rate is 12.2 percent in California and 14.7 percent in Riverside County.[19] The seasonally adjusted national unemployment rate in November 2009 is at a 26-year high of 10.2 percent. The Federal Reserve projected that the national unemployment rate, currently at a 26-year high of 9.4 percent, will pass 10 percent by the end of the year. Most federal policymakers said it could take "five or six years" for the economy and the labor market to get back on a path of long-term health.[20] State and local governments are experiencing significant budgetary shortfalls and are reducing staffing and programs across the board. Given this economic environment, priority will be given to preserving the most essential elements of existing Urban Runoff programs and identifying and implementing strategies to improve the efficiency of existing programs in protecting Receiving Waters.

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[19] Employment Development Department, State of California, December 18, 2009. http://www.calmis.ca.gov/file/lfmonth/rive$pds.pdf
[20] http://www.msnbc.msn.com/id/31963779/ns/business-stocks_and_economy/

PERMIT REQUIREMENTS:

IT IS HEREBY ORDERED that the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Moreno Valley, Murrieta, Norco, Perris, Riverside, San Jacinto, and Wildomar, in order to meet the provisions contained in Division 7 of the Water Code and regulations adopted thereunder, and the provisions of the CWA, as amended, and the regulations and guidelines adopted there under, must comply with the following:

III. PERMITTEE RESPONSIBILITIES:

A. RESPONSIBILITIES OF THE PRINCIPAL PERMITTEE:

1. The Principal Permittee shall be responsible for managing the overall Urban Runoff program and shall:

   a. Coordinate revisions to the DAMP.

   b. Implement area-wide management programs, monitoring and reporting programs, and related plans as required by this Order.

   c. Coordinate chemical and biological water quality monitoring and any other monitoring as required by the Executive Officer.

   d. Prepare, coordinate the preparation of, and submit to the Executive Officer, those reports and programs necessary to comply with this Order.

   e. Provide staff support to the Management Steering Committee (Appendix 4, Glossary) to address Urban Runoff management policies for the Permit Area and coordinate the review, and necessary revisions to the DAMP and Implementation Agreement. The Management Steering Committee will continue to meet consistent with the requirements of Section XVII.D of this Order.

   f. Coordinate and conduct Technical Committee (Appendix 4) meetings consistent with the requirements of Section XVII.D of this Order. The Technical Committee will continue to direct the development of the DAMP and coordinate the implementation of the overall Urban Runoff program.

   g. Take the lead role in initiating and developing area-wide programs and activities necessary to comply with this Order.

h. Coordinate activities and participate in committees/subcommittees formed to comply with this Order.

i. Coordinate the implementation of this Order with the Regional Board and Co-Permittees, including the submittal of joint reports, plans, and programs as required under this Order.

j. Provide technical and administrative support to the Co-Permittees, including informing them of the status of known pertinent municipal programs, pilot projects, and research studies.

k. Coordinate with the Co-Permittees the implementation and necessary updates to Urban Runoff quality management programs, monitoring and reporting programs, implementation plans, public education, other Pollution Prevention measures, household Hazardous Waste collection, and BMPs outlined in the DAMP and take other actions consistent with the MEP standard.

l. Gather and disseminate information on the status of statewide Urban Runoff programs and evaluate the information for potential use in the execution of this Order. Hold workshops focused on Urban Runoff regulatory requirements, BMPs, and other related topics.

m. Compile information provided by the Co-Permittees and determine the effectiveness of the overall Urban Runoff program in attaining Receiving Water Quality Standards. This determination must include a comparative analysis of monitoring data to the applicable Water Quality Objectives for Receiving Waters as specified in Chapter 4 of the Basin Plan.

n. Solicit and coordinate public input for major changes to the Urban Runoff management programs and the implementation thereof.

o. Coordinate the development and implementation of procedures and performance standards, to assist in the consistent implementation of BMPs consistent with the MEP standard, as well as Urban Runoff management programs, among the Co-Permittees.

p. Participate in watershed management programs and regional and/or statewide monitoring and reporting programs.

q. In collaboration with the Co-Permittees, other MS4 Programs and/or CASQA, develop guidelines for defining expertise and competencies of storm water program managers and inspectors and develop and submit for approval a training program for various positions in accordance with these guidelines and Section XV of this Order.

r. Within 6 months of adoption of this Order, the Principal Permittee shall develop a library of BMP performance reports, and revise the library annually thereafter. At a minimum, obsolete performance reports should be removed and updated reports from the Permittees, CalTrans, CASQA, American Society of Civil Engineers or other appropriate sources that include more effective and proven BMPs should be added. The library may use national, statewide or regional reports. The purpose of this library is to facilitate the Permittees approval of BMPs, review and approval of WQMPs, etc.

s. Within 6 months of adoption of this Order, the Principal Permittee shall coordinate a review of the DAMP with the Co-Permittees to determine the need for update or revisions to ensure compliance with the requirements of this Order and establish a schedule for those revisions.

2. The activities of the Principal Permittee shall also include, but not be limited to, the following for MS4 owned or operated by the Principal Permittee:

a. To cause appropriate enforcement actions as necessary against IC/IDs to its MS4 to ensure compliance with Urban Runoff management programs, ordinances and implementation plans, including physical removal of Illicit Connections and prohibition of Illegal Discharges.

b. Ensure that applicants for encroachment permits for permanent connection to its MS4 facilities are notified in writing of their obligations to comply with Storm Water Ordinances, WQMP, and General Stormwater Permit requirements. The Principal Permittee shall make sure that encroachment activities within the limits of its rights-of-way comply with the General Construction Permit post construction standards. An encroachment project with a WQMP reviewed and approved by the Co-Permittee with jurisdictional authority may constitute compliance with the General Construction Permit post construction standards[21].

c. Conduct inspections and maintain the MS4 facilities over which it has jurisdiction.

d. Review and revise, if necessary, those agreements to which it is a party and those regulations and policies it deems necessary to provide adequate legal authority to maintain the MS4 facilities for which it has jurisdiction and to take those actions required of it by this Order and the federal Storm Water Regulations (see Section VIII);

[21] The State General Construction Permit Order No. 2009-0009-DWQ, Section XII

e. Monitor, document, and report that appropriate enforcement actions against Illegal Discharges to the MS4 facilities for which it has jurisdiction are taken and pursued as necessary to ensure compliance with Urban Runoff management programs, implementation plans, and regulations and policies, including physical elimination of IC/IDs (see Section IX);

f. Continue to respond or cause the appropriate entity or agency to respond to emergency situations such as accidental spills, leaks, and IC/IDs to prevent or reduce the discharge of Pollutants to its MS4 facilities and to the Receiving Waters (see Section XVI).

g. Track, monitor, and keep training records of all personnel involved in the implementation of the Principal Permittee's Urban Runoff management program.

B. RESPONSIBILITIES OF THE CO-PERMITTEES:

1. Each Co-Permittee shall complete a LIP, in conformance with Section IV of this Order and the approved LIP template.

2. Each Co-Permittee shall be responsible for managing the Urban Runoff program within its jurisdiction and shall:

   a. Maintain adequate legal authority to control the contribution of Pollutants to the MS4 and enforce those authorities.

   b. Conduct inspections of and maintain its MS4 facilities in accordance with the criteria developed pursuant to Section XIV.

   c. Continue to implement management programs, monitoring and reporting programs, appropriate BMPs listed in the DAMP and LIP, and related plans as required by this Order and take such other actions consistent with the MEP standard.

   d. Continue to seek sufficient funding for the area-wide Urban Runoff management plan, local Urban Runoff program management, Urban Runoff enforcement, public outreach and education activities and other Urban Runoff related program implementation.

   e. Continue to coordinate with other public agencies as appropriate, to facilitate the implementation of this Order and the DAMP/LIP.

   f. Ensure that applicants for encroachment permits for permanent connection to Permittee MS4 facilities are notified of their obligations to comply with Storm

Water Ordinances, WQMP, and the State General Construction Permit post construction standards. The Permittees shall enforce their Storm Water Ordinances to the extent of their legal authority. An encroachment project with a WQMP reviewed and approved by the Co-Permittee who owns the MS4 may constitute compliance with the General Construction Permit post construction standards[22].

g. Maintain up-to-date MS4 facility maps. Annually review these maps and if necessary, submit revised maps to the Principal Permittee with the information required for preparation of the Annual Report.

h. Prepare and submit to the Principal Permittee in a timely manner specific reports/information, related to the Co-Permittees' Urban Runoff management program, necessary to develop an Annual Report for submittal to the Executive Officer.

3. The Co-Permittees' activities shall include, but not be limited to, the following:

a. Participate in the Management Steering Committee and the Technical Committee meetings consistent with the requirements of Section XVII.D of this Order.

b. Conduct and coordinate with the Principal Permittee surveys and monitoring needed to identify Pollutant sources and drainage area characteristics within its jurisdiction. Where an Illegal Discharge crosses jurisdictional boundaries, to the extent feasible coordinate with neighboring jurisdictions to locate and end the Illegal Discharge.

c. Prepare and submit reports to the Principal Permittee to facilitate compilation of joint reports to the Regional Board in compliance with submittal deadlines.

d. Participate in the development and implementation of plans, strategies, management programs, monitoring and reporting programs that are proposed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.

e. Participate in subcommittees formed by the Principal Permittee, Technical Committee, or the Management Steering Committee to comply with this Order.

[22] The State General Construction Permit Section XIII

f. Respond to or arrange for the appropriate entity or agency to respond to Emergency Situations such as accidental spills, leaks, IC/IDs, etc., to prevent or reduce the discharge of Pollutants to their MS4 facilities and the Receiving Waters.

g. Continue to pursue enforcement actions as necessary within its jurisdiction for violations of Storm Water Ordinances, and other elements of its Urban Runoff management program.

C. IMPLEMENTATION AGREEMENT

The Permittees shall allow any cities that were not signatories to the original Implementation Agreement but have been subsequently added to this Order to participate in the Implementation Agreement. The Permittees must annually review their Implementation Agreement and determine the need, if any, for additional revision. Beginning with the first Annual Report after adoption of this Order the Permittees must include the findings of this review and a schedule for any necessary revision(s) to the Implementation Agreement, if any. A copy of the signature page and any revisions to the Agreement shall be included in the Annual Report.

IV. LOCAL IMPLEMENTATION PLAN:

A. Within 6 months of adoption of this Order, the Permittees shall develop and submit for approval of the Executive Officer a LIP template. The LIP template shall be amended as the provisions of the DAMP are amended to address the requirements of this Order. The LIP template shall facilitate a description of the Co-Permittee's individual programs to implement the DAMP, including the organizational units responsible for implementation and identify positions responsible for Urban Runoff program implementation. The description shall specifically address:

1. Overall program management, including internal reporting requirements and procedures for communication and accountability;

   a. Interagency or interdepartmental agreements necessary to implement the Permittee's Urban Runoff program

   b. A summary of fiscal resources available to implement the Urban Runoff program;

   c. The ordinances, agreements, plans, policies, procedures and tools (e.g. checklists, forms, educational materials, etc.) used to execute the DAMP, including legal authorities and enforcement tools.

   d. Summarize procedures for maintaining databases required by the Permit;

   e. Describe internal procedures to ensure and promote accountability;

2. WQBELs to implement the TMDLs (Section VI.D);
3. Receiving Water Limitations (Section VII.D).
4. Legal authority/enforcement (Section VIII)
    a. Identify enforcement procedures, and
    b. Identify actions and procedures for tracking return to compliance;
5. Illicit Connections/Illegal Discharges (IC/ID); Litter, Debris and Trash Control (Section IX).

    The procedures and the staff positions responsible for different components of their IC/ID and Illegal Discharge Detection and Elimination (IDDE) Programs.
6. Sewage Spills, Infiltration into the MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet Discharges (Section X)

    A description of the interagency or interdepartmental sewer spill response coordination within each Permittee's jurisdiction.
7. Co-Permittee inspection programs(Section XI),
    a. Maintenance of Construction, Industrial, Commercial, and Post-Construction BMP databases;
    b. Procedures for incorporating erosion and sediment control BMPs into the permitting of Construction Sites (Section XI.B)
    c. Implementation of the Residential Program (Section XI.E.)
    d. Specify the verification procedure(s) and any tools utilized to verify that coverage under the General Construction Permit;
8. New Development (Including Significant Redevelopment) (Section XII)
    a. A list of discretionary maps and permits over which the Permittee has the authority to require WQMPs;
    b. Permittee procedures to implement the Hydromodification Management Plan.
    c. Permittee procedures and tools to implement the WQMP.(Sections XII.H, XII.I & XII.K)
    d. Permittee procedures for Municipal Road Projects (Section XII.F).
    e. A description of the credits programs or other in-lieu programs implemented (Section XII.G).
9. Public education and outreach (Section XIII)
10. Permittee Facilities and Activities (Section XIV)
    a. A description of the Permittee's MS4 facilities;
    b. At a minimum a list of facilities that include the following:

i. Parking facilities;

ii. Fire fighting training facilities;

iii. Facilities and activities discharging directly to environmentally sensitive areas such as 303(d) listed waterbodies or those with a RARE beneficial use designation;

iv. POTWs (including water and wastewater treatment plants) and sanitary sewage collection systems;

v. Solid waste transfer facilities;

vi. Land application sites;

vii. Corporate yards including maintenance and storage yards for materials, waste, equipment and vehicles;

viii. Household hazardous waste collection facilities;

ix. Municipal airfields;

x. Maintenance Facilities serving parks and recreation facilities;

xi. Special event venues following special events (festivals, sporting events);

xii. Other municipal areas and activities that the Permittee determines to be a potential source of Pollutants.

11. Compliance of Permittee Facilities and Activities with the General Construction Permit and De-Minimus Permit (Section XIV.G).

12. Training Program for Storm Water Managers, Planners, Inspectors and Municipal Contractors (Section XV);

    a. Training log forms

    b. Identify departments and positions requiring training

B. Within 12 months of approval of the LIP template, and amendments thereof, by the Executive Officer, each Permittee shall complete a LIP[23], in conformance with the LIP template. The LIP shall be signed by the principal executive officer or ranking elected official or their duly authorized representative pursuant to Section XX.M of this Order.

[23] As the Principal Permittee is not a general purpose government, some portions of the NPDES MS4 Program may not be applicable to it. The Principal Permittee should identify the basis for its exclusion from the applicable program elements in the appropriate LIP section.

C. Each Permittee shall annually review and evaluate the effectiveness of its Urban Runoff programs to determine the need for revisions to its LIP as necessary in compliance with Section VIII.H of this Order, and document revisions in the Annual Report.

V. DISCHARGE PROHIBITIONS:

A. In accordance with the requirements of 40 CFR 122.26(d)(2)(i)B) and 40 CFR 122.26(d)(2)(i)(F), the Permittees shall prohibit IC/IDs (see Appendix 4) from entering the MS4.

B. The discharge of Urban Runoff from the MS4 to Receiving Waters containing Pollutants, including trash and debris, that have not been reduced consistent with the MEP standard is prohibited.

C. Non-storm Water discharges from public agency activities into Waters of the US are prohibited unless the Non-storm Water discharges are permitted by a NPDES permit, granted a waiver, or as otherwise specified in Section VI, below.

D. Discharges from the MS4 shall be in compliance with the discharge prohibitions contained in Chapter 5 of the Basin Plan.

E. Discharges of Urban Runoff from the Permittee's MS4 shall not cause or contribute to a condition of Pollution, Contamination, or Nuisance (as defined in CWC Section 13050).

F. The discharge of any substances in concentrations toxic to animal or plant life is prohibited.

VI. EFFLUENT LIMITATIONS, DISCHARGE SPECIFICATIONS AND OTHER TMDL RELATED REQUIREMENTS

For purposes of this Order, a discharge may include storm water or other types of discharges identified below.

A. ALLOWED DISCHARGES:

The discharges identified need not be prohibited by the Permittees unless identified by the Permittees or the Executive Officer as a significant source of Pollutants. The DAMP shall include public education and outreach activities directed at reducing these discharges even if they are not substantial contributors of Pollutants to the MS4.

1. Discharges composed entirely of storm water;

2. Air conditioning condensate;
3. Irrigation water from agricultural sources ;
4. Discharges covered by a NPDES Permit, WDRs, or waivers issued by the Regional Board or State Board.
5. Discharges from landscape irrigation, lawn/garden watering and other irrigation waters. These shall be minimized through public education and water conservation efforts, as prescribed under this Order Section XI.E. Residential Program.
6. Passive foundation drains[24];
7. Passive footing drains[25];
8. Water from crawl space pumps[26];
9. Non-commercial vehicle washing,(e.g. residential car washing (excluding engine degreasing) and car washing fundraisers by non-profit organization);
10. Dechlorinated swimming pool discharges (cleaning wastewater and filter backwash shall not be discharged into the MS4 or to Waters of the US)
11. Diverted stream flows[27];
12. Rising ground waters[28] and natural springs;
13. Uncontaminated ground water infiltration as defined in 40 CFR 35.2005 (20) and uncontaminated pumped groundwater (as defined in Appendix 4, glossary),
14. Flows from riparian habitats and wetlands;
15. Emergency fire fighting flows (i.e., flows necessary for the protection of life and property do not require BMPs and need not be prohibited. However, appropriate BMPs to reduce the discharge of Pollutants to the MEP must be implemented when they do not interfere with health and safety issues [see also Appendix K of the DAMP]).
16. Waters not otherwise containing Wastes as defined in California Water Code Section 13050 (d), and
17. Other types of discharges identified and recommended by the Permittees and approved by the Regional Board.

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[24] Allowed discharges only if the source water drained from the foundation is storm water or uncontaminated groundwater. Discharges from contaminated groundwater may require coverage under the De Minimus Permit (Order No. R8-2009-0003, NPDES No. CAG998001) or General Groundwater Cleanup Permit (Order No. R8-2007-0008, NPDES Permit No CAG918001) or its latest version.

[25] See footnote 24, above.

[26] Allowed discharges only if the discharge is uncontaminated, otherwise permit coverage under the De Minimus Permit or Order No. 2006-0008-DWQ (NPDES No. CAG990002), General NPDES Permit for Discharges from Utility Vaults and Underground Structures to Surface Waters (General Permit-Utility Vaults).

[27] Diversion of stream flows that encroach into Waters of the US requires a 404 permit from the US Army Corps of Engineers and a 401 Water Quality Certification from the Regional Board. Stream diversion that requires active pumping also requires coverage under the De Minimus Permit, Order No. R8-2009-0003.

[28] Discharge of rising ground water and natural springs into surface water is only allowed if groundwater is uncontaminated. Otherwise, coverage under the General Groundwater Cleanup Permit, Order No. R8-2007-0008 may be required.

When types of discharges listed above are identified as a significant source of Pollutants to Waters of the US, a Permittee must either: prohibit the discharge category from entering the MS4 or ensure that Source Control BMPs and Treatment Control BMPs are implemented to reduce or eliminate Pollutants resulting from the discharge. The Permittees shall evaluate the permitted discharges, as listed above to determine if any are a significant source of Pollutants to the MS4 and notify the Executive Officer if any are a significant source of Pollutants to the MS4.

B. DISCHARGE SPECIFICATIONS FOR DISCHARGES FROM PERMITTEE OWNED AND/OR OPERATED FACILITIES AND ACTIVITIES - DE-MINIMUS DISCHARGES[29] :

The following types of discharges from Permittee owned and/or operated facilities and activities are authorized by this Order provided they are in compliance with the terms and conditions of the General De Minimus Permit except that separate coverage under that permit is not required.

1. *Discharges from potable water sources, including water line flushing, superchlorinated water line flushing, fire hydrant system flushing, and hydrostatic test water from pipelines, tanks and vessels*: These discharges shall be dechlorinated to a concentration of 0.1 ppm[30] or less, pH adjusted if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments.

2. *Discharges from lawn, greenbelt and median watering and other irrigation runoff[31] from non-agricultural operations*: These discharges shall be minimized through requirements consistent with Section 5.3 of the DAMP and Section XIV of this Order.

3. *Dechlorinated swimming pool discharges:* Dechlorinated to a concentration of 0.1 ppm[32] or less, pH adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

4. *Discharges from facilities that extract, treat and discharge water diverted from Waters of the US*: These discharges shall meet the following conditions:

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[29] General De Minimus Permit for Discharges to Surface Waters, Order NO. R8-2009-0003, NPDES No. CAG 998001 (General De Minimus Permit).
[30] Total residual chlorine = 0.1 mg/l or parts per million (ppm) or less; compliance determination shall be at a point before the discharge mixes with any Receiving Water.

[31] Non-agricultural irrigation using recycled water must comply with the statewide permit for Landscape Irrigation Using Recycled Water and the State Department Health guidelines.
[32] See footnote 30.

a. The discharges to Waters of the US must not contain Pollutants added by the treatment process or Pollutants in greater concentration than the influent;

b. The discharge must not cause or contribute to a condition of erosion;

c. Be in compliance with Section 401 of the CWA; and

d. Conduct monitoring in accordance with Section XIX of this Order.

5. *Construction dewatering wastes:* The maximum daily concentration limit for Total Suspended Solids (TSS) shall not exceed 75 mg/L; sulfides shall not exceed 0.4 mg/L; total petroleum hydrocarbons shall not exceed 0.1 mg/L; and oil and grease shall not exceed 15 mg/L.

6. *For all de-minimus type of discharges:* The pH of the discharge shall be within 6.5 to 8.5 pH units and there shall be no visible oil and grease in the discharge.

7. Table 4-1 of the Basin Plan incorporates TDS/TIN objectives for groundwater and surface waters within the Santa Ana Region. Permittees discharging to those Receiving Waters shall ensure compliance with the following for Dry Season conditions:

   a. For discharges to surface waters where groundwater will not be affected by the discharge, the maximum daily concentration (mg/L) of TDS and/or TIN of the effluent shall not exceed the Water Quality Objectives for the Receiving Water where the effluent is discharged, as specified in Table 4-1 of the Basin Plan[33].

   b. For discharges to surface waters where the groundwater will be affected by the discharge, the TDS and/or TIN concentrations of the effluent shall not exceed the Water Quality Objectives for the surface water where the effluent is discharged and the affected groundwater management zone, as specified in Table 4-1 of the Basin Plan. The more restrictive Water Quality Objectives shall govern. However, treated effluent exceeding the groundwater management zone Water Quality Objectives may be returned to the same management zone from which it was extracted without reduction of the TDS or TIN concentrations so long as the concentrations of those constituents are no greater than when the groundwater was first extracted. Incidental increases in the TDS and TIN concentrations (such as may occur during air stripping) of treated effluent will not be considered increases for the purposes of determining compliance with this discharge specification.

8. The Regional Board may add categories of Non-storm Water discharges that are not significant sources of Pollutants or remove categories of Non-storm Water discharges

[33] Resolution No. R8-2004-0001

listed above based upon a finding that the discharges are a significant source of Pollutants.

C. NON-POINT SOURCE (NPS) DISCHARGES:

The NPS discharges are being addressed through the Non-Point Source Program.

D. WATER QUALITY BASED EFFLUENT LIMITATIONS TO IMPLEMENT THE TOTAL MAXIMUM DAILY LOADS (TMDLs)

1. The MIDDLE SANTA ANA RIVER (MSAR) WATERSHED BACTERIA INDICATOR TMDL

Interim WQBELs (effective upon adoption of this Order)

a. The MSAR Permittees[34] as part of the MSAR Task Force (Table 5) shall:

i. Continue to implement the watershed-wide water quality monitoring program (including any future amendments thereto) approved by the Regional Board (Resolution No. R8-2007-0046) as per Task 3 of the MSAR TMDL Implementation Plan.

ii. Submit reports summarizing all relevant data from the MSAR watershed-wide water quality monitoring program. Beginning in 2010, the cool (or wet) season report is due to the Executive Officer by May 31st of each year (for monitoring conducted from November 1st through March 31st) and the warm (dry) season report is due to the Executive Officer by December 31st of each year (for monitoring conducted from April 1st through October 31st).

iii. Submit comprehensive reports every three years summarizing the data collected for the preceding 3 year period and evaluating progress towards achieving the Urban WLA by the dates specified in the TMDL. The first report is due to the Executive Officer on February 15, 2010.

iv. Continue to implement the approved (Regional Board Resolution No. R8-2008-0044) USEP developed as per Task 4.1 of the MSAR TMDL Implementation Plan. The USEP must describe the specific methods that will be used to identify urban sources, strategies, and BMPs to address

[34] Riverside County MS4 Permittees in the MSAR watershed (County of Riverside, and the Cities of Corona, Norco, Riverside are collectively referred to as the "MSAR Permittees")

those sources. Submit semi-annual reports on January 31st and July 31st of each year as required under the approved USEP, and any amendments thereto. In years where the comprehensive report referenced in VI.D.1.a.iii above is due on February 15, the comprehensive report, Dry Season report (Due December 31st) and the January 31st USEP reports may be combined into a single submittal due February 15th

v. Revise the DAMP as specified in Task 4.3 of the MSAR-TMDL Implementation Plan. Summarize any such revisions in the annual report due to the Executive Officer by November 30 of each year.

vi. Revise the WQMP as specified in Task 4.5 of the MSAR TMDL Implementation Plan. Summarize any such revisions in the Annual Report due to the Executive Officer by November 30 of each year.

vii. Amend the LIP to be consistent with the revised DAMP and WQMPs within 90 days after said revisions are approved by the Regional Board. Summarize any such LIP amendments in the Annual Report due to the Executive Officer by November 30 of each year.

Final WQBELs for MSAR Bacterial Indicator TMDL under Dry Season Conditions

b. The final WQBELs for Bacterial Indicators during the Dry Season shall be achieved by December 31, 2015. These final Effluent Limits shall be considered effective for enforcement purposes on January 1, 2016.

c. The Final WQBELs for MSAR Bacterial Indicator TMDL during the Dry Season shall be developed and implemented in the following manner:

i. The MSAR Permittees shall prepare for approval by the Regional Board a Comprehensive Bacteria Reduction Plan (CBRP) describing, in detail, the specific actions that have been taken or will be taken to achieve compliance with the Urban WLA during the Dry Season (April 1st through October 31st) by December 31, 2015. The CBRP must include:

(1) The specific ordinance(s) adopted to reduce the concentration of Bacterial Indicator in urban sources.

(2) The specific BMPs implemented to reduce the concentration of Bacterial Indicator from urban sources and the water quality improvements expected to result from these BMPs.

(3) The specific inspection criteria used to identify and manage the urban sources most likely causing exceedances of Water Quality Objectives for Bacterial Indicators.

(4) The specific regional treatment facilities and the locations where such facilities will be built to reduce the levels of Bacterial Indicator discharged from urban sources and the expected water quality improvements to result when the facilities are complete.

(5) The scientific and technical documentation used to conclude that the CBRP, once fully implemented, is expected to achieve compliance with the Urban WLA for Bacterial Indicator by December 31, 2015.

(6) A detailed schedule for implementing the CBRP. The schedule must identify discrete milestones to assess satisfactory progress toward meeting the Urban WLA during the Dry Season by December 31, 2015. The schedule must also indicate which agency or agencies are responsible for meeting each milestone.

(7) The specific metric(s) that will be established to demonstrate the effectiveness of the CBRP and acceptable progress toward meeting the Urban WLA for Bacterial Indicator by December 31, 2015.

(8) The DAMP, WQMP and LIPs shall be revised consistent with the CBRP no more than 180 days after the CBRP is approved by the Regional Board.

(9) Detailed descriptions of any additional BMPs planned, and the time required to implement those BMPs, in the event that data from the watershed-wide water quality monitoring program indicate that Water Quality Objectives for Bacterial Indicator are still being exceeded after the CBRP is fully implemented.

(10) A schedule for developing a CBRP needed to comply with the Urban WLA for Bacterial Indicator during the Wet Season (November 1st thru March 31st) to achieve compliance by December 31, 2025.

ii. The draft CBRP must be submitted to the Regional Board by December 31, 2010. The Permittees may submit the plan individually, jointly or through a collaborative effort with other urban dischargers such as the existing MSAR-TMDL Task Force. Regional Board staff will review the draft CBRP and recommend necessary revisions no more than 90 days after receiving the draft CBRP. The MSAR Permittees must submit the final version of the CBRP no more than 90 days after receiving the comments from Regional

Board staff. The Regional Board will schedule a public hearing to consider approving the CBRP, as a final WQBEL for the Dry Season Urban WLA, no more than 120 days after the final plan is submitted by the MSAR Permittees. In approving the CBRP as the final WQBELs, the Regional Board shall find that the CBRP, when fully implemented, shall achieve the Urban WLA for Bacterial Indicator by December 31, 2015.

iii. Once approved by the Regional Board, the CBRP shall be incorporated into this Order as the final WQBELs for Bacterial Indicator for the Dry Season. Based on BMP effectiveness analysis, the CBRP shall be updated, if necessary. The updated CBRP shall be implemented upon approval by the Regional Board.

d. Should the process set forth in Section VI.D.1.c, above not be completed by January 1, 2016, then the Urban WLA for the Dry Season specified in the MSAR-TMDL shall become the final numeric WQBELs for Bacterial Indicator in the Dry Season as follows:

i. WLA for Fecal Coliform from Urban Sources for the Dry Season (April 1st through October 31st)[35]
5-sample/30-day logarithmic mean less than 180 organisms/100mL and not more than 10% of the samples exceed 360 organisms/100mL for any 30-day period.

ii. WLA for *E. Coli* from Urban Sources for the Dry Season (April 1st through October 31st)[36]
5-sample/30-day logarithmic mean less than 113 organisms/100 mL and not more than 10% of the samples exceed 212 organisms/100mL for any 30-day period.

Final WQBELs for Bacterial Indicator during the Wet Season (effective Jan. 1, 2026)

In the event this Order is still in effect on December 31, 2025, and the Regional Board has not adopted alternative final WQBEL during the Wet Season by that date, then the Urban WLAs specified in the MSAR TMDL for the Wet Season

[35] 5-sample/30-day logarithmic mean less than 180 organisms/100mL and not more than 10% of the samples exceed 360 organisms/100mL for any 30-day period.

[36] 5-sample/30-day logarithmic mean less than 113 organisms/100 mL and not more than 10% of the samples exceed 212 organisms/100mL for any 30-day period.

(November 1st through March 31st) will automatically become the final numeric WQBEL for the MSAR Permittees on January 1, 2026.

2. **LAKE ELSINORE/CANYON LAKE (SAN JACINTO WATERSHED) NUTRIENT TMDLS**

Interim WQBELS:

a. *Lake Elsinore In-Lake Sediment Nutrient Reduction Plan:* Pursuant to Resolution No. R8-2007-0083, or as amended by subsequent adopted Regional Board resolutions, each LE/CL Permittee shall continue to implement the approved strategy for reducing in-lake sediment nutrient loads as summarized in Table 7, below:

Table 7 - Lake Elsinore In-lake Sediment Nutrient Reduction Strategy

Lake Elsinore In-lake Sediment Reduction Strategy Task	Due Date
Submit Phase 2 Alternatives	December 31, 2010*
Submit O&M Agreement for Fishery Management Program	December 31, 2010*
Submit O&M Agreement for Aeration and Mixing Systems	December 31, 2010*
Submit Phase 2 Projects Plans	June 30, 2011*
Complete Phase 2 Project Implementation	December 31, 2014
Implement in-lake and watershed monitoring programs	Annual reports due August 31 every year.

*Within 60 days of receipt of comments from Regional Board staff, Permittees shall submit a final revised plan that will be acceptable for adoption by the Regional Board, unless otherwise directed by the Executive Officer.

b. Lake Elsinore/Canyon Lake Model Update Plan*:* Pursuant to Resolution No. R8-2007-0083, or as amended by subsequent adopted Regional Board resolutions, each LE/CL Permittee shall continue to implement the Model Update Plan as per the schedule summarized Table 8 below: The Model Update Plan shall specify how the Permittees will determine compliance with the WLAs.

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Table 8 - Lake Elsinore/Canyon Lake Model Update Plan

Model Update Task	Due Date
Linkage Analysis Study	August 31, 2010
Watershed Source Loading Study	August 31, 2010
Model Evaluation	December 31, 2010
Construct/Calibrate Model	June 30, 2011
Conduct Model Scenarios	August 31, 2011
Model Update Final Report	November 30, 2011

c. Revise the DAMP, WQMP and LIPs as necessary to implement the interim WQBEL compliance plans submitted pursuant to paragraph a and b of this section and summarize all such revisions in the Annual Report.

Final WQBELs (Effective December 31, 2020)

d. To achieve compliance with TMDL WLAs as per the TMDL Implementation Plans, the LE/CL Permittees shall submit a Comprehensive Nutrient Reduction Plan (CNRP) by December 31, 2011 describing, in detail, the specific actions that have been taken or will be taken to achieve compliance with the urban WLA by December 31, 2020. The CNRP must include the following:

i. Evaluation of the effectiveness of BMPs and other control actions implemented. This evaluation shall include the following:

(a) The specific ordinance(s) adopted or proposed for adoption to reduce the concentration of nutrient in urban sources.

(b) The specific BMPs implemented to reduce the concentration of urban nutrient sources and the water quality improvements expected to result from these BMPs.

(c) The specific inspection criteria used to identify and manage the urban sources most likely causing exceedances of water quality objectives for nutrients.

(d) The specific regional treatment facilities and the locations where such facilities will be built to reduce the concentration of nutrient discharged from urban sources and the expected water quality improvements to result when the facilities are complete.

and

ii. Proposed method for evaluating progress towards compliance with the nutrient WLA for Urban Runoff. The progress evaluation shall include:

(a) The scientific and technical documentation used to conclude that the CNRP, once fully implemented, is expected to achieve compliance with the urban waste load allocation for nutrient by December 31, 2020.

(b) A detailed schedule for implementing the CNRP. The schedule must identify discrete milestones decision points and alternative analyses necessary to assess satisfactory progress toward meeting the urban waste load allocations for nutrient by December 31, 2020. The schedule must also indicate which agency or agencies are responsible for meeting each milestone.

(c) The specific metric(s) that will be established to demonstrate the effectiveness of the CNRP and acceptable progress toward meeting the urban waste load allocations for nutrient by December 31, 2020.

(d) The DAMP, WQMP and LIPs shall be revised consistent with the CNRP no more than 180 days after the CNRP is approved by the Regional Board.

(e) Detailed descriptions of any additional BMPs planned, and the time required to implement those BMPs, in the event that data from the watershed-wide water quality monitoring program indicate that water quality objectives for nutrient are still being exceeded after the CNRP is fully implemented.

e. The draft CNRP must be submitted to the Regional Board by December 31, 2011. The LE/CL Permittees may submit the plan individually, jointly or through a collaborative effort with other urban dischargers such as the existing LE/CLTMDL Task Force. Regional Board staff will review the document and recommend necessary revisions no more than 90 days after receiving the draft plan. The LE/CL Permittees must submit the final version of the plan no more than 90 days after receiving the comments from Regional Board staff. The Regional Board will schedule a public hearing to consider approving the CNRP, as a final water quality-based effluent limitation for the Nutrient WLA, no more than 90 days after the final plan is submitted by the LE/CL Permittees. In approving the CNRP as the final WQBELs, the Regional Board shall make a finding that the CNRP, when fully implemented, shall achieve the urban WLA for nutrient by December 31, 2020; and,

f. Once approved by the Regional Board, the CNRP shall be incorporated into this Order as the final WQBELs for LE/CL Nutrient TMDL. Based on BMP effectiveness analysis, the CNRP shall be updated, if necessary. The updated CNRP shall be implemented upon approval by the Regional Board.

g. Compliance with the WLA is based on a 10-year running average. Hence, data collection consistent with the approved Phase 2 LE/CL TMDL monitoring program required in the Monitoring and Reporting Program must commence by December 31, 2010[37].

h. A summary of all relevant data from water quality monitoring programs shall be submitted in the Annual Report. This will include an evaluation of compliance with the LE/CL TMDL by reporting the effectiveness of the BMPs implemented in the watershed to control nutrient inputs into the lake from Urban Runoff pursuant to Regional Board Resolution No. R8-2006-0031 and R8-2007-0083, or as amended by subsequent Regional Board adopted resolutions.

i. The DAMP, WQMP and LIPs shall be revised as necessary to implement the plans submitted pursuant to paragraph a through h of this section and summarize all such revisions in the Annual Report.

j. In the event that the Regional Board has not adopted alternative final WQBELs, in accordance with Section VI.D.2.d., above, by December 31, 2020, the Urban WLAs specified in Tables 9 and 10, below, shall automatically become the final numeric WQBELs for the LE/CL Permittees to be achieved by December 31, 2020. These final Effluent Limits shall be considered effective for enforcement purposes on January 1, 2021.

Table 9 - Canyon Lake Nitrogen and Phosphorus Waste Load and Load Allocations[a]

Canyon Lake Nutrient TMDL	Final Total Phosphorus Waste Load Allocation (kg/yr)[b, c]	Final TN Waste Load Allocation (kg/yr) [b, c]
Urban	306 (675 lbs/yr)	3,974 (8763 lbs/yr)
Septic systems	139 (306 lbs/yr)	4,850 (10692 lbs/yr)

[a] The WLAs for Canyon Lake apply to those land uses located upstream of Canyon Lake.

[b] Final WLA compliance to be achieved by December 31, 2020.

[c] TMDL and WLA specified as 10-year running average.

Table 10 - Lake Elsinore Nitrogen and Phosphorus Waste Load and Load Allocations[a]

[37] Resolution No. R8-2004-0037 requires initiation of the Phase 2 watershed-wide Wet Season monitoring upon completion of the Phase 1 in-lake monitoring program. Regional Board staff is currently in discussion with LE/CL TMDL Task Force regarding this transition and are expected to identify reductions in Phase 1 monitoring program that will offset the costs of the enhanced Phase 2 program.

Lake Elsinore Nutrient TMDL	Final Total Phosphorus WLA (kg/yr)[b, c]	Final TN WLA (kg/yr)[c, d]
Urban	124 (273.3 lbs/yr)	349 (769.4 lbs/yr)
Septic systems	69 (152 lbs/yr)	608 (1340 lbs/yr)

[a] The Lake Elsinore TMDL WLAs for septic systems only apply to those land uses located downstream of Canyon Lake.

[b] Final compliance to be achieved by December 31, 2020.

[c] TMDL and WLA specified as 10-year running average.

[d] WLA for supplemental water should be met as a 5 year running average by December 31, 2020.

[e] WLA for Canyon Lake overflows

k. The LE/CL Permittees may demonstrate compliance with the WLAs using either of the following two methods:

i. Directly, using relevant monitoring data and approved and approved modeling procedures to estimate actual nitrogen and phosphorus loads being discharged to the lakes, or,

ii. Indirectly, using water quality monitoring data and other biological metrics approved by the Regional Board, to show Water Quality Standards are being consistently attained (as measured by the response targets identified in the LE/CL TMDL).

l. The TMDLs explicitly support the trading of pollutant allocations among sources to the extent that such allocation tradeoffs optimize point and non-point source control strategies to achieve the WQBELs in the most efficient manner.

VII. RECEIVING WATER LIMITATIONS

A. Urban Runoff discharges from the Permittees' MS4 shall not cause or contribute to exceedances of Receiving Water Quality Standards (as defined by Beneficial Uses and Water Quality Objectives in Chapter 4 of the Basin Plan) for surface waters or ground waters.

B. The DAMP and its components, including the LIPs, must be designed to achieve compliance with Receiving Water Limitations associated with discharges of Urban Runoff to the MEP. It is expected that compliance with Receiving Water Limitations will be achieved through an iterative process and the application of increasingly more effective BMPs.

C. The Permittees shall comply with Section V.B and VII.A of this Order, through timely implementation of control measures and other actions to reduce Pollutants in Urban Runoff in accordance with the DAMP and other requirements of this Order, including modifications thereto.

D. If exceedances of Water Quality Standards persist notwithstanding implementation of the DAMP and other requirements of this Order, the Permittees shall assure compliance with Sections V.B and VII.A of this Order, by complying with the following procedure:

1. Upon a determination by either the Permittees or the Executive Officer that the discharges from the MS4 are causing or contributing to an exceedance of an applicable Water Quality Standard, the Permittees shall:

   a. Promptly, within two (2) working days, provide oral or e-mail and thereafter submit a report to the Executive Officer that describes the BMPs that are currently being implemented and the additional BMPs that will be implemented to prevent or reduce those Pollutants that are causing or contributing to the exceedance of the applicable Receiving Water Quality Standards.

   b. The report may be incorporated in the annual update to the DAMP, unless the Executive Officer directs an earlier submittal.

   c. The report shall include an implementation schedule.

   d. The Executive Officer may require modifications to the report.

   e. Submit any modifications to the report required by the Executive Officer within 30 days of notification;

2. Within 30 days following approval by the Executive Officer of the report described above, the Permittees shall revise the DAMP, applicable LIPs, and monitoring program to incorporate the approved modified BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring required;

3. Implement the revised DAMP, applicable LIPs and monitoring program in accordance with the approved schedule.

4. If the exceedance is solely due to discharges to the MS4 from activities or areas outside the Permittees jurisdiction or control, the Permittees must, within two (2) working days of becoming aware of the situation, provide oral or e-mail notice to the Executive Officer of the determination of the exceedance and provide written documentation of these discharges to the Executive Officer within ten (10) calendar days of becoming aware of the situation.

5. So long as the Permittees have complied with the procedures set forth above and are implementing the revised LIP, DAMP, and monitoring program, the Permittees do not have to repeat the same procedure for continuing or recurring exceedances of the same Receiving Water Limitation unless the Executive Officer determines it is necessary to develop additional BMPs

6. Nothing in Section VII.D prevents the Regional Board from enforcing any provision of this Order while the Permittee prepares and implements the above report.

VIII. LEGAL AUTHORITY/ENFORCEMENT

A. The Permittees shall maintain adequate legal authority to control the discharge of Pollutants to the MS4 from Urban Runoff and enforce those authorities. This may be accomplished through ordinance, statute, permit, contract or similar means. Such legal authority must address all IC/IDs into the MS4, including those from residential, commercial, industrial and construction sites. The Permittees shall use the enforcement guidelines developed in Section 3.4 and 4.5 of the DAMP or develop their own enforcement program and shall incorporate the enforcement program into their LIP. Such legal authority must also at a minimum include and authorize the Permittees to:

1. Carry out all inspections, surveillance, and monitoring necessary to determine compliance and noncompliance with their ordinances and permits. The Permittee must have authority, to the extent permitted by California and federal Law and subject to the limitations on municipal action under the constitutions of California and the United States, to enter, monitor, inspect, and gather evidence (pictures, videos, samples, documents, etc.) from residential, industrial, commercial, and construction sites discharging into the MS4 within the limits of its statutory authority. The Permittees shall progressively and decisively take enforcement actions against any violators of the Storm Water Ordinance. These enforcement actions must, at minimum, meet the guidelines and procedures listed in Sections 3.4 and 4.5 of the DAMP.

2. Control the contribution of Pollutants to the MS4;

3. Stop Pollutant discharge or threat of discharge if a discharger is unable or unwilling to correct significant non-compliance where there is a serious threat to public health or the environment;

4. Require the use of BMPs to prevent or reduce the discharge of Pollutants into MS4 consistent with the MEP standard.

5. Require documentation on the effectiveness of BMPs implemented to reduce the discharge of Pollutants to the MS4; and

6. The Co-Permittees' Storm Water Ordinances or other local regulatory mechanisms shall include sanctions to ensure compliance. Sanctions shall include but are not limited to: oral and/or written warnings, notice of violation or non-compliance, administrative compliance orders, stop work or cease and desist order, a civil citation or injunction, the imposition of monetary penalties or criminal prosecution (infraction or misdemeanor). These sanctions shall be issued in a decisive manner within a predetermined timeframe, from the time of the violation's occurrence and/or follow-up inspection.

B. The Co-Permittees shall take progressive and decisive enforcement actions against violators of their Storm Water Codes and Ordinances, in accordance with the federal storm water regulations (40CFR, Part 122.26(d)(2)(I)(A-F)), and adopted/established guidelines and procedures as described in Section 3.4 of the DAMP. The Co-Permittees shall consider the time to return to compliance as one measure of effectiveness of their Storm Water Ordinances or enforcement response procedure. The Co-Permittees shall document these actions in their records (including electronic databases as outlined in the DAMP) and Annual Reports. The Co-Permittees shall use their authority to bring dischargers into immediate compliance with enforcement actions.

C. Within three (3) years of adoption of this Order, the Co-Permittees shall promulgate and implement ordinances that would control known pathogen or Bacterial Indicator sources such as animal wastes, if necessary.

D. The Co-Permittees shall continue to provide notification to the Executive Officer of storm water related information obtained during site inspections of construction and industrial sites regulated by the General Storm Water Permits and of sites that should be regulated under the General Storm Water Permits. The notification should include perceived violations of the General Storm Water Permits or local requirements, prior history of violations of the Permittee's Storm Water Ordinance, enforcement actions related to the Storm Water Ordinance taken by the Permittee, and other relevant information. In addition, Sections XVI.B of this Order addresses additional notification requirements for construction, industrial and commercial sites not covered under the General Storm Water Permits. Notification shall not prevent or delay the Co-Permittees from independently taking appropriate actions to bring Construction Sites and Industrial Facilities into compliance with their local ordinances, rules, regulations and WQMP.

E. The Permittees are encouraged to enter into interagency agreements with owners of other MS4, such as CalTrans, school and college districts, universities, Department of Defense, Native American Tribes, etc., to control the contribution of Pollutants into their

MS4 from the non-Permittee MS4. The Regional Board will continue to notify the owner/operator of the MS4 systems and the Permittee if the Board issues a permit for discharges into the MS4.

F. The Co-Permittees shall annually review their Storm Water Ordinances and provide findings within the Annual Report on the effectiveness of these ordinances and enforcement programs in prohibiting the following types of discharges to the MS4 (the Co-Permittees may propose appropriate BMPs in lieu of prohibiting these discharges, where the Co-Permittees are responsible for ensuring that dischargers adequately maintain those BMPs):

1. Sewage, where a Co-Permittee operates the sewage collection system (also prohibited under the Statewide SSO Order[38]);
2. Wash water resulting from the hosing or cleaning of gas stations, auto repair garages, and other types of automobile service stations;
3. Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, concrete mixing equipment, portable toilet servicing, etc.;
4. Wash water from mobile auto detailing and washing, steam and pressure cleaning, carpet/upholstery cleaning, pool cleaning and other such mobile commercial and industrial activities;
5. Water from cleaning of municipal, industrial, and commercial sites, including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc.;
6. Runoff from material storage areas or uncovered receptacles that contain chemicals, fuels, grease, oil, or other Hazardous Materials[39];
7. Discharges of runoff from the washing of hazardous material from paved or unpaved areas;
8. Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; pool filter backwash containing debris and chlorine;
9. Pet waste, yard waste, litter, debris, sediment, etc.; and,
10. Restaurant or food processing facility wastes such as grease, floor mat and trash bin wash water, food waste, etc.

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[38] State Board WQO No. 2006-0003.
[39] Hazardous material is defined as any substrate that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by EPA to be reported if a designed quantity of the material is spilled into the waters of the United States or emitted into the environment.

G. Within 24 months after Order adoption, each Co-Permittee shall submit a certification statement, signed by its legal counsel, that the Co-Permittee has obtained all necessary legal authority in accordance with 40 CFR 122.26(d)(2)(i) (A-F) and to comply with this Order through adoption of ordinances and/or municipal code modifications. A copy of the certification shall also be placed in the LIP.

H. Annually thereafter, Permittees shall evaluate the effectiveness of implementation and enforcement response procedures with respect to the above items. The findings of these reviews, along with recommended corrective actions, where appropriate, and schedules shall be submitted as part of the Annual Report for the corresponding reporting period. The LIP shall be updated accordingly.

IX. ILLICIT CONNECTIONS/ILLEGAL DISCHARGES (IC/ID); LITTER, DEBRIS AND TRASH CONTROL

A. Consistent with each Co-Permittees statutory authority, the Co-Permittees have adopted Storm Water Ordinances. The Co-Permittees must continue to prohibit IC/IDs to the MS4 through their Storm Water Ordinances and the Principal Permittee must do so through its statutory authority. In addition, the Permittees must continue to implement and improve routine inspection and monitoring and reporting programs for their MS4 facilities. If routine inspections or Dry Season monitoring indicate IC/IDs, they must be investigated and eliminated or permitted within sixty (60) calendar days of receipt of notice by its staff or from a third party.

B. The Permittees upon being put on notice by staff or a third party must immediately (within 24 hours of receipt of notice by its staff or from a third Party) investigate all spills, leaks, and/or other illegal discharges to the MS4. Based upon their assessment and as specified below, the Permittees must provide notifications and reporting as described in Section 4 of the DAMP and Section XVI of this Order.

C. The Permittees shall control Illegal Dumping that may result in a discharge of Pollutants to the MS4 to the MEP. The Permittees shall describe their procedures and authorities for managing Illegal Dumping in their LIP.

D. Within 18 months of adoption of this Order, the Permittees shall review and revise their IC/ID program to include a pro-active IDDE using the Guidance Manual for Illicit Discharge, Detection, and Elimination by the Center for Watershed Protection[40] or any

[40] USEPA (Illicit Discharge Detection and Elimination - A Guidance Manual for Program Development and Technical Assessments) by the Center for Watershed Protection and Robert Pitt, University of Alabama, October 2004, updated 2005).

other equivalent program consistent with Section IX.E below. The result of this review shall be reported in the Annual Report and include a description of the Permittees' revised pro-active program, procedures and schedules. The LIP shall be updated accordingly.

E. The Permittees' revised IC/ID programs shall specify an IDDE program for each Co-Permittee to individually, or in combination:

   a. Develop an inventory and map of Permittee MS4 facilities and Outfalls to Receiving Waters.

   b. Develop a schedule to be submitted within 18 months to conduct and implement systematic investigations of MS4 open channels and Major Outfalls.

   c. Use field indicators to identify potential Illegal Discharges, if applicable;

   d. Track Illegal Discharges to their sources[41] where feasible; and

   e. Educate the public about Illegal Discharges and Pollution Prevention where problems are found.

F. The Permittees shall continue to integrate IC/ID detection and elimination into their inspection programs, training of Permittee staff, and monitoring data collection and other indicator data.

G. The Permittees shall annually review and evaluate their IC/ID program, including litter/trash BMPs, to determine if the program needs to be adjusted. Findings of the review and evaluation shall be submitted with the Annual Report.

H. The Permittees shall maintain a database summarizing IC/ID incident response (including IC/IDs detected as part of field monitoring activities). This information shall be updated on an ongoing basis and submitted with the Annual Report.

I. The Permittees shall control, consistent with the MEP standard, Illegal Discharges (including the discharge of spills, leaks, or dumping of any materials other than storm water and authorized non-storm water) into the MS4. All reports of Illegal Discharge shall be promptly investigated and reported as specified in Section XVI (Notification Requirements).

J. In the 2004-2005 Annual Report, the Permittees characterized trash, determined its main source(s) and developed and implemented appropriate BMPs to reduce and/or to eliminate the discharge of trash and debris to Waters of the US to the MEP. The BMPs should be continued and their effectiveness must be reported in the Annual Report.

K. Where non-jurisdictional IC/IDs within a Permittees jurisdiction are identified, the Permittees will notify the responsible party and the Executive Officer of the discharge.

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[41] Table 2: Land uses, Generating Sites and Activities that Produce Indirect Discharges from IDDE, A Guidance Manual for Program Development and Technical Assessments, October 2004 CWP.

X. SEWAGE SPILLS, INFILTRATION INTO THE MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES

A. The Permittees shall continue to provide local sanitation districts 24-hour access to the MS4 to address sewage spills. The Permittees shall continue to work cooperatively with the local sewer agencies to determine and control the impact of infiltration from leaking sanitary sewer systems on Urban Runoff quality. Each Permittee shall implement control measures necessary to minimize infiltration of seepage from sanitary sewers to the MS4 through routine preventative maintenance of the MS4.

B. Each Permittee shall continue to cooperate and coordinate with the sewage collection/treatment agencies as described in Appendix I of the DAMP to swiftly respond to and contain sewage spills that may discharge into its MS4. Management and/or preventive measures shall continue to be implemented for sources including portable toilets, failing septic systems, and failing private laterals that may cause or contribute to Urban Runoff Pollution problems in Permittee jurisdictions.

C. Permittees who are regulated under the SSO Order No. 2006-0003-DWQ, shall continue to comply with that Order to control sanitary system overflows.

D. Permittees with septic systems in their jurisdiction shall maintain the inventory of septic systems within its jurisdiction completed in 2008. Updates to the inventory will be maintained by County Environmental Health via a database of new septic systems approved since 2008.

XI. CO-PERMITTEE INSPECTION PROGRAMS

The Permittee inspection programs are outlined in Sections 7 and 8 of the DAMP and describe some of the minimum inspection and enforcement procedures utilizing existing inspection programs, provides criteria for characterizing the significance of violations, criteria for prioritizing violations, appropriate response actions corresponding to the priority of violations and identifies the hierarchy of enforcement/compliance responses. Section 3.4 of the DAMP provides a framework to standardize the implementation and enforcement by the Co-Permittees of their respective Storm Water Ordinances. The Co-Permittees shall continue to enforce their respective Storm Water Ordinances consistent with the DAMP and this Order.

A. GENERAL REQUIREMENTS

1. The Co-Permittees shall continue to maintain and update a database inventory of all active Construction Sites, and Industrial and Commercial Facilities within their jurisdiction consistent with the database requirements of Section 7 and 8 of the DAMP. Construction Sites and Industrial and Commercial Facilities shall be

included in the database inventories regardless of whether the Construction Sites or Commercial and Industrial Facilities are subject to the General Construction Permit or the General Industrial Permit or other individual NPDES permit or WDRs.

2. The Co-Permittee inspection database inventory described in Section XI.A.1 shall be maintained in an electronic database format that may be made available to the Regional Board upon request (e.g. request via phone call, e-mail, letter, etc,). The database inventory must be consistent with the requirements of Sections 7 and 8 of the DAMP. Supporting paper (or electronic) files shall also be maintained and made available upon Regional Board request. Supporting files should include a record of inspection dates, the results of each inspection, photographs (if any), video (if any) and a summary of any enforcement actions taken. The inventory databases shall be updated on an annual basis and an electronic copy shall be provided with each Annual Report.
3. The Co-Permittee shall not issue an occupancy permit to an Industrial Facility or other license authorizing the facility to operate, unless the applicant is informed of the General Industrial Permit and that it may have to secure coverage under the General Industrial Permit. The Co-Permittees shall verify during Industrial Facility inspections whether a site has obtained necessary permit coverage under the General Industrial Permit.
4. If the Industrial Facility's SIC code falls under the mandatory category the Co-Permittee shall notify the Regional Board and the applicant that they may be required to obtain coverage under the General Industrial Permit.
5. Permits for Construction Sites shall not be granted until appropriate coverage under the General Construction Permit (s) is verified.
6. Perceived Non-filers for the General Storm Water Permits shall be reported consistent with Section XVI.E.
7. If a Co-Permittee receives notice by its staff or from a third party of a non-Emergency Situation representing a possible violation of the General Storm Water Permit or other permit issued by the State or Regional Board to an Industrial Facility or Construction Site, the Co-Permittee shall, within two (2) working days, provide oral or e-mail notice to Regional Board staff of the location within its jurisdiction where the incident occurred and describe the nature of the incident. After notifying the Regional Board, no further action is necessary regarding the General Storm Water Permits. However, each Co-Permittee shall take appropriate actions to bring an Industrial Facility or Construction Site into compliance with its Storm Water Ordinances.
8. The Co-Permittees need not inspect facilities already inspected by Regional Board staff if the inspection was conducted within the specified time period. Regional

Board staff inspection information is available at www.ciwqs.ca.gov[42].

9. Each Co-Permittee shall respond to complaints received from third parties regarding Construction Sites and Industrial and Commercial Facilities in a timely manner to ensure that the sites are not a source of Pollutants to the MS4 and the Receiving Waters.
10. The Co-Permittees shall enforce their Storm Water Ordinances and permits at all Construction Sites and Industrial, and Commercial Facilities in a fair, firm and consistent manner. Sanctions for non-compliance as required under Section VIII (Legal Authority/Enforcement) shall be deemed adequate to bring the site into compliance with their Storm Water Ordinances and permits.
11. Each Co-Permittee shall document, evaluate and annually report the effectiveness of its enforcement procedures in achieving prompt and timely compliance with inspection programs. Sanctions for non-compliance shall be adequate to bring the site into compliance and to stop the Pollutant discharge consistent with the requirements of Section VIII of this Order.
12. The Principal Permittee and the County have implemented the CAP. Through the Riverside County Department of Environmental Health, the CAP addresses storm water compliance issues at restaurant facilities and businesses that must have a hazardous material permit for either storing, handling or generating hazardous materials. As described in Section 8 of the DAMP, the Permittees must either participate in the CAP or implement an equivalent inspection program. The cities of Corona and Riverside maintain such programs through their respective POTW pre-treatment programs that may be supplemented by the activities of the Department of Environmental Health during routine inspections. The County is establishing a stand-alone NPDES Storm water Compliance Inspection and Enforcement Program (CIEP) for Industrial and Commercial Facilities in the unincorporated areas of the County.
13. Where inspections and/or enforcement required by this Order are carried out on behalf of the Co-Permittee by other agencies or departments such as the County Department of Environmental Health, county and local fire departments, hazardous materials programs, code enforcement, industrial pretreatment, and building and safety, the Co-Permittee shall monitor and annually evaluate and report adequacy of program coverage and enforcement response in complying with this Order.
14. All inspectors shall be trained in accordance with Section XV.

[42] To obtain access to the State database, registration at the following link is necessary: http://www.waterboards.ca.gov/water_issues/programs/ciwqs/chc_npdes.shtml. Contact information is available at http://www.waterboards.ca.gov/water_issues/programs/ciwqs/contactus.shtml.

B. CONSTRUCTION SITES

1. Each Co-Permittee shall include in the electronic database identified in Section XI.A.2 an inventory of all Construction Sites within its jurisdiction for which building or grading permits have been issued and activities at the site include: soil movement; uncovered storage of materials or wastes, such as dirt, sand or fertilizer; or exterior mixing of cementaceous products, such as concrete, mortar or stucco.

2. Each Permittee shall continue to prioritize Construction Sites within its jurisdiction as a high, medium or low threat to water quality. Evaluation of construction sites shall be based on factors, which shall include but not be limited to: soil erosion potential, project size, proximity and sensitivity of Receiving Waters and any other relevant factors. At a minimum, high priority Construction Sites shall include: sites disturbing 50 acres and greater; sites disturbing over 1 acre with Direct Discharge to Receiving Waters with CWA Section 303(d) listed waters for sediment or turbidity impairments; site specific characteristics[43] ; and any other relevant factor. At a minimum, medium priority construction sites shall include: sites disturbing between 10 to less than 50 acres of disturbed soil.

3. Each Permittee shall conduct Construction Site inspections for compliance with its ordinances (grading, WQMPs, etc.) and local permits (building, grading, etc.). The Permittees shall develop a checklist for conducting Construction Site inspections. Inspections of Construction Sites shall include, but not be limited to:

    a. Verification of coverage under the General Construction Permit (PRDs or Waste Discharge Identification Number [WDID]) during the initial inspection. As Permittees become aware of changes in ownership, they shall notify Regional Board staff.

    b. Ensure that the BMPs implemented on-site are effective for the appropriate phase of construction (preliminary stage, mass grading stage, streets and utilities stage etc.).

    c. Visual observations for Illegal Discharges, potential Illicit Connections, and potential Pollutant sources.

    d. Implementation and maintenance of BMPs required under local requirements.

    e. An assessment of the effectiveness of BMPs implemented at the site and the need for any additional BMPs.

[43] The recently adopted General Construction Permit Order No. 2009-0009-DWQ includes risk-based characterization of construction sites based on site-specific conditions.

4. At a minimum, the inspection frequency shall include the following:
   a. During the Wet Season (October 1 through May 31 of each year), all high priority Construction Sites are to be inspected, in their entirety, once a month. All medium priority Construction Sites are to be inspected at least twice during the Wet Season. All low priority Construction Sites are to be inspected at least once during the Wet Season. Construction Sites that disturb less than one acre may be inspected on an as needed basis. When BMPs or BMP maintenance is deemed inadequate or out of compliance, an inspection frequency of at least once per week should be maintained until BMPs and BMP maintenance are brought into compliance.
   b. During the Dry Season (June 1 through September 30 of each year), all Construction Sites shall be inspected at a frequency sufficient to ensure that sediment and other Pollutants are properly controlled and that unauthorized, Non-storm Water discharges are prevented.

C. INDUSTRIAL FACILITIES

1. To establish priorities for inspection, the Permittees shall continue to prioritize Industrial Facilities within their jurisdiction as a high, medium, or low threat to water quality. Continual evaluation of these Industrial Facilities should be based on such factors as type of industrial activities (i.e., SIC codes), materials or wastes used or stored outside, Pollutant discharge potential, compliance history, facility size, proximity and sensitivity of Receiving Waters and any other relevant factors described in Section 8 of the DAMP. At a minimum, a high priority shall be assigned to: Industrial Facilities subject to section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA); Industrial Facilities that handle or generate Pollutants for which the receiving water is impaired, facilities that have a significant potential to release pre-production plastics or nurdles into the environment, and Industrial Facilities with a high potential for or history of unauthorized, Non-storm Water discharges.
2. Each Co-Permittee shall conduct Industrial Facility inspections for compliance with its ordinances, permits and this Order. Industrial Facility inspections shall be consistent with Section 8 of the DAMP. If an inspection indicates the need for follow-up, Co-Permittee follow-up inspections shall include a review of the Industrial Facility's material and waste handling and storage practices, written documentation of Pollutant control BMP implementation and maintenance procedures, digital photographic documentation of water quality violations as well as evidence of past or present unauthorized, Non-storm Water discharges and enforcement actions issued at the time of the Co-Permittee inspection. Report of inspections shall be included in the Annual Report and shall provide the basis for downgrading or upgrading priority ranking of Industrial Facilities.

3. All high priority Industrial Facilities are to be inspected at least once a year; all medium priority Industrial Facilities are to be inspected at least once every two years; and all low priority Industrial Facilities are to be inspected at least once during the term of this Order. In the event that inappropriate material or waste handling or storage practices are observed, or unauthorized, non-storm water discharges are observed, an enforcement order shall be issued and a re-inspection frequency adequate to bring the Industrial Facility into compliance must be maintained (at a minimum, once a month or within the compliance schedule prescribed by the Co-Permittee in a written notice to the discharger). Once compliance is achieved, a minimum inspection frequency of once every six months should be maintained for the annual reporting period.
4. Each Co-Permittee shall continually identify undocumented Industrial Facilities within its jurisdiction and shall add them to the database, as identified in Section XI.A.2. Additionally, each Industrial Facility shall be listed as per the criteria in specified in Section XI.C.1 within 15 days from the initial date of discovery of the Industrial Facility.
5. Each Permittee shall require Industrial Facilities to implement source control and pollution prevention measures consistent with the requirements of Section 8.of the DAMP.

D. COMMERCIAL FACILITIES

1. Each Permittee shall continue to implement the CAP or equivalent, pursuant to Section 8. of the DAMP and Section XI.A.9 (complaints) of this Order; Section 8 shall be modified to clarify the types of facilities specifically addressed by the CAP. Within 18 months, the Co-Permittees shall also identify any facilities that transport, store or transfer pre-production plastic pellets and managed turf facilities (e.g. private golf courses, athletic fields, cemeteries, and private parks) within their jurisdiction and determine if these facilities warrant additional inspection to protect water quality.
2. The Permittees shall continue to develop BMPs applicable for each of the Commercial Facilities described in Section 8 of the DAMP.
3. The Co-Permittees shall continue to prioritize Commercial Facilities within their jurisdiction as a high, medium, or low threat to water quality based on such factors as the type, magnitude, and location of the commercial activity, proximity and sensitivity of Receiving Waters, potential for discharge of Pollutants to the MS4, Commercial Facilities that handle or generate Pollutants for which the Receiving Water is Impaired, frequency of inspections and facilities with a high potential for or history of unauthorized, Non-storm Water discharges.
4. All high priority Commercial Facilities shall be inspected at least once per year; all medium priority Commercial Facilities shall be inspected at least every two years; and all low priority Commercial Facilities shall be inspected at least once during the

term of this Order. At a minimum, each Commercial Facility shall be required to implement source control and pollution prevention BMPs consistent with the requirements of Section 8 of the DAMP. Co-Permittee follow-up inspections should include a review of BMPs implemented, their effectiveness and maintenance; written and photographic documentation of materials and waste handling and storage practices; evidence of past or present unauthorized, Non-storm Water discharges; and an assessment of management/employees awareness of storm water pollution prevention measures.

5. In the event that inappropriate material or waste handling or storage practices are observed, or there is evidence of past or present unauthorized, Non-storm Water discharges, a written enforcement order shall be issued at the time of the initial inspection for CAP equivalent inspection programs or at the time of the CAP follow-up inspection, to bring the Commercial Facility into compliance.
6. Within 18 months of adoption of this Order, the Co-Permittee shall notify all mobile businesses based within their jurisdiction concerning the minimum Source Control and Pollution Prevention BMPs that they must develop and implement. For purposes of this Order, mobile businesses include: mobile auto washing/detailing; equipment washing/cleaning; carpet, drape, furniture cleaning; and mobile high pressure or steam cleaning activities that are based out of a Co-Permittee's jurisdiction. The mobile businesses shall be required to implement appropriate BMPs within 3 months of being notified by the Co-Permittees. The Co-Permittees shall also notify mobile businesses discovered operating within their jurisdiction.
7. Within 24 months of adoption of this Order, the Co-Permittees shall develop an enforcement strategy to address mobile businesses.
8. The Co-Permittees should continue to maintain the CAP restaurant inspection program, or equivalent. Inspections for Commercial Facilities with restaurants shall, at a minimum, address:
    a. Oil and grease disposal to verify that these wastes are not poured onto a parking lots, streets or adjacent catch basins;
    b. Trash bin areas, to verify that these areas are clean, the bin lids are closed, the bins are not used for liquid waste disposal and wash water from the bins is not disposed of into the MS4;
    c. Parking lot, alley, sidewalk and street areas to verify that floor mats, filters and garbage containers are not washed in those areas and that no wash water is disposed of in those areas;
    d. Parking lot areas to verify that they are cleaned by sweeping, not by hosing down, and that the facility operator uses dry methods for spill cleanup; and,
    e. Violations of the Storm Water Ordinance shall be enforced by the jurisdictional Co-Permittee.

E. RESIDENTIAL PROGRAM

1. Within 18 months of adoption of this Order, each Co-Permittee shall develop and implement a residential program consistent with these requirements to reduce the discharge of Pollutants from residential activities to the MS4, consistent with the MEP standard.
2. The Co-Permittees shall identify residential activities that are potential sources of Pollutants and develop and/or enhance Fact Sheets/BMPs as appropriate. At a minimum, this should include: residential auto washing and maintenance activities; use and disposal of pesticides, herbicides, fertilizers and household cleaners; and collection and disposal of pet wastes. The Permittees shall distribute the Fact Sheets/BMPs and appropriate information from organizations such as the Riverside-Corona Resource Conservation District[44] and USDA's Backyard Conservation Program[45] to the residents to ensure that discharges from the residential areas are not causing or contributing to a violation of Water Quality Standards in the Receiving Waters.
3. The Co-Permittees, collectively or individually, shall facilitate the proper collection and management of used oil, toxic and hazardous materials, and other household wastes. The Permittees should continue distribution of information regarding the dates and locations of temporary and permanent household hazardous waste and antifreeze, oil, battery and paint collection events and facilities, and financial support of household hazardous waste and antifreeze, oil, battery and paint collection facilities and events or curbside or special collection sites managed by the Co-Permittees or private entities, such as solid waste haulers.
4. The Regional Board recommends continuation of Co-Permittee efforts to coordinate with local water purveyors and other stakeholders to encourage efficient irrigation and minimize runoff from residential areas.
5. The Co-Permittees shall enforce their Storm Water Ordinance as appropriate to control the discharge of Pollutants associated with residential activities.
6. Each Co-Permittee shall include an evaluation of its residential program in the Annual Report starting with the second Annual Report after adoption of this Order.

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[44] The Riverside-Corona Resource Conservation District (RCRCD) provides gardening and horticulture information appropriate for the area including native plant selection, backyard management, alternatives to pesticide, irrigation scheduling and composting. The RCRCD is sponsored by the cities and county of Riverside Only Rain Down the Storm Drain Pollution Prevention Program.

[45] Backyard Conservation, Bringing Conservation from the Countryside to Your Backyard, USDA Natural Resources Conservation Service, National Association of Conservation Districts, Wildlife Habitat Council and National Audubon Society.

XII. NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)

A. GENERAL REQUIREMENTS:

1. Each Co-Permittee, consistent with the DAMP, and requirements of this Order, when considering any map or permit for a New Development or Significant Redevelopment project for which discretionary approval is sought, must continue to require such map or permit to obtain coverage under the General Construction Permit, where applicable, prior to the issuance of grading or construction permits. Each Co-Permittee shall specify its verification procedure and any tools utilized for this purpose in its LIP.

2. Each Co-Permittee must continue to implement those BMPs identified in Section 7.1 of the DAMP. Each Permittee shall ensure that the erosion and sediment control plans it approves include appropriate erosion and sediment control BMPs (i.e., erosion measures for slopes greater than a certain length or hill-side developments, ingress/egress controls, perimeter controls, run-on diversion, if significant) such that a distinct and effective combination of BMPs consistent with site risk is implemented through all phases of construction.

3. The land use approval process of each Co-Permittee must continue to require post-construction BMPs, Source Control BMPs and Treatment Control BMPs and identify their locations and long-term maintenance responsibilities consistent with the requirements of this Order.

4. Each Permittee shall ensure, consistent with the MEP standard and within the limits of its legal authority, that runoff from New Development and Significant Redevelopment projects not regulated under this Order but that require encroachment permits for connections to the MS4 regulated under this Order are consistent with the requirements of this Order including the model WQMP for the Permit Area.
5. Each Permittee shall ensure that appropriate BMPs to reduce erosion and mitigate Hydromodification are included in the design for replacement of existing culverts or construction of new culverts and/or bridge crossings to the MEP[46].
6. Each Permittee shall ensure, consistent with the MEP standard, that runoff from development projects it approves, does not cause nuisance to adjoining downstream properties and stream channels.
7. Each Permittee shall ensure to the MEP that MS4s[47] are appropriately maintained consistent with Section XIV of this Order or are adequately maintained by a legally responsible party.

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[46] This type of project may require a CWA Section 404 Permit.

8. Each Permittee shall require applicants to minimize the short and long-term adverse impacts on Receiving Water quality from New Development and Significant Redevelopment maps or permits where discretionary approval is sought, as required in Section XII.D below, by: (1) continuing to review, approve, and verify implementation of project-specific WQMPs, implementation of LID principles, where feasible; (2) addressing HCOCs; and (3) ensuring that long term BMP operation and maintenance mechanisms are in place prior to project closure or issuance of certificates of occupancy.

9. The requirements of Section XII.D below shall apply to Permittee projects that meet the New Development and Significant Redevelopment criteria.

10. Each Permittee shall participate in the development of a Watershed Action Plan, described in Section XII.B, below, to integrate water quality, stream protection and storm water management and use within the Permit Area with land use planning policies, ordinances, and plans.

B. WATERSHED ACTION PLAN

1. An integrated watershed management approach may facilitate integration of planning and project approval processes with water quality and quantity control measures. Management of the impacts of Permit Area urbanization on water quality and stream stability is more effectively done on a per-site, neighborhood and municipal basis based on an overall watershed plan. Pending completion of the Watershed Action Plan consistent with this section, management of the impacts of urbanization shall be accomplished using existing programs. The Permittees shall develop a Watershed Action Plan to address the entire Permit Area. The Permittees may choose to develop sub-watershed action plans based on the overall Watershed Action Plan in the future based on new 303(d) impairments, TMDL requirements, or other factors.

2. The Permittees shall develop and submit to the Executive Officer for approval a Watershed Action Plan that describes and implements the Permittees' approach to coordinated watershed management. The objective of the Watershed Action Plan is to address watershed scale water quality impacts of urbanization in the Permit Area associated with Urban TMDL WLAs, stream system vulnerability to Hydromodification from Urban Runoff, cumulative impacts of development on

[47] Urban runoff conveyance systems created or resulting from development projects approved by Permittees.

vulnerable streams, preservation of Beneficial Uses of streams in the Permit Area, and protection of water resources, including groundwater recharge areas.

3. Within three years of Permit adoption, the Co-Permittees shall develop the Watershed Action Plan and implementation tools to address impacts of urbanization in a holistic manner. At a minimum, the Watershed Action Plan shall include the following:
   a. Describe proposed Regional BMP approaches that will be used to address Urban TMDL WLAs.
   b. Develop recommendations for specific retrofit studies of MS4, parks and recreational areas that incorporate opportunities for addressing TMDL Implementation Plans, Hydromodification from Urban Runoff and LID implementation.
   c. Description of regional efforts that benefit water quality (e.g. Western Riverside County Multiple Species Habitat Conservation Plan, TMDL Task Forces, Water Conservation Task Forces, Integrated Regional Watershed Management Plans) and their role in the Watershed Action Plan. The Permittees shall describe how these efforts link to their Urban Runoff Programs and identify any further coordination that should be promoted to address Urban WLA or Hydromodification from Urban Runoff to the MEP.
4. Within two years of adoption of this Order, the Permittees shall delineate existing unarmored or soft-armored stream channels in the Permit Area that are vulnerable to Hydromodification from New Development and Significant Redevelopment projects.
5. Within two years of completion of the delineation in Section XII,B.4 above, develop a Hydromodification management plan (HMP) describing how the delineation will be used on a per project, sub-watershed, and watershed basis to manage Hydromodification caused by urban runoff. The HMP shall prioritize actions based on drainage feature/susceptibility/risk assessments and opportunities for restoration.
   a. The HMP shall identify potential causes of identified stream degradation including a consideration of sediment yield and balance on a watershed or sub-watershed basis.
   b. Develop and implement a HMP to evaluate Hydromodification impacts for the drainage channels deemed most susceptible to degradation. The HMP will identify sites to be monitored, include an assessment methodology, and required follow-up actions based on monitoring results. Where applicable, monitoring sites may be used to evaluate the effectiveness of BMPs in preventing or reducing impacts from Hydromodification.

6. Identify Impaired Waters [CWA § 303(d) listed] with identified Urban Runoff Pollutant sources causing impairment, existing monitoring programs addressing those Pollutants, any BMPs that the Permittees are currently implementing, and any BMPs the Permittees are proposing to implement consistent with the other requirements of this Order. Upon completion of XII.B.4, develop a schedule to implement an integrated, world-wide-web available, regional geodatabase of the impaired waters [CWA § 303(d) listed], MS4 facilities, critical habitat preserves defined in the Multiple Species Habitat Conservation Plan and stream channels in the Permit Area that are vulnerable to Hydromodification from Urban Runoff.

7. Develop a schedule to maintain the geodatabase required in Section XII.B.4 and other available and relevant regulatory and technical documents associated with the Watershed Action Plan.

8. Within three years of adoption of this Order, the Watershed Action Plan shall be submitted to the Executive Officer for approval and incorporation into the DAMP. Within six months of approval, each Permittee shall implement applicable provisions of the approved revised DAMP and incorporate applicable provisions of the revised DAMP into the LIPs for watershed wide coordination of the Watershed Action Plan.

9. The Permittees shall also incorporate Watershed Action Plan training, as appropriate, including training for upper-level managers and directors into the training programs described in Section XV. The Co-Permittees shall also provide outreach and education to the development community regarding the availability and function of appropriate web-enabled components of the Watershed Action Plan.

10. Invite participation and comments from resource conservation districts, water and utility agencies, state and federal agencies, non-governmental agencies and other interested parties in the development and use of the Watershed Geodatabase;

C. INCORPORATION OF WATERSHED PROTECTION PRINCIPLES INTO PLANNING PROCESSES

1. Within 24 months of adoption of this Order, each Co-Permittee shall review its General Plan and related documents including, but not limited to its development standards, zoning codes, conditions of approval and development project guidance to eliminate any barriers to implementation of the LID principles and HCOC discussed in Section XII.E of this Order. The results of this review along with any proposed action plans and schedules shall be reported in the Annual Report for the corresponding reporting year. Any changes to the project approval process or procedures shall be reflected in the LIP.

2. The Co-Permittees shall continue to ensure that their General Plan and related land use ordinances and land use approval processes (including, but not limited to, its approved development standards, zoning ordinances, standard conditions of approval, or project development guidelines) ensure the principles and policies enumerated below are properly considered and are incorporated, as appropriate, into the land use approval process to the MEP:
   a. Limit disturbance of natural water bodies and drainage systems; conserve natural areas; protect slopes and channels; minimize significant adverse impacts from Urban Runoff on the biological integrity of natural drainage systems and water bodies;
   b. Minimize changes in hydrology and Pollutant loading; require incorporation of controls including Source Control and Treatment Control BMPs to mitigate any projected increases in Pollutant loads and flows; ensure that post-development runoff rates and velocities from a site do not adversely impact downstream erosion and stream habitat; minimize the quantity of Urban Runoff directed to impermeable surfaces and the MS4; and maximize the percentage of permeable surfaces to allow more percolation of Urban Runoff into the ground;
   c. Preserve wetlands, riparian corridors, and buffer zones that provide important water quality benefits; establish reasonable limits on the clearing of vegetation from the project site;
   d. Encourage the use of BMPs to manage Urban Runoff quantity and quality, consistent with XII.C.1 above;
   e. Provide for appropriate permanent measures to reduce Pollutant loads in Urban Runoff from the development site; and
   f. Establish development guidelines for areas particularly susceptible to erosion and sediment loss.

3. The Co-Permittees, when acting as a CEQA Lead Agency for a project requiring a CEQA document, must identify at the earliest possible time in the CEQA process resources under the jurisdiction by law of the Regional Board which may be affected by the project. The preliminary WQMP should identify the need for any CWA Section 401 certification. The Co-Permitees should coordinate project review with Regional Board staff pursuant to the requirements of CEQA. Upon request by Regional Board staff, this coordination shall include the timely provision of the discharger's identity and their contact information and the facilitation of early-consultation meetings.

4. The following potential impacts shall be considered during CEQA review:
   a. Potential impact of project construction on Urban Runoff.
   b. Potential impact of project's post-construction activity on Urban Runoff.

c. Potential for discharge of Pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas or loading docks, or other outdoor areas.

d. Potential for discharge of Urban Runoff to affect Beneficial Uses of the Receiving Waters.

e. Potential for significant changes in the flow velocity and/or volume of Urban Runoff that could cause environmental harm.

f. Potential for significant increases in erosion of the project site or surrounding areas.

5. Each Permittee shall provide the Regional Board with the draft amendment or revision when a pertinent General Plan element or the General Plan is noticed for comment in accordance with Govt. Code § 65350 et seq.

D. WATER QUALITY MANAGEMENT PLAN (WQMP) FOR URBAN RUNOFF (FOR NEW DEVELOPMENT/ SIGNIFICANT REDEVELOPMENT):

1. Each Permittee shall continue to require project-specific WQMPs for those maps and permits described below for which discretionary approval is sought and as further described in Section 6 and Appendix O of the DAMP. Within 18 months of adoption of this Order, the Permittees shall submit a revised WQMP to incorporate new elements required in this Order. The primary objective of the WQMP, by addressing Site Design, Source Control and Treatment Control BMPs applied on a regional, sub-regional or site specific basis, is to ensure that the land use approval process of each Co-Permittee will minimize Pollutant loads in Urban Runoff from maps or permits for which discretionary approval is given.
2. Each Co-Permittee shall ensure that an appropriate WQMP is prepared for the following categories of New Development and Significant Redevelopment projects for which a map or permit for discretionary approval is sought:

   a. *All significant re-development projects:* Significant re-development is defined as the addition or replacement of 5,000 or more square feet of impervious surface on an already developed site. Significant Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of the facility, or emergency redevelopment activity required to protect public health and safety. Where redevelopment results in an increase of less than fifty percent of the impervious surfaces of a previously existing developed site, and the existing development was not subject to WQMP requirements, the numeric sizing criteria discussed below applies only to the addition or replacement, and not to the entire developed site.

Where redevelopment results in an increase of fifty percent or more of the impervious surfaces of a previously existing developed site, the numeric sizing criteria applies to the entire development.

b. For purposes of this Order, the categories of development identified below, shall be collectively referred to as "New Development".

   i. New developments that create 10,000 square feet or more of impervious surface (collectively over the entire project site) including commercial and industrial projects and residential housing subdivisions requiring a Final Map. (i.e., detached single family home subdivisions, multi-family attached subdivisions, condominiums, apartments, etc.); mixed use and public projects (excluding Permittee road projects). This category includes development projects on public and private land, which fall under the planning and building authority of the Co-Permittees.

   ii. Automotive repair shops (with SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539).

   iii. Restaurants (with SIC code 5812) where the land area of development is 5,000 square feet or more.

   iv. Hillside developments disturbing 5,000 square feet or more which are located on areas with known erosive soil conditions or where the natural slope is twenty-five percent or more.

   v. Developments of 2,500 square feet of impervious surface or more adjacent to (within 200 feet) or discharging directly into ESAs.

   vi. Parking lots of 5,000 square feet or more exposed to storm water. Parking lot is defined as land area or facility for the temporary parking or storage of motor vehicles.

   vii. Retail Gasoline Outlets (RGOs) that are either 5,000 square feet or more with a projected average daily traffic of 100 or more vehicles per day.

   viii. Emergency public safety projects in any of the above-listed categories may be excluded if the delay caused due the requirement for a WQMP compromises public safety, public health and/or environmental protection.

3. WQMPs shall include BMPs (on-site and/or watershed-based), for the discharge of any urban sourced 303(d) listed Pollutant to an Impaired Waterbody on the 303(d) list such that the discharge shall not cause or contribute to an exceedance of Receiving Water Quality Objectives.

4. Treatment Control BMPs shall be in accordance with the approved WQMP and must be sized to comply with one of the following numeric sizing criteria:

a. VOLUME - Volume–based Treatment Control BMPs shall be designed to infiltrate, filter, or treat either:

   i. The volume of runoff produced from a 24-hour, 85th percentile storm event, as determined from the County of Riverside's 85th Percentile Precipitation Isopluvial Map; or,

   ii. The volume of annual runoff produced by the 85th percentile, 24-hour rainfall event determined as the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87 (1998); or,

   iii. The volume of annual runoff based on unit basin storage volume, to achieve 80% or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook – Industrial/Commercial (1993); or,

   iv. The volume of runoff, as determined from the local historical rainfall record, that achieves approximately the same reduction in Pollutant loads and flows as achieved by mitigation of the 85th percentile, 24-hour runoff event;

   OR

b. FLOW - Flow-based BMPs shall be designed to infiltrate, filter, or treat either:

   i. The maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour; or,

   ii. The maximum flow rate of runoff produced by the 85th percentile hourly rainfall intensity, as determined from the local historical rainfall record, multiplied by a factor of two; or,

   iii. The maximum flow rate of runoff, as determined from the local historical rainfall record that achieves approximately the same reduction in Pollutant loads and flows as achieved by mitigation of the 85th percentile hourly rainfall intensity multiplied by a factor of two.

5. Within 24 months of adoption of this Order, the Permittees shall develop a procedure for streamlining regulatory agency approval of regional Treatment Control BMPs. The recommendations should include information needed to be submitted to Regional Board for consideration of regional Treatment Control BMPs. At a minimum, it should include: BMP location; type and effectiveness in removing Pollutants of Concern; projects tributary to the regional treatment system; engineering design details; funding sources for construction, operation and maintenance; and parties responsible for monitoring effectiveness, operation and maintenance.

6. The Permittees shall continue to require other development projects for which a map or permit for discretionary approval is sought (projects that are not New Developments or Significant Re-developments required to develop project-specific

WQMPs) to incorporate conditions of approval, to require appropriate Site Design, Source Control and any other BMPs which may or may not include Treatment Control BMPs.

7. The Permittees shall ensure that the revised WQMP addresses:
   a. A review and update of Source Control BMPs required for New Development and Significant Redevelopment.
   b. Update of the list of Treatment Control BMPs, including an evaluation of their effectiveness based on national, statewide or regional studies.
8. Groundwater Protection:

   Treatment Control BMPs utilizing infiltration [exclusive of incidental infiltration and BMPs not designed to primarily function as infiltration devices (such as grassy swales, detention basins, vegetated buffer strips, constructed wetlands, etc.)] must comply with the following minimum requirements to protect groundwater:

   a. Use of structural infiltration Treatment Control BMPs shall not cause or contribute to an exceedance of groundwater Water Quality Objectives.
   b. Use of structural infiltration Treatment Control BMPs shall not cause a Nuisance or pollution as defined in Water Code Section 13050.
   c. Use of structural infiltration Treatment Control BMPs shall not be used in areas of known soil or groundwater contamination[48], without written authorization from the Regional Board Executive Officer.
   d. Located at least 100 feet horizontally from any water supply well.
   e. The vertical distance from the bottom of any infiltration structural Treatment Control BMP to the historic high groundwater mark shall be at least 10 feet. Where the groundwater basins do not support Beneficial Uses, this vertical distance criteria may be reduced, provided groundwater quality is maintained.
   f. Source Control and Pollution Prevention BMPs shall be implemented to protect groundwater quality.
   g. Adequate pretreatment of runoff prior to infiltration shall be required in gas stations and large commercial parking lots.
   h. Unless adequate pre-treatment of runoff is provided prior to infiltration, structural infiltration Treatment Control BMPs must not be used for areas of industrial or light industrial activity, such as: areas subject to high vehicular traffic (25,000 or more daily traffic), car washes; nurseries; or any other high threat to water quality land uses or activities.

[48] Extra diligence should also be performed when proposing infiltration BMPs in areas where the proposed land use is often associated with soil and groundwater contamination.

i. Class V injection wells or dry wells must not be placed in areas subject to vehicular[49] repair or maintenance activities[50], such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g., transmission and muffler repair shop), or any facility that does any vehicular repair work.

E. LOW IMPACT DEVELOPMENT (LID) AND HYDROMODIFICATION MANAGEMENT TO MINIMIZE IMPACTS FROM NEW DEVELOPMENT/SIGNIFICANT REDEVELOPMENT PROJECTS:

1. Within 18 months of adoption of this Order, the Permittees shall update the WQMP to address LID principles and HCOC consistent with the MEP standard. A copy of the updated WQMP shall be submitted to the Executive Officer for approval. Within six months of approval, each Permittee shall implement the updated WQMP. Onsite LID principles as close to Pollution sources as possible shall be given preference, however, project site, sub-regional or regional LID principles may also be applied.

2. The Permittees shall require those projects identified in Section XII.D.2. to infiltrate, harvest and use, evapotranspire and/or bio-treat[51] the 85th percentile storm event ("Design Capture Volume"). The Design Capture Volume should be calculated as specified in Section XII.D.4.a, above. It is recognized that LID principles are not universally applicable and they are dependent on factors such as: soil conditions including soil compaction and permeability, groundwater levels, soil contaminants (Brownfield development), space restrictions (in-fill projects, redevelopment projects, high density development, transit-oriented developments), highest and best use of Urban Runoff (to support downstream uses), etc. Any portion of this volume that is not infiltrated, harvested and used, evapotranspired, and/or bio-treated shall be treated and discharged in accordance with the requirements set forth in Section XII.G, below.

3. The Permittees shall incorporate LID site design principles into the revised WQMP to reduce runoff to a level consistent with the MEP standard. The Co-Permittees

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[49] Vehicles include automobiles; motor vehicles include trucks, trains, boats, motor cycles, farm machineries, airplanes, and recreation vehicles such as snow mobiles, all terrain vehicles, and jet skis.

[50] United States Environmental Protection Agency, Office of Water, EPA 816-R-00-008, September 2000 *State Implementation Guidance - Revisions to the UIC Regulations for Class V Injection Wells and* "Class V Rule" (*Revisions to the Underground Injection Control Regulations for Class V Injection Wells*, 64 FR 68546) *indicate that these activities are prohibited from Class V injection wells.*

[51] A properly engineered and maintained bio-treatment system may be considered only if infiltration, harvesting and use and evapotranspiration cannot be feasibly implemented at a project site (feasibility criteria will be established in the WQMP [Section XII.G.1]. Specific design, operation and maintenance criteria for bio-treatment systems shall be part of the WQMP that will be produced by the Permittees.

shall require that New Development and Significant Redevelopment projects include Site Design BMPs during the development of the project-specific WQMP. The design goal shall be to maintain or replicate the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent post-development hydrologic regime through site preservation techniques and the use of integrated and distributed infiltration, retention, detention, evapotranspiration, filtration and treatment systems. The revised WQMP should continue to consider Site Design BMPs described in Appendix O of the DAMP and LID principles described in the pending Southern California Stormwater Monitoring Coalition/CASQA *LID Guidance Manual for Southern California*.

4. Within 18 months of adoption of this Order, each Permittee shall revise, where feasible its ordinances, codes, building and landscape design standards to promote green infrastructure/LID techniques including, but not limited to, the following:

   a. Landscaping designs that promote longer water retention and evapotranspiration such as 1 foot depth of compost/top soil in commercial and residential areas on top of 1 foot of non-compacted subsoil, concave landscape grading to allow runoff from impervious surfaces, and water conservation by selection of water efficient native plants, weather-based irrigation controllers, etc.

   b. Allow permeable surface designs in low traffic roads and parking lots. This may require land use/building code amendment.

   c. Allow natural drainage systems for street construction and catchments (with no drainage pipes) and allow vegetated ditches and swales where feasible.

   d. Require landscape in parking lots to provide treatment, retention or infiltration.

   e. Reduce curb requirements where adequate drainage, conveyance, treatment and storage are available.

   f. Amend land use/building codes to allow no curbs, curb cuts and/or stop blocks in parking areas and residential streets with low traffic.

   g. Use of green roof, rain garden, and other green infrastructure in urban/suburban area.

   h. Allow rainwater harvesting and use.

   i. Narrow streets provide alternatives to minimum parking requirements, etc. to facilitate LID where acceptable to public safety departments.

j. Consider vegetated landscape for storm water treatment as an integral element of streets, parking lots, playground and buildings.

k. Consider and facilitate application of landform grading techniques[52] and revegetation as an alternative to traditional approaches, particularly in areas susceptible to erosion and sediment loss such as hillside development projects,

l. Other site design BMPs identified in the WQMP not included above.

5. Consistent with the requirements of AB 1881, each Co-Permittee is mandated to update its landscape ordinance. The bill requires the local agencies to adopt the State Model Water Efficient Landscape Ordinance[53] or prepare one that is "at least as effective" as the State Model by January 2010. The proposed state model ordinance applies to landscape requiring a building or landscape permit, plan check or design review. Each Permittee shall provide the Regional Board a copy of its report to Department of Water Resources (DWR).
6. Each Permittee shall implement effective education programs to educate property owners to use Pollution Prevention BMPs and to maintain on-site hydrologically functional landscape controls.
7. To reduce Pollutants in Urban Runoff, address Hydromodification, and manage Urban Runoff as a resource to the MEP, the revised WQMP shall specify preferential use of Site Design BMPs that incorporate LID techniques, where feasible, in the following manner (from highest to the lowest priority):
   a. Preventative measures (these are mostly non-structural measures, e.g., preservation of natural features to a level consistent with the MEP standard; minimization of Urban Runoff through clustering, reducing impervious areas, etc.) and
   b. Mitigation measures (these are structural measures, such as, infiltration, harvesting and use, bio-treatment, etc.).
8. The mitigation or structural Site Design BMPs shall also be prioritized (from highest to lowest priority):
   a. Infiltration BMPs (examples include permeable pavement with infiltration beds, dry wells, infiltration trenches, surface and sub-surface infiltration basins. The Permittees should work with local groundwater management agencies to ensure that infiltration Treatment Control BMPs are designed appropriately;

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[52] http://www.epa.gov/Region3/mtntop/pdf/appendices/d/aquatic-ecosystem-enhanc-symp/symposiumfinal.pdf

[53] http://www.owue.water.ca.gov/docs/final_reg_text.pdf

b. BMPs that harvest and use (e.g., cisterns and rain barrels); and

c. Vegetated BMPs that promote infiltration and evapotranspiration including bioretention, biofiltration and bio-treatment. Upon the Permittees' determination of LID infeasibility per Section XII.G, design capture volume specified in Section XII.D.4, that is not addressed by onsite or offsite LID *Site Design BMPs* as listed above shall be treated using *Treatment Control BMPs* as described in Section XII.G.

9. Hydrologic Condition of Concern (HCOC):

a. The Permittees shall continue to ensure, consistent with the MEP standard, through their review and approval of project-specific WQMPs that New Development and Significant Redevelopment projects do not pose a HCOC due to increased runoff volumes and velocities.

b. A New Development and Significant Redevelopment project does not cause a HCOC if any one of the following conditions is met:

i) The project disturbs less than one acre and is not part of a common plan of development.

ii) The volume and the time of concentration[54] of storm water runoff for the post-development condition is not significantly different from pre-development condition for a 2-year return frequency storms (a difference of 5% or less is considered insignificant). This may be achieved through Site Design and Treatment Control BMPs.

iii) All downstream conveyance channels to an adequate sump (e.g. Prado Dam, Lake Elsinore, Canyon Lake, Santa Ana River or other lake, reservoir or natural resistant feature) that will receive runoff from the project are engineered and regularly maintained to ensure design flow capacity, and no sensitive stream habitat areas will be affected; or not identified in the Permittees Hydromodification sensitivity maps required in Section XII.B.3, and no sensitive stream habitat areas will be affected.

iv) The Permittees may request a variance from these criteria based on studies conducted by the Southern California SMC, SCCWRP, CASQA, or other regional studies. Requests for consideration of any variances should be submitted to the Executive Officer.

c. If a HCOC exists, the WQMP shall include an evaluation of whether the project will adversely impact downstream erosion, sedimentation or stream habitat. This evaluation should include consideration of pre- and post-development hydrograph volumes, time of concentration and peak discharge velocities for a

[54] Time of concentration is defined as the time after the beginning of rainfall when all portions of the drainage basin are contributing simultaneously to flow at the outlet.

2-year storm event, construction of sediment budgets, and a sediment transport analysis. If the evaluation determines adverse impacts are likely to occur, the project proponent shall implement additional Site Design BMPs, on-site BMPs, Treatment Control BMPs and/or in-stream BMPs[55] to mitigate the impacts. The project proponent should first consider Site Design BMPs and on-site BMPs prior to proposing in-stream BMPs; in-stream BMPs must not adversely impact Beneficial Uses or result in sustained degradation of Receiving Water quality and shall require all necessary regulatory approvals[56]:

d. HCOC are considered mitigated if they meet one of the following conditions:

   i. Require additional onsite or offsite mitigation to address potential erosion or habitat impact using LID BMPs.

   ii. The project is developed consistent with an approved Watershed Action Plan that addresses HCOC for the downstream Receiving Waters.

   iii. Mimicking the pre-development hydrograph with the post-development hydrograph, for a 2-year return frequency storm. Generally, the hydrologic conditions of concern are not significant, if the post-development hydrograph is no more than 10% greater than pre-development hydrograph. In cases where excess volume cannot be infiltrated or captured and reused, discharge from the site must be limited to a flow rate no greater than 110% of the pre-development 2-year peak flow.

e. If site conditions do not permit items i, through iv, above, the alternatives and in-lieu programs discussed under Section XII.G, below, may be considered.

F. ROAD PROJECTS

1. Within 24 months of adoption of this Order, the Co-Permittees shall develop standard design and post-development BMP guidance to be incorporated into projects for streets, roads, highways, and freeway improvements, under the jurisdiction of the Co-Permittees to reduce the discharge of Pollutants from the projects to the MEP. The draft guidance shall be submitted to the Executive Officer for review and approval and shall meet the performance standards for site design/LID BMPs, Source Control and Treatment Control BMPs as well as the

[55] In-stream measures involve modifying the receiving stream channel slope and geometry so that the stream can convey the new flow regime without increasing the potential for erosion and aggradation. In-stream measures are intended to improve long-term channel stability and prevent erosion by reducing the erosive forces imposed on the channel boundary.

[56] In-stream control projects require a Stream Alteration Agreement from the California Department of Fish & Game, a CWA section 404 permit from the U.S. Army Corps of Engineers, and a section 401 certification from the Water Board. Early discussions with these agencies on the acceptability of an in-stream modification are necessary to avoid project delays or redesign.

HCOC criteria. The guidance and BMPs shall address streets, roads or highways under the jurisdiction of the Co-Permittees used for transportation of automobiles, trucks, motorcycles, and other vehicles, and excludes routine road maintenance activities where the surface footprint is not increased. The guidance shall incorporate principles contained in the USEPA guidance, "Managing Wet Weather with Green Infrastructure: Green Streets" to the MEP and at a minimum shall include the following:

a. Guidance specific to new road projects;

b. Guidance specific to projects for existing roads;

c. Size or impervious area criteria that trigger project coverage;

d. Preference for green infrastructure approaches wherever feasible;

e. Criteria for design and BMP feasibility analyses on a project-specific basis.

2. Within six months of approval by the Executive Officer, the Permittees shall implement the standard design and post-development BMP guidance for all road projects. Pending approval of the standard design and post-development BMP guidance, site specific WQMPs for streets road and highway projects shall be required pursuant to Section XII.D.2.

G. ALTERNATIVES AND IN-LIEU PROGRAMS

1. Within 18 months of adoption of this Order, the Permittees shall develop technically-based feasibility criteria for project evaluation to determine the feasibility of implementing LID BMPs which may include factors such as a groundwater protection assessment to determine if infiltration BMPs are appropriate for the site[57]. These criteria shall be submitted to the Executive Officer for approval. Only those projects that have completed a feasibility analysis as per the approved criteria should be considered for alternatives and in-lieu programs. If a particular BMP is not technically feasible, other BMPs should be implemented to achieve the same level of compliance, or if the cost of BMP implementation greatly outweighs the Pollution control benefits, the Co-Permittees may grant a waiver of the BMPs. All waivers, along with waiver justification documentation, must be submitted to the Executive Officer for approval in writing within 30 days prior to Permittee approval.

[57] Such feasibility determinations may be based on regional analyses conducted by the Permittees (see finding G-14) or on site specific conditions. Site specific determinations shall be certified by a Professional Civil Engineer registered in the State of California, and will be documented in the project WQMP, which shall be approved by the Permittee prior to submittal to the Executive Officer. Within 30 days of submittal to the Executive Officer, the Permittee will be notified if the Executive Officer intends to take any action.

If a waiver is granted, the Permittees shall ensure that project proponents participate in one of the in-lieu programs discussed in this section.

2. The Permittees may collectively or individually propose to establish an Urban Runoff fund to be used for urban water quality improvement projects within the same watershed that is funded by contributions from developers granted waivers. The contributions should be at least equivalent to the cost savings for waived projects and the urban runoff funds shall be expended for projects that provide at least an equivalent amount of water quality improvement (there shall be no net impact on water quality due to a waived project). If a waiver is granted and an Urban Runoff fund is established, the Annual Report for the year should include:
   a. Total amount deposited into the funds; and
   b. The party responsible for managing the Urban Runoff fund;
   c. Projects funded or proposed to be funded with monies from the urban runoff fund with details on expected water quality improvement;
   d. Party or parties responsible for designing, construction, operation and maintenance of urban runoff funded projects, and
   e. Current status and a schedule for project completion.

3. The obligation to install Treatment Control BMPs at a New Development or Significant Redevelopment project is met if, for a common plan of development, BMPs are constructed with the requisite capacity to serve the entire common project, even if certain phases of the common project may not have BMP capacity located on that phase in accordance with the requirements specified above. The goal of the WQMP is to develop and implement practicable programs and policies to minimize the effects of urbanization on site hydrology, Urban Runoff flow rates, velocities, duration and time of concentration and Pollutant loads. This goal may be achieved through watershed-based Treatment Control BMPs, in combination with site-specific BMPs. All Treatment Control BMPs should be located as close as possible to the Pollutant sources, should not be located within Waters of the US, and Pollutant removal should be accomplished prior to discharge to Waters of the US. Regional Treatment Control BMPs shall be operational prior to occupation of any of the New Development or Significant Redevelopment project sites tributary to the regional Treatment Control BMP.

4. The Permittees may establish, where feasible and practicable, a water quality credit system for alternatives to infiltration, harvesting and use, evapotranspiration and other LID and Hydromodification requirements specified above. The following types of projects may be included in this credit system:
   a. Redevelopment projects that reduces the overall impervious area
   b. Brownfield redevelopment

c. High density developments (>7 units per acre)
d. Mixed use and transit-oriented development (within ½ mile of transit)
e. Dedication of undeveloped portions of the project site to parks, preservation areas and other pervious uses
f. Regional treatment systems with a capacity to treat flows from all upstream developments
g. Offsite mitigation or dedicated mitigation areas within the same watershed
h. Highly urbanized areas such as city center area
i. Historic Districts and Historic Preservation areas
j. Live-work developments
k. In-fill projects
l. Projects that enhance the transport of coarse sediment to the coast for beach replenishment.

5. The water quality credit system should not result in a net impact on water quality.

6. A summary of waivers of LID (along with a short description of the Section XII.G.2 through XII.G4 In-Lieu program selected), Hydromodification and Treatment Control BMPs along with any water quality credit granted, in-lieu projects, or urban runoff fund contribution required by each Co-Permittee shall be included in the Annual Report.

H. APPROVAL OF WQMP

Within 18 months of adoption of this Order, each Permittee shall develop and implement standard procedures and tools and include in its LIP the following:

1. The Permittees shall utilize a mechanism for review and approval of WQMPs, including a checklist that incorporates the minimum requirements of the model WQMP. The process for review and approval shall be described in the Permittees LIP.
2. The Co-Permittees shall maintain a database to track structural post-construction BMPs (consistent with XII.K.4 below).
3. Continue to ensure that the entity(ies) responsible for BMP maintenance and the mechanism for BMP funding is identified prior to WQMP approval.
4. The Permittees shall train those involved with WQMP reviews in accordance with Section XV, Training Requirements.

I. FIELD VERIFICATION OF BMPS

1. The Co-Permittees' permit close-out procedures shall include field verification that structural Site Design, Source Control and Treatment Control BMPs are designed, constructed and functional in accordance with the approved WQMP.
2. Prior to occupancy, the Co-Permittees shall verify through visual observation that the BMPs are working and functional.
3. The Co-Permittees may accept self-certification or third-party certification of BMPs from State-licensed professional engineers.

J. CHANGE OF OWNERSHIP AND RECORDATION

The Co-Permittees shall establish a mechanism to ensure that appropriate easements and ownerships are properly recorded in public records at the County and/or the city and the information is conveyed to all appropriate parties when there is a change in project or site ownership.

K. OPERATION AND MAINTENANCE OF POST-CONSTRUCTION BMPS

1. The Co-Permittees shall ensure that structural post construction BMPs are designed and implemented with control measures necessary to effectively minimize the creation of Nuisance or Pollution associated with vectors, such as mosquitoes, rodents, flies, etc. The Co-Permittee should work with the local vector agencies to ensure that structural post construction BMPs are designed to minimize the potential for vector breeding during operation and maintenance.
2. The Co-Permittees shall specify conditions of approval and as built inspections ensure that require proper maintenance and operation of any structural post construction BMPs including requirements for vector control.
3. The parties responsible for the maintenance and operation of the structural post construction BMPs, and a funding mechanism for operation and maintenance of structural post construction BMPs for the life of the project shall be identified prior to issuance of occupancy permits. Design of these structures shall allow adequate access for maintenance.
4. Each Co-Permittee shall maintain a database to track the operation and maintenance of the structural post construction BMPs installed after adoption of this Order. The database shall include: type of BMP; watershed where it is located; date of certification; party responsible for maintenance and any problems identified during inspection including any vector or nuisance problems.
5. Within 18 months of adoption of this order and annually thereafter, all Permittee-owned structural post construction BMPs installed after the date of this Order shall be inspected prior to the Rainy Season. The Co-Permittees shall also develop an

inspection frequency for New Development and Significant Redevelopment projects, based on the project type and the type of structural post construction BMPs deployed. Pursuant to XII.K.4, all New Development and Significant Redevelopment, structural post construction BMPs shall be inspected within the five-year Permit Term. The Co-Permittees shall ensure that the BMPs are operating and are maintained properly and all BMPs are working effectively to remove Pollutants in runoff from the site. If vector problems are identified, the Co-Permittees should work with the vector control agencies to remedy vector control problems. All inspections shall be documented and kept as Permittee record. The Co-Permittees may accept inspection reports conducted and certified by state licensed professional engineers in lieu of Co-Permittee inspections.

6. The Annual Report shall include a list of all structural post construction BMPs approved contained in the database required in XII.K.4 above.

L. PRE-APPROVED PROJECTS

The above provisions for LID and HCOC are not applicable to projects that have an approved WQMP as of the date of approval of the revised WQMP. The above provisions shall be implemented in a manner consistent with the MEP standard for all other projects 45 days from the date of approval of the revised WQMP. The Regional Board recognizes that full implementation may not be feasible for certain projects which have received tentative tract or parcel map or other discretionary approvals.

XIII. PUBLIC EDUCATION AND OUTREACH

A. The Permittees shall continue to implement the public education efforts already underway and shall continue to promote the most effective elements of the comprehensive public and business education strategy contained in the ROWD and Section 10 of the DAMP. As part of the Annual Report, the Permittees shall review their public education and outreach efforts and revise their activities to adapt to the needs identified in the annual reassessment of program priorities with particular emphasis on addressing the Pollutants of Concern. Results of this review shall direct the focus of its public education effort and cause recommendations for any changes to the public and business education program including: (1) how to make the multimedia efforts more effective; (2) a reevaluation of audiences and key messages for targeted behaviors; and (3) opportunities for participation in regional and statewide public education efforts. The goal of the public and business education program shall be to target 100% of the residents, including businesses, commercial and industrial establishments.
B. A status report on the requirements of this section and any changes to the on-going public education program shall be described in the Annual Report.

C. The Permittees shall implement an assessment program to measurably increase public knowledge of its communities regarding MS4 and impacts of Urban Runoff on Receiving Waters. The Permittees shall implement programs that can measure the change in behavior of its target communities to reduce Pollutant releases to the MS4 and the environment. A description of the program tasks, schedule and measurable goals shall be included in the first Annual Report due after adoption of this Order.

D. When feasible, the Permittees shall participate in joint outreach programs with other agencies including, but not limited to, the Santa Ana Watershed Project Authority, Caltrans, and other county and municipal storm water programs to ensure that a consistent message on storm water pollution prevention is disseminated to the public.

E. The Permittees shall continue to ensure that appropriate outreach materials are available for construction, industrial and commercial inspection programs. Outreach materials should be provided to Permittee inspectors for distribution to inspected facilities.

F. Within 18 months from the date of adoption of this Order, the Permittees shall ensure that they have developed, maintained and distributed BMP guidance for the control of those potentially polluting activities identified during the term of the 2002 MS4 Permit, which are not otherwise regulated by any agency, including guidelines for the household use of fertilizers, pesticides, herbicides and other chemicals, and guidance for mobile vehicle maintenance, carpet cleaners, commercial landscape maintenance, and pavement cutting. These guidance documents shall be distributed to the public, trade associations, etc., through participation in community events, trade association meetings and/or by mail.

G. The Permittees shall ensure that appropriate educational materials, including the BMP brochures, are provided to all new industrial and commercial enterprises within their jurisdiction at the time appropriate permits (e.g. business licenses or occupancy permits) are issued.

H. The Permittees shall continue to maintain, and if necessary enhance, public education materials to encourage the public to report: Illegal Dumping and unauthorized, non-storm water discharges from residential, industrial, construction and commercial sites into public streets, storm drains and to surface waterbodies and their tributaries; clogged storm drains; and faded stencils or missing catch basin markers. The Principal Permittee's hotline and web site shall provide guidance regarding where to locate information regarding general Urban Runoff pollution control measures. The hotline and website information shall be included in outreach materials and shall be listed in the governmental pages of prominent regional phone books and on the Co-Permittees' website.

I. The Permittees shall maintain a Public Education Committee to provide oversight and guidance for the implementation of the public education program. The Permittees shall

continue to participate in the Public Education Committee to review and update existing guidance for the implementation of the public education program. One of the functions of the Public Education Committee shall be to review outreach materials for construction, industrial and commercial inspection programs and residential outreach to ensure they appropriately address common violations observed during inspections. Once deficiencies are identified, alternative text to address the deficiency shall be developed within 6 months and reported in the Annual Report. The Public Education Committee shall meet at least twice per year.

J. The Permittees shall continue to sponsor or staff a table or booth at community, regional, and/or countywide events to distribute public education materials related to Urban Runoff pollution prevention to the public. Each Permittee shall participate in at least one event per year.

K. Successful implementation of the provisions and limitations in this Order will require the cooperation of all the public agency organizations within Riverside County having programs/activities that have an impact on Urban Runoff quality. This may include, but not be limited to, those listed in Appendix 2. As such, the Permittees should coordinate their efforts with those organizations where feasible and appropriate to ensure participation in implementing the requirements of this Order. The Permittees should notify the Regional Board where assistance is needed improving local cooperation.

L. Within 18 months of adoption of this Order, each Permittee shall develop BMP Fact Sheets for mobile businesses for distribution consistent with the requirements of Section XI.D.6. At a minimum, the mobile business Fact Sheets/training program should include: laws and regulations dealing with Urban Runoff and discharges to MS4; appropriate BMPs and proper procedures for disposing of Wastes generated from each mobile business category.

M. The Principal Permittee shall continue to develop and distribute BMP guidance for Permittee and contract field operations and maintenance staff to provide guidance in appropriate Pollution Prevention measures, how to respond to spills and reports of Illegal Discharges, etc.

XIV. PERMITTEE FACILITIES AND ACTIVITIES

A. Each Permittee shall continue to implement measures to ensure that their facilities and activities do not cause or contribute to a Pollution or Nuisance in Receiving Waters, as defined in Section 13050 of the Water Code. The Permittees must annually review their activities and facilities to determine the need for revisions to Section 5 of the DAMP and to their LIP. The Annual Report shall include the findings of this review and a schedule for any needed revisions. The Permittees should continue to use Facility Pollution Prevention Plans as noted in Chapter 5 of the DAMP to ensure that the Permittee facilities are not sources of Pollutants to the Waters of the US to the MEP.

B. Within 12 months of adoption of this Order, each Permittee shall review its inventory of fixed facilities listed in the DAMP, its field operations and MS4 facilities to ensure that Permittee facilities and activities are addressed by Facility Pollution Prevention Plans consistent with Chapter 5 of the DAMP and do not cause or contribute to a Pollution or Nuisance in Receiving Waters. Existing Facility Pollution Prevention Plans shall be reviewed to insure proper BMPs for these facilities. For Permittee facilities and/or activities tributary to CWA Section 303(d) Impaired Water Bodies that generate Pollutants for which the water body is Impaired, additional Pollutant-specific Source Control BMPs to target that Pollutant shall be identified and implemented in the Facility Pollution Prevention Plan to the MEP.

C. Each Permittee shall conduct inspections of its fixed facilities and field operations identified in Chapter 5 of the DAMP annually to ensure that they do not contribute Pollutants to Receiving Waters. The Permittees shall record the findings in the inspection forms developed by the Permittees. Each Permittee shall implement BMPs to manage the application, storage, and disposal of pesticides, herbicides, and fertilizers associated with their facilities and activities. At a minimum, the Facility Pollution Prevention Plans for these facilities and activities shall:

1. Ensure that Permittee applicators (including contractors) and distributors have appropriate training, permits, and certifications;
2. Utilize integrated pest management measures that rely on non-chemical solutions, to the extent practicable;
3. Promote the use of native vegetation into facility landscaping;
4. Include schedules for irrigation and chemical application to the extent feasible; and
5. Collect and properly dispose of unused pesticides, herbicides, and fertilizers.
6. The following BMP fact sheets are identified as minimum BMPs::
   i. SC-35/SC-61, Safer Alternative Products
   ii. SC-41, Building & Grounds Maintenance
   iii. SC-60, Housekeeping Practices
   iv. SC-73, Landscape Maintenance

D. Each Permittee shall review, update, and implement the individual clean out schedules and frequency for its MS4, including open channels, catch basins, retention/detention facilities and wetlands created for Urban Runoff treatment during the Wet and Dry Season to protect Receiving Water quality consistent with the MEP standard. The inspection and cleaning frequency for all portions of the specified MS4 shall be included in each Permittee's LIP and shall be evaluated annually to determine the need for adjusting the inspection and cleaning frequency. Each Permittee must clean those MS4 facilities where there is evidence of Illegal Discharge. In addition, each Permittee must clean those retention/detention basins and MS4 where the inspection reveals that the storage

volume is about 25% full or if accumulated sediment or debris impairs the hydraulic capacity of the facility.

E. Unless otherwise supported by field information, each Permittee shall at a minimum inspect, clean, and maintain at least 80% of its open channels, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment on an annual basis, with 100% of the facilities in a two year period. The MS4 clean out schedule shall continue to be included in the Annual Report.

F. Each Permittee shall examine opportunities to retrofit existing MS4 facilities with water quality protection measures, where feasible.

G. PERMITTEE COMPLIANCE WITH GENERAL PERMITS

1. GENERAL CONSTRUCTION PERMIT

a. All Permittee Construction Sites shall be in compliance with the latest adopted version of the General Construction Permit.

b. This Order authorizes the discharge of storm water runoff from Permittee Construction Sites that may result in land disturbance consistent with the acreage criteria of the General Construction Permit.

c. Prior to commencement of construction activities, the Permittees shall notify the Executive Officer of the proposed Construction Site by submitting a NOI, or Permit Registration Documents (PRDs) as provided in Attachment 5, and a location map depicting the Construction Site location. The filing fees for these NOIs/PRDs are waived for the Permittees.

d. Upon completion of the construction project, the Executive Officer shall be notified of the completion of the project by submitting (1) A Notice of Termination (NOT), provided in Attachment 5. (2) Photographs of the completed project; (3) A site map (depicting the project location and the locations of structural post-construction BMPs, including the latitude and longitude if appropriate); and (4) copies of the final field verification reports required under Section XII.I.

e. The Permittees shall develop, approve, and implement a WQMP for Permittee projects that meet the requirements of Section XII.D. of this Order.

f. The Permittees shall develop and implement a SWPPP and the monitoring and reporting program for their construction projects that meet the requirements of the latest version of the General Construction Permit. The Permittee must review and approve SWPPPs prepared by their contractors.

g. The Permittees shall give advance notice to the Executive Officer of planned changes in the construction activity, which may result in non-compliance with the latest version of the General Construction Permit.

h. Emergency Permittee projects required to protect public health and safety are exempted from compliance with the requirements of this subsection until the emergency ends, at which time they need to comply with the requirements of this section.

2. GENERAL DE-MINIMUS PERMIT DISCHARGES

a. The Permittees are authorized to discharge de-minimus types of discharges listed under the latest adopted version of the Regional Board's General De Minimus Discharge Permit, currently Order No. R8-2009-0003. The de-minimus discharges from Permittee owned and/or operated facilities and/or activities shall be in compliance with Order No. R8-2009-0003 except that the Permittees need not pay the filing fee.

b. The Permittees shall notify the Executive Officer of the proposed discharge at least 15 days prior to start of the discharge, by submitting a NOI and supporting documents, as provided in Attachment 7.

c. For existing Permittee Dischargers (authorized to discharge under Order No. R8-2009-003 prior to the adoption date of this Order), discharges will continue to be regulated under the terms and conditions of Order No. R8-2003-0003 until a new discharge authorization is issued, provided that the Discharger submits, by June 10, 2010, an updated NOI, a copy of the current Monitoring & Reporting Program previously issued to the Discharger, and proposed treatment modifications (if any). If no application for continued discharges are submitted by that date, the Discharger shall do one of the following:

   i. Cease discharge and submit a letter informing the Regional Board that coverage under Order R8-2009-003 is no longer needed; or

   ii. Apply for new discharge authorization as a new de-minimus discharge, under this Order.

XV. TRAINING PROGRAM FOR STORM WATER MANAGERS, PLANNERS, INSPECTORS AND MUNICIPAL CONTRACTORS

A. Within 24 months of adoption of this Order, the DAMP and each Permittee's LIP shall be updated to include a program to provide formal and where necessary, informal training to Permittee staff that implement the provisions of this Order. Formal training must be implemented as described herein and may consist of regional training provided by the Permittees or individual Co-Permittee training provided in-lieu of Principal Permittee training. Informal training (i.e. tailgate training) shall be implemented by each Permittee on an as-needed basis to supplement the formal

training. Each Permittee shall maintain a written and/or electronic record of stormwater training provided to its storm water and related program staff.

B. The training programs should be coordinated with the local Vector Control District to ensure that vector control issues related to post-construction BMPs maintenance and operation are incorporated into the training curriculum.

C. **Formal Training**: The formal training programs shall educate Permittee employees responsible for implementing requirements of this Order, by providing training on the following Permittee activities: construction site inspection, WQMP review, residential/industrial/commercial site inspection, and Permittee facility maintenance. Formal training may be conducted in classrooms or using videos, DVDs or other multimedia. The program shall consider all applicable Permittee staff such as storm water program managers, construction/industrial/ commercial/residential inspectors, planners, engineers, public works crew, etc. and shall: define the required knowledge and competencies for each Permittee compliance activity, outline the curriculum, include testing or other procedures to determine that the trainees have acquired the requisite knowledge to carry out their duties, and provide proof of completion of training such as Certificate of Completion, and/or attendance sheets. The formal training curriculum shall:

1. Highlight the potential effects that Permittee or Public activities related to their job duties can have on water quality.
2. Overview the principal applicable water quality laws and regulations that are the basis for the requirements in the DAMP.
3. Discuss the provisions of the DAMP that relate to the duties of the target audience, including but not limited to:
    a. The requirements of the DAMP regarding Storm Water Ordinances, resolutions, codes, and standards that relate to the duties of the target audience, including enforcement thereof;
    b. Overview of CEQA requirements contained in Section XII.C of this Order.
    c. Implementation and assessment of SWPPPs and Facility Pollution Prevention Plans relative to the duties of the target audience;
    d. Selection, implementation and maintenance of appropriate BMPs relative to the duties of the target audience;
    e. Tools, checklists and procedures included in the DAMP to assist in implementing the requirements of this Order relative to the duties of the target audience.

D. **Informal Training:** The informal training shall ensure that staff have the requisite knowledge to implement the applicable provisions in the Permittee's LIP, such as (but not limited to):

1. The requirements of local Storm Water Ordinances, resolutions, codes, and standards that relate to the duties of the target audience;
2. Local tools, checklists and/or procedures to implement the requirements of this Order relative to the duties of the target audience.
3. The proper use and maintenance of erosion and sediment controls;
4. Vector control issues related to storm water pollution control BMPs.

E. **Reporting**: Formal training shall be summarized and documented in the Annual Reports.

F. **Schedule**: At a minimum, the training schedule should include the following:

1. New Permittee employees responsible for implementing requirements of this Order must receive informal training within six months of hire and formal training within one year of hire.
2. Permittee facility maintenance staff must receive formal training at least once every two years.
3. Permittee inspection and code enforcement (if applicable) employees must receive formal or informal refresher training focused on appropriate BMP implementation at least once a year prior to the rainy season.
4. Other existing Permittee employees responsible for implementing the requirements of this Order must receive formal training at least once during the term of this Order.
5. The start date for training programs described in this Section shall be included in the schedule required in Section III.A.1.q, but shall be no later than six months after Executive Officer approval of DAMP updates applicable to the Permittee activities described in Section XIV.

G. The Permittees shall require verification of BMP training from contract staff where applicable.

H. The Permittee(s) shall include designated Regional Board staff on training notification e-mails announcing upcoming formal training sessions.

XVI. NOTIFICATION REQUIREMENTS

A. Within 24 hours of discovery, the Permittees shall provide oral or email notification to Regional Board staff of events within its jurisdiction that are determined to be an Emergency Situation. Following oral notification, a written report must be submitted within 10 days of receipt of notice of the Emergency Situation, detailing the nature of the non-compliance, any corrective action taken by the site/facility owner, other relevant information (e.g., past history of the Emergency Situation, environmental damage resulting from the Emergency Situation, site/facility owner responsiveness) and the type of enforcement, consistent with Section 4 of the DAMP, that will be carried out by the Co-Permittee. Further, incidences of noncompliance shall be

recorded along with the information noted in the written report and the final outcome/enforcement for the incident in the databases for Construction Sites, and Industrial or Commercial Facility inspections, as appropriate.

B. Notification requirements for non-Emergency Situations that are discovered during the course of Construction Site and Industrial Facility inspections that may be a violation of the General Stormwater Permits are addressed in Sections XI.A.7 of this Order.

C. Sewage spill notification shall be consistent with the timelines specified in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ.

D. All reportable quantities of Hazardous Waste spills as per 40CFR 117 and 302 shall be reported within 24 hours. All spill incidents shall be also included in the Annual Report. These requirements are consistent with the Notification requirements for IC/IDs that are addressed in Section IX.B of this Order.

E. Enforcement requirements for Construction Sites and Industrial Facilities operating without an applicable General Stormwater Permit are specified in Section XI.A.7. These Sites and Facilities shall be reported within 14 calendar days to Regional Board staff by electronic mail or other written means. Permittees' notifications of facilities' failure to obtain required coverage under the General Construction Permit, or General Industrial Permit, including requirements to file PRDs. A PRD, NOI, No Exposure Certification, Notice of Non-applicability, and/or 401 Certification must include, at a minimum, the following documentation:

1. Name of the Site or Facility
2. Operator of the Site or Facility
3. Owner of the Site or Facility
4. Construction or Commercial/Industrial activity being conducted at the Site or Facility that is subject to the General Construction Permit, General Industrial Permit or 401 Certification
5. Records of communication with the facility operator regarding the violation, which must include at least an inspection report.

F. The Permittees shall report to the Executive Officer:

1. Any enforcement actions and known discharges of Urban Runoff to MS4 facilities, known to the Permittees, which may have an impact on human health or the environment consistent with Sections XI.A and XI.B above; if the discharge is to Canyon Lake or any tributary to Canyon Lake, Elsinore Valley Municipal Water District shall also be notified immediately; and
2. Any suspected or reported activities on federal, state, or other entity's land or facilities, where the Permittees do not have any jurisdiction, and where the suspected or reported activities may be contributing Pollutants to Waters of the US

XVII. PROGRAM MANAGEMENT ASSESSMENT/DAMP REVIEW

A. By November 30 of each year, the Permittees shall evaluate the effectiveness of the Urban Runoff management program described in the DAMP to determine the need for any revisions in order to reduce Pollutants in MS4 discharges consistent with the MEP standard consistent with the reporting requirements in Appendix 3, Section IV.B. In addition, the first Annual Report (November 2010) after adoption of this Order shall include the following:

1. Review of the formal training needs of Permittee employees.
2. Review of coordination meeting/training for the designated NPDES inspectors.
3. Proposal for assessment of Urban Runoff management program effectiveness on an area wide as well as jurisdiction-specific basis. Permittees shall utilize the CASQA Guidance[58] for developing these assessment measures at the six outcome levels. The assessment measures must target both water quality outcomes and the results of municipal enforcement activities consistent with the requirements of Appendix 3, Section IV.B.

B. The Annual Report shall include the findings of this review and a schedule to address necessary revisions, or a copy of the amended DAMP with the proposed changes. Replacement pages are acceptable if modifications are not extensive. Annual Reports shall also be submitted in electronic format.

C. Upon the effective date of this Order, the Permittees shall implement the 2007 DAMP and modify it to be consistent with the requirements of this Order and the schedules contained herein.

D. Each Permittee shall designate at least one representative to the Management Steering Committee and Technical Committee. The Principal Permittee shall be notified immediately, in writing, of changes to the designated representative to either Committee. The designated representative for each Committee shall attend that Committee's meeting as follows: at least one (1) out of two (2) Management Steering Committee meetings and eight (8) out of ten (10) Technical Committee meetings per year to discuss issues related to permit implementation and regional and statewide issues.

E. The Permittees shall continue to implement all elements of the approved DAMP. Program elements revised in compliance with the requirements of this Order must be implemented in conformance with the schedules specified in this Order following approval of the Executive Officer.

[58] CASQA, May 2007. Municipal Storm Water Program Effectiveness Assessment Guidance.

XVIII. FISCAL RESOURCES

A. Each Permittee shall exercise its full authority to secure the resources necessary to meet the requirements of this Order. This Order may be revised to adjust time schedules to accommodate prioritization of available resources.

B. The Permittees shall prepare and submit a financial summary to the Executive Officer. The financial summary shall be submitted with the Annual Report each year and shall, at a minimum, include the following:

1. Each Permittee's MS4 Permit compliance expenditures for the previous fiscal year;
2. Fiscal developments that may impact availability of funding for MS4 Permit compliance program implementation and to achieve the required implementation schedule;
3. Each Permittee's MS4 Permit compliance program budget for the current fiscal year;
4. A description of the source of funds to implement the MS4 Permit compliance program, and;
5. Each Permittee's estimated budget to implement the MS4 Permit compliance program for the next fiscal year.

XIX. MONITORING AND REPORTING PROGRAM

The Permittees must comply with Monitoring and Reporting Program No. R8-2010-0033, Appendix 3, and any revisions thereto, which are hereby made a part of this Order. The Executive Officer is hereby authorized to revise the Monitoring and Reporting Program in a manner consistent with this Order to allow the Permittees to participate in regional, statewide, national or other monitoring and reporting programs in lieu of or in addition to Monitoring and Reporting Program No. R8-2010-0033. In addition, dates for completion and implementation of certain program elements and reporting requirements are outlined in the Monitoring and Reporting Program.

XX. PROVISIONS

A. All reports submitted by the Permittees as per the requirements in this Order for the approval of the Executive Officer shall be publicly noticed and made available on the Regional Board's website, or through other means, for public review and comments. The Executive Officer shall consider all comments received prior to approval of the reports. Any unresolved significant issues shall be scheduled for a public hearing at a Regional Board meeting prior to approval by the Executive Officer.

B. Permittees shall demonstrate compliance with all the requirements in this Order and shall implement the DAMP and any modifications, revisions, or amendments thereto, which are developed pursuant to this Order or determined by the Permittees to be necessary to

meet the requirements of this Order. The DAMP, including any approved amendments thereto is hereby made an enforceable component of this Order.

C. The Permittees shall implement all elements of the DAMP and its components. Where the dates in the DAMP are different from the corresponding dates in this Order, the dates in this Order shall prevail. Any proposed revisions to the DAMP shall be submitted with the Annual Report for review and approval by the Executive Officer. All approved revisions to the DAMP shall be implemented as per the time schedules approved by the Executive Officer. In addition to those specific controls and actions required by: (1) the terms of this Order and (2) the DAMP and its components, each Permittee shall implement additional controls, if any are necessary, to reduce the discharge of Pollutants in Urban Runoff consistent with the MEP standard.

D. Certain BMPs implemented or required by the Permittees for Urban Runoff management may create habitat for vectors (e.g., mosquitoes and rodents) if not properly designed and maintained. Close collaboration and cooperative effort between the Permittees and local vector control agencies and the State Department of Health Services are necessary to minimize potential vector habitat and public health impacts resulting from vector breeding. Nothing in this Order is intended to prohibit inspection or abatement of vectors by the State or local vector control agencies in accordance with the respective Health and Safety Code.

E. Upon approval by the Executive Officer all plans, reports and subsequent amendments required by this Order shall be implemented and shall become an enforceable part of this Order. Prior to approval by the Executive Officer, these plans, reports and amendments shall not be considered as an enforceable part of this Order.

F. The MS4 permit application and special NPDES program requirements are contained in 40 CFR 122.21 (a), (b), (d)(2), (f), (p); 122.41 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l); and 122.42 (c), and are incorporated into this Order by reference.

G. The Permittees must comply with all terms, requirements, and conditions of this Order. Any violation of this Order constitutes a violation of the CWA, its regulations and the California Water Code, and is grounds for enforcement action, Order termination, Order revocation and re-issuance, denial of an application for re-issuance, Order revisions, or a combination thereof.

H. Permittees must continue to take reasonable steps to minimize or prevent any discharge to the MS4 that has a reasonable likelihood of adversely affecting human health or the environment.

I. Regional Board staff, USEPA, and other authorized representatives must be allowed to:

1. Inspect Permittee records associated with compliance of this Order.

2. Access and copy records that are kept under the conditions of this Order.

3. Photograph and inspect any facilities or equipment (including monitoring and control equipment) that are related to or may impact storm water discharge or authorized Non-storm Water discharge.

4. Conduct sampling, and monitoring activities for the purpose of assuring compliance with this Order, or as otherwise authorized by the CWA and/or the Water Code.

5. Review the Permittee's programs and request the Regional Board to authorize modification to Permittee programs to comply with the requirements of this Order.

6. Request copies of data, monitoring reports, and sampling data and copies of the Permittee's conclusions and evaluations of the data.

J. This Order does not convey any property rights or any exclusive privileges.

K. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations.

L. When Permittees become aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, State Board, or USEPA, the Permitttees must promptly submit such facts or information.

M. All applications, reports, or information submitted to the Regional Board, State Board, and/or USEPA are to be signed and certified by either:

1. A principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA)

2. A duly authorized representative of the person in 1, above. A person is a duly authorized representative only if the authorization is made in writing by a person described above;

3. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

4. The written authorization is submitted to the Executive Officer.

5. If an authorization described above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization must be submitted to the Executive Officer prior to or together with any reports, information, or applications, to be signed by an authorized representative.

6. Any person signing a document described above must make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

XXI. PERMIT MODIFICATION

A. Following appropriate public notice, and in accordance with 40 CFR 122.41(f), this Order may be modified, revoked or reissued prior to its expiration date for the following reasons:
   1. To address significant changes in conditions identified in the technical reports required by the Regional Board which were unknown at the time of the issuance of this Order;
   2. To incorporate applicable requirements of statewide water quality control plans adopted by the State Water Resources Control Board or any amendments to the Basin Plan (including TMDLS) approved by the Regional Board, the State Board and, if necessary, by the Office of Administrative Law and the USEPA;
   3. To comply with any applicable requirements, guidelines, or regulations issued or approved under the Clean Water Act, if the requirements, guidelines, or regulations contain different conditions or additional requirements than those included in this Order; or,
   4. To incorporate new or revised program elements and compliance schedule(s) necessary to comply with this Order;

B. The filing of a request by the Permittees for modification, revocation and re-issuance, or termination or a notification of planned changes or anticipated noncompliance does not stay any conditions of this Order.

C. Pursuant to Section 13228 of the Water Code, the Regional Board may exercise its option for allowing the portion of the City of Murrieta located within the Santa Ana Region to be regulated by the San Diego Regional Water Quality Control Board under its Riverside County MS4 Permit. Similarly, if the San Diego Regional Water Quality Control Board authorizes this Regional Board to exercise authority over the City of Menifee within the

portions of the City regulated by the San Diego Regional Water Quality Control Board, this Regional Board will exercise its authority under this Order in those Regions.

XXII. PERMIT EXPIRATION AND RENEWAL

A. This Order expires on January 29, 2015, and the Permittees must file a ROWD no later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements. The ROWD shall, at a minimum, include the following:

1. Names and mailing address(es) of the primary administrative and technical contacts for the Permittees that operate the MS4;
2. Any revisions to the DAMP including, but not limited to, all the activities the Permittees propose to undertake during the next permit term, goals and objectives of such activities, an evaluation of the need for additional source control and/or structural BMPs, any proposed pilot studies, etc.;
3. Changes in land use and/or population including map updates;
4. Any significant changes to the MS4 including map updates of the MS4; and
5. An assessment of the overall Urban Runoff management program and its effectiveness in meeting Water Quality Standards. If Water Quality Standards are not being met, the ROWD shall include new or revised program elements and compliance schedule(s) necessary to comply with Section VI of this Order.

B. The ROWD, Annual Reports and other information submitted under this Order shall be signed by either a principal executive officer or a ranking elected official (40 CFR 122.22(a)(3)) or a duly authorized representative as per 40 CFR 122.22(b).

C. This Order shall serve as an NPDES Permit pursuant to Section 402(p) of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator of the USEPA has no objections. If the Regional Administrator objects to its issuance, the Permit shall not become effective until such objection is withdrawn.

D. The Regional Board is authorized to enforce the terms of this permit under several provisions of the CWC, including, but not limited to, sections 13385, 13386, and 13387.

E. Order No. R8-2002-0011 is hereby rescinded.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 29, 2010**.**



_____

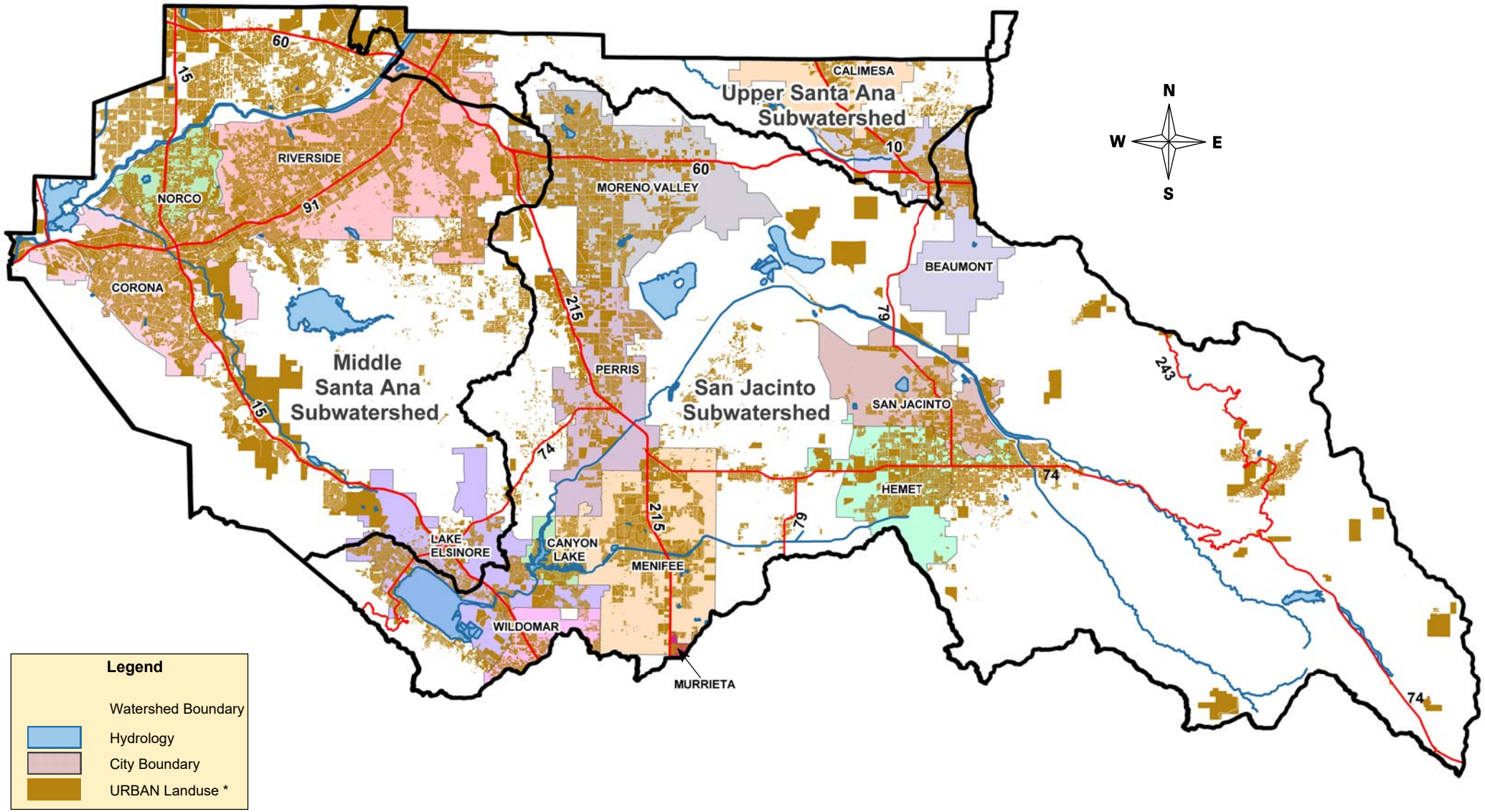
Gerard J. Thibeault
Executive Officer

APPENDIX 1

PERMIT AREA

ORDER NO. R8-2010-0033

ORDER NO. R8-2010-0033 (NPDES NO. CAS618003)
RIVERSIDE COUNTY AREA-WIDE URBAN RUNOFF MANAGEMENT PLAN



* Areas not in URBAN: Agricultural, State, Federal, Tribal, Preserves & Open Space, Rural-Residential, Highways/Freeways

APPENDIX 1

APPENDIX 2

OTHER ENTITIES THAT MAY DISCHARGE POLLUTANTS TO THE MS4

ORDER NO. R8-2010-0033

Appendix 2

OTHER POTENTIAL DISCHARGERS TO THE MS4s

Government Agencies

Department of the Air Force,
March Air Force Base – Special Districts
(regulated under an individual NPDES permit)
State Parks
U.S. Army Corps of Engineers
Caltrans (regulated under a state-wide NPDES permit)
Department of Corrections
U.S. Forest Service
U.S. Department of the Interior – Bureau of Land Management

Hospitals

Corona Community Hospital
Hemet Valley Medical Center
Kaiser Foundation Hospital – Riverside
Loma Linda Hospital (Sun City)
Parkview Memorial Hospital
Riverside Community Hospital
Riverside County Regional Medical Center
Riverside General Hospital

Railroads

AT&SF Railway Company
Burlington Northern Railroad Company
Southern Pacific Railroad Company
Union Pacific Railroad

Special Districts/ Wastewater Agencies

Edgemont Community Services District
Jurupa Community Services District
Santa Ana Watershed Project Authority
Rubidoux Community Services District
Valley Wide Park and Recreation District

School Districts

Alvord Unified School District
Corona – Norco Unified School District
Hemet Unified School District
Lake Elsinore Unified School District
Menifee Union School District
Moreno Valley Unified School District
Nuview Union School District
Perris Elementary School District
Perris Union High School District
Riverside Unified School District
Romoland School District
San Jacinto Unified School District
Val Verde School District

Universities and Colleges

California Baptist University
La Sierra University
Mt. San Jacinto College
Riverside Community College
University of California, Riverside
California School for the Deaf, Riverside

Water Districts

Eastern Municipal Water District
Elsinore Valley Municipal Water District
Lake Hemet Municipal Water District
Lee Lake Water District
Metropolitan Water District
Western Municipal Water District

Tribal Lands

Soboba Band of Luiseno Indians
Morongo Band of Mission Indians

APPENDIX 3

MONITORING AND REPORTING PROGRAM

ORDER NO. R8-2010-0033

State of California
California Regional Water Quality Control Board
Santa Ana Region

Monitoring and Reporting Program No. R8-2010-0033
NPDES No. CAS618033

for
Riverside County Flood Control and Water Conservation District,
The County of Riverside and the Cities of Riverside County
Within the Santa Ana Region
AREA-WIDE URBAN STORM WATER RUNOFF MANAGEMENT PROGRAM

I. OBJECTIVES

The overall goal of the Urban Runoff monitoring program is to support the development of an effective Urban Runoff management program. The following are the major objectives:

A. To identify those Receiving Waters, which, without additional action to control pollution from urban storm water runoff, cannot reasonably be expected to achieve or maintain applicable Water Quality Standards required to sustain the designated beneficial uses, the goals, and the objectives of the Basin Plan.

B. To develop and support an effective Urban Runoff management program.

C. To identify significant water quality problems, related to discharges of Urban Runoff within the Permit Area.

D. To determine water quality status, trends, and Pollutants of concern associated with Urban Runoff and their impact on the Beneficial Uses of the Receiving Waters.

E. To analyze and interpret the collected data to determine the impact of Urban Runoff and/or validate relevant water quality models.

F. To characterize Pollutants associated with Urban Runoff, and to assess the influence of urban land uses on Receiving Water quality and associated Beneficial Uses.

G. To identify other sources of Pollutants in Urban Run off to the maximum extent possible (e.g., including, but not limited to, atmospheric deposition, contaminated sediments, other non-point sources, etc.)

H. To identify and permit or prohibit Illicit Connections.

I. To identify, verify and prohibit Illegal Discharges.

J. To verify and to identify sources of Pollutants in Urban Runoff.

K. To evaluate the effectiveness of the DAMP and WQMPs, including an estimate of Pollutant reductions achieved by the Site Design (Low Impact Development [LID], Treatment Control and Source Control BMPs implemented by the Permittees.

L. To evaluate the effectiveness of proposed Urban Runoff management programs to protect Receiving Water quality.

II. GENERAL MONITORING PROVISIONS

A. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity [40 CFR 122.41(j)].

1. This includes any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality in the case of storm channels and flow quality in the case of streams and lakes

2. All sample collection, handling, storage, and analysis shall be in accordance with test procedures under 40 CFR Part 136 (latest edition) "*Guidelines Establishing Test Procedures for the Analysis of Pollutants*," promulgated by the USEPA, the guidance being developed by the State Board pursuant to Water Code Section 13383.5, or other methods which are more sensitive than those specified in 40 CFR 136 and approved by the Executive Officer.

3. For priority Toxic Pollutants that are identified in the California Toxics Rule (CTR) (65 Fed. Reg. 31682), the Minimum Levels (MLs) published in Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) shall be used for all analyses, unless otherwise specified.

4. For priority Toxic Pollutants, if the Permittee can demonstrate that a particular ML is not attainable, in accordance with procedures set forth in 40 CFR 136, the lowest quantifiable concentration of the lowest calibration standard analyzed by a specific analytical procedure (assuming that all the method specified sample weights, volumes, and processing steps have been followed) may be used instead of the ML listed in Appendix 4 of the SIP. The Principal Permittee must submit documentation from the laboratory to the Regional Board Executive Officer for approval prior to raising the ML for any constituent.

B. All chemical, bacteriological, and Toxicity analyses shall be conducted at a laboratory certified for such analyses by an appropriate governmental regulatory agency.

C. Analytical methods, target reporting limits and data reporting formats shall be compatible with California's Surface Water Ambient Monitoring Program (SWAMP) Quality Assurance Management Plan and with SWAMP's Procedures for Conducting Routine Field Measurement unless otherwise specified in this Monitoring and Reporting Program (MRP).

D. Revisions of this MRP are appropriate to ensure that the Permittees are in compliance with requirements and provisions contained in this Order. Revisions may be made under the direction of the Executive Officer at any time during the term of the Order, and may include redistribution of monitoring resources to address TMDL needs, a reduction or increase in the number of parameters to be monitored, the frequency of monitoring, or the number and size of samples collected.

E. The Executive Officer is authorized to allow the Permittees to participate in regional, statewide, national, or other monitoring programs in addition to or as part of this Urban Runoff monitoring program. Also, the Permittees are authorized to complement their Urban Runoff monitoring data with data from other monitoring sources, provided the monitoring conditions and sources are similar to those in the Santa Ana River watershed.

F. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than $20,000 per day of violation, or by imprisonment of not more than four years, or both [40 CFR 122.41(j)(5)].

III. MONITORING PROGRAM

A. The Principal Permittee has been monitoring Urban Runoff and Receiving Waters since the first MS4 permit term. The Principal Permittee currently implements the Consolidated Monitoring Program (CMP) and participates in a number of other storm water or TMDL related monitoring programs such as: TMDL Bacterial and Nutrient Monitoring, WLA Compliance, BMP Effectiveness, Urban Source and Trend Evaluation, Receiving Water Quality, Hydromodification and Bioassessment. The Principal Permittee shall continue to implement the CMP and continue to participate in other related monitoring programs.

B. The Principal Permittee, on behalf of the Co-Permittees, participates (through a memorandum of understanding and cooperative agreements) with the 16 member agencies of the Storm Water Monitoring Coalition (SMC). The Permittees shall continue to cooperate with other MS4 permittees (including

Orange County and San Bernardino County), Southern California Coastal Water Research Project (SCCWRP), POTW operators, the dairy industry, the Santa Ana Watershed Project Authority (SAWPA), and other public and private organizations in the watershed to develop coordinated surface water quality monitoring programs, databases, and special studies as appropriate. The Regional Board supports continued coordination with SCCWRP and the SMC to facilitate and implement coordinated watershed based monitoring programs. The Permittees may use coordinated monitoring efforts such as the Middle Santa Ana River (MSAR) and Lake Elsinore/Canyon Lake (LE/CL) TMDL Task Forces, SCCWRP and SMC regional monitoring programs to address partially, or in full, the requirements of this MRP. A proposed coordinated monitoring program shall result in the development and implementation of a monitoring plan that:

1. Fully addresses the requirements of this MRP;

2. Describes how the external monitoring programs address the requirements of the MRP;

3. Include a quality assurance plan, including data management, validation, verification mechanism for the portions of the monitoring directly conducted by the Permittees;

4. Reference the locations of the quality assurance plans for regional components; and

5. Result in a coordinated Annual Report summarizing the pertinent Urban Runoff data from the coordinated programs necessary to address this MRP.

C. Within 12 months of adoption of this Order, the Permittees shall review the CMP, Regional and TMDL related monitoring programs that they conduct or participate to determine their effectiveness in achieving the Urban Runoff assessment requirements contained in Section IV.B, below. If this review indicates any data gaps, the Principal Permittee shall submit a revised CMP, or coordinate revisions to other regional programs for approval of the Executive Officer to ensure that the combined efforts adequately address the requirements of Section IV.B. The revised CMP, including a description of how other regional efforts combine with the CMP to address requirements of Section IV.B shall be submitted within 16 months of adoption of this Order and shall be implemented within six months of its approval by the Executive Officer. Pending approval of the revised CMP, current monitoring efforts will continue to be implemented.

D. <u>TMDL/303(d) Listed Waterbody Monitoring</u>: The Permittees identified as dischargers in adopted TMDLs shall continue to participate in TMDL monitoring programs as required by TMDL Implementation Plans. The compliance schedules for the two approved TMDLs within the Permit Area are beyond the five year MS4 Permit term. This Order requires Permittees identified as

dischargers in their respective TDMLs to conduct monitoring required by the TMDL Implementation Plans to determine the effectiveness of the BMPs implemented in reducing Pollutant loads and eventually to attain WLA by the deadlines specified in the respective TMDL Implementation Plans.

1. MSAR Bacteria WLA TMDL USEP monitoring

    a. On June 14, 2007, the TMDL task force members submitted a source evaluation plan and a monitoring plan. The Regional Board approved these plans on June 29, 2007, Resolution No. R8-2007-0046. A revised monitoring plan and an urban Bacterial Indicator source evaluation plan were approved by the Regional Board on April 18, 2008, Resolution No. R8-2008-0044. The MSAR Permittees within the MSAR watershed shall continue to conduct monitoring and source evaluations in accordance with the approved plans and report the findings in accordance with the schedules specified in the approved plans or as updated by subsequent Regional Board approved revisions.

    b. In conformance with Task 3 of the TMDL Implementation Plan contained in Resolution R8-2005-0001, the Permittees shall individually, or in conjunction with the MSAR TMDL Task Force, prepare a triennial report summarizing the data collected for the preceding 3 year period and evaluating compliance with the WLAs. The first report shall be due February 15, 2010.

    c. The Permittees shall conduct monitoring and reporting consistent with Section VI.D. of this Order to evaluate the effectiveness of the BMPs implemented in the watershed and determine their progress towards attaining compliance with the interim WQBELs, and final BMP-based WQBELS, if approved, or the final numeric WQBELS/WLAs.

2. Lake Elsinore/Canyon Lake Nutrient TMDL

    a. Monitor and report the effectiveness of the BMPs implemented in the watershed to control nutrient inputs into the lakes from Urban Runoff. Submit an Annual Report summarizing all relevant data from water quality monitoring programs and evaluating compliance with the LE/CL TMDL by reporting the effectiveness of the BMPs implemented in the watershed to control nutrient inputs into the lake from Urban Runoff pursuant to Regional Board Resolution No. R8-2006-0031 and R8-2007-0083, or as amended by subsequent Regional Board adopted resolutions.

    b. The Permittees shall conduct monitoring and reporting consistent with Section VI.D. of this Order to evaluate the effectiveness of the BMPs implemented in the watershed and determine their progress towards attaining compliance with the interim WQBELs, and final BMP-based WQBELS, if approved, or the final numeric WQBELS/WLAs.

E. In addition, any requirements developed by the State Board in accordance with Water Code Section 13383.5 shall be considered during any revision of the CMP. The revised CMP shall, at a minimum, include the following:

1. Mass Emissions Monitoring – Core Stations:

a. An estimate of flow in cubic feet per second (cfs) from the Outfall/stream at the time of sampling.

b. Monitor mass emissions in Urban Runoff to:

i) Estimate the total mass emissions from the MS4s to Receiving Waters.

ii) Assess trends in mass emissions associated with specific urban storm water discharges from the MS4 over time.

iii) Determine if Urban Runoff may be contributing to exceedances of Water Quality Objectives or Beneficial Uses in Receiving Waters by comparing water quality data from Outfall and Receiving Water results to: (1) Water quality Objectives (WQOs); (2) California Toxic Rule (CTR) (3) USEPA Multi-Sector Permit Parameter Benchmark Values and (4) other MS4 discharger's monitoring data or other appropriate data identified by the Permittees. The Permittees should also evaluate the Regional Monitoring reports prepared by SCCWRP to assess trends in Urban Runoff and Receiving Water quality within the Permit Area.

iv) Representative samples from the first sampleable storm event (based on mobilization criteria to be established in the CMP) of the Wet Season (October 1 to May 31) and two more storm events shall be collected during the Wet Season. A minimum of two Dry Weather samples shall also be collected. Samples from the first sampleable storm event each year shall be analyzed for constituents according to the list provided in the 2007-2008 Santa Ana Region Monitoring Annual Report, Attachment A. This list includes 40 CFR 122 Appendix D Tables II and III, and Tables IV and V if expected to be present, and additional constituents. All samples shall be analyzed for *E. coli*, nutrients (Nitrates + Nitrites, potassium, and phosphorous), hardness[1], metals, pH, TSS, TOC, pesticides/herbicides, and Pollutants/stressors for 303(d) listed Receiving Waters. Dry Weather samples should also include analyses for TPH (8015M – direct injection) and oil and grease. The analyte list will be reviewed annually. Constituents may be added to the list for a selected monitoring station if they are expected to be present, and removed from the list if three consecutive samples from the station have not had detectable concentrations of the constituent.

[1] Hardness is necessary to evaluate some metal Water Quality Objectives in receiving waters.

v) Monitoring locations shall be integrated into a GIS database system. All monitoring data shall continue to be placed in an electronic database.

2. Water Column Toxicity Monitoring: Analyses for Toxicity to aquatic species shall be performed on receiving water samples to determine if there may be impacts of Urban Runoff on Toxicity of Receiving Waters. The *Ceriodaphnia dubia* survival (acute), Fathead Minnow larval survival (acute), and Selenastrum Capricornutum growth (chronic) tests shall be used to evaluate Toxicity on the sample from the first sampleable storm event, plus one other Wet Season storm event sample. Where applicable, two Dry Weather samples shall also be collected or equivalent procedures shall be proposed in the CMP. In addition, criteria shall be identified which will trigger the initiation of Toxicity Identification Evaluations (TIEs) and Toxicity Reduction Evaluations (TREs).

   To the extent that the Toxicity testing developed as part of the Regional Bioassessment Monitoring described in item 5 and Section D below, or other standardized Toxicity testing protocols developed by the State Board, Regional Board, SMC or SCCWRP, satisfies the objective of determining the impact of Urban Runoff on Toxicity of Receiving Waters, the Permittees may satisfy this requirement by participating in the regional bioassessment effort or conducting Toxicity testing consistent with the standardized protocols.

3. Illicit Connection/Illegal Discharge (IC/ID) Monitoring: The Permittees shall review and update their Dry Weather and Wet Weather reconnaissance strategies to identify and eliminate IC/IDs using the Guidance Manual for Illicit Discharge, Detection, and Elimination developed by the Center for Watershed Protection[2] or any other equivalent program. Where possible, the use of GIS to identify geographic areas with a high density of industries associated with gross Pollution (e.g. electroplating industries, auto dismantlers) and/or locations subject to maximum sediment loss (e.g. New Development) may be used to determine areas for intensive monitoring efforts. The Dry Weather monitoring for nitrogen and total dissolved solids shall be used to establish a baseline dry weather flow concentration for TDS and TIN at each Core monitoring location.

4. Sources of Data: Where possible and applicable, water quality data shall be obtained from monitoring efforts of other public or private agencies/entities (e.g., Caltrans).

5. Bioassessment: In lieu of developing an independent bioassessment program as required in the prior term permit, the Principal Permittee, on behalf of the Co-Permittees, participates (through a memorandum of understanding and cooperative agreements) with the 16 member agencies of the SMC. The SMC's Bioassessment Working Group conducts bioassessments on a regional basis. The Principal Permittee in coordination with SCCWRP shall ensure that

[2] USEPA (Illicit Discharge Detection and Elimination - A Guidance Manual for Program Development and Technical Assessments) by the Center for Watershed Protection and Robert Pitt, University of Alabama, October 2004, updated 2005).

a sufficient number of monitoring stations are selected for this program from locations within the Permit Area.

a. The Principal Permittee, in collaboration with the SMC, shall conduct sampling, analysis, and reporting of specified in-stream biological and habitat data within the 5-year permit cycle according to the protocols specified in the SCCWRP Tech Report No. 539.

b. Within Riverside County, the bioassessment project area consists of the lower half of the MSAR watershed, the San Jacinto watershed, and the northern Santa Margarita watershed (northern San Diego) for a total of 1.5 watershed units, a minimum of 9 samples shall be collected per year[3]. Within Riverside County's Santa Ana and San Jacinto Watersheds, which are in the Permit Area, the Permittees shall sample 5 sites per year. SWAMP samples 2 sites per year.

c. For long-term trend monitoring, the Principal Permittee shall collect a minimum of 1 sample per year during the dry weather index period, as noted in the SCCWRP Tech Report No. 539. Additional samples may be collected to improve data quality for trend analysis. At a minimum, chemistry and aquatic Toxicity should be used as indicators for trend analysis.

d. Any baseline and historic information on stream geomorphology and ecological health, including aquatic habitats, in the Receiving Waters and the findings from the trend analysis shall be used to evaluate the effectiveness of Urban Runoff management program, including the requirements specified in the Order.

6. A Quality Assurance Program Plan (QAPP) within the CMP that describes how data will be collected and analyzed to ensure that data is consistent with State and Regional Board monitoring programs and is of high quality. Dischargers shall develop a QAPP that is compatible with the State's Surface Water Ambient Monitoring Program (SWAMP) QAPP and approved by the Regional Board's Quality Assurance Officer. A QAPP template is available, upon request, through the State Board's SWAMP website (http://www.waterboards.ca.gov/water_issues/programs/swamp/qapp.shtml). All analytical methods, target reporting limits, and data reporting formats should be SWAMP compatible unless otherwise specified in this MRP. The QAPP will include location of sample site(s), description of analytical techniques, data quality objectives, and other standard quality assurance information.

[3] See Table 4 page 15 of Technical Report No.539.

7. A procedure for the collection, analysis, and interpretation of existing data from local, regional or national monitoring programs. These data sources may be utilized to:
   a. Characterize different sources of Pollutants discharged to the MS4;
   b. Determine pollutant generation, transport and fate;
   c. Develop a relationship between land use, development size, storm size and the event mean concentration of Pollutants;
   d. Determine spatial and temporal variances in Urban Runoff quality and seasonal and other bias in the collected data; and
   e. Identify any unique features of the permitted area.
   f. The Permittees are encouraged to use water quality data from similar studies, if available.

8. The CMP update shall include descriptions of:
   a. The number of monitoring stations;
   b. Monitoring locations within MS4s, Major Outfalls, and Receiving Waters; environmental indicators (e.g., ecosystem, flow, biological, habitat, chemical, sediment, stream health, etc.) chosen for monitoring; The initial update shall at least contain the sampling stations listed in Table 1, below:

Table 1 Current Core Monitoring Stations

Station Number	Class	Station Description	Latitude	Longitude
40	Outfall	Corona Storm Drain – Line K Harrison & Sheridan St.	33.885	-117.568611
316	Outfall	Sunnymead Chanel – Line B Alessandro & Heacock	33.917778	-117.242222
318	Outfall	Hemet Channel @ Sanderson Ave.	33.734167	-117.005556
364	Outfall	Magnolia Center – SD @ Santa Ana River	33.964722	-117.414444
702	Outfall	University Wash – Market & Bowling Green	33.9975	-117.370833
707	Outfall	North Norco Channel @ Country Club Lane	33.907778	-117.583889
752	Outfall	Perris Line J - Sunset Ave below Murrieta Rd.	33.803333	-117.2075

   c. Total number of samples to be collected from each station, frequency of sampling during Wet Weather and Dry Weather, short duration or long duration storm events, type of samples (grab, 24-hour composite, etc.), justification for composite versus discrete sampling, type of sampling equipment, quality assurance/quality control procedures followed during sampling and analysis, analysis protocols to be followed (including sample preparation and maximum reporting limits), and qualifications of laboratories performing analyses;

d. A procedure for analyzing the collected data and interpreting the results. This procedure shall include the evaluation of the effectiveness of the BMPs, a comparative analysis of the Permittees' monitoring data to the USEPA Multi-Sector Permit Parameter Benchmark Values and applicable Water Quality Objectives specified in Chapter 4 of the Basin Plan, and the need for any refinement of the WQMPs, the DAMP and or/the LIPs.

e. Parameters selected for field screening and for laboratory work; and

f. A description of the responsibilities of all the participants in this program, including cost sharing.

g. Receiving Water Monitoring:

Permittees shall select at least one representative receiving water location within each of the San Jacinto River and Santa Ana River watersheds. These locations should be close Major Outfalls, coordinated with other regional monitoring programs to the extent feasible, include locations where chronic and/or persistent water quality problems associated with Urban Runoff have been identified, and should be selected so as to be useful to determine if Urban Runoff is causing or contributing to violations of Water Quality Standards in the Receiving Waters.

h. Monitoring within MS4s:
Permittees shall evaluate their current CMP MS4 monitoring locations (identified in Table 1, above) to ensure that they are representative of urban runoff. The objective of this monitoring element is to determine the pollutant loads from the MS4s and to determine their trend. This monitoring requirement may be incorporated into the mass emissions monitoring described in III.E.1, above.

F. REGIONAL WATERSHED MONITORING

1. The objectives of the Regional Watershed Monitoring Program overseen by the SWAMP and the SMC and coordinated by SCCWRP are:

   a. To assess the current status of streams in Southern California.

   b. To identify major stressors to aquatic life.

   c. To monitor the trend in water quality in Southern California streams.

2. The bioassessment discussed above, should provide information about the biological, chemical and toxicological integrity of Receiving Waters. Baseline and trend monitoring information on the biotic and geomorphological condition of the Receiving Waters should be used to evaluate the effectiveness of the Urban Runoff pollution control measures.

3. The Riverside County Regional Watershed monitoring area is within the lower half of the MSAR watershed, the San Jacinto watershed, and the northern Santa Margarita watershed (northern San Diego) for a total of 1.5 watershed units[4]. Within Riverside County's Santa Ana and San Jacinto watersheds, the Permittees sample 5 sites per year. SWAMP samples 2 sites per year.

4. The sampling sites in each watershed unit were determined according to distribution or abundance of the three land uses: urban, agriculture, or open. The sampling grid includes 15 watershed units located from Ventura to San Diego and as far east as San Bernardino and Riverside Counties. A total of 450 samples in the 15 watershed units will be collected within a five year period to assess the spatial extent of impacts to streams within the area. Samples will be collected at sites representing each of the three land use types. Each site will be sampled only once during an index period and not all sites need to be sampled during the same year. One-fifth of the samples (90 samples) will be collected each year for the 15 watersheds. Sampling events shall be conducted between 4 to 12 weeks following the last significant rainfall. No sampling shall occur within 72 hours of any measurable rainfall. The default index period will be from May 15 to July 15. The specifics and details of the Regional Watershed Program are discussed in "The Regional Monitoring of Southern California's Watershed SMC Bioassessment Working Group", SCCWRP, Technical Report No. 539, December 2007 (The Tech Report).

5. Any baseline and historic information on stream geomorphology and ecological health, including aquatic habitats, in the Receiving Waters and the findings from the trend analysis shall be used to evaluate the effectiveness of Urban Runoff management program, including the requirements specified in the Order.

G. HYDROMODIFICATION MONITORING PROGRAM

This Order requires development and implementation of a Hydromodification Monitoring Plan as part of the Watershed Action Plan (WAP) to evaluate the effectiveness of hydromodification controls implemented within the Permit Area (Some or all of the following requirements may be satisfied by the Permittees participation in the "Development of Tools for Hydromodification Assessment and Management' Project" undertaken by the SMC and coordinated by SCCWRP and follow on efforts to develop Hydromodification monitoring guidance).

1. The Order requires the Permittees to revise the DAMP to incorporate Watershed Action Plan principles within three years of adoption of the Order. The hydromodification requirements require the Permittees to identify

[4] See Table 4 page 15 of Technical Report No.539.

vulnerable streams and possible BMPs to minimize HCOCs and tools to measure any impacts on geomorphology and aquatic resources.

2. The Hydromodification monitoring program shall:

   a. Assess the effectiveness of Hydromodification management within the Permit Area.

   b. Predict the effects of urbanization on stream stability within the Permit Area.

H. LOW IMPACT DEVELOPMENT BMP MONITORING

The Principal Permittee shall continue to participate in data collection and monitoring to assess the effectiveness of LID techniques in semi-arid climate as part of the SMC project titled, "Quantifying the Effectiveness of Site Design/ Low Impact Development Best Management Practices in Southern California". The Principal Permittee is also developing a regional LID BMP testing and demonstration facility at the main office that meets the intent of this requirement (currently the facility data is intended to be integrated into the SMC project).

IV. RECORD KEEPING REQUIREMENTS

A. All monitoring activities shall meet the following requirements:

1. The Permittees shall retain records of all monitoring information, including all calibration and maintenance of monitoring instrumentation, copies of all reports prepared as per this MRP and records of all data used to complete the Report of Waste Discharge and Annual Reports for a period of at least five years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Board or USEPA at any time and shall be extended during the course of any unresolved litigation regarding this discharge [40 CFR 122.41(j)(2), CWC section 13383(a)].

2. Records of monitoring information shall include [40 CFR 122.41(j)(3)]:
   a. The date, exact place, and time of sampling or measurements;
   b. The individual(s) who performed the sampling or measurements;
   c. The date(s) analyses were performed;
   d. The individual(s) who performed the analyses;
   e. The analytical techniques or methods used; and
   f. The results of such analyses.

3. Calculations for all Effluent Limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this MRP [40 CFR 122.41(l)(4)(iii)].

B. PROGRAM EFFECTIVENESS ASSESSMENT AND REPORTING

1. All progress reports and proposed strategies and plans required by this Order shall be signed by the Principal Permittee, and copies shall be submitted to the Executive Officer under penalty of perjury.

2. The Permittees shall submit an Annual Report to the Executive Officer and to the Regional Administrator of the USEPA, Region 9, no later than November 30th, of each year. This progress report shall also be submitted in a mutually agreeable electronic format that is text searchable. Any monitoring data shall also be submitted electronically in the form outlined in Section IV.B.4 of this MRP. At a minimum, the Annual Report shall include the following:

   a. A review of the status of program implementation and compliance (or non-compliance) with the schedules contained in this Order;

   b. An assessment of the effectiveness of BMPs established under the IC/ID program and the DAMP. The effectiveness may be measured in terms of how successful the program has been in eliminating IC/IDs and/or reducing pollutant loads in urban storm water runoff, including summaries of Permittee actions to investigate and eliminate or permit IC/IDs and measures to reduce and/or eliminate the discharge of Pollutants, including trash and debris

   c. As assessment of BMPs and their effectiveness in addressing Pollutants causing or contributing to an exceedance of water quality objectives in Receiving Waters that are on the 303(d) list of impaired waters. The effectiveness evaluation shall consider changes in land use and population on the quality of Receiving Waters and the impact of development on sediment loading within sediment impaired Receiving Waters and recommend necessary changes to program implementation and monitoring needs.

   d. An assessment of the Permittees compliance status with the Receiving Waters Limitations, Section VII of this Order, including any proposed modifications to the DAMP if the Receiving Water Limitations are not fully achieved.

   e. An overall program assessment. The Permittees are encouraged to use the program assessment methodology described in the 2007 ROWD. The Permittees should determine, to the extent practicable, water quality

improvements and Pollutant load reductions resulting from implementation of various program elements. The Permittees may also use the "Municipal Storm Water Program Effectiveness Assessment Guidance" developed by CASQA in May 2007 as guidance for assessing program effectiveness at various outcome levels. The assessment should include each program element required under this Order, the expected outcome and the measures used to assess the outcome. The Permittees may propose any other methodology for program assessment using measurable targeted outcomes.

f. Description of program modifications and improvements identified during the program assessment above along with implementation schedule for incorporation of revisions into the Local Implementation Plans (LIPs).

g. An assessment of any modifications to the WQMPs, or the DAMP made to comply with CWA requirements to reduce the discharge of Pollutants to the MEP;

h. A summary, evaluation, and discussion of monitoring results from the previous year and any changes to the monitoring program to be made the following year;

i. A fiscal resources analysis progress report as described in Section XVIII.B of Order No. R8-2010-0033 including:

   i. Each Permittee's expenditures for the previous fiscal year;

   ii. Each Permittee's budget for the current fiscal year; and

   iii. A description of the source of funds.

j. A draft work plan that describes the proposed implementation of the LIPs and DAMP for next fiscal year. The work plan shall include clearly defined tasks, responsibilities, and schedules for implementation of the storm water program and each Permittee's actions for the next fiscal year;

k. Major changes in any previously submitted plans/policies;

l. If the Implementation Agreement is revised, a copy of the signature page and revisions to the Implementation Agreement.

m. A review of each Permittee's Storm Water Ordinances and their enforcement practices to assess their effectiveness in prohibiting non-exempt, Non-storm Water discharges to the MS4 (The Permittees may propose appropriate BMPs in lieu of prohibiting these discharges, where the Permittees are responsible for ensuring that dischargers adequately maintain those BMPs).

3. The Co-Permittees shall be responsible for the submittal of all required information/materials needed to comply with this order in a timely manner to the Principal Permittee. A duly authorized representative of the Co-Permittee shall sign all such submittals under penalty of perjury.

4. The monitoring data transmittals to the Regional Board shall be in the form developed by the SMC and approved by the State Board in the document entitled "Standardized Data Exchange Formats". This document was developed in order to provide a standard format for all data transfers so that data can be universally shared and evaluated from various programs.

V. REPORTING SCHEDULE

All reports required by this Order shall be submitted to the Executive Officer in accordance with the following schedule:

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
III.A.1.e III.B.3.a,d,e & XVII.D.		Management Steering Committee meetings to discuss MS4 Permit implementation	Held at least twice per year.	Annual Report
III.A.1.f III.B.3.a,d,e & XVII.D.		Permittee Technical Committee meetings to discuss permit implementation	Held at least 10 times each year	Annual Report
III.B.3.a,d,e & XVII.D.		Co-Permittees participate in Management Steering and Technical Committee meetings to discuss MS4 Permit implementation	Attend at least 1 out of 2 Management and 8 out of 10 Technical meetings each year	Annual Report
III.A.1.r		The Principal Permittee shall develop a library of BMP performance reports, and revise the BMP performance report annually thereafter.	Within 6 months of permit adoption	
III.A.1.s		The Principal Permittee shall coordinate a review of the DAMP with the Co-Permittees to determine the need for update or revisions and establish a schedule for those revisions.	Within 6 months of permit adoption	
III.B.2.g		Submit up-to-date MS4 facility maps	Annually to Principal Permittee	Annual Report

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
III.B.2.h		Submit reports & information for Annual Report	Annually to Principal Permittee	Annual Report
III.C.		Evaluate Implementation Agreement annually to determine need for revision.	Annually	Report findings and schedule for revisions to the Implementation Agreement in 2009-2010 Annual Report.
III.C.		Allow new permittees to join MS4 permit	Per schedule required in Section III.A.1.s	Report findings and schedule for revisions to the Implementation Agreement in 2009-2010 Annual report.
IV.A.		Permittees shall develop and submit for approval a LIP Template	Within 6 months of adoption of Order	
IV.B.		Complete a Co-Permittee specific LIP	Within 12 months of approval of the Template	Within 12 months of approval of the Template
VI.D.1.a.ii		Submit reports summarizing all relevant data from the watershed-wide water quality monitoring program.	Beginning in 2010 Cool (or wet) weather Warm (or dry) weather	 May 31st December 31st.
VI.D.1.a.iii		Submit comprehensive reports every three years summarizing the data collected for the preceding 3 year period and evaluating progress towards achieving the urban waste load allocation by the dates specified in the TMDL.	Beginning in 2010 every three years	February 15, 2010.
VI.D.1.a.iv		Submit semi-annual reports each year as required under the approved USEP, and any amendments thereto.	The Dec 31st report (VI.D.1.a.ii) and the Jan 31st report (VI.D.1.a.iv) may be incorporated into the (VI.D.1.a.ii) report for the years the tri-annual report is generated.	Semi-annually on January 31st and July 31st

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
VI.D.1.a.v		Revise the DAMP as specified in Task 4.2 of the MSAR-TMDL Implementation Plan.	Sumarize data in Annual Report.	Annual Report
VI.D.1.a.vi		Revise the Water Quality Management Plan (WQMP)	As specified in Task 4.4 of the MSAR-TMDL Implementation Plan.	Annual Report
VI.D.1.a.vii		Amend the Local Implementation Plans (LIP) to be consistent with the revised DAMP and WQMPs within 90 days after said revisions are approved by the Regional Board. Summarize any such LIP amendments in the annual report		Annual Report
VI.D.1.b. & VI.D.1.c.		The MSAR Permittees shall submit a Comprehensive Bacteria Reduction Plan (CBRP) to achieve the final WQBELs for bacterial indicators during the Dry Season by December 31, 2015. Enforcement starts no sooner than January 1, 2016		Draft by December 31, 2010 Final by Dec 31, 2015.
VI.D.1.c.i.(8)		Revise the DAMP, WQMP, & LIPs	Within 180 days of CBRP approval.	
VI.D.2.a.		Submit Phase 2 Alternatives	December 31, 2010	
		Submit O&M for Agreement for Fishery Management Program	December 31, 2010	
		Submit O&M for Agreement for Aeration and Mixing Systems	December 31, 2010	
		Submit Phase 2 Projects Plans	June 30, 2011	
		Complete Phase 2 Project Implementation	December 31, 2014	
		Implement in-lake and watershed monitoring programs	Annual Reports due August 31 every year.	
VI.D.2.b.		Linkage Analysis Study	August 31, 2010	
		Watershed Source Loading Study	August 31, 2010	

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
		Model Evaluation	December 31, 2010	
		Construct/Calibrate Model	June 30, 2011	
		Conduct Model Scenarios	August 31, 2011	
		Model Update Final Report	November 30, 2011	
VI.D.2.c.		Revise DAMP, WQMP, & LIPs to incorporate the compliance plans required above.		Annual Report
VI.D.2.h.		Summarize all relevant data from water quality monitoring programs and evaluate compliance with the LE/CL TMDL	Annually	Annual Report
VI.D.2. d. & VI.D.2. e.		Submit CNRP	December 31, 2011	December 31, 2020.
VI.D.2.a.		Initiate Phase 2 LE/CL TMDL data collection.	December 31, 2010	
VI.D.2.j.		Tables 9 & 10 become WQBELs if CNRP is not adopted by Regional Board	December 31, 2020	
VII.D.1		Report upon determination that discharges from the MS4 are causing or contributing to an exceedance of an applicable WQS	Within two (2) working days	Within Annual update of DAMP
VII.D.2		Modify DAMP, LIP, and MRP to address Receiving Water Limit Violations and implementation schedule.	---	30 days after approval of Subsection VI.D. report by Executive Officer
VII.D.4		Report any exceedance solely due to discharges outside the Permittees jurisdiction.		Within two (2) working days of becoming aware of the situation, provide oral or e-mail notice and provide written documentation within ten (10) calendar days of becoming aware of the situation.
VIII.C.		Promulgate ordinances that would control for known pathogen or Bacterial Indicator sources	Within 3 years of adoption	Annual Report

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
VIII.F.		Review Storm Water Ordinances for effectiveness in prohibiting discharges to the MS4	Annual Report	
VIII. G.		Certification statement, signed by the Chief legal counsel, that the Permittee has obtained all necessary legal authority	Within 24 months of Order adoption.	Annual Report
VIII.H.		Permittees shall effectiveness of, implementation and enforcement response procedures.	Annually	Annual Report
IX. A.		Eliminate or permit IC/IDs		60 calendar days from receipt of notice from a third party.
IX.D.		Review and revise IC/ID program	18 months after Order adoption	Annual Report
IX.G.		Annually review and evaluate their IC/ID or IDDE program to determine if the program needs to be adjusted.	Annually	Annually
IX.H.		Maintain database summarizing IC/ID incident response	Annually	Annual Report
X.D.		Maintain inventory of septic systems within its jurisdiction completed in 2008.	Ongoing	Annual Report.
XI.A.11.		Each Permittee shall document, evaluate and annually report the effectiveness of its enforcement procedures in achieving prompt and timely compliance.	Annually	Annual Report
XI.A.13.		Permittees to evaluate and report adequacy of inspection programs conducted by other agencies on behalf of Permittee.	Annually	Annual Report

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
XI.B.4.		An inventory and inspection frequency of: Wet Season(Oct 1 – May 31): High = 1/mo., Med = 2/season, low = 1/season Dry Season: All construction sites shall be inspected at a frequency sufficient to ensure that sediment and other Pollutants are properly controlled and that unauthorized, Non-Storm Water discharges are prevented		Annual Report
XI.C.3		All high priority industrial facilities are to be inspected at least once a year; all medium priority sites are to be inspected at least once every two years; and all low priority sites are to be inspected at least once per permit cycle.		Annual Report
XI.D.4		All high priority sites shall be inspected at least once a year; all medium priority sites shall be inspected at least every two years; and all low priority sites shall be inspected at least once per MS4 Permit cycle.		Annual Report
XI.D.6		Notify all mobile businesses operating within the County concerning the minimum source control and pollution prevention measures that they must develop and implement.	Within 18 months of adoption of this Order	Annually
XI.D.7		The Principal Permittee shall develop an enforcement strategy to address mobile businesses.	Within 24 months of adoption of this Order	Annually

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
XI.E.1		Each Permittee shall develop and implement a residential program to reduce the discharge of Pollutants from residences to the MS4s to the MEP.	Within 18 months of adoption of this Order	Annually
XI.E.6.		Co-Permittees to provide an evaluation of its residential program	Annually starting with the second Annual Report following MS4 Permit adoption	Annually starting with the third Annual Report following MS4 Permit adoption
XII.B.3 & B8.		The Co-Permittees shall submit to the Regional Board a Watershed Action Plan	Within three years of adoption of MS4 Permit.	Annual Report
XII.B.5		Develop HMP	Submit within 4 years of adoption	
XII.C.1.		Each Permittee shall review the watershed protection principles and policies in its General Plan and related documents to eliminate barriers to LID.	Within 24 months of adoption of this Order	Annually
XII.D.1.		Each Permittee to submit a revised WQMP to incorporate new elements required in the Order	Within 18 months of adoption of this Order	Annual Report
XII.D.5.		Principal Permittee to develop recommendations for streamlining regulatory agency approval of regional Treatment Control BMPs.	Within 24 months of adoption of this Order	Annually
XII.E.1		Permittees shall update the WQMP to incorporate LID principles,	18 months of Order adoption	
XII.E.4.		Revise Ordinances to promote Green Infilstructure	18 months of Order adoption. Implement within 6 months of EO approval.	
XII.E.5.		Each Permittee to update its landscape ordinance consistent with requirements of AB 1881 and annually evaluate effectiveness with respect to water efficiency and water conservation goals	January 31, 2010	2011-2012 Annual Report

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
XII. F.		Develop standard design and post-development BMP guidance for streets, roads etc. projects.	Within 24 months of adoption of this Order, Implement within 6 months of EO approval.	
XII.G1.		Permittees shall establish technically-based feasibility criteria for project evaluation to determine feasibility of implementing LID	Within 18 months of MS4 Permit adoption	No reporting specified
XII.H.		Each Permittee shall develop and implement standard procedures and tools, and include in its LIP.	Within 18 months of adoption of this Order	Annually
XII.K.4.		The Permittees shall maintain a database to track operation and maintenance of post-construction BMPs.		Annually
XII.K.5		Public Agency Treatment Control BMPs, shall be inspected prior to the Wet Season.	Within18 months of Order adoption and within the 5 year permit term.	Annually
		New Development (Redevelopment) Treatment Control BMPs, shall be inspected prior to the Wet Season.	Based on schedule submitted but at least once within the 5 year permit term.	Annually
XII.K.6.		Provide list of all post-construction Treatment Control BMPs approved, constructed and/or operating	Annually	Annual Report
XII.L.		Provisions for LID and HCOC included in WQMP.	Within 45 days of approval of WQMP.	
XIII.A.		Review public education and outreach efforts and revise their activities to adapt to the needs identified in the annual reassessment.		Annual Report
XIII.B.		Status report on Public Education and Outreach requirements and changes to the ongoing program	Annually	Annual Report

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
XIII.C.		Implement assessment program to measure increases in public knowledge of impacts of Urban Runoff on Receiving Waters	First Annual Report following MS4 Permit adoption	
XIII.F.		The Permittees shall develop, maintain and distribute BMP guidance for the control of those potentially polluting activities identified during the previous permit cycle, which are not otherwise regulated by any agency, including guidelines for the household use of fertilizers, pesticides, herbicides and other chemicals, and guidance for mobile vehicle maintenance, carpet cleaners, commercial landscape maintenance, and pavement cutting.	Within 18 months of adoption of this Order	Annual Report
XIII.I.		The Public Education Committee shall meet at least twice per year.		Annual Report
XIII.J.		Sponsor or staff an Urban Runoff table or booth at community, regional, and/or countywide events to distribute public education materials to the public.	Each Permittee shall participate in at least one event per year.	Annually
XIII.K.		Involve public agency organizations, listed in Appendix 2, in Urban Runoff program. Notify the Regional Board where assistance is needed in improving local cooperation.		Annual Report
XIII.L		Develop and distribute BMP Fact Sheets for mobile businesses	Within 18 months of adoption of this Order	
XIV.A.		Review activities and facilities to determine the need for revisions to Section 5 of the DAMP and LIP.	Annually	Annual Report

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
XIV.B.		Each Permittee shall review its inventory of fixed facilities listed in the DAMP, its field operations and MS4 facilities to ensure that public agency facilities and activities do not cause or contribute to a Pollution or nuisance in Receiving Waters.	Within 12 months of adoption of this Order	Annual Report
XIV.C.		Conduct inspections of its fixed facilities and field operations.	Annually	Annual Report
XIV. D.		Evaluate cleaning schedule.	Annually	Annual Report
XIV.E.		Unless otherwise determined, each Permittee shall inspect, clean & maintain at least 80% of it's open channels, catch basins, retention/detention basins, and wetlands created for Urban Runoff treatment.	Annually	Annual Report
XIV.G1.c.		Notify the Executive Officer of the proposed construction project by electronically submitting Permit Registration Documents (PRDs).	Prior to commencement of each construction project.	
XIV.G1.d.		the Executive Officer shall be notified of the completion of the project by submitting a Notice of Termination (NOT).	Upon completion of each construction project.	
XIV.G2.b.		Notify the Executive Officer of each proposed deminimus discharge at least 15 days prior to start of the discharge	At least 15 days prior to discharge.	At least 15 days prior to discharge.
XV.A		DAMP and each Permittee's LIP shall be updated to include a program to provide formal and where necessary, informal training to Permittee staff that implement the provisions of this Order	Within 24 months of adoption of Order	DAMP will be updated within 24 months of adoption of Order. LIP will be updated within 12 months of approval of LIP template by EO

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[(a)]**			
XV.A., XV.E. .		Each Permitee's LIP shall describe a program to provide formal and informal training to Permittee staff and contractors that implement the provisions of this Order. Provide the specified training.	Within 24 months of adoption of this Order and annually thereafter.	LIP will be updated within 24 months of order adoption.
XV.F.		Principal Permittee shall provide and document training to applicable Permittee staff on area wide procedures such as the DAMP, and any other applicable guidance and procedures developed by the Permittees to address activities in fixed facilities as well as field operations, including MS4 maintenance.	Within 12 months of adoption of this Order, within 12 months of hire and every two years, thereafter.	Bi-annually
XV.H*		Principal Permittee shall notify Regional Board staff		When notifying Permittees of training session.
XVI.A.		Notify of emergency events..		Within 24 hours of discovery
XVI.C		Sewage spill notification shall be consistent with the timelines specified in the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ.		Consistent with 2006-003-DWQ.
XVI.D.		Hazardous Waste Spills	Notify within 24 hours.	
XVI.E.		Facilities operating without an applicable General permit.		Reported within 14 calendar days
XVII.A.		Evaluate the effectiveness of the Urban Runoff management program.	By November 30 of each year.	Annually by November 30.
XVII.B.		Amended DAMP pages.		Annual Report
XVIII.B.		Financial analysis report		Annual Report
XXII.A.		Report of Waste Discharge	180 days before permit expires	Jan 29, 2015

Reference		Item	Completion Time after Permit Adoption or Frequency	Report Due Date
Permit	**DAMP[a]**			
Appendix 3, III.C.		Review CMP to determine their effectiveness in Urban Runoff program assessment	Within 12 months of adoption of this Order	N/A
		Submit Revised CMP	Within 16 months of adoption of this Order and implement within 6 months of approval.	
Appendix 3, III.D.1.b.		Prepare a triennial report summarizing the data collected for the preceding 3 year period and evaluating compliance with the WLAs.	Every three years	The first report shall be due February 15, 2010.
Appendix 3, III.D.2		Submit an annual report summarizing all relevant data from water quality monitoring programs and evaluating compliance with the LE/CL TMDL by reporting the effectiveness of the BMPs implemented in the watershed to control nutrient inputs into the lake from Urban Runoff pursuant to Regional Board Resolution No. R8-2006-0031 and R8-2007-0083, or as amended by subsequent Regional Board adopted resolutions.	Annually	Annual Report
Appendix 3, IV.B.2.		Annual Report	Annually	November 30th

(a) This column to be completed by Permittees.

Date: 1-29-10 Ordered by

Gerard J. Thibeault
Executive Officer

APPENDIX 4

GLOSSARY

ORDER NO. R8-2010-0033

Appendix 4, GLOSSARY

40 CFR – Code of Federal Regulations Title 40: Protection of the Environment.

Annual Report – Report summarizing compliance information required to be submitted annually to the Regional Board on or before each November 30th.

Anthropogenic – Generated from human activities

APN – Assessor's parcel number

Basin Plan – Water Quality Control Plan developed by the Regional Board for the Santa Ana River watershed.

BAT [Best Available Technology] – Technology-based standard established by Congress in CWA Section 402(p)(3)(A) for industrial dischargers of storm water. Technology-based standards establish the level of Pollutant reductions that dischargers must achieve, typically by treatment or by a combination of Source Controls and Structural BMPs. BAT generally emphasizes treatment methods first and Pollution Prevention and Source Control BMPs secondarily. The best economically achievable technology that will result in reasonable further progress toward the national goal of eliminating the discharge of all Pollutants is determined in accordance with regulations issued by the USEPA Administrator. Factors relating to the assessment of BAT shall take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, the cost of achieving such effluent reduction, non-water quality environmental impact (including energy requirements), and such other factors as the permitting authority deems appropriate.

BCT [Best Conventional Technology] – Treatment techniques, processes, and procedure innovations, and operating methods that eliminate or reduce chemical, physical, and biological Pollutant constituents.

Beneficial Use – Uses of water necessary for the survival or well being of man, plants, and wildlife. These uses of water serve to promote the tangible and intangible economic, social, and environmental goals. “Beneficial Uses” that may be protected include, but are not limited to: domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. Existing Beneficial Uses are those that were attained in the surface or ground water on or after November 28, 1975; and potential Beneficial Uses are those that would probably develop in future years through the implementation of various control measures. “Beneficial Uses” are equivalent to “Designated Uses” under federal law. [California

Water Code Section 13050(f)] Beneficial Uses for the Receiving Waters are identified in the Basin Plan.

Biological Integrity – Defined in Karr J.R. and D.R. Dudley. 1981. Ecological perspective on water quality goals. Environmental Management 5:55-68 as: "A balanced, integrated, adaptive community of organisms having a species composition, diversity, and functional organization comparable to that of natural habitat of the region." Also referred to as ecosystem health.

BMP [Best Management Practices] – Defined in 40 CFR 122.2 as schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the Pollution of Waters of the U.S. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In the case of MS4 permits, BMPs are typically used in place of Numeric Effluent Limits.

CAFO – Concentrated animal feeding operation.

Caltrans – California Department of Transportation.

CAP – The Commercial and Industrial Compliance Assistance Program is a Riverside County Environmental Health Department program that includes a storm water survey and educational outreach as part of existing inspections of Hazardous Material handlers and retail food service activities. Hazardous Waste handling facilities are inspected at least once during a two-year cycle. Restaurants are inspected at least once during the MS4 Permit cycle. Any completed surveys that indicate non-compliance are forwarded to the appropriate jurisdiction's code enforcement division. The Permittees notify Regional Board staff when conditions are observed during such inspections that appear to violate the General Storm Water Permits or a permit issued by the Regional Board.

CEQA – California Environmental Quality Act (Section 21000 et seq. of the California Public Resources Code).

CIEP – Compliance Inspection and Enforcement Program

Cleaning – Removal of litter or debris that can impact Receiving Waters.

CMP – Consolidated Program for Water Quality Monitoring, Riverside County Flood Control and Water Conservation District, October 2008.

Commercial Facilities – Businesses that have the potential to discharge Pollutants to the MS4 not otherwise covered by the General Industrial Permit that are described in Section 8.1 of the DAMP. These businesses are inspected as part of the CAP or equivalent as described in Section 8.1 of the DAMP. Commercial Facilities include businesses based in a Permittee's jurisdiction that perform mobile carpet, drape or

furniture cleaning; mobile automobile or other vehicle washing and mobile high pressure or steam cleaning.

Comprehensive TMDL Plan – A plan presenting a long-term solution designed to achieve compliance with the WLAs by the dates specified in the TMDLs. This plan includes a description of the proposed BMPs and the documentation demonstrating that the BMPs are expected to attain the WLAs by the compliance dates when implemented.

Conditions of Concern – Scour, erosion (sheet, rill and/or gully), aggradation (raising of a streambed from sediment deposition), and changes in fluvial geomorphology, hydrology or the aquatic ecosystem.

Construction Site – A site with activities for which building or grading permits have been issued and activities at the site include: soil movement; uncovered storage of materials or wastes, such as dirt, sand or fertilizer; or exterior mixing of cementaceous products, such as concrete, mortar or stucco.

Contamination – As defined in the Porter-Cologne Water Quality Control Act, contamination is “an Impairment of the quality of waters of the State by Waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease.” Contamination includes any equivalent effect resulting from the disposal of Waste whether or not Waters of the U.S. are affected.

Co-Permittees – County of Riverside and the cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Menifee, Murrieta, Moreno Valley, Norco, Perris, Riverside, San Jacinto and Wildomar.

County – County of Riverside, a legal subdivision of the State of California.

CSA 152 – County Service Area 152

CWA – Federal Clean Water Act

CZARA – Coastal Zone Act Reauthorization Amendments of 1990

DAMP [Drainage Area Management Plan] – The DAMP is a programmatic document developed by the Permittees and approved by the Executive Officer that outlines the major programs and policies that the Permittees individually and/or collectively implement to manage Urban Runoff in the Permit Area.

DDT – Dichlorodiphenyltrichloroethane – An insecticide first used in 1939. Most uses of DDT were banned in 1972, with limited exception for public health purposes.

De Minimus Permit – General De Minimus Permit for Discharges to Surface Waters, Order NO. R8-2009-0003, NPDES No. CAG 998001

Design Capture Volume – (See Permit, XII.E.2)

Discretionary Project – Per Section 15357 of the Guidelines for CEQA "Discretionary Project" means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. Section 21065(c).

Direct Discharge (Table 3a) – A discharge directly from an MS4 to a receiving water such that the MS4 discharge does not first co-mingle with waters from another receiving water or conveyance.

Dry Season/Dry Weather - The season excluding the Wet Season. Generally it will be June 1 through September 30 of each year, unless specifically defined otherwise in a applicable TMDL Implementation Plan.

Effective Impervious Area (EIA) – EIA is the portion of the total impervious area that is directly connected to the drainage collection system. EIA includes street surfaces, paved driveways connecting to the street, rooftops which are hydraulically connected to the curb or storm sewer system, and paved parking lots that drain to a storm sewer system.

Impervious area such as rooftops, streets, sidewalks, and parking areas do not allow water to drain into the soil. Impervious area that collects and drains the water directly to a stream or wetland system via pipes or sheet flow is considered “effective impervious area” because it effectively drains the landscape. Impervious area that drains to landscaped areas, swales, parks and other impervious areas is considered “ineffective” because the water is allowed to infiltrate through the soil and into ground water, without a direct connection to the stream or wetland.

Reducing effective impervious area is defined as disconnecting impervious surfaces such as sidewalks, rooftops, parking areas, and streets, from the drainage system so that runoff percolates into the soil and does not flow directly to streams. Disconnecting the stormwater system allows the watersheds’ hydrologic cycle to respond in a manner that more closely reflects pre-disturbed conditions. EIA reduction can occur as part of new development, redevelopment, or be part of a retrofit design. The level of benefit is determined by how well the practices minimize runoff in small to mid size storm events.

Effectiveness Assessment Outcome Level 1 - Compliance with Activity-based Permit Requirements – Level 1 outcomes are those directly related to the implementation of specific activities prescribed by this Order or established pursuant to it.

Effectiveness Assessment Outcome Level 2 - Changes in Attitudes, Knowledge, and Awareness – Level 2 outcomes are measured as increases in knowledge and awareness among target audiences such as residents, businesses, and municipal employees.

Effectiveness Assessment Outcome Level 3 - Behavioral Change and BMP Implementation – Level 3 outcomes measure the effectiveness of activities in affecting behavioral change and BMP implementation.

Effectiveness Assessment Outcome Level 4 - Load Reductions – Level 4 outcomes measure load reductions which quantify changes in the amounts of pollutants associated with specific sources before and after a BMP or other control measure is employed.

Effectiveness Assessment Outcome Level 5 - Changes in Urban Runoff and Discharge Quality – Level 5 outcomes are measured as changes in one or more specific constituents or stressors in discharges into or from MS4s.

Effectiveness Assessment Outcome Level 6 - Changes in Receiving Water Quality – Level 6 outcomes measure changes to receiving water quality resulting from discharges into and from MS4s, and may be expressed through a variety of means such as compliance with water quality objectives or other regulatory benchmarks, protection of biological integrity, or beneficial use attainment.

Effluent Limitations – means any restriction on quantities, discharge rates, and concentrations of Pollutants which are discharged from Point Sources into Waters of the U.S., waters of the “contiguous zone,” or the ocean (40 CFR 122.2).

Emergency Situation – At a minimum, sewage spills that could impact water contact recreation, all sewage spills above 1,000 gallons, an oil spill that could impact wildlife, a Hazardous Material spill where residents are evacuated, all reportable quantities of Hazardous Waste spills as per 40CFR 117 and 302, and any incident reportable to the OES (1-800-852-7550).

Erosion and Sediment Control Plan (ESCP) – These are water quality protection plans that include control measures for erosion prevention and sediment controls that would minimize the mobilization of sediment from the project site.

ESA – Environmentally Sensitive Area - An area “in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in

an ecosystem and which would be easily disturbed or degraded by human activities and developments" (Reference: California Public Resources Code § 30107.5).

ESAs subject to storm water mitigation requirements are:

1. Areas adjacent to Receiving Waters designated as "Preservation of Biological Habitats of Special Significance (BIOL)", "Spawning, Reproduction, and Development (SPWN)" or "Rare, Threatened, or Endangered Species (RARE)" Beneficial Uses in the Basin Plan;

2. Areas within the MSHCP that contain rare or especially valuable plant or animal life or their habitat. These areas are considered mitigated as the MSHCP contains substantive alternatives analysis for any proposed development that has the potential to impact resources.

3. Areas adjacent to CWA 303(d) Listed Water Bodies or adopted TMDLs with implementation plans that have yet to achieve the Urban WLA or LA goals; and

4. Any other equivalent environmentally sensitive areas which the Permittees have defined.

Executive Officer - The Executive Officer of the Regional Board.

General Construction Permit – State Board Order No. 2009-0009 DWQ (NPDES No. CAS000002) or the most recent draft of the General Construction Permit issued by the State Board subsequent to issuance of this Order.

General Dairy Permit – Regional Board Order No. R8-2007-0001 (NPDES No. CAG018001) for CAFOs.

General De Minimus Discharges Permit – Regional Board Order No. R8-2009-0003.

General Industrial Permit – State Board Order No. 97-03 DWQ (NPDES No. CAS000001) or the most recent General Permit for Storm Water Discharges Associated with Industrial Activities issued by the State Board subsequent to issuance of this Order.

General Storm Water Permits – General Industrial Permit (State Board Order No. 97-03 DWQ, NPDES No. CAS000001) and General Construction Permit (State Board Order No. 2009-0009-DWQ NPDES No. CAS000002), or the most recent applicable General Permit issued by the State Board subsequent to the issuance of this Order.

General Utility Vaults Permit– State Board Order No. 2006-0008-DWQ, NPDES No. CAG990002.

GIS – Geographical Information System.

Green Infrastructure – Generally refers to technologically feasible and cost-effective systems and practices that use or mimic natural processes to infiltrate, evapotranspirate, or reuse stormwater or runoff on the site where it is generated. This is a concept that highlights the importance of the natural environment in decisions about land use planning. In particular there is an emphasis on the "life support" functions provided by a network of natural ecosystems, with an emphasis on connectivity to support long term sustainability. (Also see Low Impact Development.)

Hazardous Material – Any substance that poses a threat to human health or the environment due to its toxicity, corrosiveness, ignitability, explosive nature or chemical reactivity. These also include materials named by the USEPA to be reported if a designated quantity of the material is spilled into the Waters of the U.S. or emitted into the environment.

Hazardous Waste – defined as "any waste, which, under Section 600 of Title 22 of this code, is required to be managed according to Chapter 30 of Division 4.5 of Title 22 of this code." [CCR Title 22, Division 4.5, Chapter 11, Article1]

HCOC – Hydrologic Condition of Concern - An HCOC exists when a site's hydrologic regime is altered and there are significant impacts on downstream channels and aquatic habitats, alone or in conjunction with impacts of other projects.

Hydromodification - the "alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources."[1] (USEPA 2007)

IC/ID – Illicit Connection/Illegal Discharge

IDDE - Illicit Discharge Detection and Elimination Program

Illegal Discharge –Defined at 40 CFR 122.26(b)(2) as any discharge to the MS4 that is not composed entirely of storm water, except discharges pursuant to an NPDES permit, discharges that are identified in Section VI.A. of this Order, and discharges authorized by the Executive Officer.

Illicit Connection – Any connection to the MS4 that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term Illicit Connection includes all non storm-water discharges and connections except discharges pursuant to an NPDES permit, discharges that are identified in Section V, Effluent Limitations and

[1] USEPA. 2007. *National Management Measures to Control Nonpoint Source Pollution from Hydromodification.* EPA 841-B-07-002. U.S. Environmental Protection Agency, Office of Water, Washington DC

Discharge Specifications, of this Order, and discharges authorized by the Executive Officer.

Impaired – Relates to waterbodies where it is presumed Beneficial Uses are not attained.

Impaired Waterbody / Impaired Waters – Section 303(b) of the CWA requires each of California's Regional Water Quality Control Boards to routinely monitor and assess the quality of waters of their respective regions. If this assessment indicates that Beneficial Uses are not met, then that waterbody must be listed under Section 303(d) of the CWA as an Impaired Waterbody. The 2006 water quality assessment found a number of water bodies within the Permit Area as Impaired pursuant to Section 303(d). In the Permit Area, these include: Canyon Lake (for pathogens); Lake Elsinore (for PCBs and unknown toxicity); Lake Fulmor (for pathogens); Santa Ana River, Reach 3 (pathogens); and Santa Ana River, Reach 4 (for pathogens).

Impairment – A waterbody condition where Beneficial Uses are not attained.

Implementation Agreement – The Implementation Agreement establishes the responsibilities of each Permittee and a procedure for funding the shared costs.

Impressions – The most common measure is "gross impressions" that includes repetitions. This means if the same person sees an advertisement or hears a radio or sees a TV advertisement a thousand times, that will be counted as 1000 Impressions.

Industrial Facility – Facilities defined in Attachment 1 of the General Industrial Permit. These facilities are also addressed by the CAP or equivalent as described in Section 8.1 of the DAMP.

LA – [Load Allocations] – Distribution or assignment of TMDL Pollutant loads to entities or sources for existing and future Non-Point Sources, including background loads.

Land Disturbance – The clearing, grading, excavation, stockpiling, or other construction activity that result in the possible mobilization of soils or other Pollutants into the MS4. This specifically does not include routine maintenance activity to maintain the original line and grade, hydraulic capacity, or original purpose of the facility. This also does not include emergency construction activities required to protect public health and safety. The Permittees should first confirm with Regional Board staff if they believe that a particular routine maintenance activity is exempt under this definition from the General Construction Permit or other Orders issued by the Regional Board.

Local Implementation Plan (LIP) – Document describing an individual Permittee's procedures, ordinances, databases, plans, and reporting materials for compliance with the MS4 Permit.

Low Impact Development (LID) – Comprises a set of technologically feasible and cost-effective approaches to storm water management and land development that combines a hydrologically functional site design with Pollution Prevention measures to compensate for land development impacts on hydrology and water quality. LID techniques mimic the site's predevelopment hydrology by using site design techniques that store, infiltrate, evapotranspire, bio-treat, bio-filter, bio-retain or detain runoff close to its source.

Major Outfall – Outfalls with a pipe diameter of 36 inches or greater or drainage areas draining 50 acres or more.

Management Steering Committee – Committee to address Urban Runoff management policies for the Permit Area and coordinate the review and necessary revisions of the DAMP and Implementation Agreement. The Management Steering Committee consists of one or more city manager or equivalent representatives from each Permittee.

MEP [Maximum Extent Practicable] MEP is an acronym for "Maximum Extent Practicable" and refers to the standard for implementation of storm water management programs.
Section 402(p)(3)(B)(iii) of the Clean Water Act requires that municipal storm water permits "shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system design and engineering
methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants."

In practice, compliance with the MEP standard is evaluated by how well the Permittees implement the "minimum measures" identified by EPA, including: (1)Public education and outreach on storm water impacts; (2) Public involvement/participation; (3) Illicit discharge detection and elimination; (4) Construction site storm water runoff control; (5) Post-construction storm water management in new development and redevelopment; and (6) Pollution prevention/good housekeeping for municipal operations. Collectively, these minimum measures are often referred to as "Best Management Practices" or BMPs. The MEP standard does not require Permittees to reduce pollutant concentrations below natural background levels, nor does it require further reductions where pollutant concentrations in the receiving water already meet water quality objectives. In implementing the MEP standard, it is appropriate for Permittees to prioritize their resource allocation to address the storm water pollution problems that pose the greatest and most immediate threat to human health or the environment.

MEP is a technology-based standard established by Congress in CWA section 402(p)(3)(B)(iii) that operators of MS4s must meet. Technology-based standards establish the level of pollutant reductions that dischargers must achieve, typically by treatment or by a combination of source control and treatment control BMPs. MEP

generally emphasizes pollution prevention and source control BMPs primarily (as the first line of defense) in combination with treatment methods serving as a backup (additional line of defense). MEP considers economics and is generally, but not necessarily, less stringent than BAT. A definition for MEP is not provided either in the statute or in the regulations. Instead the definition of MEP is dynamic and will be defined by the following process over time: municipalities propose their definition of MEP by way of their urban runoff management programs. Their total collective and individual activities conducted pursuant to the urban runoff management programs becomes their proposal for MEP as it applies both to their overall effort, as well as to specific activities (e.g., MEP for street sweeping, or MEP for MS4 maintenance). In the absence of a proposal acceptable to the Regional Board, the Regional Board defines MEP.

In a memo dated February 11, 1993, entitled "Definition of Maximum Extent Practicable," Elizabeth Jennings, Senior Staff Counsel, SWRCB addressed the achievement of the MEP standard as follows:

“To achieve the MEP standard, municipalities must employ whatever Best management Practices (BMPs) are technically feasible (i.e., are likely to be effective) and are not cost prohibitive. The major emphasis is on technical feasibility. Reducing pollutants to the MEP means choosing effective BMPs, and rejecting applicable BMPS only where other effective BMPS will serve the same purpose or the BMPS would not be technically feasible, or the cost would be prohibitive. In selecting BMPS to achieve the MEP standard, the following factors may e useful to consider:

a. Effectiveness: Will the BMPS address a pollutant (or pollutant source) of concern?

b. Regulatory Compliance: Is the BMP in compliance with storm water regulations as well as other environmental regulations?

c. Public Acceptance: Does the BMP have public support?

d. Cost: Will the cost of implementing the BMP have a reasonable relationship to the pollution control benefits to be achieved?

e. Technical Feasibility: Is the BMP technically feasible considering soils, geography, water resources, etc?

The final determination regarding whether a municipality has reduced pollutants to the maximum extent practicable can only be made by the Regional or State Water Boards, and not by the municipal discharger. If a municipality reviews a lengthy menu of BMPS and chooses to select only a few of the least expensive, it is likely that MEP has not been met. On the other hand, if a municipal discharger employs all applicable BMPS except those where it can show that they are not technically feasible in the locality, or whose cost would exceed any benefit derived, it would have met the standard. Where a choice may be made between two BMPS that should provide generally comparable

effectiveness, the discharger may choose the least expensive alternative and exclude the more expensive BMP. However, it would not be acceptable either to reject all BMPS that would address a pollutant source, or to pick a BMP base solely on cost, which would be clearly less effective. In selecting BMPS the municipality must make a serious attempt to comply and practical solutions may not be lightly rejected. In any case, the burden would be on the municipal discharger to show compliance with its permit. After selecting a menu of BMPS, it is the responsibility of the discharger to ensure that all BMPS are implemented."

Ministerial – Per Section 15369 of the CEQA Guidelines, Ministerial describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.

MSAR – Middle Santa Ana River

MSHCP – Western Riverside County Multiple Species Habitat Conservation Plan

MS4 – **[Municipal Separate Storm Sewer System]** – A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, natural drainage features or channels, modified natural channels, man-made channels, or storm drains): (i) Owned or operated by a State, city town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or designated and approved management agency under section 208 of the CWA that discharges to Waters of the U.S.; (ii) Designated or used for collecting of conveying storm water; (iii) Which is not a combined sewer; (iv) Which is not part of the POTW as defined at 40 CFR 122.2.

New Development – The categories of development identified in Section XI.D of this Order. New Development does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor does it include emergency New Development required to protect public health and safety. Dischargers should confirm with Regional Board staff whether or not a particular routine maintenance activity is subject to this Order.

New Urbanism – New Urbanism refers to the use of creative strategies to develop ways that preserve natural lands and critical environmental areas, protect water and air quality, and reuse already-developed land. This is based on principles of planning and architecture that work together to create human-scale, walkable communities that preserve natural resources.

NOI [Notice of Intent] – A NOI is an application for coverage under the General Storm Water Permits.

Non-Point Source – Refers to diffuse, widespread sources of Pollution. These sources may be large or small, but are generally numerous throughout a watershed. Non-Point Sources, include but are not limited to urban, agricultural or industrial area, roads, highways, construction sites, communities served by septic systems, recreational boating activities, timber harvesting, mining, livestock grazing, as well as physical changes to stream channels, and habitat degradation. Non-Point Source Pollution can occur year round any time rainfall, snowmelt, irrigation, or any other source of water runs over land or through the ground, picks up Pollutants from these numerous, diffuse sources and deposits them into rivers, lakes and coastal waters or introduces them into groundwater.

Non-storm Water – All discharges to and from a MS4 that do not originate from precipitation events (i.e., all discharges to a MS4 other than storm water). Non-storm Water includes Illicit Discharges, non-prohibited discharges and NPDES permitted discharges.

NOT - Notice of Termination – Formal notice to the Regional Board of intent to terminate water discharge for projects covered under a General Stormwater Permit.

NPDES [National Pollutant Discharge Elimination System] – Permits issued under Section 402(p) of the CWA for regulating discharge of Pollutants to Waters of the U.S.

Nuisance – As defined in the Porter-Cologne Water Quality Control Act a Nuisance is “anything which meets all of the following requirements: 1) Is injurious to health, or is indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. 2) Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal. 3) Occurs during, or as a result of, the treatment or disposal of Wastes.”

Numeric Effluent Limitations – A quantitative limitation on Pollutant concentrations or levels to protect Beneficial Uses and Water Quality Objectives of a water body. When Numeric Effluent Limits are met at the “end-of-pipe,” the effluent discharge generally will not cause Water Quality Standards to be exceeded in the receiving waters (i.e., Water Quality Standards will also be met).

Nurdles – A plastic pellet, also known as pre-production plastic pellet or plastic resin pellet.

NURP - National Urban Runoff Program

OES – The Governor's Office of Emergency Services, an agency of the State of California.

"Only Rain Down The Storm Drain" Pollution Prevention Program – County Urban Runoff public education program.

Open Space – Any parcel or area of land or water that is essentially unimproved or devoted to an open-space use for the purposes of (1) the preservation of natural resources, (2) the managed production of resources, (3) outdoor recreation, or (4) public health and safety. [Riverside County General Plan, adopted October 7, 2003. Technical Appendix A , Glossary]

Order – Order No. R8-2010-0033 (NPDES No. CAS618033)

Outfall – Means a Point Source as defined by 40 CFR 122.2 a, the point where a municipal separate storm sewer discharges to Waters of the U.S. and does not include open conveyances connecting two municipal separate storm sewers, or pipes, tunnels, or other conveyances which connect segments of the same stream or other Waters of the U.S. and are used to convey Waters of the U.S.. [40 CFR 122.26 (b)(9)]

PAHs – Polycyclic aromatic hydrocarbons. PAHs occur in oil, coal, and tar deposits, and are produced as byproducts of fuel burning (whether fossil fuel or biomass). As a Pollutant, they are of concern because some compounds have been identified as carcinogenic, mutagenic, and teratogenic. PAHs are also found in foods.

Party – Defined as an individual, association, partnership, corporation, municipality, state or federal agency, or an agent or employee thereof. [40 CFR 122.2]

PCBs – Polychlorinated biphenyls. Due to PCB's toxicity and classification as persistent organic Pollutants, PCB production was banned by the United States Congress in 1976 and by the Stockholm Convention on Persistent Organic Pollutants in 2001.

Permit Area – In the Santa Ana Region, the portion of the Santa Ana River watershed that is within the County and regulated under the MS4 Permit. The Permit Area is identified on Appendix 1 as "Permittee Urban Area" and those areas under the Permittee's jurisdictions designated as "Agriculture" and "Open Space" on Appendix 1 that will convert to Permittee Urban Area when developed to industrial, commercial, or residential use during the term of the Order.

Permittees – Co-Permittees and the Principal Permittee

Point Source – Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operations, landfill leachate collection systems, vessel, or other floating craft from which pollutants are or may be discharged.

Pollutant – Broadly defined as any agent that may cause or contribute to the degradation of water quality such that a condition of Pollution or Contamination is created or aggravated.

Pollutants of Concern –Pollutants expected to be present on the project site. In developing this list, consideration should be given to the chemicals and potential Pollutants available for storm water to pick-up or transport to Receiving Waters and legacy Pollutants at the project site. Pollutants of Concern for New Development and Significant Redevelopment projects are those Pollutants identified above for which a downstream water body is also listed as Impaired under the CWA Section 303(d) list or by a TMDL.

Pollution – As defined in the Porter-Cologne Water Quality Control Act, Pollution is the alteration of the quality of the Waters of the U.S. by Waste, to a degree that unreasonably affects either of the following: A) the waters for Beneficial Uses (i.e., when the Water Quality Objectives have been violated); or B) facilities that serve these Beneficial Uses. Pollution may include Contamination.

Pollution Prevention –Defined as practices and processes that reduce or eliminate the generation of Pollutants, in contrast to Source Control, Pollution Control, Treatment Control BMPs, or disposal.

Post-Construction BMPs – A subset of BMPs including Site Design, Source Control, and Treatment Control BMPs which detain, retain, filter or educate to prevent the release of Pollutants to surface waters during the final functional life of development.

POTW – [Publicly Owned Treatment Works] – Wastewater treatment facilities owned by a public agency.

Principal Permittee – Riverside County Flood Control and Water Conservation District [RCFC&WCD].

Public Education Committee – Committee established by the Permittees to provide oversight and guidance for the implementation of the public education program.

QAPP - Quality Assurance Project Plan

Rainy Season – See Wet Season.

RCFC&WCD – Riverside County Flood Control and Water Conservation District

REC – Recreational Beneficial Use.

Receiving Water(s) – Waters of the U.S.within the Permit Area.

Receiving Water Limitations – Requirements included in the Orders issued by the Regional Boards to assure that the regulated discharges do not violate Water Quality Standards established in the Basin Plan at the point of discharge to Waters of the U.S. Receiving Water Limitations are used to implement the requirement of CWA section 301(b)(1)(C) that NPDES permits must include any more stringent limitations necessary to meet Water Quality Standards.

Receiving Water Quality Objectives – Water Quality Objectives specified in the Basin Plan for Receiving Waters.

Region – The portion of the Santa Ana River watershed within Riverside County.

Regional Board – California Regional Water Quality Control Board, Santa Ana Region.

RGO – Retail gasoline outlet

Riverside County – Territory within the geographical boundaries of the County.

ROWD [Report of Waste Discharge] – Application for issuance or re-issuance of WDRs.

Sanitary Sewer Overflow (SSO) – Any overflow, spill, release, discharge or diversion of untreated or partially treated wastewater from a sanitary sewer system.

Santa Ana Region – Area under the jurisdiction of the Regional Board.

SARA – Superfund Amendments and Reauthorization Act. SARA amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) on October 17, 1986. SARA reflected USEPA's experience in administering the complex Superfund program during its first six years and made several important changes and additions to the program. SARA:

- stressed the importance of permanent remedies and innovative treatment technologies in cleaning up Hazardous Waste sites;
- required Superfund actions to consider the standards and requirements found in other State and Federal environmental laws and regulations;
- provided new enforcement authorities and settlement tools;

- increased State involvement in every phase of the Superfund program;
- increased the focus on human health problems posed by Hazardous Waste sites;
- encouraged greater citizen participation in making decisions on how sites should be cleaned up; and
- increased the size of the trust fund to $8.5 billion.

SARA also required USEPA to revise the Hazard Ranking System (HRS) to ensure that it accurately assessed the relative degree of risk to human health and the environment posed by uncontrolled Hazardous Waste sites that may be placed on the National Priorities List (NPL).

SAWBAA – Santa Ana Watershed Benefit Assessment Area

SCCWRP – Southern California Coastal Water Research Project

Sediment – Soil, sand, and minerals washed from land into water. Sediment resulting from anthropogenic sources (i.e. human induced land disturbance activities) is considered a Pollutant. This Order regulates only the discharges of Sediment from anthropogenic sources and does not regulate naturally occurring sources of Sediment. Sediment may destroy fish-nesting areas, clog animal habitats, and cloud waters so that sunlight does not reach aquatic plants.

SIC [Standard Industrial Classification] – Four digit industry code, as defined by the US Department of Labor, Occupational Safety and Health Administration. The SIC Code is used to identify if a facility requires coverage under the General Industrial Activities Storm Water Permit.

Significant Redevelopment – As defined in Section XI.D.3.a.

SIP - Appendix 4 of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California

Site Design BMPs – Any project design feature that reduces the creation or severity of potential pollutant sources or reduces the alteration of the project site's natural flow regime. Redevelopment projects that are undertaken to remove Pollutant sources (such as existing surface parking lots and other impervious surfaces) or to reduce the need for new roads and other impervious surfaces (as compared to conventional or low-density New Development) by incorporating higher densities and/or mixed land uses into the project design, are also considered site design BMPs

Smart Growth Principles – Smart Growth refers to the use of creative strategies to develop ways that preserve natural lands and critical environmental areas, protect water and air quality, and reuse already-developed land.

SMC - Storm Water Monitoring Coalition

Source Control BMPs – In general, activities or programs to educate the public or provide low cost non-physical solutions, as well as facility design or practices aimed to limit the contact between Pollutant sources and storm water or authorized Non-Storm Water. Examples include: activity schedules, prohibitions of practices, street sweeping, facility maintenance, detection and elimination of IC/IDs, and other non-structural measures. Facility design (structural) examples include providing attached lids to trash containers, canopies for fueling islands, secondary containment, or roof or awning over material and trash storage areas to prevent direct contact between water and Pollutants.

Southern California Monitoring Coalition (SMC) - A regional group working to improve monitoring program design, parameter test methods, calibrate labs, evaluate the effectiveness of BMPs, and/or advance the science and understanding of Urban Runoff impacts on Receiving Waters.

SSMP – Sewer System Management Plan

SSO Order – Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ.

State Board – California State Water Resources Control Board

Storm Water – Storm water runoff and snow melt runoff from urban, open space, and agricultural areas consisting only of those discharges that originate from precipitation events. Storm water is that portion of precipitation that flows across a surface to the MS4 or receiving waters. Examples of this phenomenon include: the water that flows off a building's roof when it rains (runoff from an impervious surface); the water that flows into streams when snow on the ground begins to melt (runoff from a semi-pervious surface); and the water that flows from a vegetated surface when rainfall is in excess of the rate at which it can infiltrate into the underlying soil (runoff from a pervious surface). When all other factors are equal, runoff increases as the perviousness of a surface decreases. During precipitation events in urban areas, rain water may pick up and transports Pollutants through storm water conveyance systems, and ultimately to Waters of the U.S.

Storm Water Ordinance – The Storm Water/Urban Runoff Management and Discharge Control Ordinances and ordinances addressing grading and erosion control adopted by each of the Co-Permittees.

Structural BMPs – Physical facilities or controls that may include secondary containment, treatment measures, (e.g. first flush diversion, detention/retention basins, and oil/grease separators), run-off controls (e.g., grass swales, infiltration trenches/basins, etc.), and engineering and design modification of existing structures.

Subdivision Map Act - Section 65000 et seq. of the California Government Code

SWAMP - Surface Water Ambient Monitoring Program

SWPPP [Storm Water Pollution Prevention Plan] – Plan required by the General Construction Permit to minimize and manage Pollutants to minimize Pollution from entering the MS4, identifying all potential sources of Pollution and describing planned practices to reduce Pollutants from discharging off the site.

SWQSTF – Storm Water Quality Standards Task Force

TDS – Total dissolved solids.

Technical Committee – A committee consisting of one or more representatives from each Permittee that provides technical direction on the development of the DAMP and the implementation of the overall Urban Runoff program.

Technology-Based Effluent Limitations – A permit limit for a Pollutant that is based on the capability of a treatment method to reduce the Pollutant to a certain concentration.

TIN – Total Inorganic Nitrogen

TMDL [Total Maximum Daily Load] – Maximum amount of a Pollutant that can be discharged into a water body from all sources (point and non-point) and still maintain Water Quality Standards. Under CWA Section 303(d), TMDLs must be developed for all water bodies that do not meet Water Quality Standards after application of technology-based controls.

TMDL Implementation Plan – Component of a TMDL that describes actions, including monitoring, needed to reduce Pollutant loadings and a timeline for implementation. TMDL Implementation Plans can include a monitoring or modeling plan and milestones for measuring progress, plans for revising the TMDL if progress toward cleaning up the waters is not made, and the date by which Water Quality Standards will be met (USEPA Final TMDL Rule: Fulfilling the Goals of the CWA, EPA 841-F-00-008, July 2000).

Toxic Substance – A substance that can cause Toxicity.

Toxicity – Adverse responses of organisms to chemicals or physical agents ranging from mortality to physiological responses such as impaired reproduction or growth anomalies.

Treatment Control BMPs – Any engineered system designed and constructed to remove Pollutants from Urban Runoff. Pollutant removal is achieved by simple gravity

settling of particulate Pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

Tributary – a stream, river, or MS4 which flows into downstream receiving water, MS4 or BMP.

TSS – Total suspended solids.

Uncontaminated Pumped Groundwater – Groundwater that meets the surface Water Quality Objectives specified in the Basin Plan to which it is proposed to be discharged.

Urban Runoff – Urban Runoff includes those discharges from residential, commercial, industrial, and construction areas within the Permit Area and excludes discharges from Open Space[2], feedlots, dairies, farms and agricultural fields. Urban Runoff discharges consist of storm water and non-storm water surface runoff from drainage sub-areas with various, often mixed, land uses within all of the hydrologic drainage areas that discharge into the Waters of the U.S. In addition to Urban Runoff, the MS4s regulated by this Order receive flows from Open Space, agricultural activities, agricultural fields state and federal properties and other non-urban land uses not under the control of the Permittees. The quality of the discharges from the MS4s varies considerably and is affected by, among other things, past and present land use activities, basin hydrology, geography and geology, season, the frequency and duration of storm events, and the presence of past or present illegal and allowed disposal practices and Illicit Connections.

The Permittees lack legal jurisdiction over storm water discharges into their respective MS4 facilities from agricultural activities, California and federal facilities, utilities and special districts, Native American tribal lands, wastewater management agencies and other point and non-point source discharges otherwise permitted by or under the jurisdiction of the Regional Board. The Regional Board recognizes that the Permittees should not be held responsible for such facilities and/or discharges. Similarly, certain activities that generate Pollutants present in Urban Runoff are beyond the ability of the Permittees to eliminate. Examples of these include operation of internal combustion engines, atmospheric deposition, brake pad wear, tire wear, residues from lawful application of pesticides, nutrient runoff from agricultural activities, leaching of naturally occurring minerals from local geography. Urban Runoff does not include background Pollutant loads or naturally occurring flows.

USEP – Urban Source Evaluation Plan for the MSAR TMDL.

USEPA – United States Environmental Protection Agency.

[2] This use of Open Space excludes Open Space integrated into urbanized areas such as pocket parks, landscaped medians, walking trails, etc. Open Space is intended to address essentially unimproved areas in strictly unurbanized settings.

Waste – As defined in Water Code Section 13050(d), “Waste includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.” Article 2 of CCR Title 23, Chapter 15 (Chapter 15) contains a waste classification system that applies to solid and semi-solid waste that cannot be discharged directly or indirectly to waters of the state and which therefore must be discharged to land for treatment, storage, or disposal in accordance with Chapter 15. There are four classifications of waste (listed in order of highest to lowest threat to water quality): hazardous waste, designated waste, non-hazardous solid waste, and inert waste.

Waste Discharge Requirements (WDRs) – As defined in Section 13374 of the California Water Code, the term "Waste Discharge Requirements” is the equivalent of the term "permits" as used in the Federal Water Pollution Control Act, as amended. The Regional Board usually reserves reference to the term “permit” to Waste Discharge Requirements for discharges to surface Waters of the U.S.

Waste Load Allocations (WLAs)– Maximum quantity of Pollutants a discharger of waste is allowed to release into a particular waterway, as set by a regulatory authority. Discharge limits usually are required for each specific water quality criterion being, or expected to be, violated. Distribution or assignment of TMDL Pollutant loads to entities or sources for existing and future Point Sources.

WQBEL – Water Quality Based Effluent Limitations

Water Code – California Water Code

Waters of the U.S. – Waters of the U.S. can be broadly defined as navigable surface waters and all tributary surface waters to navigable surface waters. Groundwater is not considered to be a Waters of the U.S. As defined in 40 CFR 122.2, the Waters of the U.S. are defined as: (a) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; (b) All interstate waters, including interstate “wetlands;” (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, “wetlands,” sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation or destruction of which would affect or could affect interstate or foreign commerce including any such waters: (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (3) Which are used or could be used for industrial purposes by industries in interstate commerce; (d) All impoundments of waters otherwise defined as Waters of the U.S. under this definition; (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition; (f) The territorial seas; and (g) “Wetlands” adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)

through (f) of this definition. Waters of the U.S. do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the CWA, the final authority regarding CWA jurisdiction remains with the USEPA.

Water Quality Objectives – Means the numeric or narrative 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. [California Water Code Section 13050(h)]

Water Quality Standards –The water quality goals of a waterbody (or a portion of the waterbody) designating Beneficial Uses to be made of the water and the Water Quality Objectives or criteria necessary to protect those uses. These standards also include California's anti-degradation policy.

Watershed – That geographical area which drains to a specified point on a watercourse, usually a confluence of streams or rivers (also known as drainage area, catchments, or river basin).

Watershed Action Plan (WAP) – Integrated plans for managing a watershed that include consideration of water quality, Hydromodification, water supply and habitat protection. The Watershed Action Plan integrates existing watershed based planning efforts and incorporates watershed tools to manage cumulative impacts of development on vulnerable streams, preserve structure and function of streams, and protect source, surface and groundwater quality and water supply in the Permit Area. The Watershed Action Plan should integrate Hydromodification and water quality management strategies with land use planning policies, ordinances, and plans within each jurisdiction.

WDID [Waste Discharge Identification] – Identification number provided by the State when a Notice of Intent is filed.

Wet Season/Wet Weather – October 1 through May 31st of each year unless defined otherwise in the specific applicable TMDL implementation plan. The Middle Santa Ana River TMDL defines the wet season as November 1 through March 31st and the Canyon Lake/Lake Elsinore TMDL monitoring defines it as October 1st through May 31st.

WQMP – Water Quality Management Plan as discussed in Section 6 of the DAMP.

WRCOG - Western Riverside Council of Governments

APPENDIX 5

NOTICE OF INTENT AND NOTICE OF TERMINATION FOR MUNICIPAL CONSTRUCTION ACTIVITIES

ORDER NO. R8-2010-0033

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – SANTA ANA REGION

NOTICE OF INTENT

TO COMPLY WITH THE TERMS OF THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES

ORDER No. R8-2010-0033 (NPDES No. CAS618033)

MARK ONLY ONE ITEM 1. ☐ New Construction/Reconstruction 2. ☐ Change of Information for WDID# _____

I. OWNER

Name	Contact Person		
Mailing Address	Title		
City	State **CA**	Zip	Phone ( ) – Fax ( ) – Email :

II. CONTRACTOR INFORMATION

Name	Contact Person		
Local Mailing Address	Title		
City	State	Zip	Phone ( ) – Fax ( ) – Email:

III. SITE INFORMATION

A. Project Title	Site Address		
City/Unincorporated Area	State **CA**	Zip	Contact Person Phone ( ) –
B. Construction commencement date: (Month / Day / Year)	C. Projected construction completion date: (Month / Day / Year)		

D. Type of Work: ☐ Utility ☐ Flood Control ☐ Transportation ☐ Other (Specify) Description of Work: _____	E. Total size of project/construction site: ____Acres Total size of area to be disturbed:_ ____Acres.

IV. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (check all that apply):

1. ☐ Indirectly to Waters of the U.S.
2. ☐ MS4 Facility - Enter owner's name:_____
3. ☐ Directly to Waters of U.S. (e.g. , river, lake, creek, stream, or to a pipe/channel that flows without inflow from other sources between site and water body etc.)

V. IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (mark one) ☐ A SWPPP has been prepared for this project and is available for review ☐ A SWPPP will be prepared and ready for review by (date): ___/___/___ B. Date WQMP approved by MS4 Permittee: ___/___/___ ☐ Not Applicable.	C. MONITORING PROGRAM (MP) (mark one) ☐ A MP has been prepared for this facility and is available for review ☐ A MP will be prepared and ready for review by (date): ___/___/___

VI. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that Order No. R8-2010-0033; (specifically Sections XII.F., XIV, XVI, and XX), including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan, will be complied with."

Printed Name: _____ **Title:** _____

Signature: _____ **Date:** _____

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD – SANTA ANA REGION

NOTICE OF TERMINATION

OF COVERAGE UNDER THE RIVERSIDE COUNTY MUNICIPAL STORMWATER PERMIT
FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY

ORDER No. R8-2010-0033 (NPDES No. CAS618033)

I. WDID No. _____

II. OWNER

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone ( ) – Fax ( ) – Email:

III. SITE INFORMATION

A. Original Project Title	Site Address			
City/Unincorporated Area	State CA	Zip	Site Contact Person	
B. Contractor Name	Phone ( ) – Fax ( ) – Email:		Title	
Local Mailing Address	City		State	Zip
Qualified SWPPP Practitioner	Phone ( ) – Fax ( ) – Email:			

IV. BASIS OF TERMINATION

__ 1. The construction project is completed and the following conditions have been met.

- ☐ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ☐ Construction materials and waste have been disposed of properly.
- ☐ The site is in compliance with all local storm water management requirements.
- ☐ A post-construction storm water operation and management plan is in place (Attach a description of the post construction BMPs, the location (Latitude /Longitude), and a map of the locations of the post construction BMPs).
- ☐ Date field verification inspection performed and include a copy of the field verification report. ___/___/___

__ 2. Construction activities have been suspended; either temporarily ____ or indefinitely ___ and the following conditions have been met.

- ☐ All elements of the Storm Water Pollution Prevention Plan have been completed.
- ☐ Construction materials and waste have been disposed of properly.
- ☐ The site is permanently stabilized (greater than 3 years without maintenance).
- ☐ The site is in compliance with all local storm water management requirements.

Date of suspension ____ / ____ / ____ Expected start up date ____ / ____ / ____

V. CERTIFICATION

I certify under penalty of law that all storm water discharges associated with construction activity from the identified site that are authorized by NPDES General Permit No. CAS000002 have been eliminated or that I am no longer the owner of the site. I understand that by submitting this Notice of Termination, I am no longer authorized to discharge storm water associated with construction activity under the General Permit, and that discharging pollutants in storm water associated with construction activity to Waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit. I also understand that the submittal of this Notice of Termination does not release an owner of liability for any violation of the General Permit or the Clean Water Act.

Printed Name: _____ **Title:** _____

Signature: _____ **Date:** _____

APPENDIX 6

FACT SHEET

ORDER NO. R8-2010-0033

State of California

California Regional Water Quality Control Board

Santa Ana Region

3737 Main Street, Suite 500

Riverside, CA 92501- 3348

FACT SHEET

January 29, 2010

ITEM: 09

SUBJECT: Waste Discharge Requirements for the Riverside County Flood Control and Water Conservation District, the County of Riverside, and the Incorporated Cities of Riverside County within the Santa Ana Region, Urban Runoff Management Program, Order No. R8-2010-0033 (NPDES No. CAS 618033)

I. INTRODUCTION

A. PROJECT

The attached pages contain information concerning an application for renewal of Waste Discharge Requirements and a National Pollutant Discharge Elimination System (NPDES) permit, Order No. R8-2010-0033 (Order), NPDES No. CAS 618033, which prescribes Waste Discharge Requirements for Urban Runoff (as defined in Appendix 4) from the cities and the unincorporated areas in Riverside County within the jurisdiction of the Santa Ana Regional Board Water Quality Control Board (Regional Board). This Order regulates discharges of Urban Runoff from the Permit Area, as defined in Order No. R8-2010-0033 and shown in Appendix 1.

If appropriate Pollution control measures are not implemented, Urban Runoff, (as defined in Appendix 4 – Glossary), may contain pathogens (bacteria, protozoa, viruses), sediment, trash, fertilizers (nutrients, mostly nitrogen and phosphorus compounds), oxygen-demanding substances (decaying matter), pesticides (DDT, chlordane, diazinon, chlorpyrifos), heavy metals (cadmium, chromium, copper, lead, zinc), and petroleum products (oil & grease, PAHs, petroleum hydrocarbons).

If not properly managed and controlled, urbanization may change the stream hydrology and increase Pollutant loading to Receiving Waters. As a watershed undergoes urbanization, pervious surface area decreases, runoff volume and velocity may increase, riparian habitats and wetland habitats decrease, the frequency and severity of flooding may increase, and Pollutant loading may increase. Most of these impacts occur due to human activities (Anthropogenic) that occur during and/or after urbanization. The Pollutants and hydrologic changes may

cause declines in aquatic resources, cause toxicity to aquatic organisms, and impact human health and the environment. Based on information provided in Section D of the Riverside County Flood Control and Water Conservation District's (RCFC&WCD or the Principal Permittee as context indicates) Hydrology Manual, it is feasible that, in semi-arid regions, development may result in the creation of a net increase in absorption.

Properly planned high-density development may reduce urban sprawl and problems associated with sprawl. Urban in-fill and high-density development are elements of smart growth, which creates the opportunity to maintain relatively natural open space elsewhere in the Permit Area (see Appendix 4). The goal of Low Impact Development (LID) is to mimic pre-development runoff quality and quantity.

On April 27, 2007, The RCFC&WCD in cooperation with the County of Riverside (the County) and the incorporated cities of Beaumont, Calimesa, Canyon Lake, Corona, Hemet, Lake Elsinore, Moreno Valley, Murrieta, Norco, Perris, Riverside, and San Jacinto jointly submitted a NPDES Application No. CAS 618033, a Report of Waste Discharge (the ROWD) and a revised Drainage Area Management Plan (DAMP) to renew the Municipal Separate Storm Sewer System (MS4) NPDES permit for the Santa Ana River watershed (the Permit Area) within Riverside County. This Order renews the NPDES permit authorizing Urban Runoff in the Permit Area (see Appendix 1, "urban area" includes those portions of "agriculture" and "open space" that convert to industrial, commercial, or residential use during the term of this Order). To more effectively carry out the requirements of this Order, the Permittees have agreed that the RCFC&WCD will continue as the Principal Permittee and the County and the incorporated cities will continue as the Co-Permittees.

On February 5, 2008 Wildomar residents voted for cityhood and the City incorporated on July 1, 2008. Menifee residents voted for cityhood on June 3, 2008 and the City incorporated on October 1, 2008. On May 6, 2009, the City of Menifee and on May 5, 2009, the City of Wildomar submitted Letters of Intent to be a Co-Permittee in this Order and for the purposes of this Order shall be considered as such. The cities in the Permit Area, along with the County, are collectively referred to as the Co-Permittees, and collectively, with the Principal Permittee, the Permittees.

B. PROJECT AREA

The Permit Area contains 1,396 square miles or 19.1% of the 7,300 square miles within Riverside County and includes 15 of the 26 municipalities within Riverside County. The California Department of Finance estimates that as of January 1,

2006, the population of Riverside County is 1,953,330 of which 1,237,388[1] reside within the Permit Area. The California Department of Finance estimates that as of January 1, 2009, the population of Riverside County was 2,107,653[2]. Beaumont, Calimesa, and Canyon Lake have populations of 25,000 or less. The County, Corona, Moreno Valley and Riverside have populations of 100,000 or more. The Southern California Association of Governments estimates that the County of Riverside will grow by 16% between 2006 and 2010 (2008 RTP Growth Forecast by City). The most significant percentage growth in population between 2006 and 2010 occurred in the Cities of Beaumont, Calimesa, and San Jacinto.

Land uses in Riverside County within the Santa Ana River Region include open space, residential, commercial, light industrial, heavy industrial, and agriculture. The agricultural land uses include row crops, nurseries, citrus groves and vineyards, dairies, ranches, poultry and hog farms, and other agricultural related uses with one single-family residence allowed per 10 acres (County of Riverside General Plan, Land Use Element 2003). The conversion of agricultural lands and open space to other "developed" land uses has been ongoing and will continue. Based on Riverside County Assessor's Parcel Data as of February 2006, the land use mix of the County area within the Santa Ana Region was: 29,441 acres used or zoned for commercial/industrial purposes (3.3%), 70,499 acres for residential purposes (7.9%), 11,798 acres utilized for improved streets and roads (1.3%), 9,872 acres are used for parks and recreational facilities (1.1%), 70,164 acres are used for rural residential (7.9%), 453,976 acres are utilized for open space (50.8%), and 48,627 acres are used for agricultural purposes (5.4%). The federal, state, tribal, and non-Permittee jurisdictional lands within the portion of Riverside County within the Santa Ana Region total 199,064 acres (22.3%).

Less than one fifth (1/5) of Riverside County is within the Permit Area. The Permit Area includes the "urban area" as shown in Appendix 1 and those portions of "agriculture" and "open space" as shown on Appendix 1 that do convert to industrial, commercial or residential use during the term of this Order. The Permit Area is delineated by the San Bernardino-Riverside County boundary line on the north and northwest, the Orange-Riverside County boundary line on the west, the Santa Ana-San Diego Regional Board boundary line on the south, and the Santa Ana-Colorado River Basin Regional Board boundary line on the east. Sixty-seven percent of Riverside County's population resides within the Regional Board's jurisdiction. The San Diego and the Colorado River Basin Regional Water Quality Control Boards regulate Urban Runoff from those portions of Riverside County outside of the Permit Area shown in Appendix 1.

[1] As per Section 3.3.1 of the 2007 ROWD, (Western Riverside Council of Governments (WRCOG), excluding the cities of Menifee and Wildomar

[2] E-1 report dated April 30, 2009 (http://www.dof.ca.gov/research/demographic/reports/estimates/e-1/2008-09/documents/E-1_2009%20Press%20Release.pdf).

C. CLEAN WATER ACT REQUIREMENTS

The federal Clean Water Act (the "CWA") established a national policy designed to help maintain and restore the physical, chemical and biological integrity of the nation's waters. In 1972, the CWA established the NPDES permit program to regulate the discharge of Pollutants from Point Sources to "Waters of the U.S.". From 1972 to 1987, the main focus of the NPDES program was to regulate conventional Pollutant sources such as sewage treatment plants and industrial facilities. As a result, on a nationwide basis, non-point sources, including agricultural runoff and Urban Runoff, now contribute a larger portion of many kinds of Pollutants than the more thoroughly regulated sewage treatment plants and industrial facilities.

The National Urban Runoff Program (NURP) final report to the Congress (USEPA, 1983) concluded that the goals of the CWA could not be achieved without addressing Urban Runoff discharges. The 1987 CWA amendments established a framework for regulating Urban Runoff. Pursuant to these amendments, the Santa Ana Regional Board began regulating discharges from MS4s in 1990.

II. REGULATORY BACKGROUND AND CLEAN WATER ACT REQUIREMENTS

As water flows over streets, parking lots, construction sites, and industrial, commercial, residential, and municipal areas, it may intercept Pollutants from these areas and transport them to Waters of the U.S.. As indicated in I.A, above, Urban Runoff may contain pathogens, sediment, trash, fertilizers, oxygen-demanding substances, pesticides, heavy metals, and petroleum products. If not properly managed and controlled, urbanization may adversely impact water quality and quantity in the receiving waters.

However, urban development projects that incorporate LID concepts may reduce the impact of urban development on runoff water quality and quantity.

Studies[3] conducted in the Southern California area have established storm water runoff from urban areas as significant sources of Pollutants in surface waters. The Santa Ana River is impacted by agricultural, other discharges and Urban Runoff as it flows through the San Bernardino County and Riverside County areas prior to flowing through Orange County and into the Pacific Ocean.

If not properly controlled, Urban Runoff could be a significant source of Pollutants in the Waters of the U.S. Table 1 includes a list of Pollutants, potential sources, and some of the adverse environmental consequences mostly resulting from urbanization.

[3] Bay, S., Jones, B. H. and Schiff, K, 1999, Study of the Impact of Stormwater Discharge on Santa Monica Bay. Sea Grant Program, University of Southern California; and Haile, R.W., et al., 1996, An Epidemiological Study of Possible Adverse Health Effects of Swimming in Santa Monica Bay. Southern California Coastal Water Research Project (1992), Surface Runoff to the Southern California Bight.

Table 1[4]
Pollutant Sources and Impacts of a Number of Pollutants On Waters of the U.S.

Pollutants	Sources	Effects and Trends
Toxins (e.g., biocides, PCBs, trace metals, heavy metals)	Industrial and municipal wastewater; runoff from farms, forests, urban areas, and landfills; erosion of contaminated soils and sediments; vessels; atmospheric deposition	Poison and cause disease and reproductive failure; fat-soluble toxins may bioconcentrate, particularly in birds and mammals, and pose human health risks. Inputs into Waters of the U.S. have declined, but remaining inputs and contaminated sediments in urban and industrial areas pose threats to living resources.
Pesticides (DDT, diazinon, chlorpyrifos)	Urban Runoff, agricultural runoff, commercial, industrial, residential and farm use	The use of legacy pesticides (DDT, chlordane, dieldrin) has been banned or restricted; still persists in the environment; some of the other pesticide uses are curtailed or restricted.
Biostimulants (organic wastes, plant nutrients)	Sewage and industrial wastes; runoff from farms and urban areas; nitrogen from combustion of fossil fuels	Organic wastes overload bottom habitats and deplete oxygen; nutrient inputs stimulate algal blooms (some harmful), which reduce water clarity, and alter food chains supporting fisheries. While organic waste loading has decreased, nutrient loading has increased (NRC, 1993a, 2000a).
Petroleum products (oil, grease, petroleum hydrocarbons, PAHs)	Urban Runoff and atmospheric deposition from land activities; accidental spills; oil & gas production activities; natural seepage; and PAHs from internal combustion engines	Petroleum hydrocarbons can affect bottom organisms and larvae; spills affect birds, mammals and aquatic life. While oil Pollution from accidental spills and production activities has decreased, diffuse inputs from land-based activities have not (NRC, 1985).
Radioactive isotopes	Atmospheric fallout, industrial and military activities	Bioaccumulation may pose human health risks where contamination is heavy.
Sediments	Erosion from farming, construction activities, forestry, mining, development; river diversions; coastal dredging and mining	Reduce water clarity and change bottom habitats; carry toxins and nutrients; clog fish gills and interfere with respiration in aquatic fauna. Sediment delivery by many rivers has decreased, but sedimentation poses problems in some areas.
Plastics and other debris	Ships, boats, fishing nets, containers, trash, Urban Runoff	Entangles aquatic life or is ingested; degrades, beaches, lake shores, near shore habitats, and wetland habitats. Floatables (from trash) are an aesthetic Nuisance and can be a substrate for algae and insect vectors.
Thermal	Cooling water from power plants and industry, urban run off from impervious surfaces	Kills some temperature-sensitive species; and displaces others. Generally, less a risk to marine life than thought 20 years ago.
Noise	Vessel propulsion, sonar, seismic prospecting, low-frequency sound used in defense and research	May disturb marine mammals and other organisms that use sound for communication.
Pathogens (bacteria, protozoa, viruses)	Sewage, Urban Runoff, livestock, wildlife, and discharges from boats and cruise ships.	Pose health risks to swimmers and consumers of aquatic life. Sanitation has improved, but standards have been raised (NRC 1999a).
Alien species	Ships and ballast water, fishery stocking, aquarists	Displace native species, introduce new diseases; growing worldwide problem (NRC 1996).

[4] Adapted from "Marine Pollution in the United States" prepared for the Pew Oceans Commission, 2001.

The CWA prohibits the discharge of any Pollutant to navigable waters from a Point Source unless an NPDES permit authorizes the discharge. Efforts to improve water quality under the NPDES program traditionally and primarily focused on reducing Pollutants in discharges of industrial process wastewater and municipal sewage. The 1987 amendments to the CWA required MS4s and industrial facilities, including construction sites, to obtain NPDES permits for storm water runoff from their facilities. On November 16, 1990, the USEPA promulgated the final NPDES Phase I storm water regulations. The storm water regulations are contained in 40 CFR Parts 122, 123 and 124.This Order does not constitute an unfunded local government mandate subject to subvention under Article XIIIB, Section (6) of the California Constitution for several reasons, including, but not limited to, the following. First, this Order implements federally mandated requirements under federal Clean Water Act section 402, subdivision (p)(3)(B). (33 U.S.C. § 1342(p)(3)(B).) This includes federal requirements to effectively prohibit non-storm water discharges, to reduce the discharge of pollutants to the maximum extent practicable, and to include such other provisions as the Administrator or the State determines appropriate for the control of such pollutants. Federal cases have held these provisions require the development of permits and permit provisions on a case-by-case basis to satisfy federal requirements. (*Natural Resources Defense Council, Inc. v. U.S.E.P.A.* (9th Cir. 1992) 966 F.2d 1292, 1308, fn.17). The authority exercised under this Order is not reserved state authority under the Clean Water Act's savings clause (*cf. Burbank v. State Water Resources Control Bd.* (2005) 35 Cal.4th 613, 627-628 [relying on 33 U.S.C. § 1370, which allows a state to develop requirements which are not "less stringent" than federal requirements]), but instead, is part of a federal mandate to develop pollutant reduction requirements for municipal separate storm sewer systems. To this extent, it is entirely federal authority that forms the legal basis to establish the permit provisions. (See, *City of Rancho Cucamonga v. Regional Water Quality Control Bd.-Santa Ana Region* (2006) 135 Cal.App.4th 1377, 1389; *Building Industry Ass'n of San Diego County v. State Water Resources Control Bd.* (2004) 124 Cal.App.4th 866, 882-883.)

Likewise, the provisions of this Order to implement total maximum daily loads (TMDLs) are federal mandates. The federal Clean Water Act requires TMDLs to be developed for water bodies that do not meet federal water quality standards. (33 U.S.C. § 1313(d).) Once the U.S. Environmental Protection Agency or a state develops a TMDL, federal law requires that permits must contain effluent limitations consistent with the assumptions of any applicable wasteload allocation. (40 C.F.R. § 122.44(d)(1)(vii)(B).)

Second, the local agency permittees' obligations under this Order are similar to, and in many respects less stringent than, the obligations of non-governmental dischargers who are issued NPDES permits for storm water discharges. With a few inapplicable exceptions, the Clean Water Act regulates the discharge of pollutants from point sources (33 U.S.C. § 1342) and the Porter-Cologne regulates the

discharge of waste (Wat. Code, § 13263), both without regard to the source of the pollutant or waste. As a result, the "costs incurred by local agencies" to protect water quality reflect an overarching regulatory scheme that places similar requirements on governmental and nongovernmental dischargers. (See *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 57-58 [finding comprehensive workers compensation scheme did not create a cost for local agencies that was subject to state subvention].)

The Clean Water Act and the Porter-Cologne Water Quality Control Act largely regulate storm water with an even hand, but to the extent there is any relaxation of this even-handed regulation, it is in favor of the local agencies. Except for municipal separate storm sewer systems, the Clean Water Act requires point source dischargers, including discharges of storm water associated with industrial or construction activity, to comply strictly with water quality standards. (33 U.S.C. § 1311(b)(1)(C), *Defenders of Wildlife v. Browner* (1999) 191 F.3d 1159, 1164-1165 [noting that industrial storm water discharges must strictly comply with water quality standards].) As discussed in prior State Water Resources Control Board decisions, this Order does not require strict compliance with water quality standards. (SWRCB Order No. WQ 2001-15, p. 7.) The Order, therefore, regulates the discharge of waste in municipal storm water more leniently than the discharge of waste from non-governmental sources.

Third, the local agency permittees have the authority to levy service charges, fees, or assessments sufficient to pay for compliance with this Order. The fact sheet demonstrates that numerous activities contribute to the pollutant loading in the municipal separate storm sewer system. Local agencies can levy service charges, fees, or assessments on these activities, independent of real property ownership. (See, e.g., *Apartment Ass'n of Los Angeles County, Inc. v. City of Los Angeles* (2001) 24 Cal.4th 830, 842 [upholding inspection fees associated with renting property].) The ability of a local agency to defray the cost of a program without raising taxes indicates that a program does not entail a cost subject to subvention. (*County of Fresno v. State of California* (1991) 53 Cal.3d 482, 487-488.)

Fourth, the Permittees have requested permit coverage in lieu of compliance with the complete prohibition against the discharge of pollutants contained in federal Clean Water Act section 301, subdivision (a) (33 U.S.C. § 1311(a)) and in lieu of numeric restrictions on their discharges. To the extent, the local agencies have voluntarily availed themselves of the permit, the program is not a state mandate. (Accord *County of San Diego v. State of California* (1997) 15 Cal.4th 68, 107-108.) Likewise, the Permittees have voluntarily sought a program-based municipal storm water permit in lieu of a numeric limits approach. (See *City of Abilene v. U.S. E.P.A.* (5th Cir. 2003) 325 F.3d 657, 662-663 [noting that municipalities can choose between a management permit or a permit with numeric limits].) The local agencies' voluntary decision to file a report of waste discharge proposing a program-based

permit is a voluntary decision not subject to subvention. (See *Environmental Defense Center v. USEPA* (9th Cir. 2003) 344 F.3d 832, 845-848.)

Fifth, the local agencies' responsibility for preventing discharges of waste that can create conditions of pollution or nuisance from conveyances that are within their ownership or control under state law predates the enactment of Article XIIIB, Section (6) of the California Constitution.

On July 13, 1990, the Regional Board adopted the first term Riverside County Area-wide MS4 Permit, Order No. 90-104 (NPDES No. CA 8000192), for Urban Runoff from areas in Riverside County within the Permit Area. On March 8, 1996, the Regional Board renewed Order No. 90-104 by adopting the second term area-wide MS4 Permit, Order No. 96-30, (NPDES No. CAS618033). On October 25, 2002, the Regional Board renewed Order No. 96-30 by adopting the third term area-wide MS4 Permit, Order No. R8-2002-0011.

This Order renews the area-wide NPDES MS4 Permit for the Permit Area for the fourth-term, in accordance with Section 402 (p) of the CWA and all requirements applicable to an NPDES permit issued under the issuing authority's discretionary authority. The requirements included in this Order are consistent with the CWA, the federal regulations governing urban storm water discharges, the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan), the California Water Code, and the State Water Resources Control Board's (State Board) Plans and Policies.

The Basin Plan is the basis for the Regional Board's regulatory programs. The Basin Plan was developed and is periodically reviewed and updated in accordance with relevant federal and state law and regulation, including the CWA and the California Water Code. As required, the Basin Plan designates the Beneficial Uses of the waters of the Region and specifies Water Quality Objectives intended to protect those uses. (Beneficial Uses and Water Quality Objectives, together with an anti-degradation policy, comprise federal "Water Quality Standard"). The Basin Plan also specifies an implementation plan, which includes certain discharge prohibitions. In general, the Basin Plan makes no distinctions between wet and dry weather conditions in designating Beneficial Uses and setting Water Quality Objectives, i.e., the Beneficial Uses, and correspondingly, the Water Quality Objectives are assumed to apply year-round. (Note: In some cases, Beneficial Uses for certain surface waters are designated as "I", or intermittent, in recognition of the fact that surface flows (and Beneficial Uses) may be present only during wet weather.) Most Beneficial Uses and Water Quality Objectives were established in the 1971, 1975, 1983, and 1995 Basin Plans. The 1995 Basin Plan was updated in February 2008[5]. Amendments to the Basin Plan included new nitrate-nitrogen and TDS objectives for specified

[5] http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

management zones, new nitrogen and TDS management strategies applicable to both surface and ground waters and various Total Maximum Daily Loads (TMDLs) and TMDL Implementation Plans that had been adopted for Impaired Waterbodies within the region.

Water Code Section 13241 requires that certain factors must be considered when Water Quality Objectives are established. These factors include economics and the need for developing housing in the Region. During the 2002 MS4 Permit development process, the Permittees raised an issue regarding compliance with Section 13241 of the California Water Code with respect to Water Quality Objectives for wet weather conditions, specifically the cost of achieving compliance during wet weather conditions and the need for developing housing within the Region and its impact on Urban Runoff. During the 2006 review of the Basin Plan, this matter was incorporated on the triennial review list. To begin addressing this issue, Regional Board staff, in collaboration with the MS4 Permittees in the Santa Ana River watershed, has organized a Storm Water Quality Standards Task Force (SWQSTF).

The SWQSTF is analyzing, monitoring and documenting actual and potential Beneficial Uses of surface waters within the Santa Ana River watershed. Based on the findings, the SWQSTF plans to recommend changes to the current Beneficial Use designations and Water Quality Objectives specified in the Basin Plan. This Order may be reopened to incorporate any changes to the Water Quality Standards. The SWQSTF is currently focusing on Recreational Beneficial Uses. In the meantime, the provisions of this Order will result in reasonable further progress towards the attainment of the existing Water Quality Objectives, in accordance with the discretion in the permitting authority recognized by the United States Court of Appeals for the Ninth Circuit in Defenders of Wildlife vs. Browner, 191 F.3d 1159, 1164 (9th Cir. 1999).

III. EXCLUSIONS TO THE PERMIT AREA

Areas of the County not addressed or which are excluded by the storm water regulations and areas not under the jurisdiction of the Permittees were excluded from the area requested for coverage under the ROWD. These include the following areas and activities:

- Federal lands and State properties, including, but not limited to, military bases, national forests, hospitals, colleges and universities, and highways;
- Native American tribal lands;
- Open space and rural (non-urbanized) areas;

- Agricultural lands (return flows from irrigated agriculture and nonpoint source agricultural activities are exempted under the CWA); and

- Utilities, railroads, and special districts (including school districts, park districts, publicly owned treatment works (POTWs) and water utilities, etc.).

These areas in the Permit Area for which coverage under a NPDES MS4 permit is excluded, are shown in Appendix 1. The Regional Board will coordinate with these entities to implement programs that are consistent with the requirements of this Order. The Regional Board, pursuant to 40 CFR 122.26(a), has the discretion and authority to require non-cooperating entities to participate in this Order. The Regional Board may also consider such facilities for coverage under its NPDES permitting scheme pursuant to USEPA Phase II stormwater regulations.

The Regional Board recognizes that the Permittees should not be held responsible for discharges from such facilities or Pollutants in those discharges. However, to the extent that the Permittees authorize the connection of the discharges from these facilities into their MS4, this Order requires the Permittees to notify these facilities, in writing, of the state and local post-construction standards and/or other applicable requirements of this Order.

IV. BENEFICIAL USES

Stormwater flows discharged to MS4s in the Permit Area are tributary to various waterbodies (inland surface streams, lakes and reservoirs) of the State. The Beneficial Uses of these waterbodies may include municipal and domestic supply, agricultural supply, industrial service and process supply, groundwater recharge, water contact recreation, non-contact water recreation, and sport fishing, warm freshwater habitat, cold freshwater habitat, preservation of biological habitats of special significance, wildlife habitat and preservation of rare, threatened or endangered species. The ultimate goal of this Order is to protect the Beneficial Uses and quality of the Receiving Waters.

To protect the Beneficial Uses of the Receiving Waters, the Pollutants from all sources, including Urban Runoff, need to be controlled. Recognizing this, and the fact that Urban Runoff contains Pollutants, an area-wide MS4 permit is the most effective way to develop and implement a comprehensive Urban Runoff management program in a timely manner. This area-wide MS4 permit contains requirements with time schedules that will allow the Permittees to continue to address water quality problems caused by Urban Runoff through their management programs to reduce Pollutants in Urban Runoff discharges consistent with the MEP standard [See Appendix 4, Glossary].

V. WATERSHED MANAGEMENT IN THE UPPER SANTA ANA RIVER BASIN

A. Management Approach

To regulate and control Urban Runoff from the Permit Area to the MS4, an area-wide approach is expected to be most effective. The entire MS4 is not controlled by a single entity; the RCFC&WCD, the County, several cities, the State Department of Transportation (Caltrans), and the U.S. Army Corps of Engineers, in addition to other smaller entities, manage portions of the MS4. In addition to the cities, the County and the RCFC&WCD, there are a number of other significant contributors of Urban Runoff to the MS4. These include: large institutions such as the State university system, prisons, schools, hospitals, etc.; federal facilities such as military sites, etc.; State agencies, such as Caltrans; water and wastewater management agencies such as Eastern and Western Municipal Water District; the National Forest Service and State parks. The State Board has issued a separate NPDES MS4 permit to Caltrans. In addition, Caltrans, and the other contributors identified, are not under the jurisdiction of the Permittees. The management and control of the entire MS4 cannot be effectively carried out without the cooperation and efforts of all these entities. Also, it would not be effective to issue a separate MS4 permit to each of the entities within the Permit Area whose land/facilities drain into the MS4 facilities operated by the Permittees and ultimately to Waters of the U.S.. The Regional Board has concluded that the best management option for the Permit Area is to issue an area-wide NPDES MS4 permit to the Permittees.

Although, the Urban Runoff from the Permit Area drains to the Prado Basin, and ultimately into Orange County, Urban Runoff from Orange County areas are regulated under NPDES No. CAS 618030. Some areas within Riverside County are within the Colorado River Basin and San Diego Regional Boards' jurisdictions. Permit requirements for Urban Runoff from the drainage areas of Riverside County within the jurisdiction of the San Diego and Colorado River Basin Regional Boards are addressed by those Regional Boards.

In developing Urban Runoff management and monitoring programs, consultation/coordination with other drainage management entities and other Regional Boards is essential. Common programs, reports, implementation schedules and efforts are desirable and will be utilized to the MEP.

Cooperation and coordination among all the stakeholders are essential for efficient and economical management of the Santa Ana River watershed. It is also critical to manage Non-point Sources at a level consistent with the management of Urban Runoff in a watershed in order to successfully prevent or remedy water quality Impairment. Regional Board staff will facilitate coordination of monitoring and management programs among the various stakeholders.

An integrated watershed management approach for Urban Runoff in the Santa Ana River watershed is consistent with the Strategic Plan (2008-2012[6]) and Initiatives for the State and Regional Boards and the draft California Water Plan Update[7]. A watershed wide approach is also necessary for implementation of the Load Allocations (LAs) and Waste Load Allocations (WLAs) developed under the TMDL process. The Permittees and all the affected entities are encouraged to participate in regional or watershed solutions, instead of project-specific and fragmented solutions.

The Pollutants in Urban Runoff originate from multiple sources and effective control of these Pollutants requires a cooperative effort of all the stakeholders and many regulatory agencies. Every stage of urbanization should be considered in developing appropriate Urban Runoff Pollution control methodologies. The program's success depends upon consideration of Pollution control techniques during planning, construction and post-construction operations. At each stage, appropriate Pollution Prevention , Site Design , Source Control, and, if necessary, Treatment Control BMPs should be considered.

B. SUB-WATERSHEDS AND MAJOR CHALLENGES

The Santa Ana River watershed is the major watershed within the Santa Ana Region. This watershed is divided into three sub-watersheds: the Lower Santa Ana, Upper Santa Ana, and San Jacinto.

1. The lower Santa Ana River sub-watershed (downstream from Prado Basin) includes the north half of Orange County. The Upper Santa Ana River sub-watershed includes the southwestern corner of San Bernardino County and the northwestern corner of Riverside County. The San Jacinto sub-watershed includes the northwest corner of Riverside County south of the Upper Santa Ana River sub-watershed within the Santa Ana Region.

   Generally, the San Bernardino County drainage areas drain to the Riverside County drainage areas, and Riverside County drainage areas discharge to Orange County through Prado Dam on the Santa Ana River. Most of the flow in the Santa Ana River is recharged into the groundwater in San Bernardino, Riverside, and Orange counties but infrequently some of the flow may be discharged to the Pacific Ocean as a result of heavy storm events.

   Water from rainfall and snow melt runoff, and surfacing ground water from various areas either discharge directly to the Santa Ana River or to watercourses tributary to the Santa Ana River. Other major rivers in the Permit Area include the San Jacinto River and Temescal Creek. The San

[6] State Water Resources Control Board, Strategic Plan Update, 2008-2012, September 2, 2008
[7] http://www.waterplan.water.ca.gov/docs/cwpu2009/1208prd/vol2/UrbanRunoff_PRD_09.pdf

Jacinto Mountain areas drain into the San Jacinto River, which discharges into Canyon Lake and then to Lake Elsinore. The San Jacinto River is ephemeral. Smaller storms tend to be fully captured by Canyon Lake, which the San Jacinto River drains into, with discharges from Canyon Lake to Lake Elsinore only occurring in larger events or wetter years. Any overflow from Lake Elsinore is tributary to Temescal Creek, which flows into the Santa Ana River at the Prado Flood Control Basin. Overflow from Lake Elsinore occurs infrequently, only once every 12 to 15 years.

2. Upper Santa Ana River Sub-watershed:

   a. Reach 3 of the Santa Ana River (Prado Dam to Mission Boulevard in Riverside): Pathogens are the Pollutant of Concern for Reach 3 based on adopted TMDLs and the 2006 303(d) list . With the adoption of the TMDL for Bacterial Indicators, the Basin Plan now contains schedules for achieving compliance with WLAs for Bacterial Indicators in the Middle Santa Ana River (MSAR) subwatershed.

   b. Reach 4 of the Santa Ana River: Reach 4 of the Santa Ana River is the portion of the River from Mission Boulevard Bridge in Riverside to the San Jacinto fault (Bunker Hill Dike) in San Bernardino. Reach 4 is also listed in the CWA Section 303(d) as an Impaired Waterbody. Most of Reach 4 of the River is in San Bernardino County. Pathogens are the Pollutant of Concern for Reach 4and a TMDL is scheduled for completion in 2019.

   c. Other water quality problems along this reach of the River include the buildup of total dissolved solids (TDS, dissolved salts or minerals) and nitrogen, largely in nitrate form. The buildup of TDS and nitrates can impact downstream Beneficial Uses, including groundwater recharge. The buildup of TDS and nitrate is mostly due to agricultural uses, including dairies and the application of fertilizers, municipal and industrial wastewater discharges, and reuse and recycling operations. A complex set of programs and policies are included in the Basin Plan to address this problem, including a water supply plan, a wastewater management plan, and a groundwater management plan. Other elements of the Basin Plan include the Non-point Source program and the storm water program. The Basin Plan identifies the Statewide General Permits and the MS4 permits as the regulatory tools for storm water management in the Basin. In light of the recently adopted Nitrogen-TDS objectives for certain management zones, this Order requires the Permittees to determine baseline concentration of these constituents in dry weather runoff, if any, from significant Outfall locations. The Order also includes Effluent Limitations for TDS and nitrates under dry weather conditions.

d. San Jacinto Sub-watershed: Canyon Lake and Lake Elsinore are in this watershed and are listed on the 2006 303(d) list for pathogens (Canyon Lake) and PCBs and unknown Toxicity (Lake Elsinore). Nutrient TMDLs have been developed for both Canyon Lake and Lake Elsinore. The Basin Plan contains schedules for achieving compliance with WLAs for nutrients in the San Jacinto sub-watershed (Canyon Lake/Lake Elsinore).

C. CWA SECTION 303(d) LIST AND TMDLS:

Pursuant to Section 303(b) of the CWA, the 2006 water quality assessment conducted by the Regional Board listed a number of waterbodies within the Region under Section 303(d) of the CWA as Impaired Waterbodies. These are waterbodies where Water Quality Objectives are being violated and it is presumed that the designated Beneficial Uses are not met. The sources of the Impairments include POTW discharges, and runoff from agricultural, open space and urban land uses. The Impaired Waterbodies in Riverside County within the Santa Ana Regional Board's jurisdiction are listed in Table 2. In addition, CWA Section 303(d) requires states to develop and submit to USEPA for approval a list of waterbodies that are not meeting Water Quality Standards and are not expected to attain these standards even with technology based controls. CWA Section 305(b) requires States to biennially prepare and submit to the USEPA for approval a report assessing statewide surface water quality.

Regional Board staff have reviewed and reevaluated all water quality monitoring and information, combined the CWA Section 305(b) Report with the Section 303(d) List of Impaired Waters and introduced the Proposed 2008 303(d)-305(b) Integrated Report that was adopted by the Regional Board on April 24, 2009. The additional Impaired Waterbodies that are on this list are also identified in Table 2. The Proposed 2008 303(d)-305(b) Integrated Report will not be effective until it has been approved by the State Board or the USEPA.

Federal regulations require that a TMDL be established for each 303(d) listed waterbody for each of the Pollutants causing Impairment. The TMDL is the total amount of the Pollutant that can be discharged without Impairing Water Quality Standards in the Receiving Water, i.e., Water Quality Objectives are met and the Beneficial Uses are protected. It is the sum of the individual WLAs for point source inputs, and LAs for Non-point Source inputs and natural background, with a margin of safety. The TMDLs are the basis for limitations established in Waste Discharge Requirements. TMDLs are being developed for all Pollutants identified in Table 2. The Permittees are required to revise their DAMP, at the direction of the Executive Officer, to incorporate TMDL Program Implementation Plans developed and approved pursuant to the process for the designation and implementation of TMDLs for Impaired Waterbodies.

For 303(d) listed waterbodies identified as potentially Impaired by Urban Runoff and without a TMDL, the Permittees are required to provide special protections such as requiring effective post-construction BMPs, enhanced training programs and developing targeted public outreach that would address the Pollutants of Concern.

This Order incorporates TMDLs that have been adopted for Bacterial Indicator in the MSAR watershed and for nutrients in the Lake Elsinore and Canyon Lake watersheds. On August 26, 2005, the Regional Board adopted Resolution No. R8-2005-001 amending the Basin Plan to incorporate Bacterial Indicator TMDL for MSAR watershed. On December 20, 2004, the Regional Board adopted resolution R8-2004-0037 amending the Basin Plan to incorporate the Lake Elsinore and Canyon Lake nutrient TMDLs. The stakeholders in these watersheds, including applicable Permittees, are collaborating in the development and implementation of the TMDLs.

This Order includes conditions necessary to implement the TMDLs already approved by the Regional Board as required by federal regulations at 40 CFR 122.44(d)(vii)(B). This Order incorporates the WLAs as Water Quality-Based Effluent Limitations (WQBEL) and requires Permittees to achieve the WLA for Urban Runoff through an iterative process of implementing BMPs. Failure to submit a TMDL Implementation Plan to the Regional Board or failure to implement the approved plan in a timely manner will be deemed to violate the conditions of this Order. The CWA requires the Permittees to have appropriate controls to reduce the discharge of Pollutants to the MEP, including management practices, control techniques and systems, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such Pollutants (33 USC 1342(p)(3)(B)). MEP is a dynamic performance standard and it evolves as the knowledge of Urban Runoff control measures increases. Permittees are required to monitor and report effectiveness of their BMPs with respect to Pollutant reduction goal(s) as one measure of progress toward reducing Pollutant loads from urban sources in accordance with the compliance schedules specified in the TMDL Implementation Plans. If on-going monitoring indicates that implemented BMPs are insufficient to assure compliance with the relevant Water Quality Standard(s), then the Permittees are required to develop and implement more effective BMPs for the controllable urban sources within their jurisdiction to the MEP. In addition, the Permittees are required to submit a revised Comprehensive TMDL Plan documenting the completion schedule for any additional and/or more effective BMPs and must execute the plan upon approval by the Executive Officer. Taken together, these permit conditions are consistent with the facts and assumptions specified in the TMDLs, including the TMDL Implementation Plans, and are expected to achieve compliance with the related WLAs.

Discharge specifications are included for de-minimus types of discharges from Permittee-owned or Permittee-operated facilities and activities and for TDS and total inorganic nitrogen for dry weather discharges.

Table 2

2006 CWA Section 303(d) Listed Waterbodies and April 24, 2009 Proposed 2008 Integrated Report of 305(b) and 303(d) List of Water Quality Limited Segments

WATERBODY	HYDRO UNIT	POLLUTANT/ STRESSOR	SOURCE	SIZE AFFECTED
Canyon Lake	802.120	Pathogens	Nonpoint Source	453 Acres
Lake Elsinore	802.310	Unknown Toxicity	Unknown Nonpoint Source	2431 Acres
		PCB's.	Unknown Nonpoint Source	2431 Acres
		Proposed for 2008 Sediment Toxicity	Unknown Point and/or Nonpoint Sources	2431 Acres
Lake Fulmor	802.210	Pathogens	Unknown Nonpoint Source	4.2 Acres
Santa Ana River, Reach 3	801.200	Pathogens	Unknownn Nonpoint Source	3 miles
		Proposed for 2008 Copper – Wet Season	Unknown Nonpoint Source	3 Miles
Temescal Creek Reach 1		Proposed for 2008 pH	Unknown	Unknown

VI. FIRST, SECOND, AND THIRD TERM PERMITS

1. STORM WATER POLLUTION CONTROL PROGRAMS AND POLICIES

1. Prior to USEPA's promulgation of the final regulations implementing the storm water requirements of the 1987 CWA amendments, the counties of Orange, Riverside and San Bernardino requested an area-wide NPDES permit for storm

water runoff for each of the county areas within the Regional Board's jurisdiction. On July 13, 1990, the Regional Board issued Order No. 90-104 to the Permittees (first term MS4 Permit). In 1996, the Regional Board adopted Order No. 96-30 for the Riverside County Permit Area (second term permit). On October 24, 2002, the Regional Board adopted Order No. R8-2002-0011 for the Riverside County Permit Area (third term MS4 Permit). These MS4 Permits included the following requirements:

a. Prohibited Non-storm Water discharges to the MS4s with certain exceptions.
b. Required the Permittees to develop and implement a DAMP to reduce Pollutants in Urban Runoff to the MEP.
c. Required the discharges from the MS4 to meet in Receiving Waters.
d. Required the Permittees to identify and eliminate IC/IDs to the MS4.
e. Required the Permittees to establish legal authority to enforce Storm Water Ordinances.
f. Required monitoring of dry weather flows, storm flows, and Receiving Water quality, and program assessment.
g. Required the Permittees to inventory, prioritize and inspect construction sites and industrial and commercial facilities based on threat to water quality.
h. Required the Permittees to develop a restaurant inspection program to address practices that may impact Urban Runoff quality such as oil and grease disposal, trash bin area management, parking lot cleaning, spill clean-up, and inspection of grease traps or interceptors to ensure adequate capacity and proper maintenance.
i. Required the Permittees to review and approve Water Quality Management Plans (WQMPs) for categories of New Development and Significant Redevelopment projects to address post-development Urban Runoff water quality and Hydromodification.
j. Required the Permittees to develop a unified response plan to respond to sewage spills that may impact Receiving Water quality.

2. During the first term MS4 Permit, the Permittees developed a DAMP that was approved by the Executive Officer on January 18, 1994. The DAMP included five BMP groups: environmental education activities, solid waste activities, road drainage system operations and maintenance, regulatory and enforcement activities, and structural controls. The DAMP was updated as part of the second and third-term MS4 Permits. The Permittees submitted a revised DAMP with the ROWD for the fourth term MS4 Permit renewal.

3. The RCFC&WCD performs water quality monitoring activities in support of three separate area-wide NPDES MS4 Permits (Santa Ana, San Diego and Colorado River Basin) under the Consolidated Monitoring Program (CMP). The CMP

contains a combined 132 historical, active, and special project sampling locations in the three MS4 Permit regions. Within the Permit Area, water column samples and/or sediment samples have been collected at a total of 93 locations over the last nineteen years. These 93 locations are comprised of 45 MS4 outfalls, 43 Receiving Water, 8 sediment, and 2 special interest sampling locations. In addition, the Permittees participate in a number of sub-regional and regional monitoring programs and special studies.

4. During the third term MS4 Permit, the Executive Officer approved the delay in implementing the bioassessment requirement to allow the development of indices of biological integrity applicable to inland waters. Subsequently, a regional bioassessment monitoring was initiated by the Surface Water Ambient Monitoring Program (SWAMP) to determine the conditions of the receiving waters in a more holistic way. The Southern California Watershed Research Project (SCCWRP), in conjunction with the southern California MS4 Permit programs, has developed a regional bioassessment monitoring program in which the Permittees participating. This Order requires the Permittees to continue to participate in the regional bioassessment monitoring program. It is expected that these regional monitoring stations combined with other Permittee and regional monitoring efforts will be used to identify water quality problem areas and to re-evaluate the monitoring program and the effectiveness of the DAMP. The future direction of some of the DAMP program elements will depend upon the results of the ongoing studies and a holistic approach to watershed management.

5. Other elements of the Urban Runoff management program included identification and elimination of IC/IDs and establishment of adequate legal authority to control Pollutants in Urban Runoff discharges. The Permittees have completed a survey of their MS4 to identify IC/IDs and have adopted appropriate ordinances to establish legal authority. Some of the more specific achievements during the second and third term MS4 Permits are as follows:

   a. During the second term MS4 Permit, the Permittees operated under an Implementation Agreement that sets forth the responsibilities of the Permittees as defined in the 1996 MS4 Permit. The Permittees update this agreement during each MS4 Permit term. The Permittees have adopted Storm Water Ordinances regarding the management of Urban Runoff. The Storm Water Ordinances provide the Permittees with the legal authority to implement the requirements of the MS4 Permit and the key regulatory requirements contained in 40 CFR Section 122.26(d)(2)(I)(A-F).

   b. Revised DAMP: Includes 28 Construction Site and 36 Municipal and Industrial Source Control BMPs that are to be implemented by the Permittees for purposes of controlling Pollutants associated with Urban Runoff to the MEP. The Permittees also strengthened enforcement and compliance elements of the DAMP. Enhanced the Construction Site

inspections, the Industrial and Commercial Facility inspections, New Development review requirements, and the Permittee facilities and activities program.

c. Cooperated in the establishment of TMDL Task Forces and workgroups for Lake Elsinore, Canyon Lake and the MSAR.

d. Assisted in development and implementation of the TMDLs for Canyon Lake, Lake Elsinore and the MSAR.

e. Developed and updated methods to track program effectiveness such as resident surveys, tracking hotline inquiries, and web counters.

f. In August 1999 the RCFC&WCD and the County's Environmental Health Department executed an agreement that provides the framework for an area-wide Commercial and Industrial Compliance Assistance Program (CAP).

g. The Permittees have participated in the CMP.

h. The Permittees administered area-wide programs including: Hazardous Materials emergency response, household hazardous waste collection, industrial/commercial CAP and public education and outreach. Some of these programs were coordinated with Caltrans and local agencies.

i. A Municipal Facilities Strategy was established then later incorporated into the DAMP, the Supplement "A" New Development Guidelines were amended to require compliance with the Riverside County WQMP for specific categories of New Development and Significant Redevelopment projects.

j. The Riverside County WQMP was developed in 2004. The Model WQMP is a post-construction planning tool to address Urban Runoff from New Development and Significant Redevelopment. The WQMP is implemented on a watershed-specific level, and provides guidance for project specific post-construction BMPs to address the quantity and quality of Urban Runoff from New Development and Significant Redevelopment projects. Any New Development or Significant Redevelopment project that requires discretionary approval must submit a project-specific WQMP to the appropriate Permittee. The project-specific WQMP ensures that management of Urban Runoff to protect Receiving Water quality is considered a priority during project design and operation.

k. Established the Management Steering Committee that brings together the city managers in the Permit Area promoting consensus and communication on a regional basis.

l. Formation of sub-committees to guide and develop specific program elements (Construction Activities, Industrial/Commercial Activities, New Development/ Significant Redevelopment, Public Education, Permittee Facilities & Activities, Monitoring, & Finance).

m. Evaluated and revised ordinances, regulations, rules, and codes to ensure appropriate level of legal authority.

n. A Technical Advisory Committee for overall program development and implementation was established.

o. Program Review: A number of existing programs were reviewed to determine their effectiveness in combating Urban Runoff Pollution and to recommend alternatives and or improvements, including Permittee activities and facilities, IC/IDs to the MS4 systems, and existing monitoring programs.

p. Enhanced Public Education program through development of new outreach materials and programs.

q. Public Education: A number of steps were taken to educate the public, businesses, industries, and commercial establishments regarding their role in implementing Urban Runoff Pollution controls. The Industrial Facility dischargers were notified of the Urban Runoff regulatory requirements. For a number of unregulated activities, BMP guidance documents were developed and a toll free hotline was established for reporting any suspected water quality problems.

r. The Permittee's website hosted by RCFC&WCD, including the "Only Rain Down the Storm Drain" public information page, was developed and is continually enhanced. It contains resources for residential facilities, businesses, developers and contractors. The website is accessible from the RCFC&WCD home page. The website offers free brochures that all web site visitors can print in quantities or can order including:

  i. *After the Storm* – a citizen's guide to understanding MS4 Pollution in your neighborhood or when performing daily activities.

  ii. *Automotive Maintenance & Car Care* – guidelines for keeping your auto shop or retail fuel facility in environmental shape.

  iii. *Outdoor Cleaning Activities* – guideline for outdoor cleaning activities and wastewater disposal.

  iv. *Pools, Spas and Fountains* –Environmental maintenance suggestions for pool, spa, and fountain owners.

  v. *What's the Scoop* – tips for a healthy pet and a healthier environment.

  vi. *Household Hazardous Waste (HHW)* – A schedule of collection locations for proper disposal of HHW.

  vii. *Storm Water Pollution Found in Your Neighborhood* – door hanger.

s. In addition to the information provided on the Only Rain Down the Storm Drain website, the Public Education and Outreach Program has:

i. Tested and/or implemented several new Public Education and Outreach Program effectiveness tracking mechanisms including call tracking, web counters, testing, and surveys.

ii. Conducted a review of the efficacy of Permittee employee training programs.

iii. Enhanced the toll free storm water Pollution reporting hot line to include public education information and support for the public and other interested stakeholders.

iv. Enhanced on-line registration access for NPDES training to help facilitate training of appropriate Permittee employees.

v. Worked with the Riverside-Corona Resource Conservation District to develop home garden workshops and presentations to elementary and middle schools and staff to raise public awareness of Urban Runoff management issues and Source Control BMPs and to encourage volunteers, partners, and groups to gather annually for a trash and debris clean-up day along the Santa Ana River.

vi. Developed special newspaper and billing inserts, fliers and advertisements to raise public awareness of Urban Runoff management issues and Source Control BMPs. A radio advertising campaign was also developed and implemented for a limited time.

vii. Developed and presented workshops regarding household hazardous waste use and proper disposal at major home improvement stores throughout Riverside County.

viii. Placed numerous advertisements in the Penny Saver and Bargain Bulletin to raise public awareness of Urban Runoff management.

ix. In cooperation with certain County Service Areas and other programs, pet waste signs with bag dispensers have been installed at various parks to help encourage the proper disposal of animal waste.

x. Coordinated with County-wide Animal Control Facilities, as well as city-owned animal control facilities and Humane Societies, to distribute specific materials to the County Agricultural inspectors as well as Regional Board inspectors for use during facility inspections.

xi. Distributed educational and outreach materials to the County Agricultural inspectors as well as Santa Ana Regional Board staff inspectors for use during facility inspections.

xii. Cooperated with the Western Riverside Council of Government (WRCOG) in the Used Oil Block Cycle Grant that decreases the amount of illegally dumped motor oil by promoting the addition of new Certified Oil Collection Centers.

xiii. Participated in WRCOG's "Cleanest County in the West" program to address issues relating to litter and illegal dumping which targeted both students and adults.

xiv. Supplemental Environmental Projects: As a result of an environmental enforcement case settlement brought by the County Department of Environmental Health, Conoco Phillips and Downs Energy developed two posters and a billboard, respectively. These items were designed to increase the awareness of appropriate BMPs for retail fuel businesses.

t. Permittee Training: Training was provided to Permittee employees to implement New Development Guidelines and Public Works BMPs. The fourth-term MS4 Permit specifies additional training requirements to focus on necessary competencies for storm water program managers, Permittee planners and inspection staff. This was added following information collected during Regional Board staff audits of Permittees' storm water management programs, which found that a number of the Permittees' staff and/or contractors were not adequately trained to properly implement the required program elements contained within the third term MS4 Permit and/or training programs were not properly documented.

u. Related Activities: Modified MS4s by channel stabilization and creation of sediment basins; eliminated or permitted and documented Illicit Connections to the MS4s.

v. Pursued and received Proposition 50 Planning Grant to develop an Integrated Regional Watershed Management Plan for the San Jacinto watershed and to facilitate implementation of the Canyon Lake/Lake Elsinore Nutrient TMDL.

w. Pursued and received two Proposition 40 Integrated Regional Watershed Management Plan implementation grants to facilitate the MSAR TMDL and LE/CL TMDLs.

x. Co-Permittees developed and maintain an inventory database (or databases) of Construction Sites 1-acre or larger for which they have issued a building or grading permit. For each Construction Site/project included in a Co-Permittee's inventory, the Co-Permittees have assigned a priority of "high," "medium," or "low" to reflect the Construction Site's potential for Impairing Receiving Water quality.

y. Created databases for the Commercial and Industrial Facilities within each jurisdiction.

z. Developed a GIS Web Browser to assist developers and Permittees in identifying pertinent water quality information for proposed New Development projects.

aa. Developed Planning Application forms for Permittee use to ensure that the need for a project-specific WQMP was properly identified for New Development and Significant Redevelopment projects early in the planning process.

bb. Developed a FAQ and watershed Impairment maps to assist Permittees and developers with preparing and reviewing project-specific WQMPs.

cc. Enhanced online watershed maps to assist developers and the public with identifying areas tributary to Impaired Waterbodies.

dd. Developed a BMP design handbook to standardize BMP selection and design in Riverside County.

ee. Initiated development of an enhanced BMP Design Handbook to provide additional guidance for LID and post-construction BMP design.

ff. Participation in the Storm Water Monitoring Coalition (SMC) efforts to evaluate LID options and establish guidance for BMP implementation for Southern California areas.

gg. Participation in SCCWRP's Hydromodification studies to develop scientifically based design guidance for Southern California.

hh. Initiated cooperative program with County Environmental Health to promote environmental enhancement projects in lieu of fines for violations of environmental laws. This initiative resulted in the billboard advertising campaign to promote appropriate BMPs for gas stations and garages.

ii. Prepared a one-year evaluation of litter management BMPs. This evaluation assessed the relative efficiency and cost effectiveness of Anthropogenic litter management BMPs including: street sweeping, catch basin cleaning, deployment of trash receptacles, public education, and MS4 maintenance. As a result, a Litter Removal Inspection Form was developed that assisted the Permittees in identifying and prioritizing areas with litter problems. The Permittees augmented the litter management programs including employee/contractor training, Industrial and Commercial Facility inspections, recycling programs including bulk-item collection, participation in watershed clean-up efforts, and illegal dumping retrieval.

jj. The RCFC&WCD coordinated GIS-based maps for Permittee MS4 facilities. The MS4 maps are updated annually with new information provided by the Permittees as part of the Annual Reporting process. The GIS layers are also now available on the RCFC&WCD's website through an internet GIS browser.

kk. Updated Model Facilities Pollution Prevention Plan for Permittee facilities not requiring coverage under the General Permit for Storm Water Discharges Associated with Industrial Activities (General Industrial Permit).

ll. The Permittees completed a MS4 assessment in 2004 to identify opportunities for incorporation of regional BMP retrofits within the limits of existing infrastructure.

mm. Pursued a Proposition 13 Grant, through the Santa Ana Watershed Project Authority, to develop a LID BMP Demonstration and Testing Facility. RCFC&WCD has continued to develop this project and plans to start construction this winter despite the current freeze on new grant projects.

B. PRIOR TERM PERMITS - WATER QUALITY IMPROVEMENTS

An accurate and quantifiable measurement of the impact of the above stated Urban Runoff management programs is difficult, due to a variety of reasons, such as the variability in chemical water quality data, the incremental nature of BMP implementation, lack of baseline monitoring data, and the existence of some of the programs and policies prior to initiation of formal Urban Runoff management programs. There are generally two accepted methodologies for assessing water quality improvements: (1) conventional monitoring such as chemical-specific water quality monitoring; and (2) non-conventional monitoring, such as monitoring of the amount of HHW collected and disposed off at appropriate disposal sites, the amount of used oil collected, and the amount of Anthropogenic debris removed from the MS4, etc.

The Permittees' water quality monitoring data submitted to date document a number of exceedances of Basin Plan Water Quality Objectives for various Urban Runoff-related Pollutants; the most notable among these excceedances was fecal coliform bacteria. Where these exceedances have resulted in the development of TMDLs for the MSAR, this Order requires the Permittees named in the TMDL: to comply with the WLAs for Bacterial Indicators consistent with the Implementation Plan requirements defined in the MSAR Bacterial Indicator TMDL.

During the prior MS4 Permit terms, there was an increased focus on watershed management initiatives and coordination among the MS4 permittees in Orange, Riverside and San Bernardino Counties. These efforts resulted in a number of regional monitoring programs and other coordinated program and policy developments. The Principal Permittee continues to be an active participant in the SWQSTF, the Canyon Lake/Lake Elsinore nutrient TMDL, the MSAR Bacterial Indicator TMDL, and the SMC studies. In addition to the TMDL implementation and monitoring activities, the Permittees participate in the Regional Integrated Freshwater Bioassessment Monitoring Program, the BMP Effectiveness Project assessing the effectiveness of LID techniques. Riverside and San Bernardino MS4 Programs are also coordinating on the development of several outreach programs.

It is anticipated that with continued implementation of the revised DAMP, the programs proposed in the ROWD incorporated into this Order and other

requirements specified in this Order, the goals and objectives of the storm water regulations will be met, including protection of the Beneficial Uses of all Receiving Waters.

VII. FUTURE DIRECTION/2007 ROWD

A. Recognizing the significant resources utilized in developing the 2002 MS4 Permit and the significant commitment the Permittees are making to address water quality Impairments, including those identified in the 2006 303(d) List as high priority for establishment of TMDLs, the Permittees proposed in the 2007 ROWD to maintain the fundamental structure and content of the 2002 MS4 Permit and the 2005 DAMP with modifications to reflect:

1. Removed descriptions of studies that have been completed;
2. Updated references to related orders by the Regional Board and State Board;
3. Adoption of TMDL requirements;
4. Evolution of compliance programs;
5. Further standardization and definition of terms;
6. Consolidation of similar compliance requirements [training requirements, reporting requirements, IC/ID requirements] to simplify the Order, increase readability and prevent the need for duplicative language;
7. Deletion of requirements in the 2002 MS4 Permit that described the development of compliance program elements which were incorporated into the 2005 DAMP;
8. Development of LIPs by the Permittees during the fourth term Order;
9. Addition of Permittee coverage under the Small Linear Underground Projects (State Board Order No. 2003-0007-DWQ, NPDES No. CAS000005) and Utility Vaults (State Board Order No. 2006-0008-DWQ, NPDES No. CAG990002) General Permits;
10. Recognition that the Municipal Facilities Strategy and Enforcement Compliance Strategies have been incorporated into the DAMP; and
11. Regional Board staff comments received by the Permittees during the third term permit, including comments received during the January 22, 2007 ROWD kick-off meeting regarding topics such as LID, Hydromodification, LIPs, etc.

B. In addition, the 2007 ROWD proposed continuing with the 2005 DAMP with some revisions. Based on an effectiveness assessment analysis, the following significant changes were incorporated into the Permittees 2007 draft DAMP compliance programs:

1. The Permittees proposed to complete preparation of LIPs within 12 months of Order adoption. The Permittees propose to develop LIPs that will:
   a. Specify how each program element of the DAMP shall be implemented;
   b. Describe the ordinances, plans, policies, procedures, and tools (e.g., checklists, forms, educational materials, etc.) used to execute the DAMP;
   c. Identify the organizational units responsible for implementation of each program element;
   d. Establish internal reporting requirements to ensure and promote accountability; and
   e. Describe an adaptive method of evaluation and assessment of program effectiveness for the purpose of identifying program improvements.

2. The final report "BMP Siting Study for the Santa Ana Permit Area" was released in May 2005. The sites identified in this study are likely to be further evaluated for opportunities to implement Regional BMPs necessary to comply with existing and future TMDLs.

3. Proposed revisions to the 2002 MS4 Permit provisions to reflect the unified IC/ID reporting procedures currently contained within the DAMP for simplicity and clarity.

C. Regional Board Approach to Consolidation of Overlapping NPDES Permit Requirements

1. During the third term MS4 Permit, the Permittees reviewed the applicability of the General Permit-Small Linear Underground Projects (State Board Order No. 2003-0007-DWQ, NPDES No. CAS000005), the General Permit-De Minimus Discharges (Order No. R8-2003-0061 as amended by Order Nos. R8-2005-0041 and R8-2006-0004), and the General Permit-Utility Vaults (Order No. 2006-0008-DWQ, NPDES No. CAG990002) to their activities such as hydrant flushing, maintenance on potable water supply system(s), construction dewatering, and the short-term and intermittent discharges from the de-watering of utility vaults and underground structures. Since the DAMP incorporates BMPs for the activities covered by these general permits, the Permittees recommended separate coverage under the Small Linear Underground Projects, De Minimus Discharges, or Utility Vaults General Permits was not necessary. This Order now includes coverage for De Minimus discharges from Permittee-owned facilities and activities specifically excluded from coverage under the General Waste Discharge Requirements for Discharges to Surface Waters that Pose an Insignificant (De Minimus) Threat to Water Quality, NPDES NO. CAG998001, Order No. R8-2009-0003. Permittees shall continue to obtain separate coverage for activities covered

by the Small Linear Underground Projects and Utility Vaults General Permits, unless these permits are incorporated into the General Construction Permit.

2. Specific identification of the types of discharges that must have coverage under the General De Minimus Permit and the General Construction Permit, is included in Section 5 of the 2007 DAMP. This Order requires the Permittees to include a description of those de minimus discharges into the Permittees' LIP, including a Regional Board notification process.

3. Prioritized inspections and monitoring based on sampling and monitoring results and other metrics to help target activities that present the highest risk to water quality.

D. During the fourth term Order, the following revisions to the Public Education and Outreach Program will be priorities:

1. Continue coordination of public education outreach with adjacent MS4s.

2. Continue to evaluate and enhance outreach materials for IC/IDs, nutrients, fertilizers, and pesticides.

3. Continue to focus the Public Education and Outreach Program on the Pollutants causing the greatest impacts to water quality, determined by the monitoring results and the list of Impaired Waterbodies [303(d) list].

The Permittees have already taken several steps in this direction. For example, the Permittees have provided spray bottles with environmentally friendly pesticide recipes printed on the side to residents at community fairs; the Permittees have developed or are in the process of developing brochures for septic system management, landscape management, and gardening; the Riverside and San Bernardino County Permittees are coordinating on a Curiosity Quest Episode (KVCR Family Show) to promote BMPs for nutrients, fertilizers and pesticides and the Permittees place information in hardware and gardening stores regarding pesticide and fertilizer management. The Permittees also incorporate other materials to address general Pollutants of Concern.

E. As a result of continued program effectiveness assessment the Permittees propose to update Annual Reporting forms to incorporate specific reporting requirements for all effectiveness assessment metrics.

F. Enhanced online watershed maps to assist developers and the public with identifying areas tributary to Impaired Waterbodies.

G. WQMP

1. The Permittees committed to maintain the "Frequently Asked Questions" information sheet for New Development and Significant Redevelopment projects to assist with the development and implementation of the revised WQMP.

2. The Permittees committed to update the Riverside County Storm Water Quality Best Management Practice Design Handbook to (1) better incorporate LID design concepts, (2) incorporate guidance to describe how developments can offset Hydromodification impacts with LID and (3) incorporate additional design guidance to ensure maintainability and functionality of BMPs, throughout the life of the development. This Order further requires the Permittees to revise the WQMP consistent with the requirements of the Order.
3. The Permittees committed to maintain the WQMP template to assist developers with developing a project-specific WQMP.
4. An audit of each of the Permittees' Urban Runoff management programs during the third term MS4 Permit indicated no clear nexus between the watershed protection principles, including LID techniques, specified in the WQMP and the Permittees' General Plan or related documents such as Development Standards, Zoning Codes, Conditions of Approval, Project Development Guidance, etc.. It appears that many of the existing procedures, Development Standards, Ordinances and Municipal Codes may be barriers to implement LID BMPs. This Order requires the Permittees to facilitate LID techniques specified in this Order.

H. The Regional Board has proposed a revised Notice of Intent and Notice of Termination for Permittee construction projects to assist Regional Board staff with identifying locations and owners of Permittee projects.

I. The Permittees have committed to annual updates to Sanitary Sewer Overflow Procedures to ensure proper contact information for Permittee and outside agencies.

J. WATERSHED APPROACH

1. TMDL for Bacterial Indicator in the MSAR subwatershed and nutrients in the Canyon Lake and Lake Elsinore subwatershed are incorporated into this Order (See Section V.C). The Permittees support TMDL implementation and agreed to participate in a comprehensive water quality monitoring program to ensure that Urban Runoff meets the Water Quality Objectives identified in the Basin Plan and are consistent with the WLAs specified in the TMDLs. This Order requires that, consistent with the requirements of the respective TMDL Implementation Plans, the Permittees use the water quality monitoring of Urban Runoff to evaluate the effectiveness of the BMP programs.

2. The USEPA has recommended a shift to watershed-based NPDES permitting[8] and watershed approach[9] to CWA programs, including NPDES programs. The Permittees and the Regional Board also recognize that a watershed-based approach is expected to be effective in controlling Pollutants in Urban Runoff. Consistent with this approach, this Order requires the Permittees to develop and implement programs that integrate Hydromodification and water quality management strategies with land use planning policies, ordinances, and plans within each jurisdiction. A *watershed approach* considers the diverse Pollutant sources and stressors and watershed goals within a defined geographic area (i.e., watershed boundaries). A watershed approach has three basic components:

   a. *Geographic Focus*: Watersheds are nature's boundaries. They are the land areas that drain to surface waterbodies, and they generally include lakes, rivers, estuaries, wetlands, streams, and the surrounding landscape. Groundwater recharge areas are also considered.

   b. *Sound Management Techniques Based on Strong Science and Data*: Sound scientific data, tools, and techniques are critical to evaluate the process. Actions taken include characterizing priority watershed water quality problems and solutions, developing and implementing action plans, and evaluating their effectiveness within the watershed.

   c. *Partnerships/Stakeholder Involvement*: Watersheds transcend political, social, and economic boundaries. Therefore, it is important to involve all the affected interests in designing and implementing goals for the watershed. Watershed teams may include representatives from all levels of government, public interest groups, industry, academic institutions, private landowners, concerned citizens, and others.

There are two major sub-watersheds in Riverside County within the Permit Area – the MSAR subwatershed, consisting of the portions of the Permit Area that drain to Reaches 3 and 4 of the Santa Ana River, and the San Jacinto River sub-watershed, which consists of the portions of the Permit Area that drain to Lake Elsinore. The Permittees participate in the MSAR TMDL Task Force and the Lake Elsinore and Canyon Lake TMDL Task Forces, which are stakeholder driven, watershed-based efforts to address Pollutants of Concern in the respective sub-watersheds. The Permittees have also implemented several stakeholder driven, watershed-based conservation programs such as the Special Area Management

[8] USEPA: Watershed-based NPDES permitting is a process that emphasizes addressing all stressors within a hydrologically-defined drainage basin, rather than addressing individual Pollutant sources on a discharge-by-discharge basis.

[9] USEPA (1996a): "The watershed approach is a coordinating framework for environmental management that focuses public and private sector efforts to address the highest priority problems within hydrologically defined geographic areas, taking into consideration both ground and surface water flow."

Plan, the Western Riverside County Multiple Species Conservation Plan, the San Jacinto River Integrated Watershed Management Plan and the Santa Ana Watershed Project Authority One Water One Watershed Plan.

These efforts are also addressed and discussed in the DAMP, which integrates these efforts into a coherent and uniform compliance program to protect Receiving Waters. Due to economies of scale and the fact that many of the Permittees have jurisdiction in both sub-watersheds, the Permittees have opted to continue to implement uniform MS4 Permit compliance programs across the entire Permit Area (for example Permittee training programs educate inspectors about the impacts and sources of pathogens and nutrients as opposed to offering separate sub-watershed specific training programs for the San Jacinto and MSAR sub-watersheds). The Permittees have indicated that as source assessments and monitoring data results from the aforementioned watershed efforts produce findings regarding potential urban sources of Pollutants of Concern that they may opt, in the future, to develop specific action plans for the MSAR and San Jacinto River sub-watersheds, or potentially even tributaries there-of. If so, the DAMP will be appropriately modified to clarify the sub-watershed specific components.

The Permittees also currently implement interim Hydromodification criteria and have committed to revising their Hydromodification management programs based on studies currently being conducted by the SCCWRP. This Order requires the Permittees to continue to pursue these watershed planning efforts and enhance them as appropriate to address Pollutants of Concern.

J. To promote program transparency, each Permittee proposed to develop its own LIP that:

   a. Specifies how each program element of the DAMP shall be implemented;

   b. Describes the ordinances, plans, policies, procedures, and tools (e.g., checklists, forms, educational materials, etc.) used to execute the DAMP;

   c. Identifies the organizational units responsible for implementation of each program element;

   d. Establishes internal reporting requirements to ensure and promote accountability; and

   e. Describes an adaptive method of evaluation and assessment of program effectiveness for the purpose of identifying program improvements.

K. The audits conducted by Regional Board staff have also shown a significant deficiency in measuring program effectiveness. This Order requires quantifiable measures for evaluating program effectiveness.

L. The above-mentioned strategies for the fourth-term Order build upon and continue the programs and policies developed by the Permittees during the prior MS4 Permit terms as described in Sections VI and VII above.

M. A combination of these programs and policies and the requirements specified in this Order should ensure control of Pollutants in Urban Runoff from the MS4 owned and/or controlled by the Permittees.

VIII. ORDER REQUIREMENTS AND PROVISIONS

The legislative history of storm water statutes (1987 CWA Amendments), USEPA regulations (40CFR Parts 122, 123, and 124), and clarifications issued by the State Board (State Board Orders No. WQ 91-03 and WQ 92-04) indicate that a non-traditional NPDES permitting strategy was anticipated for regulating Urban Runoff. Due to the economic and technical infeasibility of full-scale end-of-pipe treatments and the complexity of Urban Runoff quality and quantity, MS4 permits generally include narrative requirements for the implementation of BMPs in place of Numeric Effluent Limits.

The requirements included in this Order are meant to specify those management practices, control techniques and system design and engineering methods that will result in protection of the Beneficial Uses of the Receiving Waters consistent with the MEP standard. State Board (Orders No. WQ 98-01 and WQ 99-05) concluded that MS4s must meet the technology-based MEP standard and Water Quality Standards. The U.S. Court of Appeals for the Ninth Circuit subsequently held that strict compliance with Water Quality Standards in MS4 permits is at the discretion of the local permitting agency.

The ROWD included a discussion of the current status of Riverside County's Urban Runoff management program and the proposed programs and policies for the next five years (fourth-term Order). This Order incorporates these documents and specifies performance commitments for specific elements of the Permittees Urban Runoff management program.

This Order recognizes the significant progress made by the Permittees during the first three MS4 Permit terms in implementing the storm water regulations. This Order also recognizes regional and innovative solutions to such a complex problem, addresses deficiencies in the Permittees' Urban Runoff programs observed during the audits conducted by Regional Board staff, and considers comments by the USEPA on other draft MS4 Permits. This Order specifies quantifiable performance measures to determine compliance and assess the effectiveness of the Urban Runoff programs. This Order incorporates an integrated watershed approach in solving water quality and Hydromodification impacts resulting from urbanization and aims to promote LID techniques as a key element to mitigate impacts from New Development and Significant Redevelopment projects. The proposed Order also requires the Permittees

to implement TMDL WLA through iterative BMP programs as required in the respective approved TMDL Implementation Plans (See Section V.C). The goal of these programs and policies that are included in this Order is to achieve and maintain Water Quality Standards in the Receiving Waters.

The essential components of the Urban Runoff management program, as established by federal regulations [40 CFR 122.26(d)] are: (i) Adequate Legal Authority, (ii) Fiscal Resources, (iii) Storm Water Quality Management Program (SQMP) - (Public Information and Participation Program, Industrial/Commercial Facilities Program, Development Planning Program, Development Construction Program, Public Agency Activities Program, IC/IDs Elimination Program), and (iv) Monitoring and Reporting Program. The major sections of the requirements in this Order include: I. Facility Information, II. Findings, III. Permittee Responsibilities, IV. Local Implementation Plan, V. Discharge Prohibitions, VI. Effluent Limitations, Discharge Specifications and Other TMDL Related Requirements, VII. Receiving Water Limitations, VIII. Legal Authority/Enforcement, IX. Illicit Connections/Illegal Discharges; Litter, Debris and Trash Control, X. Sewage Spills, Infiltration into MS4 Systems from Leaking Sanitary Sewer Lines, Septic System Failures, and Portable Toilet Discharges, XI. Co-Permittee Inspection Programs, XII. New Development (including Significant Redevelopment), XIII. Public Education and Outreach, XIV. Permittee Facilities and Activities, XV. Training Program For Storm Water Managers, Planners, Inspectors And Municipal Contractors, XVI. Notification Requirements, XVII. Program Management/DAMP Review, XVIII. Fiscal Resources, XIX. Monitoring and Reporting Program, XX. Provisions, XXI Permit Modification, and XXII. Permit Expiration and Renewal.

These programs and policies are intended to improve Urban Runoff quality and protect the Beneficial Uses of Receiving Waters of the Permit Area.

A. RESPONSIBILITIES

The responsibilities of the Principal Permittee are to coordinate the overall Urban Runoff management program and the Co-Permittees are responsible for managing the Urban Runoff program within their jurisdictions as detailed in the ROWD and the proposed Order, Order No. R8-2010-0033.

The existing Implementation Agreement needs to be revised to include the cities that were not signatories to this Agreement. The Order requires that a copy of the signature page and any revisions to the Agreement be included in the specified Annual Report.

B. DISCHARGE PROHIBITIONS

In accordance with CWA Section 402(p)(3)(B)(ii), this Order prohibits the discharge of Non-storm Water to the MS4s, with a few exceptions. The specified exceptions are consistent with 40 CFR 122.26(d)(2)(iv)(B)(1). If the Permittees or the

Executive Officer determines that any of the exempted Non-storm Water discharges is a significant source of Pollutants, a separate NPDES permit or coverage under the Regional Board's De Minimus Permit will be required.

C. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS, INCLUDING WASTE LOAD ALLOCATIONS FOR DISCHARGES TO 303(d) LISTED WATERBODIES WITH ADOPTED TMDLS

The Order clarifies allowed discharges and those discharges (only from Permittee owned or operated facilities and activities) allowed only if certain discharge specifications are met, such as those covered under the De Minimus Permit. These discharges should be consistent with the Regional Board's General De Minimus Permit for Discharges to Surface Waters, Order No. R8-2009-0003, NPDES No. CAG 998001. Permittees' de minimus discharges covered under this Order include: 1) dewatering wastes from subterranean seepage, except for discharges from utility vaults; 2) discharges resulting from hydrostatic testing of vessels, pipelines, tanks, etc.; 3) discharges resulting from the maintenance of potable water supply pipelines, tanks, reservoirs, etc.; 4) discharges resulting from the disinfection of potable water supply pipelines, tanks, reservoirs, etc.; 5) discharges from potable water supply systems resulting from initial system startup, routine startup, sampling of influent flow, system failures, pressure releases, etc.; 6) discharges from fire hydrant testing or flushing; 7) air conditioning condensate; 8) swimming pool discharges; 9) discharges resulting from diverted stream flows; and 10) construction dewatering wastes. The DAMP and the LIP are required to be revised to incorporate information regarding Permittees' de minimus discharges.

This Order requires Permittees to implement established TMDL WLAs specified for Urban Runoff through an iterative BMP approach (see Section V.C above).

D. RECEIVING WATER LIMITATIONS

Receiving Water Limitations are included to ensure that discharges of Urban Runoff from MS4s do not cause or contribute to violations of applicable Water Quality Standards in Receiving Waters. The compliance strategy for Receiving Water Limitations is consistent with the USEPA and State Board guidance and recognizes the complexity of Urban Runoff management.

This Order requires the Permittees to meet Water Quality Standards in Receiving Waters in accordance with USEPA requirements, as specified in State Board Order No. WQ 99-05. If Water Quality Standards are not met through implementation of certain BMPs, the Permittees are required to re-evaluate the programs and policies and to propose additional BMPs. Compliance determination will be based on this iterative BMP implementation process.

E. LEGAL AUTHORITY/ENFORCEMENT

Each Permittee has adopted ordinances, municipal codes, and other regulations to establish legal authority to control discharges to the MS4s and to enforce these regulations as specified in 40 CFR 122.26(d)(2)(I)(B, C, E, and F). The Permittees are required to enforce these ordinances and to take enforcement actions against violators (40 CFR 122.26(d)(2)(iv)(A-D)).

The enforcement activities undertaken by a majority of the Permittees have consisted primarily of Notices of Violation, which act to educate the public on the environmental consequences of Illegal Discharges. In the case of the County, additional action has sometimes included recovery of investigation and clean-up costs from the responsible parties. In the event of egregious or repeated violations, the option exists for a referral to the County District Attorney for possible prosecution or to the Regional Board for enforcement under the California Water Code or the CWA. In order to eliminate unauthorized, Non-storm Water discharges, reduce the amount of Pollutants commingling with Urban Runoff and thereby protect water quality, an additional level of enforcement is required between Notices of Violation and District Attorney referrals.

The third term MS4 Permit required the Permittees to establish the authority and resources to administer either civil or criminal fines and/or penalties for violations of their Storm Water Ordinances. The Permittees now have this authority for penalties. Within the fourth term Order, Permittees are required to exercise this authority by developing an enforcement program to be administered within the industrial, commercial and construction elements of their Urban Runoff management programs. The enforcement program has been required to be included as an update to each Permittee's LIP. The effectiveness of this program must be documented in the Annual Reports submitted by the Permittees. However, it is acknowledged that once cases have been referred to the District Attorney or Environmental Crimes Task Force, etc. for prosecution, case details are confidential.

The fourth term Order further requires the Permittees to document and implement progressive and decisive enforcement actions, evaluate the effectiveness of their enforcement program and sanctions by tracking compliance and evaluating the amount of time to return to compliance.

This Order requires the Permittees to include in the LIP their legal authority and mechanisms to implement the various program elements required by this Order to properly manage, reduce, and mitigate potential Pollutant sources within each Permittee's jurisdiction. The LIP shall include citations of appropriate local ordinances, identification of departmental jurisdictions and key personnel in the implementation and enforcement of those ordinances. The LIP shall include

procedures, tools and timeframes for progressive enforcement actions and procedures for tracking compliance.

F. ILLICIT CONNECTIONS/ILLEGAL DISCHARGES; LITTER, DEBRIS AND TRASH CONTROL

Federal regulation, 40 CFR 122.26(d)(2(iv)(B), requires the Permittees to eliminate illicit discharges to the MS4s. The Permittees have completed a survey of the MS4 and eliminated or permitted all identified Illicit Connections. The Permittees have also established a program to address Illegal Discharges and a mechanism to respond to spills and leaks and other incidents of discharges to the MS4.

The Permittees currently have several programs to address IC/IDs:

1. The Permittees operate a toll free phone line, provide e-mail access for filing complaints and take direct calls regarding IC/ID reports from third parties. These reports are investigated by Permittee staff and reported in IC/ID investigation forms. All Permittee public education outreach materials promote the use of these reporting mechanisms.
2. Permittee staff receive training on identification and reporting of IC/IDs to appropriate Permittee staff. These reports are investigated and reported in IC/ID reporting forms.
3. The Permittees conduct Industrial and Commercial Facility and Construction Site inspections to identify potential IC/IDs. The outcomes of these inspections are reported in inspection reporting databases.
4. The Permittees contribute funds to the County Hazardous Materials Response Team to train and educate them to handle Illegal Discharges or accidental hazardous waste discharges so as to prevent IC/IDs. A summary of HAZMAT activities is provided in the Annual Reports.
5. The RCFC&WCD monitors Office of Emergency Service reports for potential IC/ID incidents and investigates them as appropriate. Results are reported in the RCFC&WCD complaint call database and reported to the Permittees as appropriate.
6. The RCFC&WCD has developed an online GIS tool that identifies the location of District and Permittee MS4 facilities to facilitate IC/ID investigations and response.
7. The Permittees have developed a Sanitary Sewer Overflow Procedure to limit the potential for sewage spills to the MS4.
8. RCFC&WCD, as Principal Permittee, has dedicated staff that conducts dry weather monitoring and also evaluates RCFC&WCD MS4 facilities for maintenance problems and/or IC/IDs. Detected IC/IDs from monitoring data or field inspections are reported to the District's NPDES section, logged into

RCFC&WCDs complaint database, and reported to the appropriate Permittee for follow up action.

However, with a few exceptions, program evaluations conducted during the third term MS4 Permit showed that this program element is primarily complaint driven or an incidental component of municipal inspections or MS4 inspections for a number of Permittees. This Order requires the Permittees to ensure their LIPs describe each Permittee's plan for focused, systematic IC/ID investigations, outfall reconnaissance surveys, indicator monitoring, and track their sources[10]. A proactive Illicit Discharge Detection and Elimination (IDDE) program should be integrated with other LIP program elements as appropriate including: mapping of the Permittees' MS4 to track sources, aerial photography, Permittee inspection programs for construction, industrial, commercial, MS4, Permittee facilities, etc., watershed monitoring, public education and outreach, Pollution Prevention, and rapid assessment of stream corridors to identify dry weather flows and illegal dumping.

G. SEWAGE SPILLS, INFILTRATION INTO MS4 SYSTEMS FROM LEAKING SANITARY SEWER LINES, SEPTIC SYSTEM FAILURES, AND PORTABLE TOILET DISCHARGES

Federal regulation, 40 CFR 122.26(d)(2)(iv)(B)(4), requires the Permittees to develop procedures to prevent, contain, and respond to spills that may discharge into the MS4s. The Permittees have already developed a program to address various types of spills to the MS4s. This Order requires the Permittees to continue to implement the unified sewer response plans in collaboration with the local sanitary sewer system operators. To facilitate swift response actions, the Permittees are required to provide 24-hour access to MS4s to the sanitary sewer system operators. The Permittees should also work cooperatively with the sanitary sewer system operators to determine if exfiltration from leaking sanitary sewer lines is causing or contributing to Urban Runoff Pollution problems. In addition, the Permittees are required to control infiltration or seepage from sanitary sewers to the MS4s through routine preventive maintenance of the MS4 (40 CFR 122.26(d)(2)(iv)(B)(7)). This Order also requires the Permittees to implement control measures and procedures to prevent, respond to, contain and clean up all sewage and other spills from sources such as portable toilets and septic systems.

On May 2, 2006, the State Board issued the Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order No. 2006-0003-DWQ (SSO Order) to address proper management and operation of sewer collection systems and to control sanitary sewer overflows. It requires dischargers/enrollees to develop and implement a written Sewer System Management Plan (SSMP) approved by the discharger's governing board and

[10] Table 2: Land uses, Generating Sites and Activities that Produce Indirect Discharges from IDDE, A Guidance Manual for Program Development and Technical Assessments, October 2004 CWP.

report sewer spills through an on-line reporting system. This Order requires the Permittees have reviewed the unified sewage spill response plan developed during the third term MS4 Permit with the local sewering agencies and determined that it is consistent with the requirements of the SSO Order. This Order also requires each Permittee to include in its LIP the interagency or interdepartmental sewer spill response coordination and responsibilities.

The MS4 program audits indicated that a majority of the Permittees with septic systems have inadequate information with regard to the number and location of those systems within their jurisdiction. This Order requires the Permittees with septic systems to develop within 2 years of adoption of this Order, an inventory of septic systems within its jurisdiction and establish a program to ensure that failure rates are minimized.

H. CO-PERMITTEE INSPECTION PROGRAM;

Federal regulations, 40 CFR 122.26(d)(2)(iv)(A-D), require the Permittees to inventory, prioritize and inspect Industrial and Commercial Facilities and Construction Sites. This Order requires the Co-Permittees to continue inspections of Industrial and Commercial Facilities and Construction Sites within their jurisdiction in order to control the Pollutants entering the MS4. The Co-Permittees will continue to maintain the inventory of Industrial and Commercial Facilities and Construction Sites in the above categories, prioritize these facilities based on threat to water quality, and perform regular inspections to insure compliance with local ordinances. While initial observations of non-compliance may result in 'educational' type enforcement, repeated non-compliance will result in more disciplinary forms of enforcement, such as monetary penalties, stop work orders or permit revocation.

An evaluation of Permittee inspection programs during the third term MS4 permit indicated certain deficiencies in the Industrial and Commercial Facility and Construction Site inspection programs of some of the Permittees. In many instances, program documentation of progressive enforcement and facilities' return to compliance were not properly documented. This Order requires Permittees to document inspections and enforcement and evaluate the effectiveness of their inspection and enforcement program by tracking the time for facilities or sites to return to compliance. The Permittees who do not have an internet accessible database are required to initiate quarterly reporting and update of the inventory, inspection and enforcement database for facilities within their jurisdiction.

In order to address discharges to the MS4 from residential sources, the fourth term MS4 Permit requires the Permittees to develop and implement a residential program to prevent residential discharges from causing or contributing to a violation of Water Quality Standards in the Receiving Waters (40 CFR 122.26(d)(2)(iv)(A)).

I. NEW DEVELOPMENT (INCLUDING SIGNIFICANT REDEVELOPMENT)

Federal regulation, 40 CFR 122.26(d)(2)(iv)(A)(2), requires the Permittees to develop a comprehensive master plan to address discharges from New Development and Significant Redevelopment projects. During the third term MS4 Permit, the Permittees revised their New Development guidelines to address water quality and Hydromodification impacts resulting from urbanization. A WQMP for Urban Runoff was approved by the Regional Board in 2004 and became effective in 2005. This Order requires the Permittees to continue to work towards the goal of restoring and preserving the natural hydrologic cycles in proposed urban developments by reviewing and approving project-specific WQMPs to address post-construction impacts. The WQMP should be designed to address water quality impacts, including Hydrologic Conditions of Concern (HCOC), from New Development and Significant Redevelopment projects through: (1) Site Design BMPs, including LID techniques; (2) Source Control BMPs; and (3) Treatment Control BMPs. This Order recognizes the importance of LID techniques to minimize the impact of urbanization on water quality. This Order requires the project proponents to infiltrate, harvest and reuse, evapotranspirate, or bio-treat the volume of runoff from a 24-hour, 85th percentile storm event where feasible. The Order also provides alternatives and in-lieu programs for project sites where infiltration, harvesting and re-use, evapotranspiration and bio-treatment are not feasible.

Program evaluations conducted during the third term MS4 Permit indicated a need for establishing a clear nexus between the watershed protection principles (including LID) and the planning and approval processes of the Permittees. This Order requires the Permittees to review and revise their Development Standards, Zoning Codes, Conditions of Approval, Development Project Guidance, ordinances, and other related documents to identify and eliminate barriers to incorporate watershed protection principles.

The SMC, including project lead agency, the San Bernardino County Flood Control District, in collaboration with SMC member, SCCWRP and the California Storm Water Quality Association (CASQA), is developing a LID Manual for Southern California with funding from the State Board, CASQA and other sources. This manual will be incorporated into the CASQA BMP Handbooks. The Permittees are encouraged to utilize the manual as a resource for proper LID design and implementation techniques.

Program evaluations have also suggested a need for improvement in the Permittees' inspection, and tracking of post-construction BMPs. This Order requires the Permittees to revise their close-out procedures to include field

verification that Site Design, Source Control and Treatment Control BMPs are operational and consistent with the approved WQMP.

This Order incorporates new project categories and revised thresholds for several categories of New Development and Significant Redevelopment projects that trigger the requirement for a WQMP. New project categories include streets, roads and highways of 5,000 square feet or more of paved surface and retail gasoline outlets (RGOs) with 5,000 square feet or more with 100 or more average daily vehicle traffic. The threshold criteria that trigger the WQMP requirement for non-residential commercial/industrial construction projects have been reduced from 100,000 square feet to 10,000 square feet or more of impervious surface. The threshold for residential subdivision projects has also been revised from 10 units or more to a threshold of 10,000 square feet or more of impervious surface.

This Order incorporates new project categories and revised thresholds for several categories of New Development and Significant Redevelopment projects that trigger the requirement for a WQMP. The 2008 National Research Council (NRC) report[11] indicates that roads and parking lots constitute as much as 70% of total impervious cover in ultra-urban landscape, and as much as 80% of the directly connected impervious cover. Roads tend to capture and export more storm water Pollutants than other impervious covers. As such, roads are included as a priority development category for which WQMPs are required. The NRC report also indicates that there is a direct relationship between impervious cover and the biological condition of downstream receiving waters. The Permittees are required to address HCOC from New Development and Significant Redevelopment projects to minimize downstream impacts. Private New Development and Significant Redevelopment projects incorporating roads typically allow road runoff to be addressed as part of the overall water quality strategy for the larger common plans of development. Permittee streets, roads and highways capital projects have special limitations. For example, the footprint of street, road and highway capital projects is often limited and may have hydraulic constraints due to lack of underground storm drain systems that would otherwise be necessary to hydraulically facilitate treatment of runoff. There are also limitations specified in state and federal design and code specifications that may limit or prohibit BMPs. Permittees may also be subject to flow diversion liability and limited road maintenance budgets and equipment. Street, road and highway projects that function as part of the MS4 also receive runoff and associated Pollutants from both existing urban areas and other external sources, including adjacent land use activities, aerial deposition, brake pad and tire wear and other sources that may be outside the Co-Permittee's authority to regulate and/or economic or technological ability to control. These offsite flows can overwhelm Treatment Control BMPs designed to address the footprint (consistent with the typical requirements for a WQMP) of street, road or highway capital projects incorporating curb and gutter as part of its stormwater conveyance function. Despite these limitations, the Regional

[11] National Research Council Report (2008), http://www.nap.edu/catalog.php?record_id=12465

Board finds that Permittee construction of streets, roads and highway capital projects may provide an opportunity to address Pollutant loads from existing urban areas. However, due to the nature of the facilities and projects, it would be unduly burdensome for the Co-Permittees to maintain WQMP documents for transportation projects (in addition to Facility Pollution Prevention Plans and other overlapping requirements of this Order). The Permittees are therefore not required to prepare WQMP documents for street, road and highway capital projects, but instead are required to develop equivalent documents that include site specific consideration utilizing BMP guidance to address street, roads and highway capital project runoff to the MEP.

As public works, streets, roads and highway projects are the only facilities typically captured by the new WQMP category, and these projects typically have unique constraints that make them difficult to address through the WQMP process, a separate set of requirements has been established for addressing this category of development. Roads that are typically constructed as part of a development are typically incorporated into the broader WQMP for the development activity, providing more options for mitigation via the WQMP process.

Consistent with a long term holistic approach to address water quality and Hydromodification impacts resulting from urbanization, this Order requires Permittees to continue to develop tools that facilitate integration, to the extent practicable, of water quality, stream protection, storm water management and re-use strategies with land use planning policies, ordinances, and plans within each jurisdiction. These tools should address cumulative impacts of development on vulnerable streams, preserve or restore, consistent with the MEP standard, the structure and function of streams, and protect surface and groundwater quality. For 303(d) listed waterbodies with Urban Runoff Pollutant sources and without a TMDL, the Permittees are required to provide special protections such as requiring more effective post-construction BMPs focus training programs and develop targeted public outreach that would address the urban source of the Pollutant of Concern. The Permittees are also required to participate in the TMDL development and implementation.

J. PUBLIC EDUCATION AND OUTREACH;

Federal regulation, 40 CFR 122.26(d)(iv), requires the Permittees to develop a comprehensive storm water management plan with public participation and 40 CFR 122.26(d)(iv)(B)(6) requires the Permittees to engage in outreach activities to facilitate the proper management of Pollutants. Public outreach is an important element of the overall urban Pollution Prevention program. The Permittees have committed to implement a strategic and comprehensive public education program to maintain the integrity of the Receiving Waters and their ability to sustain Beneficial Uses. The Principal Permittee has taken the lead role in the outreach programs and has targeted various groups including businesses, industry, development, utilities, environmental groups, institutions, homeowners, school

children, and the general public. The Permittees have developed a number of educational materials, have established a storm water Pollution Prevention hotline, started an advertising and educational campaign, and distributed public education materials at a number of public events. The Permittees are required to continue these efforts and to expand public participation and education programs.

The Permittees have already developed BMP fact sheets to address sources from residential activities such as auto washing and maintenance activities; use and disposal of pesticides, herbicides, fertilizers and household cleaners; and collection and disposal of pet wastes.

This Order requires the Permittees to annually review their public education and outreach efforts and revise their activities, if necessary, to address public outreach needs fed back from other Urban Runoff program elements. Federal regulation, 40 CFR 122.26(d)(v), requires the Permittees to conduct a program assessment to determine the reduction in Pollutant loadings due to Urban Runoff management programs. Each Permittee is required to implement an assessment program, guided by the CASQA Guidance manual or equivalent alternative, to measure the change in behavior of its target communities to reduce discharge of Pollutants to the MS4 and the environment.

K. PERMITTEE FACILITIES AND ACTIVITIES;

Federal regulation, 40 CFR 122.26(d)(iv)(A), requires the Permittees to ensure that their activities and facilities do not cause or contribute to violations of Water Quality Standards in receiving waters. Education of Permittee planning, inspection, and maintenance staff is critical to ensure that Permittee facilities and activities do not cause or contribute to an exceedance of Receiving Water Quality Standards. The 2002 MS4 Permit also specified minimum requirements for street sweeping and inspection and maintenance of drainage facilities. The Permittees were also required to develop and distribute BMP fact sheets for various Permittee activities. Permittee as well as contract staff that perform Permittee activities were required to be properly trained. The second and third term MS4 Permits required the Permittees to prepare a Municipal Facilities Strategy (MFS) to ensure that Permittee facilities and activities do not contribute Pollutants to Receiving Waters. The MFS was incorporated into Section 5 of the DAMP during the third term MS4 Permit. Each year, by August 1st, the Permittees are required to review their activities and facilities to determine the need for revisions to Section 5 of the DAMP.

This Order continues and builds upon the requirement of the third term MS4 Permit by requiring Permittees to include structural post-construction BMP information for certain Permittee projects along with the Notice of Termination submitted to the Executive Officer upon completion of the construction activity. The Notice of Termination must include photographs of the completed project, a location map, and for public works projects subject to a WQMP, structural post-

construction BMP location, field verification report and identify long term operation and maintenance responsibility. Permittees are required to develop a database of post-construction BMPs for which the Permittees are responsible and shall reference this database in the LIP.

Program evaluations conducted during the third term MS4 Permit indicated varying degrees of compliance at Permittee facilities and activities. This Order requires each Permittee to inventory its fixed facilities, field operations and MS4 facilities to ensure that Permittee facilities do not cause or contribute to a Pollution or Nuisance in Receiving Waters. These facilities and field operations are to be prioritized for inspection according to threat to water quality.

Fixed Permittee facilities and field operations include, but are not limited to fire training facilities, corporate yards, maintenance and storage yards, animal shelters, water treatment facilities, swimming pools, warehouses, and hazardous materials storage facilities, and recreation facilities. The Permittees are required to include in their LIP procedures and schedules for inspections and maintenance of Permittee facilities and activities. Urban Runoff from other Permittee facilities, such as airports, wastewater treatment plants and landfills, is regulated under the General Industrial Permit.

L. PERMITTEE CONSTRUCTION PROJECTS

The third term MS4 Permit authorized the discharge of storm water from Construction Sites on one acre or more that are under ownership or direct responsibility of the Permittees. The Permittees were required to notify the Executive Officer prior to commencement of construction activities, and to comply with the substantive requirements of the latest Statewide General Construction Activities Storm Water Permit.

Program evaluations conducted during the third term MS4 Permit indicated that some of the Permittees were not submitting or were not aware of the requirement to submit a Notice of Intent and a Notice of Completion for Permittee construction projects.

M. TRAINING PROGRAM FOR STORM WATER MANAGERS, PLANNERS, INSPECTORS AND MUNICIPAL CONTRACTORS

Education of Permittee planning, inspection, and maintenance staff is important to ensure that land use decisions, local permit approvals and Permittee facilities and activities do not cause or contribute to an exceedance of Receiving Water Quality Standards. During the term of the 2002 MS4 Permit, the Permittees attended training classes specific to major Urban Runoff program elements including New Development/Significant Redevelopment, Construction Site and Industrial Facility inspections, and Permittee activities.

This Order requires the Permittees, in conjunction with a broader array of MS4 Programs or CASQA, to define the program implementation training needs for Urban Runoff program staff, including contractors, managers and inspectors. The training curriculum must be designed for Permittee facilities and field operations staff, Permittee inspection staff, Urban Runoff program managers and those involved in the review and approval of WQMPs and CEQA documents, including Permittee contractors. The audits of the Permittees indicated the need for better inter-departmental collaboration and communication in the local Urban Runoff program implementation. This Order requires LIPs to develop and document processes and procedures for coordination between planners, plan reviewers, engineers and inspectors to ensure that appropriate post-construction BMPs are approved, installed, and are operational.

N. NOTIFICATION REQUIREMENTS

Most of the notification requirements that were spread throughout the third term MS4 Permit were consolidated into one section.

O. PROGRAM MANAGEMENT ASSESSMENT/DAMP REVIEW

The DAMP is a management document that needs to be updated with the new requirements of this Order.

P. FISCAL RESOURCES

Each Permittee is expected to exercise its full authority to secure the resources necessary to meet all requirements of this Order. See Section IX for existing funding mechanisms and potential limitations to Permittee funding.

Q. MONITORING AND REPORTING REQUIREMENTS

During the first term MS4 Permit and part of the second term MS4 Permit, the Permittees conducted monitoring of the Urban Runoff flows, Receiving Water quality, and sediment quality. The Santa Ana Phase I NPDES Monitoring Program began in November 1991 with 27 monitoring sites. The program has been reduced in phases to more specifically address Urban Runoff program needs and to redirect monitoring resources to TMDL-related activities. There was a time where samples were collected on a rotational basis with no consistent monitoring from year to year. On April 14, 2003, with the submittal of an Interim Monitoring Program, monitoring at seven core sampling locations (Sampling Stations 040, 316, 318, 364, 702, 707, and 752) was established that provided representative and consistent monitoring results for the Permit Area.

The Riverside County monitoring programs, as well as other monitoring programs nationwide, have shown that there is a high degree of uncertainty in

the quality of Urban Runoff and that there are significant variations in the quality of Urban Runoff spatially and temporally. However, most of the monitoring programs to date have indicated that there are a number of Pollutants in Urban Runoff. A link between Pollutants in Urban Runoff and Beneficial Use Impairments has been established in a few studies.

This Order requires the Permittees identified as TMDL stakeholders in an approved TMDL to continue to comply with applicable TMDL Implementation Plan requirements, including monitoring requirements, and to implement Urban TMDL WLAs through an iterative BMP approach (see Section V.C above).

Wet and Dry Seasons are defined differently by the various monitoring programs included in this Order. The Middle Santa Ana TMDL defines the Wet Season as November 1 through March 31st and the Canyon Lake/Lake Elsinore TMDL monitoring defines it as October 1st through May 31st. The Monitoring and Reporting Program for this Order generally defines the Wet Season as October 1st through May 31st. Monitoring required under this Order is expected to be conducted consistent with the applicable seasonal definitions.

The MSAR Bacterial Indicator TMDL and Canyon Lake/Lake Elsinore Nutrient TMDL requires the Permittees to comply with TMDL Implementation Plan requirements to revise the DAMP to incorporate BMPs in the Permittees Urban Runoff programs. This Order requires the Permittees to evaluate the effectiveness of the BMPs implemented as part of the DAMP in conformance with the TMDL Implementation Plan requirements.

This MS4 monitoring program includes sampling Urban Runoff at a variety of sites located throughout the Permit Area for three storm events per year. Urban Runoff samples will be collected and analyzed for a variety of constituents. In addition to these efforts, the Permittees are reevaluating their overall Urban Runoff monitoring program to determine its effectiveness in meeting the following objectives:

1. Assess rates of mass loading
2. Assess influence of land use on water quality
3. Assess compliance with Water Quality Objectives
4. Assess effectiveness of water quality controls
5. Detect IC/IDs
6. Identify problem areas and/or trends
7. Identify Pollutants of Concern
8. Identify baseline conditions
9. Establish/maintain a water quality database

To accomplish these goals, the following activities are conducted:

1. Collect water quality data
2. Collect rainfall/runoff data
3. Establish quality assurance/control procedures
4. Conduct data analysis and archiving
5. Install and maintain appropriate equipment
6. Prepare an Annual Report

RCFC&WCD, in its role as Principal Permittee, participates in the SMC and other task forces. The goal of the SMC is to develop the technical information necessary to better understand storm water mechanisms and impacts, and then develop the tools that will effectively and efficiently improve storm water decision-making. Some of the cooperative monitoring efforts conducted through the SMC and other task forces include Comparative Evaluation of Microbial Source Tracking Techniques, Model Monitoring Program Guidance, Peak Flow Study, and Laboratory Inter-Calibration Studies. Under the auspices of the SMC, SCCWRP prepared "Model Monitoring Program for Municipal Separate Storm Sewer Systems in Southern California", August 2004 Technical Report No. 419. This report noted, "...the lack of mass emissions stations in the inland counties hampers their ability to estimate the proportional contribution of these inland areas to cumulative loads downstream". The SMC consists of representatives from the Counties of Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego and the Cities of Long Beach, and Los Angeles, the Los Angeles, Santa Ana and San Diego Regional Boards, the State Board, SCCWRP, Caltrans, and the USEPA. This Order requires the Permittees to continue mass emissions monitoring to determine Pollutant loading.

During the second and third term MS4 Permits, there was an increased focus on watershed management initiatives and coordination among the MS4 permittees in Orange, Riverside and San Bernardino Counties. The MS4 permittees participated in a number of regional monitoring programs and other coordinated program and policy developments, such as the Regional Integrated Freshwater Bioassessment Monitoring Program, and the BMP Effectiveness Assessment. The Principal Permittee continues to be an active participant in the SWQSTF, MSAR Bacterial Indicator TMDL, Canyon Lake/Lake Elsinore (San Jacinto) Nutrient TMDL and the SMC. This Order recommends that the Permittees continue their participation in these types of watershed coordination efforts and provides them with opportunities to use these efforts to comply with applicable requirements of the Permit.

The third term MS4 Permit required the Permittees to initiate bioassessment monitoring. To allow for a holistic approach, this Order requires the Permittees to participate in the Regional Integrated Freshwater Bioassessment Monitoring

Program in lieu of a separate bioassessment monitoring program for the Permit Area.

This Order requires the Permittees to re-evaluate their CMP and submit a revised plan for approval. The revised CMP should integrate the goals and objectives of the Watershed Action Plan and rectify data gaps from previous monitoring efforts.

R. PROVISIONS – Standard Language per NPDES regulations.

S. PERMIT MODIFICATION– Standard Language per NPDES regulations.

T. PERMIT EXPIRATION AND RENEWAL– Standard Language per NPDES regulations.

IX. WATER QUALITY BENEFITS, COST ANALYSIS, AND FISCAL ANALYSIS

There are direct and indirect benefits from clean lakes and beaches, clean water, and a clean environment. It is difficult to assign a dollar value to the benefits the public derives from fishable and swimmable waters. In 1972, at the start of the NPDES program, only 1/3 of the U.S. waters were swimmable and fishable. In 2008, more than 2/3 of the U.S. waters met these criteria. In the 1999 "*Money"* magazine survey of the "Best Places to Live", clean water and air ranked as two of the most important factors in choosing a place to live. Thus environmental quality has a definite link to property values.

The true magnitude of the Urban Runoff problem is still elusive and any cost estimate for cleaning up Urban Runoff would be premature short of end-of-pipe treatments. For Urban Runoff, end-of-pipe treatments are cost prohibitive and are not generally considered as a technologically feasible option. Over the last decade, the Permittees have attempted to define the problem and implemented BMPs to the MEP to combat the problem.

The costs incurred by the Permittees in implementing these programs and policies can be divided into three broad categories:

A. Shared costs: These are costs that fund activities performed mostly by the Principal Permittee under the Implementation Agreement. These activities include overall storm water program coordination; intergovernmental agreements; representation at the SWQSTF, Regional Board/State Board meetings and other public forums; preparation and submittal of compliance reports and other reports required under the NPDES permits, responding to Water Code Section 13267 requests, budget and other program documentation; coordination of consultant studies, Co-Permittee meetings, and training seminars.

B. Individual Costs for DAMP Implementation: These are costs incurred by each Permittee for implementing the BMPs (drainage facility inspections for Illicit Connections, drain inlet/catch basin stenciling, public education, etc.) included in the DAMP. A number of programs and policies for Non-Point and Urban Runoff Pollution controls existed prior to the MS4 permit program. However, the DAMP that was developed and implemented in response to the MS4 Permits required additional programs and policies for Urban Runoff Pollution control.

C. Individual Costs of Pre-Existing Programs: These are costs incurred by each Permittee for water Pollution control measures which were already in existence prior to the MS4 permit program. These programs included recycling, litter control, street sweeping, drainage facility maintenance, and emergency spill response.

Historically, the Permittees have employed four distinct funding methods to finance their NPDES Activities. Many Permittees utilize a combination of these funding sources. The different methods include:

A. Santa Ana Watershed Benefit Assessment Area

In 1991, the RCFC&WCD established the Santa Ana Watershed Benefit Assessment Area (SAWBAA) to fund its NPDES activities. Currently, SAWBAA revenues fund both area-wide NPDES program activities and the RCFC&WCD's individual MS4 permit compliance activities.

B. County Service Area 152

In December 1991, the County of Riverside formed County Service Area 152 (CSA 152) to provide funding for compliance activities associated with its NPDES permit activities. Under the laws that govern CSAs, sub-areas may be established within the overall CSA area with different assessment rates set within each sub-area. The cities of Corona, Moreno Valley, Norco, Riverside, Lake Elsinore and San Jacinto elected to participate in CSA 152.

C. Utility Charge

The City of Hemet funds a portion of its NPDES program activities through a utility charge.

D. General Fund /Other Revenues

Permittees also utilize general fund revenue to finance their NPDES activities. Several Permittees also report using general fund and other revenue sources (e.g., gas taxes, developer fees, etc.) to fund a portion of their Urban Runoff management activities.

The Annual Report provides the most recent budgets and expenditure projections available for the costs incurred by the Permittees in implementing these programs and policies. The following information, in parenthesis, on the current economic conditions was provided by the Permittees.

{Current Economic Conditions
The following information was provided by the Permittees and does not constitute a finding by the Regional Board:

Historically, the Permittees have employed several funding methods to finance their MS4 Permit compliance activities. Unfortunately, the mortgage crisis, collapse of the housing market and the economic recession has resulted in the cessation of virtually all development activity and has significantly reduced sales tax revenue in the Santa Ana Region. Property tax revenues have been reduced by the high level of foreclosure activity and reduced property values. Property tax revenues have been further reduced by homeowner requests for reassessments to reflect the reduced property values. The impact of these economic conditions on the Permittees in the Santa Ana Region has been particularly severe. As a result, funds typically provided by these funding methods has been severely reduced, and it is anticipated that this condition will continue for an indefinite period. The funding methods historically used and the effects of the economic situation on the availability of funds through these sources are summarized as follows:

- Santa Ana Watershed Benefit Assessment Area. In 1991, the District established the Santa Ana Watershed Benefit Assessment Area to fund its MS4 Permit compliance activities. Currently, the Benefit Assessment revenues fund the District's share of the area-wide MS4 Permit program activities and the District's individual compliance activities as a Permittee. Under the Benefit Assessment each parcel is taxed based on the impervious area of each parcel at a set rate established through Proposition 218. This rate has not been increased since 1991 and increases in revenues have resulted from increases in the number of contributing parcels resulting from New Development. In 2007/08 the Santa Ana Watershed Benefit Assessment generated approximately $2,030,000 in revenue. These revenues are used to fund the District's compliance activities and the bulk of the administrative costs associated with the District's duties as Principal Permittee.

  Outlook: The District expects at best to maintain, if not see temporary reductions in Benefit Assessment revenues due to the significant number of homes that are not paying property tax due to foreclosure. An increase in the established Benefit Assessment rate to compensate for these reductions would require approval of 2/3 of the voters or 50% of the property owners and is unlikely, especially in the current economic climate. An increase in the number of contributing parcels will not occur until the development industry recovers.

- General Fund/Other Revenues. The County and the Cities utilize general fund revenue to finance most of their MS4 Permit compliance activities. General fund revenue is generated by property tax, sales tax, and auto license taxes.

  Outlook: The Permittees expect a continued reduction in the funds available through General Fund/Other Revenues through at least FY 2010/2011. Historically, the Permittees have investigated other funding sources, including a phone survey conducted by LESJWA with support from the District and the County of Riverside to evaluate the possibility of passing a new assessment to fund water quality improvements benefiting Lake Elsinore. The results of the survey found insufficient voter support for water quality-related issues to move forward with a special election. The Permittees have also formed a finance committee which has met several times to obtain information about actions that they can take to maximize revenues and potential alternative funding sources. These efforts met with some success, particularly in relation to maximizing fees for service; however significant new funding sources were not identified or available to the Permittees even during the more favorable economic conditions experienced during the term of the 2002 Riverside County MS4 Permit.

- Fees. Several Permittees charge fees for services such as inspections, plan check and other recoverable costs related to compliance with the 2002 Riverside County MS4 Permit. These fees cover both the direct and indirect costs associated with conducting these inspections/reviews including associated compliance tracking and reporting.

  Outlook: It is notable that, with the virtual collapse of the development industry in the Santa Ana Region, the fees received by the Permittees for review of New Developments and Construction Site inspections have been significantly reduced. With this reduced level of fee-based income, maintenance of the existing inspection and plan review programs will place a burden on overall funding of the compliance programs. The Permittees do not expect revenues from fees to recover until the development industry recovers. Even with recovery of the development industry, it is anticipated that revenues from fees will be reduced for the majority of the Cities within the Santa Ana Region and the County due to the reduced area remaining for development in their jurisdictions.

- Grants. The Permittees have actively pursued and, as available, used grants to fund compliance programs.

  Outlook: In December the State's budget crisis resulted in a directive to State agencies from the Department of Finance to halt projects that rely on bond funds, including those funded by Proposition 40, Proposition 50 or Proposition 84. The State of California is the primary source of grant funding for water

quality projects. Future availability of funds to resume compliance projects funded by grants is uncertain.

It is clear that the current economic climate and that of the foreseeable future is creating a significant burden upon the Permittees that will make the continuance of all existing MS4 Permit compliance programs difficult. If new funding sources or alternative combinations of funding sources cannot be identified, it is likely that compliance program funding will be further impacted.

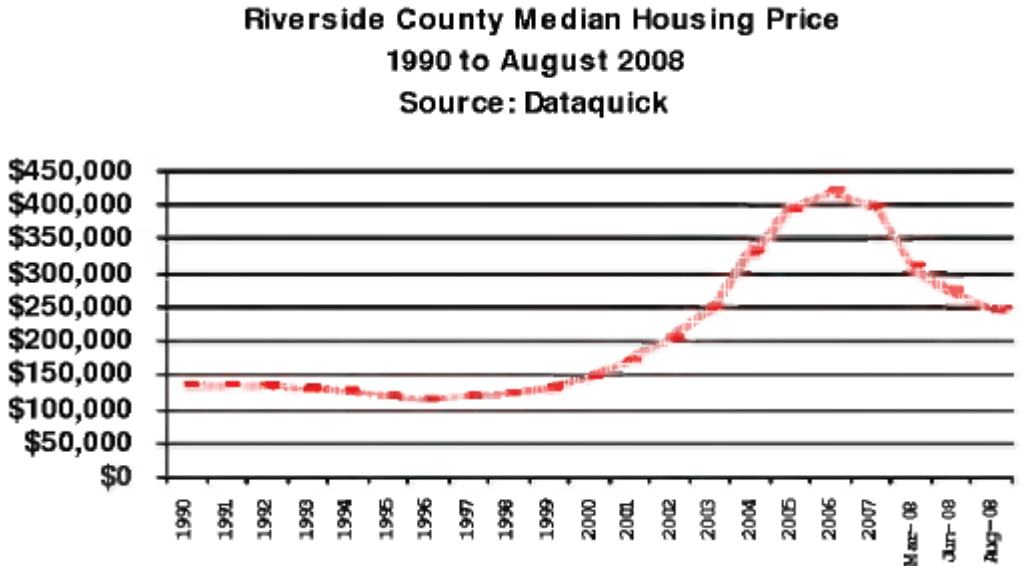
Economic Projections

According to Chicago Title, Southwest Riverside County has experienced a very significant increase in supply of single-family residential units on the market. As a result, housing price indicators are very negative. In the majority of the Southwest Riverside submarket, the pending price is less than closing price that suggests the weakness of the market. The October 2008 count of bank owned (REO) properties for Riverside County as a whole was 12,078. The number of foreclosures was 23,480. The presence of high levels of REO properties will continue to negatively affect the price line. In addition, the level of foreclosures is increasing. At the end of January 2009, 68% of the homes listed for sale are foreclosures or short sales[12].

With regard to other sectors of the economy, Riverside County has taken a serious turn for the worse in 2008, with projections indicating that the severe downturn will continue through 2009 at the very least. The economic difficulties being faced in the Southwest Riverside submarket is the result of the dramatic downturn in the housing market in this area, the national financial turmoil, the worldwide credit crisis, and the increasing consumer debt crisis. According to Beacon Economics, a respected economics consulting firm in Los Angeles, Inland Southern California is clearly at the epicenter of this economic turmoil, with extremely high rates of unemployment at present. Unemployment rates in Inland Southern California are expected to reach 12.4% (Riverside County beat that – unemployment was 14.6% in November 2009 – California Employment Development Department) before this deep recession is over. Housing prices are expected to continue their precipitous decline from their peak levels in the two Inland Southern California counties through at least 2011. According to Dataquick, median home prices in Riverside County peaked at $415,000 in January 2007. At the end of this cycle, the median home price in Riverside County is expected to be $198,000. Figure 1 depicts the median housing price in Riverside County over the period 1990 to August 2008.

[12] Orange County Register, January 27, 2009, p. 11.

Figure 1. Riverside County Median Housing Price (1990 – August 2008)

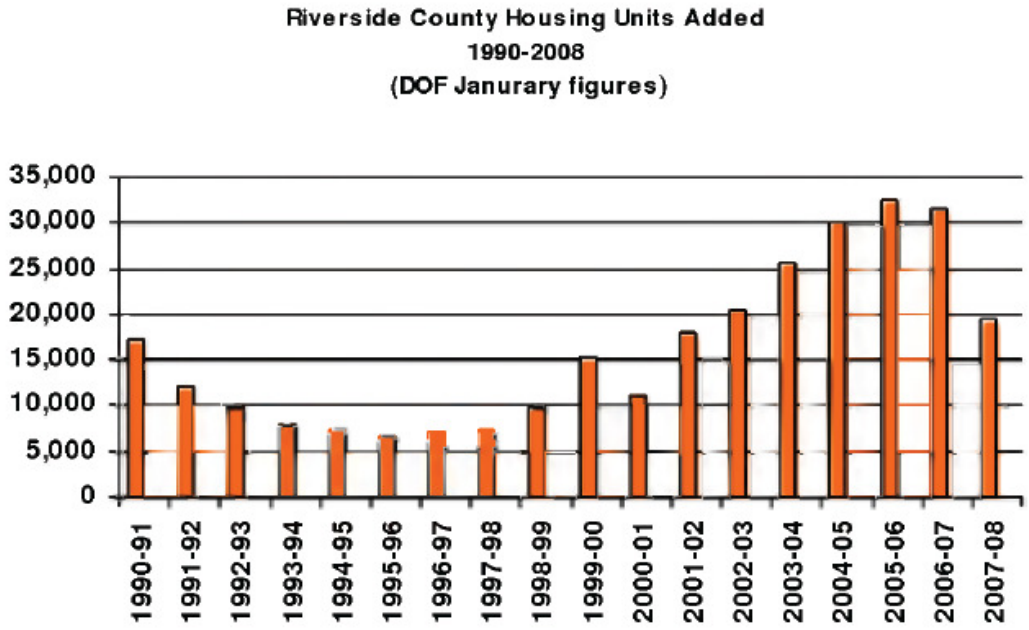


Source: Riverside County Center for Demographic Research. 2008. Riverside County Progress Report, pg 14.

Local Government sales tax revenues remained fairly stagnant through 2006 and began to decline in early 2007, according to Beacon. By the second quarter of 2008, the taxable sales in Riverside County declined by 7.7%. This will continue with taxable sales possibly bottoming out by 2010. These shocks are expected to continue and accelerate within the southwest Riverside County economy.

As a direct outcome of the current economy and the economic outlook into the term of the 2009 Riverside County MS4 Permit, the number of New Development proposals has plummeted and any significant rebound is not forecast. New and redevelopment projects will likely remain minimal. As shown in Figure 2, the number of housing units being added each year has dropped below the levels seen at any point in time during the 2002 Riverside County MS4 Permit. These numbers will likely continue to decrease for a significant portion of the new 2010 Riverside County MS4 Permit term.

Figure 2. Riverside County Housing Units Added (1990 – 2008)



Source: Riverside County Center for Demographic Research. 2008. Riverside County Progress Report, pg 12.

These economic issues and projections directly affect and limit both:

- The need for including enhanced New Development and Significant Redevelopment requirements in the 2010 Riverside County MS4 Permit, and

- The Permittees ability to fund, and even seek new funding sources for additional MS4 Permit requirements for New Development and Significant Redevelopment projects.

Permittee specific projections are as follows:

County of Riverside

The County is operating with a structural deficit of $12 million and plans a 25% budget reduction from FY 2008/2009 through FY 2011/2012. The County's current budget of $4.7 billion represents a 5% reduction from the previous year and next year's budget is expected to be cut by 10%. These cuts are directly associated with the decline in property values caused by the high number of foreclosures. There are concerns about having to use discretionary funds to meet State mental health and social service mandates. In addition, the County is dependent on funds from Federal and State sources. If during this time of economic crisis Federal and State funding sources are reduced or eliminated, any unfunded programs will be terminated. Only core County programs will continue.

The primary source of general fund revenue is from property taxes and sales tax. With the unprecedented number of foreclosures, reduced property values, and declining sales, general fund revenue is in a downward spiral. Another source of funding is through the Solid Waste Tipping Fees paid at the County landfills. Volume is down 15% since 2006 with anticipated downward trend to 40% reduction in solid waste through 2014. Programs that are partially funded through tipping fee allotments will be impacted. Due to the declining economy the recycling market has collapsed. Virtually no recyclable materials are being shipped for reprocessing. This loss of revenue and increased disposal costs is further impacting the general fund.

Cuts of 25% for all Net County Cost general fund programs will translate into reduction of County services and elimination of unfunded State and Federal programs. Only core value programs will be provided (including public safety and fee programs).

The County has instituted a hiring freeze and required each department to create a report outlining the projected effects of the budget cuts. The County currently employs over 20,000 people, and layoffs are expected to result from the findings of these departmental reports. It is anticipated that this will impact program delivery for stormwater related activities. No County department will be able to sustain current staffing levels as they try to meet the 25% budget reduction strategy.[13] [14]

City of Menifee

The newly incorporated City of Menifee FY 2008/2009 initial budget was estimated from their comprehensive fiscal analysis that was submitted to the Local Agency Formation Commission during the incorporation process. Because of the economic uncertainty, and the fact that the City is only now beginning to staff positions, it is unknown what the immediate impact of the fiscal crisis will be. The County is responsible for assisting the City in meeting its MS4 Permit compliance requirements during the first year of incorporation which expires October 1, 2009. Currently, the level of property tax revenue that will be available to the City is uncertain. Funding for MS4 Permit compliance requirements was not explicitly budgeted. A financial hardship currently exists because of the costs associated with incorporation.

City of Murrieta

The City of Murrieta's FY 2008/2009 budget did not increase compared to FY 2007/2008. The City has identified a $3.3 million budget shortfall for the current fiscal year ending on June 30, 2009. This represents approximately 8.2% of the City's projected revenue which must be absorbed in five months.

[13] "The Realities of Recession in California: A Statewide Report by U.S. Senator Barbara Boxer, December, 2008, p. 18.
[14] Riverside County Executive Office, January, 2008.

The shortfalls are primarily due to reduced sales tax and property tax revenues. Department heads are currently working on revised budgets to adjust for the loss in revenue.

Additional, budget cuts are anticipated for FY 2009/2010 because the immediate economic outlook is not good. There have been approximately 2,000 home foreclosures within the City. Sales tax revenue is estimated to drop 12.5%, property tax revenue will drop, and the State took approximately $525,000 out of redevelopment funds. Murrieta did not receive any vehicle licensing fees from the State and it appears likely that the State will take more revenue from the cities to solve its budget problems. New NPDES requirements that increase compliance costs will create a financial hardship for the City.

City of Riverside

The City of Riverside has seen declining general fund revenue over the last two fiscal years in virtually all categories. The City's most recent projection indicates that total general fund revenues for the current fiscal year will be under $200 million, down from a budget of $215 million as adopted, and $226.5 million in the prior fiscal year. This represents a decline over two fiscal years of approximately 12%. Specifically, property tax and sales tax revenue continue their decline, which is primarily attributable to decreased residential construction activity and in the case of sales tax declining automobile sales.

The decline in revenue has resulted in a corresponding reduction to general fund expenditures. Specifically, approximately 12% of the positions authorized for the general fund have been vacated and unfunded, either through transferring staff to other funds, attrition or limited layoffs of temporary and contract staff. Additionally, the level of service provided to the community in virtually all City departments has been reduced through funding reductions to items such as street maintenance, recreation programs and libraries, though great care has been taken to minimize the impact of cuts to the public. It is anticipated that in the near term the economic situation will not improve, and staff is preparing a budget for the upcoming fiscal year that anticipates further decreases in revenue.

City of Wildomar

The newly incorporated City of Wildomar FY 2008/2009 initial budget was estimated from their comprehensive fiscal analysis that was submitted to the Local Agency Formation Commission during the incorporation process. Because of the economic uncertainty, and the fact that the City is only now beginning to staff positions, it is unknown what the immediate impact of the fiscal crisis will be. The County is responsible for assisting the City in meeting its MS4 Permit compliance requirements the first year of incorporation that expires July 1, 2009. Currently, the level of property tax revenue that will be

available to the City is uncertain. Funding for MS4 Permit compliance requirements was not explicitly budgeted. A financial hardship currently exists because of the costs associated with incorporation.}

X. ANTIDEGRADATION ANALYSIS

The Regional Board has considered whether a complete antidegradation analysis, pursuant to 40 CFR 131.12 and State Board Resolution No. 68-16, is required for these Urban Runoff discharges. The Regional Board finds that the Pollutant loading rates to the Receiving Waters will be reduced with the implementation of the requirements in this Order. As a result, the quality of Urban Runoff discharges and Receiving Waters will be improved, thereby improving protection for the Beneficial Uses of Waters of the U.S.. Since this Order will not result in a lowering of water quality, a complete antidegradation analysis is not necessary, consistent with the federal and state antidegradation requirements.

XI. ANTI-BACKSLIDING

Sections 402(o)(2) and 303(d)(4) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require Effluent Limitations in a reissued NPDES permit to be as stringent as those in the previous permit, with some exceptions where Effluent Limitations may be relaxed. All Effluent Limitations in this Order are at least as stringent as the Effluent Limitations in the 2002 Order.

XII. PUBLIC WORKSHOP AND PUBLIC HEARING

Regional Board conducted a public workshop regarding the proposed Order on August 3, 2009 at the City of Loma Linda, Council Chambers, 25541 Barton Road, Loma Linda, CA. Based on the comments received, a second draft was released for public review and comments on October 22, 2009. The third draft, issued on December 15, 2009, will be considered for adoption at a public hearing as follows:

Date and time:	January 29, 2010; meeting starts at 9:00 a.m.
Location:	City of Loma Linda, Council Chambers 25541 Barton Road Loma Linda, CA

A Notice of Public Hearing and Hearing Procedure is posted on the Regional Board's website indicated below. An agenda for the public hearing to consider adoption of the proposed Order will be posted on the Regional Board's website approximately 10 days prior to the meeting date at:

http://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/riverside_permit.shtml

This information may be also obtained by calling the Regional Board office at 951-782-4130.

The Regional Board recognizes the significance of Riverside County's Storm Water/Clean Water Protection Program and will conduct, participate, and/or assist with any workshop during the term of this Order to promote and discuss the requirements of this Order and the progress of the Urban Runoff management program. The details of the public workshops will be posted on the Regional Board's website indicated above. Persons wishing to be included in the mailing list for any of the items related to this permit may register their name, mailing address and phone number with the Regional Board office at the address given below.

XIII. PUBLIC HEARING

The Regional Board will hold a public hearing regarding the proposed waste discharge requirements. A Notice of Public Hearing was published in the Legal Notices section of the Press Enterprise, a local newspaper, on November 13, 2009. The public hearing on this item is scheduled as indicated above in Section XI. Additional information regarding the public hearing will also be posted on the website indicated above. Further information regarding the conduct and nature of the public hearing concerning these waste discharge requirements may be obtained by writing or visiting the Santa Ana Regional Board office, 3737 Main Street, Suite 500, Riverside, CA 92501. This and other information are also available at the website at: www.waterboards.ca.gov/santaana.

XIV. INFORMATION AND COPYING

Persons wishing further information may write to the above address or call Keith Elliott at (951) 782-4925. Copies of the application, proposed waste discharge requirements, and other documents (other than those which the Executive Officer maintains as confidential) are available at the Regional Board office for inspection and copying by appointment scheduled between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday (excluding holidays, and furlough days).

XV. REGISTER OF INTERESTED PERSONS

Any person interested in a particular application or group for applications may leave his name, address and phone number as part of the file for an application. Copies of tentative waste discharge requirements will be available on the web for all interested parties to download.

E-mail registration:
http://www.waterboards.ca.gov/resources/email_subscriptions/reg8_subscribe.shtml

XVI. RECOMMENDATION

Staff recommendation is to adopt the tentative Order, Order No. R8-2010-0033, as presented.

APPENDIX 7

NOTICE OF INTENT AND NOTICE OF TERMINATION FOR DE-MINIMUS DISCHARGES

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION
NOTICE OF INTENT
TO COMPLY WITH THE TERMS AND CONDITIONS OF THE

☐ **Riverside County MS4 Permit**
ORDER NO. R8-2010-0033
NPDES NO. CAS 618033

☐ **San Bernardino County MS4 Permit**
ORDER NO.R8-2010-0036
NPDES NO. CAS618036

GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE TO SURFACE WATERS
THAT POSE INSIGNIFICANT (DE MINIMUS) THREAT TO WATER QUALITY

I. PERMITTEE (*Person/Agency Responsible for the Discharge*)
Agency/Company
Name:_____
Address/*Street* _____
City _____State _____ZIP_____ Contact Person: _____
Phone: (_____) _____; Email: _____

II. FACILITY
Name:_____
Address/Street _____
City _____State _____ZIP_____ Contact Person:_____
Phone: (_____) _____; Email: _____

a. Projected Flow Rate (gpd):_____,
b. Receiving Water (identify):_____

III. INDICATE EXISTING PERMIT NUMBER: (*if applicable*)
a. Individual Permit Order No. _____ NPDES No. _____
b. General Permit Order No. R8-2010-003-_____
c. Others (specify) _____

IV. CERTIFICATION:

I certify under penalty of law that I am an authorized representative of the permittee and that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. In addition, I certify that the permittee will comply with the terms and conditions stipulated in Orders No. R8-2009-0003 and (R8-2010-0033 or R8-2010-0036, as applicable) including the monitoring and reporting program issued by the Executive Officer of the Regional Board.

Name: _____Title:_____
(type or print)

Signature: _____ Date: _____

Email: _____

Remarks: If changes to facility ownership and/or treatment processes were made after the issuance of the existing permit, please provide a description of such changes on another sheet and submit it with this Notice of Intent.

V. OTHER REQUIRED INFORMATION - FOR NEW DISCHARGERS AND FOR NEW DISCHARGES AND LOCATIONS NOT PREVIOUSLY REPORTED BY EXISTING DISCHARGERS.

Please provide a COMPLETE characterization of your discharge. A complete characterization includes, but is not limited to:

a. A list of constituents and the discharge concentration of each constituent;

b. The estimated average and maximum daily flow rates at unit of gallons per day(gpd); the frequency and duration of the discharge and the date(s) when discharge will start;

c. The proposed discharge location(s) as latitude and longitude for each discharge point;

d. A description of the proposed treatment system (if appropriate);

e. The affected receiving water; the receiving water(s) shall be
   1) receiving storm drain/creek, and/or
   2) the ultimate receiving water, such as Santa Ana River, San Jacinto River, Lake Elsinore, Prado Park Lake, etc.;

f. A map showing the path from the point of initial discharge to the ultimate receiving water. Please try to limit your maps to size of 8.5” X 11”.

g. A list of known or suspected leaking underground tanks and other facilities or operations that have, or may have impacted the quality of the underlying groundwater within 200 feet of the site property lines for projects with expected discharge flow rates of less than 100,000 gallons per day and within 500 feet of the site property lines for projects with expected discharge flow rates of greater than 100,000 gallons per day.

h. Any other information deemed necessary by the Executive Officer.

VI. OTHER

Attach additional sheets to explain any responses which need clarification. List attachments with titles and dates below:

You will be notified by a representative of the RWQCB within 30 days of receipt of your application. The notice will state if your application is complete or if there is additional information you must submit to complete your application, pursuant to Division 7, Section 13260 of the California Water Code.

STATE WATER RESOURCES CONTROL BOARD
1001 I Street, Sacramento, California 95814
ORDER WQ 2022-0103-DWQ

STATEWIDE WASTE DISCHARGE REQUIREMENTS

GENERAL ORDER FOR SANITARY SEWER SYSTEMS

This Order was adopted by the State Water Resources Control Board on December 6, 2022.
This Order shall become effective **180 days after the Adoption Date of this General Order,** on June 5, 2023. The Enrollee shall comply with the requirements of this Order upon the Effective Date of this General Order.

This General Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, protect the Enrollee from liability under federal, state, or local laws, nor create a vested right for the Enrollee to continue the discharge of waste.

CERTIFICATION

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the State Water Board on December 6, 2022.

AYE:	Chair E. Joaquin Esquivel Vice Chair Dorene D'Adamo Board Member Sean Maguire Board Member Laurel Firestone Board Member Nichole Morgan
NAY:	None
ABSENT:	None
ABSTAIN:	None

Courtney Tyler for
Jeanine Townsend
Clerk to the Board

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1. INTRODUCTION

This General Order regulates sanitary sewer systems designed to convey sewage. For the purpose of this Order, a sanitary sewer system includes, but is not limited to, pipes, valves, pump stations, manholes, siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks. A sanitary sewer system includes:

- Laterals owned and/or operated by the Enrollee;
- Satellite sewer systems; and/or
- Temporary conveyance and storage facilities, including but not limited to temporary piping, vaults, construction trenches, wet wells, impoundments, tanks and diversion structures.

Sewage is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge), and any mixture of these wastes with inflow or infiltration of stormwater or groundwater, conveyed in a sanitary sewer system. Sewage contains high levels of suspended solids, non-digested organic waste, pathogenic bacteria, viruses, toxic pollutants, nutrients, oxygen-demanding organic compounds, oils, grease, pharmaceuticals, and other harmful pollutants.

For the purpose of this General Order, a spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure. Sewage and its associated wastewater spilled from a sanitary sewer system may threaten public health, beneficial uses of waters of the State, and the environment.

This General Order serves as statewide waste discharge requirements and supersedes the previous State Water Resources Control Board (State Water Board) Order 2006-0003-DWQ and amendments thereafter. All sections and attachments of this General Order are enforceable by the State Water Board and Regional Water Quality Control Boards (Regional Water Boards). Through this General Order, the State Water Board requires an Enrollee to:

- Comply with federal and state prohibitions of discharge of sewage to waters of the State, including federal waters of the United States;
- Comply with specifications, and notification, monitoring, reporting and recordkeeping requirements in this General Order that implement the federal Clean Water Act, the California Water Code (Water Code), water quality control plans (including Regional Water Board Basin Plans) and policies;
- Proactively operate and maintain resilient sanitary sewer systems to prevent spills;
- Eliminate discharges of sewage to waters of the State through effective implementation of a Sewer System Management Plan;
- Monitor, track, and analyze spills for ongoing system-specific performance improvements; and
- Report noncompliance with this General Order per reporting requirements.

An Enrollee is a public, private, or other non-governmental entity that has obtained approval for regulatory coverage under this General Order, including:

- A state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:
  - greater than one (1) mile in length (each individual sanitary sewer system);
  - one (1) mile or less in length where the State Water Board or a Regional Water Board requires regulatory coverage under this Order; or
- A federal agency, private company, or other non-governmental entity that owns and/or operates a sanitary sewer system of any size where the State Water Board or a Regional Water Board requires regulatory coverage under this Order in response to a history of spills, proximity to surface water, or other factors supporting regulatory coverage.

For the purpose of this Order, a sanitary sewer system includes only systems owned and/or operated by the Enrollee.

2. REGULATORY COVERAGE AND APPLICATION REQUIREMENTS

2.1. Requirements for Continuation of Existing Regulatory Coverage

To continue regulatory coverage from previous Order 2006-0003-DWQ under this General Order, **within the 60-days-prior-to the Effective Date of this General Order**, the Legally Responsible Official of an existing Enrollee shall electronically certify the Continuation of Existing Regulatory Coverage form in the online California Integrated Water Quality System (CIWQS) Sanitary Sewer System Database. The Legally Responsible Official will receive an automated CIWQS-issued Notice of Applicability email, confirming continuation of regulatory coverage under this General Order. All regulatory coverage under previous Order 2006-0003-DWQ will cease on the Effective Date of this Order.

An Enrollee continuing existing regulatory coverage is not required to submit a new application package or pay an application fee for enrollment under this General Order. The annual fee due date for continued regulatory coverage from previous Order 2006-0003-DWQ to this General Order remains unchanged.

A previous Enrollee of Order 2006-0003-DWQ that fails to certify the Continuation of Existing Regulatory Coverage form in the online CIWQS database by the Effective Date of this Order is considered a New Applicant, and will not have regulatory coverage for its sanitary sewer system(s) until:

- A new application package for system(s) enrollment is submitted per section 2.2 (Requirements for New Regulatory Coverage) below; and
- The new application package is approved per section 2.2.2 (Approval of Application Package (For New Applicants Only)).

2.2. Requirements for New Regulatory Coverage

No later than 60 days prior to commencing and/or assuming operation and maintenance responsibilities of a sanitary sewer system, a duly authorized representative that

maintains legal authority over the public or private sanitary sewer system is required to enroll under this General Order by submitting a complete application package as specified below and as provided in Attachment B (Application for Enrollment Form) of this General Order.

Unless required by a Regional Water Board, a public agency that owns a combined sewer system subject to the Combined Sewer Overflow Control Policy (33 U.S. Code § 1342(q)), is not required to enroll, under this Order, the portions of its sanitary sewer system(s) that collects combined sanitary wastewater and stormwater.

2.2.1. Application Package Requirements

The Application for Enrollment package for new applicants must include the following items:

- **Application for Enrollment Form**. The form in Attachment B of this General Order must be completed, signed, and certified by a Legally Responsible Official, in accordance with section 5.1 (Designation of a Legally Responsible Official) of this General Order. If an electronic Application for Enrollment form is available at the time of application, a new applicant shall submit its application form electronically; and
- **Application Fee**. A fee payable to the "State Water Resources Control Board" in accordance with the Fee Schedule in the California Code of Regulations, Title 23, section 2200, or subsequent fee regulations updates.

  The application fee for this General Order is based on the sanitary sewer system's threat to water quality and complexity designations of category 2C or 3C, which is assigned based on the population served by the system. The current Fee Schedule for sanitary sewer systems is listed under subdivision (a)(2) at the following website: Fee Schedule (https://www.waterboards.ca.gov/resources/fees/water_quality/).

2.2.2. Approval of Application Package (For New Applicants Only)

The Deputy Director of the State Water Board, Division of Water Quality (Deputy Director) will consider approval of each complete Application for Enrollment package. The Deputy Director will issue a Notice of Applicability letter which serves as approved regulatory coverage for the new Enrollee.

If the submitted application package is not complete in accordance with section 2.2.1 (Application Package Requirements) of this General Order, the Deputy Director will send a response letter to the applicant outlining the application deficiencies. The applicant will have 60 days from the date of the response letter to correct the application deficiencies and submit the identified items necessary to complete the application package to the State Water Board.

2.2.3. Electronic Reporting Account for New Enrollee

Within 30 days after the date of the Approval of Complete Application Package for System Enrollment, a duly authorized representative for the Enrollee shall obtain a CIWQS Sanitary Sewer System Database user account by clicking the "User Registration" button and following the directions on the CIWQS Login Page

(https://ciwqs.waterboards.ca.gov). If additional assistance is needed to establish an online CIWQS user account, contact State Water Board staff by email at CIWQS@waterboards.ca.gov. The online user account will provide the Enrollee secure access to the online CIWQS database for electronic reporting.

2.3. Regulatory Coverage Transfer

Regulatory coverage under this General Order is not transferable to any person or party except after an existing Enrollee submits a written request for a regulatory coverage transfer to the Deputy Director, at least 60 days in advance of any proposed system ownership transfer. The written request must include a written agreement between the existing Enrollee and the new Enrollee containing:

- Acknowledgement that the transfer of ownership is solely of an existing system with an existing waste discharge identification (WDID) number;
- The specific ownership transfer date in which the responsibility and regulatory coverage transfer between the existing Enrollee and the new Enrollee becomes effective; and
- Acknowledgement that the existing Enrollee is liable for violations occurring up to the ownership transfer date and that the new Enrollee is liable for violations occurring on and after the ownership transfer date.

The Deputy Director will consider approval of the written request. If approved, the Deputy Director will issue a Notice of Applicability letter which serves as an approved transfer of regulatory coverage to the new Enrollee.

3. FINDINGS

3.1. Legal Authorities

3.1.1. Federal and State Regulatory Authority

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States (33 U.S.C. 1251). The Water Code authorizes the State Water Board to implement the Clean Water Act in the State and to protect the quality of all waters of the State (Water Code sections 13000 and 13160).

3.1.2. Discharge of Sewage

A discharge of untreated or partially treated sewage is a discharge of waste as defined in Water Code section 13050(d) that could affect the quality of waters of the State and is subject to regulation by waste discharge requirements issued pursuant to Water Code section 13263 and Chapter 9, Division 3, Title 23 of the California Code of Regulations. A discharge of sewage may pollute and alter the quality of the waters of the State to a degree that unreasonably affects the beneficial uses of the receiving water body or facilities that serve those beneficial uses (Water Code section 13050(l)(1)).

3.1.3 Water Boards Authority to Require Technical Reports, Monitoring, and Reporting

Water Code sections 13267 and 13383 authorize the Regional Water Boards and the State Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. Water Code section 13267(b), authorizes the Regional Water Boards to "require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region… or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of water within its region shall furnish, under penalty of perjury, technical or monitoring reports which the regional board requires…In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports." Water Code section 13267(f) authorizes the State Water Board to require this information if it consults with the Regional Water Boards and determines that it will not duplicate the efforts of the Regional Water Boards. The State Water Board has consulted with the Regional Water Boards and made this determination.

The technical and monitoring reports required by this General Order and Attachment E (Notification, Monitoring, Reporting and Recordkeeping Requirements) are necessary to evaluate and ensure compliance with this General Order. The effort to develop required technical reports will vary depending on the system size and complexity and the needs of the specific technical report. The burden and cost of these reports are reasonable and consistent with the interest of the state in protecting water quality, which is the primary purpose of requiring the reports.

Water Code section 13383(a) authorizes the Water Boards to "establish monitoring, inspection, entry, reporting, and recordkeeping requirements… for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge." Section 13383(b) continues, "the state board or the regional boards may require any person subject to this section to establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required."

Reporting of spills from privately owned sewer laterals and systems pursuant to section 5.15 (Voluntary Reporting of Spills from Privately-Owned Sewer Laterals and/or Private Sanitary Sewer Systems) of this General Order is authorized by Water Code section 13225(c) and encouraged by the State Water Board, wherein a local agency may investigate and report on any technical factors involved in water quality control provided the burden including costs of such reports bears a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The burden of reporting private spills under section 5.15 (Voluntary Reporting of Spills from Privately-Owned Sewer Laterals and/or Private Sanitary Sewer Systems) is minimal and is outweighed by the benefit of providing Regional Water Boards an opportunity to respond to these spills

when an Enrollee, which in many cases has a contractual relationship with the owner of the private system, has knowledge of the spills.

3.1.4. Water Board Authority to Prescribe General Waste Discharge Requirements

Water Code section 13263(i) provides that the State Water Board may prescribe general waste discharge requirements for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general waste discharge requirements than individual waste discharge requirements.

Since 2006, the State Water Board has been regulating over 1,100 publicly owned sanitary sewer systems (See section 3.1.5 (Previous Statewide General Waste Discharge Requirements) of this General Order). California also has a large unknown number of unregulated privately owned sanitary sewer systems. All waste conveyed in publicly owned and privately owned sanitary sewer systems (as defined in this General Order) is comprised of untreated or partially treated domestic waste and/or industrial waste. Generally, sanitary sewer systems are designed and operated to convey waste by gravity or under pressure; system-specific design elements and system-specific operations do not change the common nature of the waste, the common threat to public health, or the common impacts on water quality. Spills of waste from a sanitary sewer system prior to reaching the ultimate downstream treatment facility are unauthorized and enforceable by the State Water Board and/or a Regional Water Board. Therefore, spills from sanitary sewer systems are more appropriately regulated under general waste discharge requirements.

As specified in Water Code sections 13263(a) and 13241, the implementation of requirements set forth in this Order is for the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each Regional Water Board and take into account the environmental characteristics of sewer service areas and hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality, costs associated with compliance with these requirements, the need for developing housing within California, and the need to protect sources of drinking water and other water supplies.

3.1.5. Previous Statewide General Waste Discharge Requirements

On May 2, 2006, the State Water Board adopted Order 2006-0003-DWQ serving as Waste Discharge Requirements pursuant to Article 4, Chapter 4, Division 7 of the Water Code (commencing with section 13260) for inadvertent discharges to waters of the State. Order 2006-0003-DWQ prohibited discharges of untreated or partially treated sewage. Order 2006-0003-DWQ also required system-specific management, operation, and maintenance of publicly owned sewer systems greater than one mile in length.

To decrease the impacts on human health and the environment caused by sewage spills, the previous Order required enrollees to develop a rehabilitation and replacement plan that identifies system deficiencies and prioritizes short-term and long-term rehabilitation actions. The previous Order also required enrollees to:

1. Maintain information that can be used to establish and prioritize appropriate Sewer System Management Plan activities; and
2. Implement a proactive approach to reduce spills.

The previous Order required Sewer System Management Plan elements for "the proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management."

On July 30, 2013, the State Water Board amended General Order 2006-0003-DWQ with Order WQ 2013-0058-EXEC, Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

Many enrollees of Order 2006-0003-DWQ have already implemented proactive measures to reduce sewage spills. Other enrollees, however, still need technical assistance and funding to improve sanitary sewer system operation and maintenance for the reduction of sewage spills.

3.1.6. Existing Memorandum of Agreement with California Water Environment Association

The California Water Environment Association is a nonprofit organization dedicated to providing water industry certifications, training, and networking opportunities. The Association's Technical Certification Program provides accredited sanitary sewer system operator certification for collection system operators and maintenance workers.

On February 10, 2016, the State Water Board entered into a collaborative agreement with the Association titled *Memorandum of Agreement Between the California State Water Resources Control Board and the California Water Environment Association - Training Regarding Requirements Set Forth in Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. The Memorandum sets forth collaborative training necessary for regulated sanitary sewer system personnel to operate and maintain a well operating system and ensure full compliance with statewide sewer system regulations.

On March 15, 2018, the State Water Board and the California Water Environment Association amended the existing Memorandum of Agreement to include collaborative outreach and expand training needs associated with further updates to Water Board regulations for sanitary sewer systems. The State Water Board encourages further Agreement updates as necessary to support improved sewer system operations and the professionalism of collection system operators.

3.2. General

3.2.1. Waters of the State

Waters of the State include any surface water or groundwater, including saline waters, within the boundaries of the state as defined in Water Code section 13050(e), and are inclusive of waters of the United States.

3.2.2. Sanitary Sewer System Spill Threats to Public Health and Beneficial Uses

Sewage contains high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. Sewage spills may cause a public nuisance, particularly when sewage is discharged to areas with high public exposure such as streets and surface waters used for drinking, irrigation, fishing, recreation, or other public consumption or contact uses.

More specifically, sanitary sewer spills may:

- Adversely affect aquatic life and/or threaten water quality when reaching receiving waters;
- Inadvertently release trash, including plastics;
- Impair the recreational use and aesthetic enjoyment of surface waters by polluting surface water or groundwater;
- Threaten public health through direct public exposure to bacteria, viruses, intestinal parasites, and other microorganisms that can cause serious illness such as gastroenteritis, hepatitis, cryptosporidiosis, and giardiasis;
- Negatively impact ecological receptors and biota within surface waters; and
- Cause nuisance including odors, closure of beaches and recreational areas, and property damage.

Sanitary sewer system spills may pollute receiving waters and threaten beneficial uses of surface water and groundwater. Potentially threatened beneficial uses include, but are not limited to the following (with associated acronym representations as included in statewide water quality control plans and Regional Water Boards' Basin Plans):

- Municipal and Domestic Supply (MUN)
- Water Contact Recreation (REC-1) and Non-Contact Water Recreation (REC-2)
- Cold Freshwater Habitat (COLD)
- Warm Freshwater Habitat (WARM)
- Native American Culture (CUL)
- Wildlife Habitat (WILD)
- Rare, Threatened, or Endangered Species (RARE)
- Spawning, Reproduction, and/or Early Development (SPWN)
- Wetland Habitat (WET)
- Agricultural Supply (AGR)
- Estuarine Habitat (EST)

- Commercial and Sport Fishing (COMM)
- Subsistence Fishing (SUB)
- Tribal Tradition and Culture (CUL)
- Tribal Subsistence Fishing (T-SUB)
- Aquaculture (AQUA)
- Marine Habitat (MAR)
- Preservation of Biological Habitats of Special Significance (BIOL)
- Migration of Aquatic Organisms (MIGR)
- Shellfish Harvesting (SHELL)
- Industrial Process Supply (PROC)
- Industrial Service Supply (IND)
- Hydropower Generation (POW)
- Navigation (NAV)
- Flood Peak Attenuation/Flood Water Storage (FLD)
- Water Quality Enhancement (WQE)
- Fresh Water Replenishment (FRSH)
- Groundwater Recharge (GWR)
- Inland Saline Water Habitat (SAL)

3.2.3. Proactive Sanitary Sewer System Management to Eliminate Spill Causes

Finding 3 of the previous Order, 2006-0003-DWQ, states: “Sanitary sewer systems experience periodic failures resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO [sanitary sewer overflow]. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.”

Many spills are preventable through proactive attention on sanitary sewer system management using the best practices and technologies available to address major causes of spills, including but not limited to:

- Blockages from sources including but not limited to:
  - Fats, oils and grease;
  - Tree roots;
  - Rags, wipes and other paper, cloth and plastic products; and
  - Sediment and debris.
- Sewer system damage and exceedance of sewer system hydraulic capacity from identified system-specific environmental, and climate-change impacts, including but not limited to:

- Sea level rise impacts including flooding, coastal erosion, seawater intrusion, tidal inundation and submerged lands;
- Increased surface water flows due to higher intensity rain events;
- Flooding;
- Wildfires and wildfire induced impacts;
- Earthquake induced damage;
- Landslides; and
- Subsidence.

- Infrastructure deficiencies and failures, including but not limited to:
  - Pump station mechanical failures;
  - System age;
  - Construction material failures;
  - Manhole cover failures;
  - Structural failures; and
  - Lack of proper operation and maintenance.
- Insufficient system capacity (temporary or sustained), due to factors including but not limited to:
  - Excessive and/or increased storm or groundwater inflow/infiltration;
  - Insufficient capacity due to population increase and/or new connections from industrial, commercial and other system users; and
  - Stormwater capture projects utilizing a sanitary sewer system to convey stormwater to treatment facilities for reuse.
- Community impacts, including but not limited to:
  - Power outages;
  - Vandalism; and
  - Contractor-caused or other third party-caused damages.

3.2.4. Underground Sanitary Sewer System Leakage

Portions of some sanitary sewer systems may leak, causing underground exfiltration (exiting) of sewage from the system. Exfiltrated sewage that remains in the underground infrastructure trench and/or the soil matrix, and that does not discharge into waters of the State (surface water or groundwater) may not threaten beneficial uses.

Underground exfiltrated sewage may threaten beneficial uses if discharged to waters of the State. Exfiltrated sewage that discharges to groundwater may impact beneficial uses of groundwater and pollute groundwater supply. Additionally, if in close proximity, exfiltrated sewage may enter into a compromised underground drainage conveyance system that discharges into a water of the United States, or into groundwater that is hydrologically connected to (feeds into) a water of the United States, thus potentially causing: (1) a Clean Water Act violation, (2) threat and impact to beneficial uses, and/or (3) surface water pollution.

3.2.5. Proactive Sanitary Sewer System Management to Reduce Inflow and Infiltration

Excessive inflow (stormwater entering) and infiltration (groundwater seepage entering) to sanitary sewer systems is preventable through proactive sewer system management using the best practices and technologies available. The efficiency of the downstream wastewater treatment processes is dependent on the performance of the sanitary sewer system. When the structural integrity of a sanitary sewer system deteriorates, high volumes of inflow and infiltration can enter the sewer system. High levels of inflow and infiltration increase the hydraulic load on the downstream treatment plant, which can reduce treatment efficiency, lead to bypassing a portion of the treatment process, cause illegal discharge of partially treated effluent, or in extreme situations make biological treatment facilities inoperable (e.g., wash out the biological organisms that treat the waste).

3.3. Water Quality Control Plans, Policies and Resolutions

The nine Regional Water Boards have adopted region-specific water quality control plans (commonly referred to as Basin Plans) that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives. The State Water Board has adopted statewide water quality control plans, policies and resolutions establishing statewide water quality objectives, implementation programs and initiatives.

3.3.1. State Water Board Antidegradation Policy

On October 28, 1968, the State Water Board adopted Resolution 68-16, titled Statement of Policy with Respect to Maintaining High Quality of Waters in California, which incorporates the federal antidegradation policy. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings.

The continued prohibition of sewage discharges from sanitary sewer systems into waters of the State aligns with Resolution 68-16. A sewage discharge from sanitary sewers to waters of the State is prohibited by this Order. Therefore, this Order does not allow degradation of waters of the State. In addition, this Order: (1) further expands the existing prohibition of sewage discharges to include waters of the State, in addition to waters of the United States as provided in previous Order 2006-0003-DWQ, and (2) enhances the ability for Water Board enforcement of violations of the established prohibitions.

3.3.2. State Water Board Sources of Drinking Water Policy

On May 19,1988, the State Water Board adopted Resolution 88-63 (amended on February 1, 2006), titled Sources of Drinking Water, establishing state policy that all waters of the State, with certain exceptions, are suitable or potentially suitable for municipal or domestic supply.

3.3.3. State Water Board Cost of Compliance Resolution

On September 24, 2013, the State Water Board adopted Resolution 2013-0029, titled Directing Actions in Response to Efforts by Stakeholders on Reducing Costs of

Compliance While Maintaining Water Quality Protection. Through this resolution, the State Water Board committed to continued stakeholder engagement in identifying and implementing measures to reduce costs of compliance with regulatory orders while maintaining water quality protection and improving regulatory program outcomes.

3.3.4. State Water Board Human Right to Water Resolution

On February 16, 2016, the State Water Board adopted Resolution 2016-0010, titled Adopting the Human Right to Water as a Core Value and Directing its Implementation in Water Board Programs and Activities, addressing the human right to water as a core value and directing Water Board programs to implement requirements to support safe drinking water for all Californians.

On November 16, 2021, the State Water Board adopted Resolution 2021-0050 titled Condemning Racism, Xenophobia, Bigotry, and Racial Injustice, and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-racism. Among other actions, through Resolution 2021-0050, the State Water Board, in summary as corresponding to this General Order, reaffirms its commitment to its Human Right to Water resolution, upholding that every human being in California deserves safe, clean, affordable, and accessible water for human consumption, cooking, and sanitation purposes. Resolution 2021-0050 provides the State Water Board commitment to:

- Protect public health and beneficial uses of waterbodies in all communities, including communities disproportionately burdened by wastes discharge of waste to land and surface water;
- Restore impaired surface waterbodies and degraded aquifers; and
- Promote multi-benefit water quality projects.

Through Resolution 2021-0050, the State Water Board also commits to expanding implementation of its Climate Change Resolution to address the disproportionate effects of extreme hydrologic conditions and sea-level rise on Black, Indigenous, and people of color communities, prioritizing:

- The right to safe, clean, affordable, and accessible drinking water and sanitation;
- Sustainable management and protection of local groundwater resources;
- Healthy watersheds; and
- Access to surface waterbodies that support subsistence fishing.

On June 7, 2022, the State Water Board adopted a Resolution, titled Authorizing the Executive Director or Designee to Enter into One or More Multi-Year Contracts Up to a Combined Sum of $4,000,000 for a Statewide Wastewater Needs Assessment, supporting the equitable access to sanitation for all Californians and implementation of Resolutions 2016-0010 and 2021-0050.

This General Order supports the State Water Board priority in collecting a comprehensive set of data for California's wastewater systems, including sanitary sewer systems. Data reported per the requirements of this Order will be used with data from other Water Boards' programs, to further develop criteria and create a statewide risk

framework to prioritize critical funding and infrastructure investments for California's most vulnerable populations, including disadvantaged or severely disadvantaged communities with inadequate or failing sanitation systems and threatened access to healthy drinking water supplies.

3.3.5. State Water Board Open Data Resolution

On July 10, 2018, the State Water Board adopted Resolution 2018-0032, titled Adopting Principles of Open Data as a Core Value and Directing Programs and Activities to Implement Strategic Actions to Improve Data Accessibility and Associated Innovation, directing regulatory programs to assure all monitoring and reporting requirements support the State Water Boards' Open Data Initiative.

3.3.6. State Water Board Response to Climate Change

On March 7, 2017, the State Water Board adopted Resolution 2017-0012, titled Comprehensive Response to Climate Change, requiring a proactive response to climate change in all California Water Board actions, with the intent to embed climate change consideration into all programs and activities.

3.4. California Environmental Quality Act

The adoption of this Order is an action to reissue general waste discharge requirements that is exempt from the California Environmental Quality Act (Public Resources Code section 21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment (Cal. Code Regs., Title 14, section 15308). In addition, the action to adopt this Order is exempt from CEQA pursuant to Cal. Code Regs., Title 14, section 15301, to the extent that it applies to existing sanitary sewer collection systems that constitute "existing facilities" as that term is used in sections 15301 and 15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

3.5. State Water Board Funding Assistance for Compliance with Water Board Water Quality Orders

The State Water Board, Division of Financial Assistance administers the implementation of the State Water Board financial assistance programs, per Board-adopted funding policies. Among other funding areas, the Division administers loan and grant funding for the planning and construction of wastewater and water recycling facilities per funding program-specific policies and guidelines. Applicants may apply for Clean Water State Revolving Fund low-interest loan, Small Community Wastewater grant funding assistance, and other funding available at the time of application, for some of the costs associated with complying with this General Order.

Funding applicants may obtain further information regarding current funding opportunities, and Division of Financial Assistance staff contact information at the following website: Financial Assistance Funding - Grants and Loans | California State Water Resources Control Board.
(https://www.waterboards.ca.gov/water_issues/programs/grants_loans/)

Section 13477.6 of the Water Code authorizes the Small Community Grant Fund. The Small Community Grant Fund allows the State Water Board to provide grant funding assistance to small, disadvantaged communities and small severely disadvantaged communities that may not otherwise be able to afford a loan or similar financing for projects to comply with requirements of this General Order. The State Water Board also considers loan forgiveness on a disadvantaged community-specific basis.

For disadvantaged communities' wastewater needs, the State Water Board places priority on the funding of projects that address:

- Public health;
- Violations of waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permits;
- Providing sewer system service to existing septic tank owners; and
- High priority public health and water quality concerns identified by a Regional Water Board.

3.6. Notification to Interested Parties

On January 31, 2022, the State Water Board notified interested parties and persons of its intent to reissue Sanitary Sewer Systems General Order 2006-0003-DWQ by issuing a draft General Order for a 60-day public comment period. State Water Board staff conducted extensive stakeholder outreach and encouraged public participation in the adoption process for this General Order. On March 15, 2022, the State Water Board held a public meeting to hear and consider oral public comments. The State Water Board considered all public comments prior to adopting this General Order.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to Water Code sections 13263, 13267, and 13383 this General Order supersedes Order 2006-0003-DWQ, Order WQ 2013-0058-EXEC, and any amendments made to these Orders thereafter, except for enforcement purposes and to meet the provisions contained in Division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the Enrollee shall comply with the requirements in this Order.

4. PROHIBITIONS

4.1 Discharge of Sewage from a Sanitary Sewer System

Any discharge from a sanitary sewer system that has the potential to discharge to surface waters of the State is prohibited unless it is promptly cleaned up and reported as required in this General Order.

4.2. Discharge of Sewage to Waters of the State

Any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited.

4.3. Discharge of Sewage Creating a Nuisance

Any discharge from a sanitary sewer system that creates a nuisance or condition of pollution as defined in Water Code section 13050(m) is prohibited.

5. SPECIFICATIONS

5.1. Designation of a Legally Responsible Official

The Enrollee shall designate a Legally Responsible Official that has authority to ensure the enrolled sanitary sewer system(s) complies with this Order, and is authorized to serve as a duly authorized representative. The Legally Responsible Official must have responsibility over management of the Enrollee's entire sanitary sewer system, and must be authorized to make managerial decisions that govern the operation of the sanitary sewer system, including having the explicit or implicit duty of making major capital improvement recommendations to ensure long-term environmental compliance. The Legally Responsible Official must have or have direct authority over individuals that:

- Possess a recognized degree or certificate related to operations and maintenance of sanitary sewer systems, and/or
- Have professional training and experience related to the management of sanitary sewer systems, demonstrated through extensive knowledge, training and experience.

For example, a sewer system superintendent or manager, an operations manager, a public utilities manager or director, or a district engineer may be designated as a Legally Responsible Official.

The Legally Responsible Official shall complete the electronic CIWQS "User Registration" form (https://ciwqs.waterboards.ca.gov/ciwqs/newUser.jsp). A Legally Responsible Official that represents multiple enrolled systems shall complete the electronic CIWQS "User Registration" form for each system.

The Enrollee shall submit any change to its Legally Responsible Official, and/or change in contact information, to the State Water Board within 30 calendar days of the change by emailing ciwqs@waterboards.ca.gov and copying the appropriate Regional Water Board as provided in Attachment F (Regional Water Quality Control Board Contact Information) of this General Order.

5.2. Sewer System Management Plan Development and Implementation

To facilitate adequate local funding and management of its sanitary sewer system(s), the Enrollee shall develop and implement an updated Sewer System Management Plan. The scale and complexity of the Sewer System Management Plan, and specific elements of the Plan, must match the size, scale and complexity of the Enrollee's sanitary sewer system(s). The Sewer System Management Plan must address, at minimum, the required Plan elements in Attachment D (Sewer System Management Plan – Required Elements) of this General Order. To be effective, the Sewer System Management Plan must include procedures for the management, operation, and maintenance of the sanitary sewer system(s). The procedures must: (1) incorporate the

prioritization of system repairs and maintenance to proactively prevent spills, and (2) address the implementation of current standard industry practices through available equipment, technologies, and strategies.

For an existing Enrollee under Order 2006-0003-DWQ that has certified its Continuation of Existing Regulatory Coverage, per section 2.1 (Requirements for Continuation of Existing Regulatory Coverage) of this General Order:

Within six (6) months of the Adoption Date of this General Order:

- The Legally Responsible Official shall upload the Enrollee's existing Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database.

For a new Enrollee:

Within twelve (12) months of the Application for Enrollment approval date:

- The governing entity of the new Enrollee shall approve its Sewer System Management Plan; and
- The Legally Responsible Official shall certify and upload its Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database.

5.3. Certification of Sewer System Management Plan and Plan Updates

The Legally Responsible Official shall certify and upload its Sewer System Management Plan and all subsequent updates to the online CIWQS Sanitary Sewer System Database.

5.4. Sewer System Management Plan Audits

The Enrollee shall conduct an internal audit of its Sewer System Management Plan, and implementation of its Plan, at a minimum frequency of once every three years. The audit must be conducted for the period after the end of the Enrollee's last required audit period. **Within six months after the end of the required 3-year audit period**, the Legally Responsible Official shall submit an audit report into the online CIWQS Sanitary Sewer System Database per the requirements in section 3.10 (Sewer System Management Plan Audit Reporting Requirements) of Attachment E1 of this General Order.

Audit reports submitted to the CIWQS Sanitary Sewer System Database will be viewable only to Water Boards staff.

The internal audit shall be appropriately scaled to the size of the system(s) and the number of spills. The Enrollee's sewer system operators must be involved in completing the audit. At minimum, the audit must:

- Evaluate the implementation and effectiveness of the Enrollee's Sewer System Management Plan in preventing spills;
- Evaluate the Enrollee's compliance with this General Order;
- Identify Sewer System Management Plan deficiencies in addressing ongoing spills and discharges to waters of the State; and

- Identify necessary modifications to the Sewer System Management Plan to correct deficiencies.

The Enrollee shall submit a complete audit report that includes:

- Audit findings and recommended corrective actions;
- A statement that sewer system operators' input on the audit findings has been considered; and
- A proposed schedule for the Enrollee to address the identified deficiencies.

A new Enrollee of this General Order (that did not have a sanitary sewer system enrolled in the previous State Water Board Order 2006-0003-DWQ) shall conduct its first internal Sewer System Management Plan audit for the time period between the date of submittal of its certified Sewer System Management Plan and the third subsequent December 31st date. The audit report must be submitted into the online CIWQS Sanitary Sewer System Database **by July 1 of the following calendar year**.

See the following tables for clarification:

Initial Audit Period and Audit Due Date for New Enrollees

	Audit Period	Audit Due Date
New Enrollee	Certified Sewer System Management Plan Submittal Date through the third subsequent December 31st date	July 1st date after audit period
Example	*Certified Sewer System Management Plan Submittal Date of August 2, 2025* *Audit Period of August 2, 2025 through December 31, 2027*	*July 1, 2028*

Initial Audit Period for Transition from 2-Year Audit Required in Previous Order 2006-0003-DWQ to 3-Year Audit Required in this General Order

	Audit Period	Audit Due Date
An Enrollee previously regulated by Order 2006-003-DWQ	A 3-year period starting from the end of last required 2-year Audit Period	Within six months after end of 3-year Audit Period
Example	*Last required Audit Period start date of August 2, 2021;* *Audit Period of August 2, 2021 through August 1, 2024*	*February 1, 2025*

Three-Year Ongoing Audit Period

	Audit Period	Audit Due Date
Each Enrollee	A 3-year period starting from the end of last required Audit Period	Within six months after end of 3-year Audit Period

5.5. Six-Year Sewer System Management Plan Update

At a minimum, the Enrollee shall update its Sewer System Management Plan every six (6) years after the date of its last Plan Update due date. (For an Enrollee previously regulated by Order 2006-0003-DWQ, the six-year period shall commence on the due date identified in section 3.11 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this Order. The Updated Sewer System Management Plan must include:

- Elements required in Attachment D (Sewer System Management Plan – Required Elements) of this Order;
- Summary of revisions included in the Plan update based on internal audit findings; and
- Other sewer system management-related changes.

The Enrollee's governing entity shall approve the updated Plan. The Legally Responsible Official shall upload and certify the approved updated Plan in the online CIWQS Sanitary Sewer System Database in accordance with section 3.11 (Sewer System Management Plan Reporting Requirements) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order. During the time period in between Plan updates, the Enrollee shall continuously document changes to its Sewer System Management Plan in a change log attached to the Plan.

5.6. System Resilience

The Enrollee shall include and implement system-specific procedures in its Sewer System Management Plan to proactively prioritize: (1) operation and maintenance, (2) condition assessments, and (3) repair and rehabilitation, to address ongoing system resilience, as specified in Attachment D (Sewer System Management Plan – Required Elements) of this General Order.

5.7. Allocation of Resources

The Enrollee shall:

- Establish and maintain a means to manage all necessary revenues and expenditures related to the sanitary sewer system; and
- Allocate the necessary resources to its sewer system management program for:
  - Compliance with this General Order,
  - Full implementation of its updated Sewer System Management Plan,
  - System operation, maintenance, and repair, and
  - Spill responses.

5.8. Designation of Data Submitters

The Legally Responsible Official may designate one or more individuals as a Data Submitter for reporting of spill data. The Legally Responsible Official shall authorize the designation of Data Submitter(s) through the online CIWQS database (https://ciwqs.waterboards.ca.gov) prior to the individuals establishing a CIWQS user account (https://ciwqs.waterboards.ca.gov/ciwqs/newUser.jsp) and entering spill data into the online CIWQS Sanitary Sewer System Database.

The Legally Responsible Official shall submit any change to its Data Submitter(s), and/or change in Data Submitter contact information, to the State Water Board within 30 calendar days of the change, by emailing ciwqs@waterboards.ca.gov and copying the appropriate Regional Water Board as provided in Attachment F (Regional Water Quality Control Board Contact Information) of this General Order.

5.9. Reporting Certification

The Legally Responsible Official shall electronically certify, on the Enrollee's behalf, all applications, reports, the Sewer System Management Plan(s) and corresponding updates, and other information submitted electronically into the online CIWQS Sanitary Sewer System Database, as follows:

"I certify under penalty of perjury under the laws of the State of California that the electronically submitted information was prepared under my direction or supervision. Based on my inquiry of the person(s) directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete, and complies with the Statewide Sanitary Sewer Systems General Order. I am aware that there are significant penalties for submitting false information."

Hardcopy submittals to the State Water Board must be accompanied by the above certification statement.

5.10. System Capacity

The Enrollee shall maintain the system capacity necessary to convey: (1) base flows during dry weather conditions, and (2) wet weather peak flows consistent with designated local historic storms. Design storms must take into account system-specific stormwater contributions via inflow and infiltration, and location-specific depth of groundwater and storm frequencies. The Enrollee shall implement capital improvements to provide adequate hydraulic capacity to:

- Meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance element of its Sewer System Management Plan; and
- Prevent system capacity-related spills, and adverse impacts to the treatment efficiency of downstream wastewater treatment facilities.

5.11. System Performance Analysis

The Enrollee shall include a running 10-year system performance analysis in its Annual Report. The analysis must include two CIWQS-generated graphs presenting the following information:

Graph 1 – Total Spill Volume per Year:

X axis: A 10-year period which includes the current calendar year and the nine previous calendar years;

Y axis: The total spill volume, per Spill Category, for each calendar year.

Graph 2 – Total Number of Spills per Year:

X axis: A 10-year period which includes the current calendar year and the nine previous calendar years;

Y axis: The total number of spills, per Spill Category, for each calendar year.

The current calendar year is the calendar year covered in the Annual Report.

The Enrollee shall generate the graphs in CIWQS, using the existing data in the online CIWQS Sanitary Sewer System Database at the following graph generation link: (https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_operation_report).

5.12. Spill Emergency Response Plan and Remedial Actions

For Existing Enrollees (with regulatory coverage under Order 2006-0003-DWQ):

Within six (6) months of the Adoption Date of this General Order, the Enrollee shall update and implement its Spill Emergency Response Plan, per Attachment D, section 6 (Spill Emergency Response Plan) of this General Order.

For New Enrollees:

Within six (6) months of the Application for Enrollment approval date, the Enrollee shall develop and implement a Spill Emergency Response Plan, per Attachment D, section 6 (Spill Emergency Response Plan) of this General Order.

The Enrollee shall certify, in its Annual Report, that its Spill Emergency Response Plan is up to date.

The Spill Emergency Response Plan shall include measures to protect public health and the environment. The Enrollee shall respond to spills from its system(s) in a timely manner that minimizes water quality impacts and nuisance by:

- Immediately stopping the spill and preventing/minimizing a discharge to waters of the State;
- Intercepting sewage flows to prevent/minimize spill volume discharged into waters of the State;
- Thoroughly recovering, cleaning up and disposing of sewage and wash down water; and
- Cleaning publicly accessible areas while preventing toxic discharges to waters of the State.

5.13. Notification, Monitoring, Reporting and Recordkeeping Requirements

The Enrollee shall comply with notification, monitoring, reporting, and recordkeeping requirements in Attachment E1 of this General Order.

5.13.1. Spill Categories

Individual spill notification, monitoring and reporting must be in accordance with the following spill categories:

- **Category 1 Spill**

  A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under this General Order that results in a discharge to:

  - A surface water, including a surface water body that contains no flow or volume of water; or
  - A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

    Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

- **Category 2 Spill**

  A Category 2 spill is a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

  A spill of 1,000 gallons or greater that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system, is a Category 2 spill.

- **Category 3 Spill**

  A Category 3 spill is a spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

  A spill of equal to or greater than 50 gallons and less than 1,000 gallons, that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 3 spill.

- **Category 4 Spill**

  A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

  A spill of less than 50 gallons that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 4 spill.

5.13.2. Annual Report

The Enrollee shall submit an Annual Report (previously termed as Collection System Questionnaire in Order 2006-0003-DWQ) as specified in section 3.9 (Annual Report) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

For new Enrollees: Within 30 days of obtaining a CIWQS account, a new Enrollee shall submit its initial Annual Report, as specified in section 3.9 (Annual Report) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

5.14. Electronic Sanitary Sewer System Service Area Boundary Map

For continuing enrollees, starting on July 1, 2025, and no later than December 31, 2025:

For new enrollees – no earlier than July 1, 2025, or within 12 months of the Application for Enrollment approval date, whichever date is later:

The Legally Responsible Official shall submit, to the State Water Board, geospatial data detailing the locations of the Enrollee's sanitary sewer system service area boundary, per the required content and specifications in section 3.8 (Electronic Sanitary Sewer System Service Area Boundary Map) of Attachment E1 of this General Order, for each system identified by a WDID number.

An Enrollee of a disadvantaged community that may need assistance developing an electronic map to comply with this requirement, may contact State Water Board staff for assistance at SanitarySewer@waterboards.ca.gov.

5.15. Voluntary Reporting of Spills from Privately-Owned Sewer Laterals and/or Private Sanitary Sewer Systems

Within 24 hours of becoming aware of a spill (as described below) from a private sewer lateral or private sanitary sewer system that is not owned/operated by the Enrollee, the Enrollee is encouraged to report the following observations to the online CIWQS Sanitary Sewer System Database at the following link: https://ciwqs.waterboards.ca.gov:

- A spill equal or greater than 1,000 gallons that discharges (or has a potential to discharge) to a water of the State, or a drainage conveyance system that discharges to waters of the State; **or**
- Any volume of sewage that discharges (or has a potential to discharge) to surface waters.

In the CIWQS module, the Enrollee is encouraged to identify:

- Time of observation;
- Description of general spill location (for example, street name and cross street names);
- Estimated volume of spill;
- If known, general description of spill destination (for example, flowing into drainage channel, flowing directly into a creek, etc.); and
- If known, name of private system owner/operator.

The CIWQS database will make the name and contact information of the entity voluntarily reporting a private spill, accessible to State and Regional Water Board staff only. The CIWQS database will only make information regarding the actual spill, accessible to the public.

5.16. Voluntary Notification of Spills from Privately-Owned Laterals and/or Systems to the California Office of Emergency Services

Upon observing or acquiring knowledge of any of the following from a private sewer lateral or private sanitary sewer system that is not owned/operated by the Enrollee, the Enrollee is encouraged to notify the California Office of Emergency Services (as provided by Health and Safety Code section 5410 et. seq. and Water Code section 13271), or inform the responsible party that State law requires such notification to the Office of Emergency Services by any person that causes or allows a sewage discharge to waters of the State:

- A spill equal to 1,000 gallons or more that discharges (or has a potential to discharge) to waters of the State, or a drainage conveyance system that discharges to waters of the State; or
- A spill of any volume to surface waters.

5.17. Unintended Failure to Report

If an Enrollee becomes aware that they unintentionally failed to submit relevant facts in any report required in this General Order, the Enrollee shall promptly notify Regional Water Board and State Water Board staff. Regional Water Board contact information is included in Attachment F of this Order. State Water Board staff shall be contacted by email at SanitarySewer@waterboards.ca.gov for assistance in formally amending the corresponding report(s) in the online CIWQS Sanitary Sewer System Database.

5.18. Duty to Report to Water Boards

In accordance with Water Code section 13267 and/or section 13383, upon request by the State Water Board Executive Director (or designee) or a Regional Water Board Executive Officer (or designee), the Enrollee shall provide the requested information which the State or Regional Water Board deems necessary to determine compliance with this General Order.

5.19. Operation and Maintenance

To prevent discharges to the environment, the Enrollee shall maintain in good working order, and operate as designed, any facility or treatment and control system designed to contain sewage and convey it to a treatment plant.

6. PROVISIONS

6.1. Enforcement Provisions

The following enforcement provisions are based on existing federal and state regulations, laws and policies, including the federal Clean Water Act, the state Water Code and the State Water Board Enforcement Policy.

6.1.1. Enforceability of Clean Water Act and Water Code Violations

Noncompliance with requirements of this General Order or discharging sewage without enrolling in this General Order constitutes a violation of the Water Code and a potential

violation of the Clean Water Act and is grounds for an enforcement action by the State Water Board or the applicable Regional Water Board. Failure to comply with the notification, monitoring, inspection, entry, reporting, and recordkeeping requirements may subject the Enrollee to administrative civil liabilities of up to $10,000 a day per violation pursuant to Water Code section 13385; up to $1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement. Discharging waste not in compliance with the requirements of this General Order or the Clean Water Act may subject the Enrollee to administrative civil liabilities up to $10,000 a day per violation and additional liability up to $10 per gallon of discharge not cleaned up after the first 1,000 gallons of discharge; up to $5,000 a day per violation pursuant to Water Code section 13350 or up to $20 per gallon of waste discharged; or referral to the Attorney General for judicial civil enforcement.

6.1.2. Monetary Penalties

The Water Code provides the State and Regional Water Boards the authority to pursue formal enforcement actions, including imposing administrative liability and civil monetary penalties, for non-compliance with the requirements of this General Order and violations of the Clean Water Act.

6.1.3. Falsifying or Failure to Report

The Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this General Order, or falsifying any information provided in the technical or monitoring reports is subject to administrative liability and civil monetary penalties. Any person who knowingly fails or refuses to furnish technical or monitoring program reports or falsifies any information provided in reports required by this General Order is subject to criminal penalties.

6.1.4. Severability of General Order

The provisions of this General Order are severable; if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.

6.1.5. Indirect Discharges

In the event that a spill enters into a drainage conveyance system, the Enrollee shall take all feasible steps to prevent discharge of sewage into waters of the State by blocking or redirecting the flow in the drainage conveyance system, removing the sewage from the drainage conveyance system, and cleaning the system in a manner that does not inadvertently impact beneficial uses of the receiving water body.

6.1.6. Water Boards' Considerations for Discretionary Enforcement

Consistent with the State Water Board Enforcement Policy, when considering Water Code section 13327 factors, the State Water Board or a Regional Water Board may consider the Enrollee's efforts to contain, control, clean up, and mitigate spills. In assessing the factors, the State Water Board or the applicable Regional Water Board will consider:

- The Enrollee's compliance with this General Order with a focus on compliance with reporting requirements;
- The Enrollee's provision of adequate funding to implement the requirements of this General Order;
- The Enrollee's compliance with providing a complete and updated Sewer System Management Plan;
- The Enrollee's compliance with implementing its Sewer System Management Plan;
- The overall effectiveness of the Enrollee's Sewer System Management Plan with respect to:
    - System management, operation, and maintenance,
    - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent spills (e.g. adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow, etc.),
    - Preventive maintenance (including cleaning, root grinding, and fats, oils, and grease control) and source control measures,
    - Implementation of backup equipment,
    - Inflow and infiltration prevention and control,
    - Appropriate sanitary sewer system capacity to prevent spills, and
    - The Enrollee's responsiveness to stop and mitigate the impact of the discharge;
- The Enrollee's compliance with identifying the cause of the spill;
- The Enrollee's use of available information and observations to accurately estimate the spill volume and identify the affected or potentially affected receiving waters;
- The Enrollee's thoroughness of cleaning up sewage in drainage conveyance systems after the spill(s);
- The Enrollee's use of water quality and biological monitoring and assessment to determine the short-term and long-term impacts to beneficial uses and the environment;
- The Enrollee's follow up actions to improve system performance;
- The Enrollee's implementation of feasible alternatives to prevent spills, such as:
    - Use of temporary storage or waste retention,
    - Reduction of system inflow and infiltration,
    - Collection and hauling of waste to a treatment facility,
    - Prevention of and/ or containment of spills due to a design storm event identified in the Enrollee's Sewer System Management Plan,

- Implementation of available equipment, technologies, strategies, and recommended industry practices for maintaining and managing sewer systems to prevent spills, and contain and eliminate discharges to waters of the State; and

- The spill duration and factors beyond the reasonable control of the Enrollee causing the event.

6.1.7. Enforcement Discretion Based on Reporting Compliance

Consistent with the State Water Board Enforcement Policy, the State Water Board or a Regional Water Board may consider the Enrollee's efforts to comply with spill reporting requirements when determining compliance with Water Code section 13267 and section 13383. When assessing Water Code section 13227 factors, the State Water Board or the applicable Regional Water Board will consider:

- The Enrollee's diligence to comply with all reporting requirements in this General Order;
- The use of best available information for the Enrollee's reporting of spill start date and start time in which the release of sewage from the sanitary sewer system initiated;
- The Enrollee's reporting of spill end date, and end time to be the date and time in which the release of sewage from the sanitary sewer system was stopped;
- The Enrollee's diligence to accurately estimate and report spill volumes;
- The Enrollee's subsequent verification and/or updates to initial Draft Spill Reports in accordance with this General Order; and
- The Enrollee's timely certification of required spill reports.

Consistent with Water Code section 13267 and section 13383, the State Water Board or a Regional Water Board may require an Enrollee to report the results of a condition assessment of a specified portion of the Enrollee's sanitary sewer system.

6.2. Other Regional Water Board Orders

It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with federal and state regulations. This Order will not be interpreted or applied:

- In a manner inconsistent with the federal Clean Water Act;
- To authorize a spill or discharge that is illegal under either the Clean Water Act, the Water Code, and/or an applicable Basin Plan prohibition or water quality standard;
- To prohibit a Regional Water Board from issuing an individual National Pollutant Discharge Elimination System (NPDES) permit or individual waste discharge requirements superseding an Enrollee's regulatory coverage under this General Order for a sanitary sewer system authorized under the Clean Water Act or Water Code;

- To supersede any more specific or more stringent waste discharge requirements or enforcement orders issued by a Regional Water Board; or
- To supersede any more specific or more stringent state or federal requirements in existing regulation, an administrative/judicial order, or Consent Decree.

6.3. Sewer System Management Plan Availability

The Enrollee's updated Sewer System Management Plan must be maintained for public inspection at the Enrollee's offices and facilities and must be available to the public through CIWQS and/or on the Enrollee's website, in accordance with section 3.8 (Sewer System Management Plan Reporting Requirements) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

6.4. Entry and Inspection

6.4.1. Entry and Availability of Information

The Enrollee shall allow State and Regional Water Board staff, upon presentation of credentials and other documents as may be required by law, to:

- Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are kept under the requirements of this General Order;
- Have access to and reproduce any records required to be maintained by this General Order;
- Inspect any facility and/or equipment (including monitoring and control equipment), practices, or operations required in this General Order; and
- Sample or monitor substances or parameters for assuring compliance with this General Order, or as otherwise authorized by the Water Code.

6.4.2. Pre-Inspection Questionnaire

The Enrollee shall provide pre-inspection information to State and Regional Water Board staff through the completion of a Pre-Inspection Questionnaire provided by Water Board staff.

ATTACHMENT A - DEFINITIONS

Annual Report

An Annual Report (previously termed as Collection System Questionnaire in Order 2006-0003-DWQ) is a mandatory report in which the Enrollee provides a calendar-year update of its efforts to prevent spills.

Basin Plan

A Basin Plan is a water quality control plan specific to a Regional Water Quality Control Board (Regional Water Board), that serves as regulations to: (1) define and designate beneficial uses of surface and groundwaters, (2) establish water quality objectives for protection of beneficial uses, and (3) provide implementation measures.

Beneficial Uses

The term “Beneficial Uses” is a Water Code term, defined as the uses of the waters of the State that may be protected against water quality degradation. Examples of beneficial uses include but are not limited to, municipal, domestic, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

California Integrated Water Quality System (CIWQS)

CIWQS is the statewide database that provides for mandatory electronic reporting as required in State and Regional Water Board-issued waste discharge requirements.

Data Submitter

A Data Submitter is an individual designated and authorized by the Enrollee’s Legally Responsible Official to enter spill data into the online CIWQS Sanitary Sewer System Database. A Data Submitter does not have the authority of a Legally Responsible Official to certify reporting entered into the online CIWQS Sanitary Sewer System Database.

Disadvantaged Community

A disadvantaged community is a community with a median household income of less than eighty percent (80%) of the statewide annual median household income.

For the purpose of this General Order, there is no differentiation between a small and large disadvantaged community.

Drainage Conveyance System

A drainage conveyance system is a publicly- or privately-owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows.

Enrollee

An Enrollee is a public, private, or other non-governmental entity that has obtained approval for regulatory coverage under this General Order, including:

- A state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:
  - greater than one (1) mile in length (each individual sanitary sewer system);
  - one mile or less in length where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this Order, or
- A federal agency, private company, or other non-governmental entity that owns and/or operates a sanitary sewer system of any size where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this Order in response to a history of spills, proximity to surface water, or other factors supporting regulatory coverage.

Environmentally Sensitive Area

An environmentally sensitive area is a designated agricultural and/or wildlife area identified to need special natural landscape protection due to its wildlife or historical value.

Exfiltration

Exfiltration is the underground exiting of sewage from a sanitary sewer system through cracks, offset or separated joints, or failed infrastructure due to corrosion or other factors.

Flood Control Channel

A flood control channel is a channel used to convey stormwater and non-stormwater flows through and from areas for flood management purposes.

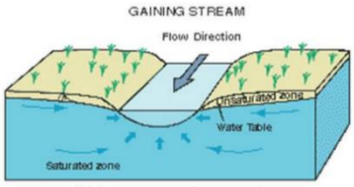
Governing Entity

A governing entity includes but is not limited to the following:

- A publicly elected governing board, council, or commission of a municipal agency;
- A Department or Division director of a federal or state agency that is not governed by a board;
- A governing board or commission of an organization or association; and
- A private system owner/manager that is not governed by a board.

Hydrologically Connected

Two waterbodies are hydrologically connected when one waterbody flows, or has the potential to flow, into the other waterbody. For the purpose of this General Order, groundwater is hydrologically connected to a surface water when the groundwater feeds into the surface water. (The surface waterbody in this example is termed a gaining stream as it gains flow from surrounding groundwater.)



Lateral (including Lower and Upper Lateral)

A lateral is an underground segment of smaller diameter pipe that transports sewage from a customer's building or property (residential, commercial, or industrial) to the Enrollee's main sewer line in a street or easement. Upper and lower lateral boundary definitions are subject to local jurisdictional codes and ordinances, or private system ownership.

A lower lateral is the portion of the lateral located between the sanitary sewer system main, and either the property line, sewer clean out, curb line, established utility easement boundary, or other jurisdictional locations.

An upper lateral is the portion of the lateral from the property line, sewer clean out, curb line, established utility easement boundary, or other jurisdictional locations, to the building or property.

Legally Responsible Official

A Legally Responsible Official is an official representative, designated by the Enrollee, with authority to sign and certify submitted information and documents required by this General Order.

Nuisance

For the purpose of this General Order, a nuisance, as defined in Water Code section 13050(m), is anything that meets all of the following requirements:

- Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;
- Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and
- Occurs during, or as a result of, the treatment or disposal of wastes.

Private Sewer Lateral

A private sewer lateral is the privately-owned lateral that transports sewage from private property(ies) into a sanitary sewer system.

Private Sanitary Sewer System

A private sanitary sewer system is a sanitary sewer system of any size that is owned and/or operated by a private individual, company, corporation, or organization. A private sanitary sewer system may or may not connect into a publicly owned sanitary sewer system.

Potential to Discharge, Potential Discharge

Potential to Discharge, or Potential Discharge, means any exiting of sewage from a sanitary sewer system which can reasonably be expected to discharge into a water of the State based on the size of the sewage spill, proximity to a drainage conveyance system, and the nature of the surrounding environment.

Receiving Water

A receiving water is a water of the State that receives a discharge of waste.

Resilience

Resilience is the ability to recover from or adjust to adversity or change, and grow from disruptions. Resilience can be built through planning, preparing for, mitigating, and adapting to changing conditions.

Sanitary Sewer System

A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks, including:

- Laterals owned and/or operated by the Enrollee;
- Satellite sewer systems; and/or
- Temporary conveyance and storage facilities, including but not limited to temporary piping, vaults, construction trenches, wet wells, impoundments, tanks and diversion structures.

For purpose of this Order, sanitary sewer systems include only systems owned and/or operated by the Enrollee.

Satellite Sewer System

A satellite sewer system is a portion of a sanitary sewer system owned or operated by a different owner than the owner of the downstream wastewater treatment facility ultimately treating the sewage.

Sewer System Management Plan

A sewer system management plan is a living document an Enrollee develops and implements to effectively manage its sanitary sewer system(s) in accordance with this General Order.

Sewage

Sewage, and its associated wastewater, is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge), and any mixture of these wastes with inflow or infiltration of stormwater or groundwater, conveyed in a sanitary sewer system.

Spill

A spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure. Exfiltration of sewage is not considered to be a spill under this General Order if the exfiltrated sewage remains in the subsurface and does not reach a surface water of the State.

Training

Training is in-house or external education and guidance needed that provides the knowledge, skills, and abilities to comply with this General Order.

Wash Down Water

Wash down water is water used to clean a spill area.

Waste

Waste, as defined in Water Code section 13050(d), includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Waste Discharge Identification Number (WDID)

A waste discharge identification number (WDID) identifies each individual sanitary sewer system enrolled under this General Order. A WDID number is assigned to each enrolled system upon an Enrollee's approved regulatory coverage.

Waters of the State

Waters of the State are surface waters or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to, groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include waters of the United States.

Waters of the United States

Waters of the United States are surface waters or waterbodies that are subject to federal jurisdiction in accordance with the Clean Water Act.

Water Quality Objective

A water quality objective is the limit or maximum amount of pollutant, waste constituent or characteristic, or parameter level established in statewide water quality control plans and Regional Water Boards' Basin Plans, for the reasonable protection of beneficial uses of surface waters and groundwater and the prevention of nuisance.

ATTACHMENT B – APPLICATION FOR ENROLLMENT

1. Enrollment Status: (Mark only one item)

☐ New Enrollee

☐ New Enrollee with previous regulatory coverage under Order 2006-0003-DWQ
(that failed to certify continuation of coverage in CIWQS per Order 2022-XXXX-DWQ)
Existing WDID Number: _____

2. Applicant Information:

Legally Responsible Official Submitting Application

First and Last Name: _____

Title: _____

Phone: _____

Email: _____

System Owner/Operator Name: _____

Mailing Address:_____

City, State, Zip:_____

County:_____

Sanitary Sewer System Name: _____

Regional Water Quality Control Board(s): _____

Signature and Date: _____

3. Applicant Type (Check one):

☐ City ☐ County ☐ State ☐ Federal ☐ Special District

☐ Government Combination ☐ Private ☐ Other Non-governmental Entity

4. Wastewater Treatment Plant Receiving Sanitary Sewer System Waste:

Wastewater Treatment Plant Permittee:_____

WDID No.: _____

5. Billing Information

Billing Address: _____

City, State, Zip: _____

Billing Contact Person and Title: _____

Phone and Email Address: _____

6. Application Fee:

The application fee, as required by Water Code section 13260, is based on the daily population served by the sanitary sewer system. See updated Fee Schedule. (https://www.waterboards.ca.gov/resources/fees/water_quality/)

Check one of the following and enter fee amount:

☐ Population Served < 50,000 – Total Fee submitted: $ _____

☐ Population Served ≥ 50,000 – Total Fee submitted: $ _____

Make the fee payment payable to the State Water Resources Control Board and mail the complete application package to:

State Water Resources Control Board, Accounting Office
P. O. Box 1888
Sacramento, CA 95812-1888

Attention: Statewide Sanitary Sewer System Program

7. Application Submittal Certification

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information in the submitted application package is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Print Name: _____

Title: _____

Signature: _____Date: _____

ATTACHMENT C - NOTICE OF TERMINATION

1. Enrollee Information

Enrollee Name: _____

WDID No:_____

Legally Responsible Official Requesting Termination of Coverage: _____

First and Last Name: _____

Title: _____

Phone: _____

Email: _____

Mailing Address: _____

City, State, Zip: _____

County: _____

Sanitary Sewer System Name(s) or Unique Identifier(s): _____

Regional Water Quality Control Board(s): _____

Signature and Date:_____

2. Basis of Termination

Explanation of termination, including subsequent regulatory coverage and subsequent owner/operator of enrolled sanitary sewer system, as applicable:

_____

_____

_____

_____

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_____

_____

_____

_____

3. Regulatory Coverage Termination Certification

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge: 1) the sanitary sewer system I officially represent is not required to be regulated under the Statewide Waste Discharge Requirements for Sanitary Sewer Systems Order 2022-XXXX-DWQ, and 2) the information submitted in this Notice of Termination is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. Additionally, I understand that the submittal of this Notice of Termination does not release sanitary sewer system agencies from liability for any violations of the Clean Water Act.

Print Name: _____

Title: _____

Signature: _____Date: _____

For State Water Board Use Only

☐ Approved for Termination ☐ Denied and Returned to Enrollee

Deputy Director of Water Quality Signature: _____

Date: _____Notice of Termination Effective Date: _____

ATTACHMENT D – SEWER SYSTEM MANAGEMENT PLAN – REQUIRED ELEMENTS

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ATTACHMENT D – SEWER SYSTEM MANAGEMENT PLAN – REQUIRED ELEMENTS

A Sewer System Management Plan (Plan) is a living planning document that documents ongoing local sewer system management program activities, procedures, and decision-making – at the scale necessary to address the size and complexity of the subject sanitary sewer system(s). This Plan may incorporate other programs and other plans by reference, to address short-term and long-term system resilience through:

- Proactive planning and decision-making;
- Local government ordinances;
- Updated operations and maintenance activities and procedures;
- Implementation of capital improvements;
- Sufficient local budget to support staff resources, contractors, equipment, and training; and
- Updated training of staff and contractors.

The Enrollee's development, update, and implementation of a Sewer System Management Plan addressing the requirements of this Attachment is an enforceable component of this General Order. As specified in Provision 6.1 (Enforcement Provisions) of this General Order, consistent with the Water Code and the State Water Board Enforcement Policy, the State Water Board or a Regional Water Board may consider the Enrollee's efforts in implementing an effective Sewer System Management Plan to prevent, contain, control, and mitigate spills when considering Water Code section 13327 factors to determine necessary enforcement of this General Order.

This Attachment includes the following required elements that the Enrollee shall address in its Plan and subsequent updates. The Enrollee shall identify any requirement in this Attachment that is not applicable to the Enrollee's sewer system and shall explain in its Plan why the requirement is not applicable.

1. SEWER SYSTEM MANAGEMENT PLAN GOAL AND INTRODUCTION

The goal of the Sewer System Management Plan (Plan) is to provide a plan and schedule to: (1) properly manage, operate, and maintain all parts of the Enrollee's sanitary sewer system(s), (2) reduce and prevent spills, and (3) contain and mitigate spills that do occur.

The Plan must include a narrative Introduction section that discusses the following items:

1.1. Regulatory Context

The Plan Introduction section must provide a general description of the local sewer system management program and discuss Plan implementation and updates.

1.2. Sewer System Management Plan Update Schedule

The Plan Introduction section must include a schedule for the Enrollee to update the Plan, including the schedule for conducting internal audits. The schedule must include milestones for incorporation of activities addressing prevention of sewer spills.

1.3. Sewer System Asset Overview

The Plan Introduction section must provide a description of the Enrollee-owned assets and service area, including but not limited to:

- Location, including county(ies);
- Service area boundary;
- Population and community served;
- System size, including total length in miles, length of gravity mainlines, length of pressurized (force) mains, and number of pump stations and siphons;
- Structures diverting stormwater to the sewer system;
- Data management systems;
- Sewer system ownership and operation responsibilities between Enrollee and private entities for upper and lower sewer laterals;
- Estimated number or percent of residential, commercial, and industrial service connections; and
- Unique service boundary conditions and challenge(s).

Additionally, the Plan Introduction section must provide reference to the Enrollee's up-to-date map of its sanitary sewer system, as required in section 4.1 (Updated Map of Sanitary Sewer System) of this Attachment.

2. ORGANIZATION

The Plan must identify organizational staffing responsible and integral for implementing the local Sewer System Management Plan through an organization chart or similar narrative documentation that includes:

- The name of the Legally Responsible Official as required in section 5.1 (Designation of a Legally Responsible Official) of this General Order;
- The position titles, telephone numbers, and email addresses for management, administrative, and maintenance positions responsible for implementing specific Sewer System Management Plan elements;
- Organizational lines of authority; and
- Chain of communication for reporting spills from receipt of complaint or other information, including the person responsible for reporting spills to the State and Regional Water Boards and other agencies, as applicable. (For example, county

health officer, county environmental health agency, and State Office of Emergency Services.)

3. LEGAL AUTHORITY

The Plan must include copies or an electronic link to the Enrollee's current sewer system use ordinances, service agreements and/or other legally binding procedures to demonstrate the Enrollee possesses the necessary legal authority to:

- Prevent illicit discharges into its sanitary sewer system from inflow and infiltration (I&I); unauthorized stormwater; chemical dumping; unauthorized debris; roots; fats, oils, and grease; and trash, including rags and other debris that may cause blockages;
- Collaborate with storm sewer agencies to coordinate emergency spill responses, ensure access to storm sewer systems during spill events, and prevent unintentional cross connections of sanitary sewer infrastructure to storm sewer infrastructure;
- Require that sewer system components and connections be properly designed and constructed;
- Ensure access for maintenance, inspection, and/or repairs for portions of the service lateral owned and/or operated by the Enrollee;
- Enforce any violation of its sewer ordinances, service agreements, or other legally binding procedures; and
- Obtain easement accessibility agreements for locations requiring sewer system operations and maintenance, as applicable.

4. OPERATION AND MAINTENANCE PROGRAM

The Plan must include the items listed below that are appropriate and applicable to the Enrollee's system.

4.1. Updated Map of Sanitary Sewer System

An up-to-date map(s) of the sanitary sewer system, and procedures for maintaining and providing State and Regional Water Board staff access to the map(s). The map(s) must show gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities within the sewer system service area boundaries.

4.2. Preventive Operation and Maintenance Activities

A scheduling system and a data collection system for preventive operation and maintenance activities conducted by staff and contractors.

The scheduling system must include:

- Inspection and maintenance activities;

- Higher-frequency inspections and maintenance of known problem areas, including areas with tree root problems;
- Regular visual and closed-circuit television (CCTV) inspections of manholes and sewer pipes.

The data collection system must document data from system inspection and maintenance activities, including system areas/components prone to root-intrusion potentially resulting in system backup and/or failure.

4.3. Training

In-house and external training provided on a regular basis for sanitary sewer system operations and maintenance staff and contractors. The training must cover:

- The requirements of this General Order;
- The Enrollee's Spill Emergency Response Plan procedures and practice drills;
- Skilled estimation of spill volume for field operators; and
- Electronic CIWQS reporting procedures for staff submitting data.

4.4. Equipment Inventory

An inventory of sewer system equipment, including the identification of critical replacement and spare parts.

5. DESIGN AND PERFORMANCE PROVISIONS

The Plan must include the following items as appropriate and applicable to the Enrollee's system:

5.1. Updated Design Criteria and Construction Standards and Specifications

Updated design criteria, and construction standards and specifications, for the construction, installation, repair, and rehabilitation of existing and proposed system infrastructure components, including but not limited to pipelines, pump stations, and other system appurtenances. If existing design criteria and construction standards are deficient to address the necessary component-specific hydraulic capacity as specified in section 8 (System Evaluation, Capacity Assurance and Capital Improvements) of this Attachment, the procedures must include component-specific evaluation of the design criteria.

5.2. Procedures and Standards

Procedures, and standards for the inspection and testing of newly constructed, newly installed, repaired, and rehabilitated system pipelines, pumps, and other equipment and appurtenances.

6. SPILL EMERGENCY RESPONSE PLAN

The Plan must include an up to date Spill Emergency Response Plan to ensure prompt detection and response to spills to reduce spill volumes and collect information for prevention of future spills. The Spill Emergency Response Plan must include procedures to:

- Notify primary responders, appropriate local officials, and appropriate regulatory agencies of a spill in a timely manner;
- Notify other potentially affected entities (for example, health agencies, water suppliers, etc.) of spills that potentially affect public health or reach waters of the State;
- Comply with the notification, monitoring and reporting requirements of this General Order, State law and regulations, and applicable Regional Water Board Orders;
- Ensure that appropriate staff and contractors implement the Spill Emergency Response Plan and are appropriately trained;
- Address emergency system operations, traffic control and other necessary response activities;
- Contain a spill and prevent/minimize discharge to waters of the State or any drainage conveyance system;
- Minimize and remediate public health impacts and adverse impacts on beneficial uses of waters of the State;
- Remove sewage from the drainage conveyance system;
- Clean the spill area and drainage conveyance system in a manner that does not inadvertently impact beneficial uses in the receiving waters;
- Implement technologies, practices, equipment, and interagency coordination to expedite spill containment and recovery;
- Implement pre-planned coordination and collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event;
- Conduct post-spill assessments of spill response activities;
- Document and report spill events as required in this General Order; and
- Annually, review and assess effectiveness of the Spill Emergency Response Plan, and update the Plan as needed.

7. SEWER PIPE BLOCKAGE CONTROL PROGRAM

The Sewer System Management Plan must include procedures for the evaluation of the Enrollee's service area to determine whether a sewer pipe blockage control program is needed to control fats, oils, grease, rags and debris. If the Enrollee determines that a program is not needed, the Enrollee shall provide justification in its Plan for why a program is not needed.

The procedures must include, at minimum:

- An implementation plan and schedule for a public education and outreach program that promotes proper disposal of pipe-blocking substances;
- A plan and schedule for the disposal of pipe-blocking substances generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of substances generated within a sanitary sewer system service area;
- The legal authority to prohibit discharges to the system and identify measures to prevent spills and blockages;
- Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, best management practices requirements, recordkeeping and reporting requirements;
- Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the fats, oils, and grease ordinance;
- An identification of sanitary sewer system sections subject to fats, oils, and grease blockages and establishment of a cleaning schedule for each section; and
- Implementation of source control measures for all sources of fats, oils, and grease reaching the sanitary sewer system for each section identified above.

8. SYSTEM EVALUATION, CAPACITY ASSURANCE AND CAPITAL IMPROVEMENTS

The Plan must include procedures and activities for:

- Routine evaluation and assessment of system conditions;
- Capacity assessment and design criteria;
- Prioritization of corrective actions; and
- A capital improvement plan.

8.1 System Evaluation and Condition Assessment

The Plan must include procedures to:

- Evaluate the sanitary sewer system assets utilizing the best practices and technologies available;

- Identify and justify the amount (percentage) of its system for its condition to be assessed each year;
- Prioritize the condition assessment of system areas that:
    - Hold a high level of environmental consequences if vulnerable to collapse, failure, blockage, capacity issues, or other system deficiencies;
    - Are located in or within the vicinity of surface waters, steep terrain, high groundwater elevations, and environmentally sensitive areas;
    - Are within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List;
- Assess the system conditions using visual observations, video surveillance and/or other comparable system inspection methods;
- Utilize observations/evidence of system conditions that may contribute to exiting of sewage from the system which can reasonably be expected to discharge into a water of the State;
- Maintain documents and recordkeeping of system evaluation and condition assessment inspections and activities; and
- Identify system assets vulnerable to direct and indirect impacts of climate change, including but not limited to: sea level rise; flooding and/or erosion due to increased storm volumes, frequency, and/or intensity; wildfires; and increased power disruptions.

8.2. Capacity Assessment and Design Criteria

The Plan must include procedures to identify system components that are experiencing or contributing to spills caused by hydraulic deficiency and/or limited capacity, including procedures to identify the appropriate hydraulic capacity of key system elements for:

- Dry-weather peak flow conditions that cause or contributes to spill events;
- The appropriate design storm(s) or wet weather events that causes or contributes to spill events;
- The capacity of key system components; and
- Identify the major sources that contribute to the peak flows associated with sewer spills.

The capacity assessment must consider:

- Data from existing system condition assessments, system inspections, system audits, spill history, and other available information;
- Capacity of flood-prone systems subject to increased infiltration and inflow, under normal local and regional storm conditions;

- Capacity of systems subject to increased infiltration and inflow due to larger and/or higher-intensity storm events as a result of climate change;
- Increases of erosive forces in canyons and streams near underground and above-ground system components due to larger and/or higher-intensity storm events;
- Capacity of major system elements to accommodate dry weather peak flow conditions, and updated design storm and wet weather events; and
- Necessary redundancy in pumping and storage capacities.

8.3. Prioritization of Corrective Action

The findings of the condition assessments and capacity assessments must be used to prioritize corrective actions. Prioritization must consider the severity of the consequences of potential spills.

8.4. Capital Improvement Plan

The capital improvement plan must include the following items:

- Project schedules including completion dates for all portions of the capital improvement program;
- Internal and external project funding sources for each project; and
- Joint coordination between operation and maintenance staff, and engineering staff/consultants during planning, design, and construction of capital improvement projects; and Interagency coordination with other impacted utility agencies.

9. MONITORING, MEASUREMENT AND PROGRAM MODIFICATIONS

The Plan must include an Adaptive Management section that addresses Plan-implementation effectiveness and the steps for necessary Plan improvement, including:

- Maintaining relevant information, including audit findings, to establish and prioritize appropriate Plan activities;
- Monitoring the implementation and measuring the effectiveness of each Plan Element;
- Assessing the success of the preventive operation and maintenance activities;
- Updating Plan procedures and activities, as appropriate, based on results of monitoring and performance evaluations; and
- Identifying and illustrating spill trends, including spill frequency, locations and estimated volumes.

10. INTERNAL AUDITS

The Plan shall include internal audit procedures, appropriate to the size and performance of the system, for the Enrollee to comply with section 5.4 (Sewer System Management Plan Audits) of this General Order.

11. COMMUNICATION PROGRAM

The Plan must include procedures for the Enrollee to communicate with:

- The public for:
  - Spills and discharges resulting in closures of public areas, or that enter a source of drinking water, and
  - The development, implementation, and update of its Plan, including opportunities for public input to Plan implementation and updates.
- Owners/operators of systems that connect into the Enrollee's system, including satellite systems, for:
  - System operation, maintenance, and capital improvement-related activities.

ATTACHMENT E1 – NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

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ATTACHMENT E1– NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

The Notification Requirements (section 1), Spill-specific Monitoring Requirements (section 2), Reporting Requirements (section 3) and Recordkeeping Requirements (section 4) in this Attachment are pursuant to Water Code section 13267 and section 13383, and are an enforceable component of this General Order. For the purpose of this General Order, the term:

- Notification means the notifying of appropriate parties of a spill event or other activity.
- Spill-specific Monitoring means the gathering of information and data for a specific spill event to be reported or kept as records.
- Reporting means the reporting of information and data into the online California Integrated Water Quality System (CIWQS) Sanitary Sewer System Database.
- Recordkeeping means the maintaining of information and data in an official records storage system.

Failure to comply with the notification, monitoring, reporting and recordkeeping requirements in this General Order may subject the Enrollee to civil liabilities of up to $10,000 a day per violation pursuant to Water Code section 13385; up to $1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement.

Water Code section 13193 et seq. requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Resources Control Board (State Water Board) to collect sanitary sewer spill information for each spill event and make this information available to the public. Sanitary sewer spill information for each spill event includes but is not limited to: Enrollee contact information for each spill event, spill cause, estimated spill volume and factors used for estimation, location, date, time, duration, amount discharged to waters of the State, response and corrective action(s) taken.

1. NOTIFICATION REQUIREMENTS

1.1. Notification of Spills of 1,000 Gallons or Greater to the California Office of Emergency Services

Per Water Code section 13271, for a spill that discharges in or on any waters of the State, or discharges or is deposited where it is, or probably will be, discharged in or on any waters of the State, the Enrollee shall notify the California Office of Emergency Services and obtain a California Office of Emergency Services Control Number as soon as possible **but no later than two (2) hours** after:

- The Enrollee has knowledge of the spill; and
- Notification can be provided without substantially impeding cleanup or other emergency measures.

The notification requirements in this section apply to individual spills of 1,000 gallons or greater, from an Enrollee-owned and/or operated laterals, to a water of the State.

1.2. Spill Notification Information

The Enrollee shall provide the following spill information to the California Office of Emergency Services before receiving a Control Number, as applicable:

- Name and phone number of the person notifying the California Office of Emergency Services;
- Estimated spill volume (gallons);
- Estimated spill rate from the system (gallons per minute);
- Estimated discharge rate (gallons per minute) directly into waters of the State or indirectly into a drainage conveyance system;
- Spill incident description:
  - Brief narrative of the spill event, and
  - Spill incident location (address, city, and zip code) and closest cross streets and/or landmarks;
- Name and phone number of contact person on-scene;
- Date and time the Enrollee was informed of the spill event;
- Name of sanitary sewer system causing the spill;
- Spill cause or suspected cause (if known);
- Amount of spill contained;
- Name of receiving water body receiving or potentially receiving discharge; and
- Description of water body impact and/ or potential impact to beneficial uses.

1.3. Notification of Spill Report Updates

Following the initial notification to the California Office of Emergency Services and until such time that the Enrollee certifies the spill report in the online CIWQS Sanitary Sewer System Database, the Enrollee shall provide updates to the California Office of Emergency Services regarding substantial changes to:

- Estimated spill volume (increase or decrease in gallons initially estimated);
- Estimated discharge volume discharged directly into waters of the State or indirectly into a drainage conveyance system (increase or decrease in gallons initially estimated); and
- Additional impact(s) to the receiving water(s) and beneficial uses.

2. SPILL-SPECIFIC MONITORING REQUIREMENTS

2.1 Spill Location and Spread

The Enrollee shall visually assess the spill location(s) and spread using photography, global positioning system (GPS), and other best available tools. The Enrollee shall document the critical spill locations, including:

- Photography and GPS coordinates for:
  - The system location where spill originated.

    For multiple appearance points of a single spill event, the points closest to the spill origin.
- Photography for:
  - Drainage conveyance system entry locations,
  - The location(s) of discharge into surface waters, as applicable,
  - Extent of spill spread, and
  - The location(s) of clean up.

2.2 Spill Volume Estimation

To assess the approximate spill magnitude and spread, the Enrollee shall estimate the total spill volume using updated volume estimation techniques, calculations, and documentation for electronic reporting. The Enrollee shall update its notification and reporting of estimated spill volume (which includes spill volume recovered) as further information is gathered during and after a spill event.

2.3. Receiving Water Monitoring

2.3.1. Receiving Water Visual Observations

Through visual observations and use of best available spill volume-estimating techniques and field calculation techniques, the Enrollee shall gather and document the following information for spills discharging to surface waters:

- Estimated spill travel time to the receiving water;
- For spills entering a drainage conveyance system, estimated spill travel time from the point of entry into the drainage conveyance system to the point of discharge into the receiving water;
- Estimated spill volume entering the receiving water; and
- Photography of:
  - Waterbody bank erosion,
  - Floating matter,
  - Water surface sheen (potentially from oil and grease),

- Discoloration of receiving water, and
- Impact to the receiving water.

2.3.2. Receiving Water – Water Quality Sampling and Analysis

For sewage spills in which an estimated 50,000 gallons or greater are discharged into a surface water, the Enrollee shall conduct the following water quality sampling no later than **18 hours** after the Enrollee's knowledge of a potential discharge to a surface water:

- Collect one water sample, each day of the duration of the spill, at:
  - The DCS-001 location as described in section 2.3.4 (Receiving Water Sampling Locations) of this Attachment, if sewage discharges to a surface water via a drainage conveyance system; and/or
  - Each of the three receiving water sampling locations in section 2.3.4 (Receiving Water Sampling Locations) of this Attachment;

    If the receiving water has no flow during the duration of the spill, the Enrollee must report "No Sampling Due To No Flow" for its receiving water sampling locations.

The Enrollee shall analyze the collected receiving water samples for the following constituents per section 2.3.3 (Water Quality Analysis Specifications) of this Attachment:

- Ammonia, and
- Appropriate bacterial indicator(s) per the applicable Basin Plan water quality objectives, including one or more of the following, unless directed otherwise by the Regional Water Board:
  - Total Coliform Bacteria
  - Fecal Coliform Bacteria
  - *E-coli*
  - Enterococcus

  Dependent on the receiving water(s), sampling of bacterial indicators shall be sufficient to determine post-spill (after the spill) compliance with the water quality objectives and bacterial standards of the California Ocean Plan or the California Inland Surface Water Enclosed Bays, and Estuaries Plan, including the frequency and/or number of post-spill receiving water samples as may be specified in the applicable plans.

The Enrollee shall collect and analyze additional samples as required by the applicable Regional Water Board Executive Officer or designee.

2.3.3. Water Quality Analysis Specifications

Spill monitoring must be representative of the monitored activity (40 Code of Federal Regulations section 122.41(j)(1)).

Sufficiently Sensitive Methods

Sample analysis must be conducted according to sufficiently sensitive test methods approved under 40 Code of Federal Regulations Part 136 for the sample analysis of pollutants. For the purposes of this General Order, a method is sufficiently sensitive when the minimum level of the analytical method approved under 40 Code of Federal Regulations Part 136 is at or below the receiving water pollutant criteria.

Environmental Laboratory Accreditation Program-Accredited Laboratories

The analysis of water quality samples required per this General Order must be performed by a laboratory that has accreditation pursuant to Article 3 (commencing with section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. (Water Code section 13176(a).) The State Water Board accredits laboratories through its Environmental Laboratory Accreditation Program (ELAP).

2.3.4. Receiving Water Sampling Locations

The Enrollee shall collect receiving water samples at the following locations.

Sampling of Flow in Drainage Conveyance System (DCS) Prior to Discharge

Sampling Location	Sampling Location Description
DCS-001	A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Receiving Surface Water Sampling (RSW)[1]

Sampling Location	Sampling Location Description
RSW-001 Point of Discharge	A point in the receiving water where sewage initially enters the receiving water.
RSW-001U: Upstream of Point of Discharge	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.

Sampling Location	Sampling Location Description
RSW-001D: Downstream of Point of Discharge	A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

[1] The Enrollee must use its best professional judgment to determine the upstream and downstream distances based on receiving water flow, accessibility to upstream/downstream waterbody banks, and size of visible sewage plume.

2.4. Safety and Access Exceptions

If the Enrollee encounters access restrictions or unsafe conditions that prevents its compliance with spill response requirements or monitoring requirements in this General Order, the Enrollee shall provide documentation of access restrictions and/or safety hazards in the corresponding required report.

3. REPORTING REQUIREMENTS

All reporting required in this General Order must be submitted electronically to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov), unless specified otherwise in this General Order. Electronic reporting may solely be conducted by a Legally Responsible Official or Data Submitter(s) previously designated by the Legally Responsible Official, as required in section 5.8 (Designation of Data Submitters) of this General Order.

The Enrollee shall report any information that is protected by the Homeland Security Act, by email to SanitarySewer@waterboards.ca.gov, with a brief explanation of the protection provided by the Homeland Security Act for the subject report to be protected from unauthorized disclosure and/or public access, and for official Water Board regulatory purposes only.

3.1. Reporting Requirements for Individual Category 1 Spill Reporting

3.1.1. Draft Spill Report for Category 1 Spills

Within three (3) business days of the Enrollee's knowledge of a Category 1 spill, the Enrollee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;

5. Estimated spill start date and time;
6. Date and time the Enrollee notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated;
    - If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry location(s);
    - Estimated spill volume fully recovered from the drainage conveyance system;
    - Estimated spill volume remaining within the drainage conveyance system;
11. Description and photographs of all discharge point(s) into the surface water;
12. Estimated spill volume that discharged to surface waters; and
13. Estimated total spill volume recovered.

3.1.2. Certified Spill Report for Category 1 Spills

Within 15 calendar days of the spill end date, the Enrollee shall submit a Certified Spill Report for Category 1 spills, to the online CIWQS Sanitary Sewer System Database. Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report per section 3.1.1 (Draft Spill Report for Category 1 Spills) above:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
    - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;

4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, lateral, pump station, etc.);
6. Description of the pipe material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion;
14. Name and type of receiving water body(s);
15. Description of the water body(s), including but not limited to:
    - Observed impacts on aquatic life,
    - Public closure, restricted public access, temporary restricted use, and/or posted health warnings due to spill,
    - Responsible entity for closing/restricting use of water body, and
    - Number of days closed/restricted as a result of the spill.
16. Whether or not the spill was located within 1,000 feet of a municipal surface water intake; and
17. If water quality samples were collected, identify sample locations and the parameters the water quality samples were analyzed for. If no samples were taken, Not Applicable shall be selected.

3.1.3. Spill Technical Report for Individual Category 1 Spill in which 50,000 Gallons or Greater Discharged into a Surface Water

For any spill in which 50,000 gallons or greater discharged into a surface water, **within 45 calendar days** of the spill end date, the Enrollee shall submit a Spill Technical Report to the online CIWQS Sanitary Sewer System Database. The Spill Technical Report, at minimum, must include the following information:

1. Spill causes and circumstances, including at minimum:
    - Complete and detailed explanation of how and when the spill was discovered;

- Photographs illustrating the spill origin, the extent and reach of the spill, drainage conveyance system entrance and exit, receiving water, and post-cleanup site conditions;
- Diagram showing the spill failure point, appearance point(s), the spill flow path, and ultimate destinations;
- Detailed description of the methodology employed, and available data used to calculate the discharge volume and, if applicable, the recovered spill volume;
- Detailed description of the spill cause(s);
- Description of the pipe material, and estimated age of the pipe material, at the failure location;
- Description of the impact of the spill;
- Copy of original field crew records used to document the spill; and
- Historical maintenance records for the failure location.

2. Enrollee's response to the spill:
   - Chronological narrative description of all actions taken by the Enrollee to terminate the spill;
   - Explanation of how the Sewer System Management Plan Spill Emergency Response Plan was implemented to respond to and mitigate the spill; and
   - Final corrective action(s) completed and a schedule for planned corrective actions, including:
     - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable,
     - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences, and
     - Necessary modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the spill.
3. Water Quality Monitoring, including at minimum:
   - Description of all water quality sampling activities conducted;
   - List of pollutant and parameters monitored, sampled and analyzed; as required in section 2.3 (Receiving Water Monitoring) of this Attachment;
   - Laboratory results, including laboratory reports;
   - Detailed location map illustrating all water quality sampling points; and
   - Other regulatory agencies receiving sample results (if applicable).
4. Evaluation of spill impact(s), including a description of short-term and long-term impact(s) to beneficial uses of the surface water.

3.1.4. Amended Certified Spill Reports for Individual Category 1 Spills

The Enrollee shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After **90 calendar days**, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

3.2. Reporting Requirements for Individual Category 2 Spill Reporting

3.2.1. Draft Spill Report for Category 2 Spills

Within three (3) business days of the Enrollee's knowledge of a Category 2 spill, the Enrollee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Date and time the Enrollee notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated;

   If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry location(s);
    - Estimated spill volume fully recovered from the drainage conveyance system;
    - Estimated spill volume remaining within the drainage conveyance system;

- Estimated spill volume discharged to a groundwater infiltration basin or facility, if applicable; and

11. Estimated total spill volume recovered.

3.2.2. Certified Spill Report for Category 2 Spills

Within 15 calendar days of the spill end date, the Enrollee shall submit a Certified Spill Report for the Category 2 spill, to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov). Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report per section 3.2.1 (Draft Spill Report for Category 2 Spills) above:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
   - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
   - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, pump station, etc.);
6. Description of the pipe/infrastructure material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion; and

14. Whether or not the spill was located within 1,000 feet of a municipal surface water intake.

3.2.3. Amended Certified Spill Reports for Individual Category 2 Spills

The Enrollee shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After **90 calendar days**, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

3.3. Monthly Certified Spill Reporting for Category 3 Spills

The Enrollee shall report and certify all Category 3 spills to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occurred. (For example, all Category 3 spills occurring in the month of February shall be reported and certified by March 30th). After the Legally Responsible Official certifies the spills, the online CIWQS Sanitary Sewer System Database will issue a spill event identification number for each spill.

The monthly reporting of all Category 3 spills must include the following items for each spill:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Description, photographs, and GPS coordinates where the spill originated:
    - If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
7. Estimated total spill volume exiting the system;
8. Description and photographs of the extent of the spill and spill boundaries;
9. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry locations(s);
    - Estimated spill volume fully recovered from the drainage conveyance system; and

- Estimated spill volume discharged to a groundwater infiltration basis or facility, if applicable.

10. Estimated total spill volume recovered;
11. Description of the spill event destination(s), including GPS coordinates, if available, that represent the full spread and reaches of the spill;
12. Spill end date and time;
13. Description of how the spill volume estimations were calculated, including, at minimum:
    - The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology and type of data relied upon to estimate the spill start time, on-going spill rate at time of arrival (if applicable), and the spill end time;
14. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
15. System failure location (for example, main, pump station, etc.);
16. Description of the pipe/infrastructure material, and estimated age of the pipe/infrastructure material, at the failure location;
17. Description of the impact of the spill;
18. Whether or not the spill was associated with a storm event;
19. Description of spill response activities including description of immediate spill containment and cleanup efforts;
20. Description of spill corrective actions, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of the major milestones for those steps; including, at minimum:
    - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable, and
    - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences at the same spill event location, including:
      - Adjusted schedule/method of preventive maintenance,
      - Planned rehabilitation or replacement of sanitary sewer asset,
      - Inspected, repaired asset(s), or replaced defective asset(s),
      - Capital improvements,
      - Documentation verifying immediately implemented system modifications and operating/maintenance modifications,
      - Description of spill response activities,

- Spill response completion date, and
- Ongoing investigation efforts, and expected completion date of investigation to determine the full cause of spill;

21. Detailed narrative of investigation and investigation findings of cause of spill.

3.4. Monthly Certified Spill Reporting for Category 4 Spills

The Enrollee shall report and certify the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, within 30 calendar days after the end of the month in which the spills occurred.

3.5. Amended Certified Spill Reports for Category 3 Spills

Within 90 calendar days of the certified Spill Report due date, the Enrollee may update or add additional information to a certified Spill Report by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After 90 calendar days, the Legally Responsible Official shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a certified Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the 90-day timeframe for amending the certified Spill Report, as provided above.

3.6. Annual Certified Spill Reporting of Category 4 and/or Lateral Spills

For all Category 4 spills and spills from its owned and/or operated laterals that are caused by a failure or blockage in the lateral and that do not discharge to a surface water, the Enrollee shall:

- Maintain records per section 4.4. of this Attachment;

  The Enrollee shall provide records upon request by State Water Board or Regional Water Board staff.

- Annually upload and certify a report, in an appropriate digital format, of all recordkeeping of spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occurred.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

3.7. Monthly Certification of "No-Spills" or "Category 4 Spills" and/or "Non-Category 1 Lateral Spills"

If either (1) no spills occur during a calendar month or (2) only Category 4, and/or Enrollee-owned and/or operated lateral spills (that do not discharge to a surface water) occur during a calendar month, the Enrollee shall certify, within 30 calendar days after

the end of each calendar month, either a “No-Spill” certification statement, or a “Category 4 Spills” and/or “Non-Category 1 Lateral Spills” certification statement, in the online CIWQS Sanitary Sewer System Database, certifying that there were either no spills, or Category 4 and/or Non-Category 1 Lateral Spills that will be reported annually (per section 3.6 of this Attachment) for the designated month.

If a spill starts in one calendar month and ends in a subsequent calendar month, and the Enrollee has no further spills of any category, in the subsequent calendar month, the Enrollee shall certify “no-spills” for the subsequent calendar month.

If the Enrollee has no spills from its systems during a calendar month, but the Enrollee voluntarily reported a spill from a private lateral or a private system, the Enrollee shall certify “no-spills” for that calendar month.

If the Enrollees has spills from its owned and/or operated laterals during a calendar month, the Enrollee shall not certify “no spills” for that calendar month.

3.8. Electronic Sanitary Sewer System Service Area Boundary Map

The Legally Responsible Official shall submit, to the State Water Board, an up-to-date electronic spatial map of its sewer system service area boundaries. The map must be in accordance with section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) of this General Order and the specification provided on the statewide Sanitary Sewer Systems program website. The map must include the location of wastewater treatment facility(ies) that treats the sewer system waste, if in the same sewer service boundary.

By the Effective Date of this General Order, specifications for the electronic sanitary sewer service area boundary map format will be provided on the statewide Sanitary Sewer Systems Order program website.

3.9. Annual Report (Previously termed as Collection System Questionnaire in General Order 2006-0003-DWQ)

A new Enrollee shall complete and submit its first certified Annual Report into the online CIWQS Sanitary Sewer System Database, **within 30 days of obtaining a CIWQS account**; Subsequent Annual Reports are due by April 1 of each year.

All enrollees shall update their previous year’s Annual Report, **by April 1 of each year after the Effective Date of this General Order,** for each calendar year (January 1 through December 31)**.**

The Annual Report must be entered directly into the online CIWQS Sanitary Sewer System Database. The Enrollee’s Legally Responsible Official shall certify the Annual Report as instructed in CIWQS;

The Annual Report must address, and update as applicable, the following items:

- Population served;

- Updated sewer system service area boundary map, if service area boundary has changed from original map submitted per section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) of this General Order;
- Number of system operation and maintenance staff:
  - Entry level (less than two years of experience),
  - Journey level (greater than two years of experience),
  - Supervisory level, and
  - Managerial level;
- Number of operation and maintenance staff certified as a certified collection system operator by the California Water Environmental Association (CWEA), with:
  - Corresponding number of certified collection system operator grade levels (Grade I, II, III, IV, and V);
- System information:
  - Miles of system gravity and force mains,
  - Number of upper and lower service laterals connected to system,
  - Estimated number of upper and lower laterals owned and/or operated by the Enrollee,
  - Portion of laterals that is Enrollee's responsibility,
  - Average age the major components of system infrastructure,
  - Number and age of pump stations, and
  - Estimated total miles of the system pipeline not accessible for maintenance;
- Name and location of the treatment plant(s) receiving sanitary sewer system's waste;
- Name of satellite sewer system tributaries;
- Number of system's gravity sewer above or underground crossings of water bodies throughout system;
- Number of force main (pressurized pipe) above or underground crossings of water bodies throughout system;
- Number of siphons used to convey waste throughout the sewer system;
- Miles of sewer system cleaned;
- Miles of sewer system video inspected, or comparable (i.e., video closed-circuit television or alternative inspection methods);
- System Performance Evaluation as specified in section 5.11 (System Performance Analysis) of this General Order;
- Major spill causes (for example, root intrusion, grease deposition);

- System infrastructure failure points (for example, main, pump station, lateral, etc.);
- Ongoing spill investigations; and
- Actions taken to address system deficiencies.

3.10. Sewer System Management Plan Audit Reporting Requirements

The Enrollee shall submit its Sewer System Management Plan Audit and other pertinent audit information, in accordance with section 5.4 (Sewer System Management Plan Audits) of this General Order, to the online CIWQS Sanitary Sewer System Database **by six (6) months after the end of the 3-year audit period**.

If a Sewer System Management Plan Audit is not conducted as required: the Enrollee shall:

- Update the online CIWQS Sanitary Sewer System Database and select the justification for not conducting the Audit; and
- Notify its corresponding Regional Water Board (see Attachment F (Regional Water Quality Control Board Contact Information)) of the justification for the lapsed requirements.

The Enrollee's reporting of a justification for not conducting a timely Audit does not justify non-compliance with this General Order. The Enrollee shall:

- Submit the late Audit as required in this General Order; and
- Comply with subsequent Audit requirements and due dates corresponding with the original audit cycle.

3.11. Sewer System Management Plan Reporting Requirements

For an Existing Enrollee previously regulated by Order 2006-0003-DWQ: **Within every six (6) years after the required due date of its last Plan Update**, the Legally Responsible Official shall upload and certify a local governing entity-approved Sewer System Management Plan Update to the online CIWQS Sanitary Sewer System Database. If the electronic document format or size capacity prevents the electronic upload of the Plan, the Legally Responsible Official shall report an electronic link to its updated Sewer System Management Plan posted on its own website.

Order 2006-0003-DWQ required each enrollee to develop its initial Sewer System Management Plan per the following schedule, with required Plan updates at a frequency of 5-years thereafter:

Systems serving populations: Greater than 100,000: May 2, 2009

Between 100,000 and 10,000: August 2, 2009

Between 10,000 and 2,500: May 2, 2010

Less than 2,500: August 2, 2010

This Order carries forth the previously-required Plan Update schedule per Order 2006-0003-DWQ. Per the six-year Plan Update frequency required in this Order, the Enrollee shall upload and certify its first Plan Update, to the online CIWQS Sanitary Sewer System Database by the following due dates, with subsequent Plan Updates at the frequency of six years thereafter:

Systems serving populations: Greater than 100,000: May 2, 2025

Between 100,000 and 10,000: August 2, 2025

Between 10,000 and 2,500: May 2, 2026

Less than 2,500: August 2, 2026

For a New Enrollee: **Within twelve (12) months of its Application for Enrollment Approval date**, the Legally Responsible Official of a new Enrollee shall upload and certify a local governing entity-approved Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database. If electronic document format or size capacity prevents the electronic upload of the Plan, the Legally Responsible Official shall report an electronic link to its Sewer System Management Plan posted on its own website. The due date for subsequent 6-year Plan updates, is six (6) years from the submittal due date of the new Enrollee's first Sewer System Management Plan.

4. RECORDKEEPING REQUIREMENTS

The Enrollee shall maintain records to document compliance with the provisions of this General Order, and previous General Order 2006-0003-DWQ as applicable, for each sanitary sewer system owned, including any required records generated by an Enrollee's contractor(s).

4.1. Recordkeeping Time Period

The Enrollee shall maintain records of documents required in this Attachment, including records collected for compliance with this General Order, and records collected in accordance with previous General Order 2006-0003-DWQ, for five (5) years.

4.2. Availability of Documents

The Enrollee shall make the records required in this General Order readily available, either electronic or hard copies, for review by Water Board staff during onsite inspections or through an information request.

4.3. Spill Reports

The Enrollee shall maintain records for each of the following spill-related events and activities:

- Spill event complaint, including but not limited to records documenting how the Enrollee responded to notifications of spills. Each complaint record must, at a minimum, include the following information:
    - Date, time, and method of notification,

- Date and time the complainant first noticed the spill, if available,
- Narrative description of the complaint, including any information the caller provided regarding whether the spill has reached surface waters or a drainage conveyance system, if available,
- Complainant's contact information, if available, and
- Final resolution of the complaint;

- Records documenting the steps and/or remedial action(s) undertaken by the Enrollee, using all available information, to comply with this General Order, and previous General Order 2006-0003-DWQ as applicable;
- Records documenting how estimate(s) of volume(s) and, if applicable, volume(s) of spill recovered were calculated;
- All California Office of Emergency Services notification records, as applicable; and
- Records, in accordance with the Monitoring Requirements in this Attachment.

4.4. Recordkeeping of Category 4 Spills and Non-Category 1 Lateral Spills

An Enrollee must maintain the following records for each individual Category 4 spill and for each individual non-Category 1 Enrollee-owned and/or operated lateral spill, and report in accordance to section 3.6 (Annual Certified Spill Reporting of Category 4 and/or Lateral Spills) of this Attachment.

Recordkeeping of Individual Category 4 Spill Information:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Description and GPS coordinates for the system location where the spill originated;
4. Did the spill reach a drainage conveyance system? If Yes:
   - Description of drainage conveyance system location,
   - Estimated spill volume fully recovered within the drainage conveyance system, and
   - Estimated spill volume remaining within the drainage conveyance system;
5. Estimated total spill volume exiting the sanitary sewer system;
6. Spill date and start time;
7. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
8. System failure location (for example, main, pump station, etc.);
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of how the volume estimation was calculated, including, at minimum:

- The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
- The methodology and type of data relied upon to estimate the spill start time, on-going spill rate at time of arrival (if applicable), and the spill end time;

11. Description of implemented system modifications and operating/maintenance modifications.

Recordkeeping of Individual Lateral Spill Information:

1. Date and time the Enrollee was notified of, or self-discovered, the spill;
2. Location of individual spill;
3. Estimated individual spill volume;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.); and
5. Description of how the volume estimations were calculated.

Total Annual Spill Information:

1. Estimated total annual spill volume;
2. Description of spill corrective actions, including at minimum:
   - Local regulatory enforcement action taken against the sewer lateral owner in response to a spill, as applicable, and
   - System operation, maintenance and program modifications implemented to prevent repeated spill occurrences at the same spill location.

4.5. Sewer System Telemetry Records

The Enrollee shall maintain the following sewer system telemetry records if used to document compliance with this General Order, and previous General Order 2006-0003-DWQ as applicable, including spill volume estimates:

- Supervisory control and data acquisition (SCADA) system(s);
- Alarm system(s);
- Flow monitoring device(s) or other instrument(s) used to estimate sewage flow rates, and/or volumes;
- Computerized maintenance management system records; and
- Asset management-related records.

4.6. Sewer System Management Plan Implementation Records

The Enrollee shall maintain records documenting the Enrollee's implementation of its Sewer System Management Plan, including documents supporting its Sewer System Management Plan audits, corrections, modifications, and updates to the Sewer System Management Plan.

4.7. Audit Records

The Enrollee shall maintain, at minimum, the following records pertaining to its Sewer System Management Plan audits, and other internal audits:

- Completed audit documents and findings;
- Name and contact information of staff and/or consultants that conducted or involved in the audit; and
- Follow-up actions based on audit findings.

4.8. Equipment Records

The Enrollee shall maintain a log of all owned and leased sewer system cleaning, operational, maintenance, construction, and rehabilitation equipment.

4.9. Work Orders

The Enrollee shall maintain record of work orders for operations and maintenance projects.

ATTACHMENT E2 – SUMMARY OF NOTIFICATION, MONITORING AND REPORTING REQUIREMENTS

This Attachment provides a summary of notification, monitoring and reporting requirements, by spill category, and for Enrollee-owned and/or operated laterals as required in Attachment E1 of this General Order, for quick reference purposes only.

Table E2-1

Spill Category 1: Spills to Surface Waters

Spill Requirement	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 1 spill of 1,000 gallons or greater, discharging or threatening to discharge to surface waters: Notify the California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	• Conduct spill-specific monitoring; • Conduct water quality sampling of the receiving water within **18 hours** of initial knowledge of spill of 50,000 gallons or greater to surface waters.	(Section 2 of Attachment E1)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; • Submit Technical Report **within 45 calendar days** after the spill end date for a Category 1 spill in which **50,000 gallons or greater** discharged to surface waters; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.1 of Attachment E1)

Table E2-2
Spill Category 2: **Spills of 1,000 Gallons or Greater That Do Not Discharge to Surface Waters**

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 2 spill of 1,000 gallons or greater, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.2 of Attachment E1)

Table E2-3
Spill Category 3: Spills of Equal or Greater than 50 Gallons and Less than 1,000 Gallons That Does Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database within **30 calendars days** after the end of the month in which the spills occur; and • Submit Amended Spill Reports **within 90 calendar days** after the Certified Spill Report due date.	(Section 3.3 and 3.5 of Attachment E1)

Table E2-4
Spill Category 4: Spills Less Than 50 Gallons That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• If, during any calendar month, Category 4 spills occur, certify monthly, the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database, within 30 days after the end of the calendar month in which the spills occurred. • Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur.	(Section 3.4, 3.6, 3.7 and 4.4 of Attachment E1)

Table E2-5
Enrollee Owned and/or Operated Lateral Spills That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a spill of 1,000 gallons or greater, from an enrollee-owned and/or operated lateral, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number. Not applicable to a spill of less than 1,000 gallons.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	Conduct visual monitoring.	(Section 2 of Attachment E1)
Reporting	• Upload and certify a report, in an acceptable digital format, of all lateral spills (that do not discharge to a surface water) to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur. • Report a lateral spill of any volume that discharges to a surface water as a Category 1 spill.	(Sections 3.6, 3.7 and 4.4 of Attachment E1)

ATTACHMENT F – REGIONAL WATER QUALITY CONTROL BOARD CONTACT INFORMATION

This Attachment provides a map, list of counties, and contact information to assist the Enrollee in identifying the corresponding Regional Water Quality Control Board office, for all Regional Water Board notification requirements in this General Order.



Region 1 -- North Coast Regional Water Quality Control Board:
Del Norte, Glenn, Humboldt, Lake, Marin, Mendocino, Modoc, Siskiyou, Sonoma, and Trinity counties.

RB1SpillReporting@waterboards.ca.gov or (707) 576-2220

Region 2 -- San Francisco Bay Regional Water Quality Control Board:
Alameda, Contra Costa, San Francisco, Santa Clara (Northern most part of Morgan Hill), San Mateo, Marin, Sonoma, Napa, Solano counties.

RB2SpillReports@waterboards.ca.gov or (510) 622-2369

Region 3 -- Central Coast Regional Water Quality Control Board:
Santa Clara (most of Morgan Hill), San Mateo (Southern portion), Santa Cruz, San Benito, Monterey, Kern (small portions), San Luis Obispo, Santa Barbara, Ventura (Northern portion) counties.

CentralCoast@waterboards.ca.gov or (805) 549-3147

Region 4 -- Los Angeles Regional Water Quality Control Board:
Los Angeles, Ventura counties (small portions of Kern and Santa Barbara counties).

rb4-ssswdr@waterboards.ca.gov or (213) 576-6600

Region 5 -- Central Valley Regional Water Quality Control Board:

Rancho Cordova (Sacramento) Office: Colusa, Lake, Sutter, Yuba, Sierra, Nevada, Placer, Yolo, Napa, (North East), Solano (West), Sacramento, El Dorado, Amador, Calaveras, San Joaquin, Contra Costa (East), Stanislaus, Tuolumne counties.

RB5sSpillReporting@waterboards.ca.gov or (916) 464-3291

Fresno Office: Fresno, Kern, Kings, Madera, Mariposa, Merced, and Tulare counties, and small portions of San Benito and San Luis Obispo counties.

RB5fSpillReporting@waterboards.ca.gov or (559) 445-5116

Redding Office: Butte, Glen, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama counties.

RB5rSpillReporting@waterboards.ca.gov or (530) 224-4845

Region 6 -- Lahontan Regional Water Quality Control Board:
Lake Tahoe Office: Alpine, Modoc (East), Lassen (East side and Eagle Lake), Sierra, Nevada, Placer, El Dorado counties.

RB6sSpillReporting@waterboards.ca.gov or (530) 542-5400

Victorville Office: Mono, Inyo, Kern (East), San Bernardino, Los Angeles (North East corner) counties.

RB6vSpillReporting@waterboards.ca.gov or (760) 241-6583

Region 7 -- Colorado River Basin Regional Water Quality Control Board:
Imperial county and portions of San Bernardino, Riverside, San Diego counties.

RB7SpillReporting@waterboards.ca.gov or (760) 346-7491

Region 8 -- Santa Ana Regional Water Quality Control Board:
Orange, Riverside, San Bernardino counties.

RB8SpillReporting@waterboards.ca.gov or (951) 782-4130

Region 9 -- San Diego Regional Water Quality Control Board:
San Diego county and portions of Orange and Riverside counties.

RB9Spill_Report@waterboards.ca.gov or (619) 516-1990

End of Order 2022-0103-DWQ

ATTACHMENT B – APPLICATION FOR ENROLLMENT

1. Enrollment Status: (Mark only one item)

☐ New Enrollee

☑ New Enrollee with previous regulatory coverage under Order 2006-0003-DWQ
(that failed to certify continuation of coverage in CIWQS per Order 2022-XXXX-DWQ)
Existing WDID Number: 755010507

2. Applicant Information:

Legally Responsible Official Submitting Application

First and Last Name: Perry Gerdes

Title: Water/Wastewater Superintendent

Phone: 951-849-3273

Email: pgerdes@banningca.gov

System Owner/Operator Name: City of Banning

Mailing Address: P.O. Box 998

City, State, Zip: Banning, CA 92220

County: Riverside

Sanitary Sewer System Name: City of Banning Collection System

Regional Water Quality Control Board(s): Colorado River Basin

Signature and Date: _____

3. Applicant Type (Check one):

☑ City ☐ County ☐ State ☐ Federal ☐ Special District

☐ Government Combination ☐ Private ☐ Other Non-governmental Entity

4. Wastewater Treatment Plant Receiving Sanitary Sewer System Waste:

Wastewater Treatment Plant Permittee: City of Banning Water Reclamation Facility

WDID No.: 7A330100015

5. Billing Information

Billing Address: P.O. Box 998

City, State, Zip: Banning, CA 92220

Billing Contact Person and Title: Perry Gerdes

Phone and Email Address: 951-849-3273, Pgerdes@banningca.gov

6. Application Fee:

The application fee, as required by Water Code section 13260, is based on the daily population served by the sanitary sewer system. See updated Fee Schedule. (https://www.waterboards.ca.gov/resources/fees/water_quality/)

Check one of the following and enter fee amount:

☑ Population Served < 50,000 – Total Fee submitted: $ $3,453.00

☐ Population Served ≥ 50,000 – Total Fee submitted: $ _____

Make the fee payment payable to the State Water Resources Control Board and mail the complete application package to:

State Water Resources Control Board, Accounting Office
P. O. Box 1888
Sacramento, CA 95812-1888

Attention: Statewide Sanitary Sewer System Program

7. Application Submittal Certification

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information in the submitted application package is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Print Name: Pery Gerdes

Title: Water/Wastewater Superintendent

Signature: _____ Date: _____

State Water Resources Control Board

August 9, 2023

Perry Gerdes
City of Banning
P.O. Box 998
Banning, CA 92220

NOTICE OF APPLICABILITY; NEW REGULATORY COVERAGE; STATEWIDE SANITARY SEWER SYSTEMS GENERAL ORDER, 2022-0103-DWQ

Dear Perry Gerdes:

Thank you for submitting the July 6, 2023, application package requesting regulatory coverage for the City of Banning under the Statewide General Order for Sanitary Sewer Systems.[1] The application package is approved. This Notice of Applicability serves as confirmation of new regulatory coverage under the Statewide General Order 2022-0103-DWQ, as follows:

- Agency name: City of Banning
- Sanitary Sewer System name: Banning City CS
- Waste Discharge Identification Number (WDID): 7SSO20023
- Regulatory Coverage Start Date: August 9, 2023

To comply with the Statewide General Order for Sanitary Sewer Systems, the City of Banning shall:

a. Designate a Legally Responsible Official, per Section 5.1 of the General Order.

b. Within 30 days from the date of this letter, obtain a California Integrated Water Quality System (CIWQS) user account per Section 2.2.3 of the General Order.

c. Within 12 months from the date of this letter, develop, certify, and upload an approved Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database, per Section 5.2 of the General Order.

[1] Statewide Waste Discharge Requirements General Order for Sanitary Sewer Systems; State Water Board Order 2022-0103-DWQ. (https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2022/wqo_2022-0103-dwq.pdf).

d. Conduct an internal audit of its Sewer System Management Plan and follow audit report due dates, per Section 5.4 of the General Order.

e. Update its Sewer System Management Plan at minimum every six (6) years after the date of its last Plan Update due date, per Section 5.5 of the General Order.

f. Designate Data Submitters, per Section 5.8 of the General Order.

g. Within 6 months from the date of this letter, develop and implement a Spill Emergency Response Plan, per Section 5.12 and per Attachment D, section 6 (Spill Emergency Response Plan) of the General Order.

h. Within 12 months from the date of this letter or by July 1, 2025, whichever is later, submit an electronic Sanitary Sewer System Service Area Boundary Map, per Section 5.14 of the General Order.

i. Within 30 days of obtaining a CIWQS account, submit the initial Annual Report, as specified in section 3.9 (Annual Report) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of the General Order. Include also in the Annual Report, a running 10-year system performance analysis, per Section 5.11 of the General Order.

Failure to comply with the requirements set forth in this Notice of Applicability and the Statewide General Order for Sanitary Sewer Systems could result in an enforcement action as authorized by the California Water Code.

If you have any questions regarding the statewide Sanitary Sewer Systems General Order or this Notice of Applicability, please email your questions to SanitarySewer@waterboards.ca.gov.

Sincerely,

AG Kihara FOR

Karen Mogus, Deputy Director
Division of Water Quality

Cc [via email]:

Colorado River Basin Regional Water Quality Control Board

Paula Rasmussen, Executive Officer
Paula.Rasmussen@waterboards.ca.gov

Kai Dunn, Supervising Water Resource Control Engineer
Kai.Dunn@waterboards.ca.gov

Logan Raub, Senior Environmental Scientist
Logan.Raub@waterboards.ca.gov

Table of Contents

ORDINANCE NO. 1206

Section 1. Chapter 31A, pertaining to Industrial Discharge Regulations for the City of Banning sewer collection system, is hereby added to the Banning Ordinance Code as follows:

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(This page is for draft purposes only and is not to be codified.)

ORDINANCE NO. 1206

AN ORDINANCE BY THE CITY OF BANNING, CALIFORNIA, ADDING CHAPTER 31A TO THE BANNING ORDINANCE CODE PERTAINING TO INDUSTRIAL WASTEWATERS AND PRE-TREATMENT REQUIREMENTS

The City Council of the City of Banning, California, DOES HEREBY ORDAIN as follows:

SECTION 1. This Ordinance supplements Article V of Resolution No. 1983-13, pertaining to Industrial Discharge Regulations for the City of Banning sewer collection system, as follows :

CHAPTER 31A. INDUSTRIAL WASTEWATERS

Sec. 31A-1. Purpose.

The purpose of this Chapter is to provide for the maximum possible beneficial public use of the City's wastewater collection and treatment facilities through adequate regulations and permit requirements governing nonresidential discharges, to provide for equitable distribution of the City's costs, and to provide procedures for complying with requirements placed upon the City of Banning by other regulator agencies.

Sec. 31A-2. Superseding Previous Regulations.

This Chapter shall supersede all previous regulations and policies of the City of Banning governing items covered in this Chapter. Specifically, the provisions of this Chapter shall superseded Article V of that document entitled City of Banning Resolution No. 1983-13.

Sec. 31A-3. Definitions.

For the purposes of this Chapter, unless the context specifically indicates otherwise, the meaning of terms used shall be as follows:

a. "Categorical Pretreatment Standard" or "Categorical Standard" - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

b. "City" - Authorized representatives of and facilities owned by the City of Banning.

c. "Clean Water Act" or "CWA" - The Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq. 86 Stat. 916, Public Law 92-500.

d. "Contamination" - An impairment of the quality of the waters of the State by the introduction of waste material to a degree which creates a hazard to the public health through poisoning or through the spread of disease.

e. "Director of Public Works" - The person designated by the City of Banning to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

f. "Industrial Waste" - Includes non-domestic liquid or semisolid wastes from any producing, manufacturing, or processing operation of whatever nature.

g. "Interference" - A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of [the City's] NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

h. "National Pollution Discharge Elimination System or NPDES Permit" - A permit issued pursuant to Section 402 of the Clean Water Act (33 U.S.C. 1342).

i. "New Source"

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) immediately above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program.

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

j. "Nuisance" - A discharge of wastewater in violation of City regulations or orders, or which is or could be harmful to or unreasonably affect the wastewater collection and treatment facilities of the City or which impairs or unreasonably affects the operation and maintenance of such facilities, or which violates quantity, quality or flow standards adopted by the City, and all wastewater discharges which unreasonably affect the quality of the City's treatment plant effluent in such a manner that receiving water quality requirements established by law cannot be met by the City.

k. "Pass Through" - A discharge which exits the City into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

l. "Person" - Any individual, partnership, firm, association, corporation, or agency, including the State of California and the United States of America.

m. "Pollutant" - Any domestic, municipal, commercial, industrial or agricultural waste material discharged in water.

n. "Pollution" - An alteration of the quality of the waters of the State by pollutants to a degree which unreasonably affects (1) such waters for beneficial use of (2) facilities which serve such beneficial uses.

o. "Premises" - A parcel of real property, or portion thereof, including any improvements thereon, which is determined by the City to be a single unit for purposes of receiving, using, and paying for wastewater disposal service. In making this determination, the City shall take into consideration such factors as whether the unit could reasonably be subdivided, number and location of side sewers, and whether the unit is being used for a single activity and, if not, what is the principal activity for wastewater disposal services.

p. "Pretreatment or Treatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the City's wastewater system. The reduction of alteration can be obtained by physical, chemical or biological processes, or through process changes or other means, except as prohibited by 40 CFR Section 403.6(d).

q. "Pretreatment Requirements" - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

r. "Pretreatment Standards" - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

s. "Receiving Water Quality Requirements" - Requirements for the City's wastewater treatment plant effluent established by law or by State or Federal regulatory agencies for the protection of receiving water quality. "Requirements" shall include effluent limitations, and waste discharge standards, limitations, or prohibitions which may be promulgated or adopted from time to time by local, State or Federal regulatory agencies.

t. "Residential Wastewater" - The waterborne wastes derived from human habitation and use of residential, business, institutional, and industrial buildings or other structures.

u. "Septic Tank Waste" - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

v. "Side Sewer" - A sewer conveying the wastewater of a user from a residence, building, or other structure to a City-owned interceptor sewer.

w. "Significant Industrial User"

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) GPD or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

x. "Significant Noncompliance (SNC)" - the term shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the

average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Works exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s) which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

y. "Slug Load" or "Slug" - Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 31A-5 of this ordinance.

z. "Standard Industrial Classification (SIC)" - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

aa. "Standard Methods" - Analytical procedures described in the latest edition of "Standard Methods of the Examination of Water and Wastewater" as published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

bb. "Storm Water" - Any flow occurring during or following any form of natural precipitation and resulting therefrom.

cc. "Suspended Solids" - The concentration of non-filterable residue determined in conformance with Standard Methods procedures.

dd. "Toxic Pollutant" - Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the CWA 307(a) or other Acts.

ee. "User or Industrial User" - Any person who contributes, causes or permits the contribution of wastewater into the City's collection and treatment facilities and is a source of indirect discharge.

ff. "Waste Material" - Includes any and all substances of liquid, solid, gaseous, or radioactive nature, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of any nature.

gg. "Wastewater" - All residential and nonresidential material and waters, whether treated or untreated, discharged into or permitted to enter the wastewater collection system for processing in the wastewater treatment facilities of the City of Banning.

hh. "Wastewater Strength" - The quality of wastewater discharged as measured by its concentration, including its constituents and characteristics.

ii. "Wastewater System" - Includes intercepting sewers, wastewater treatment works, pumping stations, outfall sewers, and appurtenances constructed, operated, and maintained by the City of Banning for residential and nonresidential wastewater disposal purposes.

Abbreviations:

a. "CFR" - Code of Federal Regulations.

b. "POTW" - shall mean publicly owned treatment works.

c. "RCRA" - shall mean Resource Conservation and Recovery Act of 1976 Public Law (Pl) 94-580 and amendments thereto.

d. "SIC" - (standard industrial classification) shall mean the system of classifying industries identified in the SIC Manual, 1972, or subsequent edition, prepared by the Office of Management and Budget.

e. "EPA" - United States Environmental Protection Agency.

Sec. 31A-4. Permissible Discharges.

Wastewater may be discharged into side sewers for interception, treatment, and disposal by the City provided that such wastewater does not contain substances prohibited, or exceed limitations or wastewater strength, set forth in this Chapter; and provided further that the user pays all City wastewater disposal charges and is in compliance with all terms of this Chapter, including the permit provisions if applicable.

Sec. 31A-5. Prohibited Discharges.

No person shall discharge or deposit or cause or allow to be discharged or deposited into the City's wastewater system any wastewater containing or exhibiting the following:

a. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.

b. Any toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create pass through or interference as defined by Section 31A-4, or create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the wastewater system.

c. A pH lower than 5.0 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system.

d. Any solids or viscous substance of such size or character, or in such quantity that they may cause obstruction to flow in the collection system or be detrimental to proper wastewater treatment plant operations.

e. Any rainwater, storm water, ground water, street drainage, subsurface drainage, roof drainage, yard drainage, water from yard fountains, ponds, or lawn sprays or any other uncontaminated water.

f. Any water added for the purpose of diluting wastes as a partial or complete substitute for adequate treatment to achieve compliance with this chapter.

g. Any free biodegradable or non-biodegradable oils or greases, petroleum oil or refined petroleum products.

h. Any dispersed petroleum or mineral based cutting oils, biodegradable oils, fats or greases in excessive concentrations that would tend to cause adverse effects on the wastewater system.

i. Any unreasonably large amount of suspended solids.

j. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

k. Any strongly odorous compounds or compounds tending to create odors.

l. Dissolved sulfides above a concentration of 0.1 milligram/liter.

m. Any material inducing a high pH (pH greater than 9) which causes encrustation, scale or precipitates on sewer walls or other adverse effects on the wastewater system.

n. Any substance promoting or causing the promotion of toxic gases.

o. A temperature of 140° F or higher. At no time shall any person discharge wastewater causing the influent wastewater at the treatment plant to exceed a temperature of 104° F.

p. Any material requiring an excessive quantity of chlorine or other chemical compound used for disinfecting purposes.

q. Any excessive amounts of chlorinated hydrocarbon or organic phosphorus type compounds.

r. Any excessive amounts of deionized water, steam condensate or distilled water.

s. Any substance that may precipitate, solidify, gel, polymerize, or become viscous under conditions normally found in the wastewater treatment plant effluent.

t. Any material producing excessive discoloration of the wastewater treatment plant effluent.

u. Any particulate material that has not been ground sufficiently to pass through a 3/8-inch screen.

v. Any detergents, surface active agents, or other substances, in quantities sufficient to cause foaming in the wastewater system.

w. Any radioactive wastes in excess of Federal, State or County regulations.

x. Any trucked or hauled pollutants, except at discharge points designated by the Director of Public Works in accordance with Section 31A-17 (c) of this ordinance.

A minimum 8 hours prior notice of wrongul discharge and opportunity to correct shall be given by the Public Works Director to the User before commencement of an enforcement action for violation of subsections d, h, I, k, p, q, r, t or v immediately above.

Sec. 31A-6. Limitations on Discharges.

a. General Limitations. No person shall discharge or convey, or permit or allow to be discharged or conveyed, to the City wastewater system any pollutants of such character or quantity that will:

(1) Not be susceptible to treatment or interfere with the process of efficiency of the treatment system.

(2) Constitute a hazard to human or animal life, or to the stream or water course receiving the treatment plant effluent.

(3) Violate any Federal, State, or local Pretreatment standards, including Federal Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

(4) Any material or quantity of material which will cause the City's wastewater treatment plant effluent to exceed the concentration limits of its NPDES permit as established by the Colorado River Basin Regional Water Quality Control Board, and any subsequent amendments as are duly adopted from time to time by the Colorado River Basin Regional Water Quality Control Board.

b. The following values represent the average and maximum concentration levels of specific contaminants which may be present in a user's discharge to the City wastewater system:

Discharge Limits, mg/1

Parameter	Daily Maximum
Arsenic	0.05
Cadmium	0.05
Chromium	5.00
Copper	0.50
Lead	0.10
Mercury	0.10
Nickel	1.00
Silver	0.50

Nickel	1.00
Silver	0.50
Zinc	1.00
Cyanide	0.10
Total Toxic Organics	0.58
pH	5.0 -10.5
Radioactivity	*

*State of California Standards

Sec. 31A-7. Prohibited Discharge Locations.

a. It is unlawful for any person to discharge or cause to be discharged into any storm drain or storm water channel or natural watercourse, whether currently carrying water or not, or into any pipe or waterway leading to such drain, channel or watercourse, any solid or fluid material which will impair the useful functioning of such drain, channel, or watercourse, or cause expense to the City, or other public agency, in maintaining the proper functioning or same, or cause public nuisance or public hazard or cause detrimental pollution of natural surface or subsurface waters.

b. It is unlawful for any person to deposit or discharge into any sump which is not impermeable or into any pit or well, or onto the ground, or into any storm drain or watercourse any material which by seeping underground or by being leached or by reacting with the soil is detrimental to the usable underground waters and exceeds the range of the effects of ordinary non-industrial land uses on underground waters into which such wastes may seep, or which will violate any requirements of the Colorado River Basin Regional Water Quality Control Board.

Sec. 31A-8. Permit Requirement.

Permits must be obtained by all non-domestic users whose wastewater contains or may contain pollutants not normally found or in concentrations in excess of those normally found in domestic wastewater. Those users requiring permits shall include, but not be limited to, the following categories:

a. Users whose wastewater contains or may contain any substance which would cause the wastewater to be considered a prohibited discharge under this Chapter.

b. Any user that meets the criteria set forth in 40 CFR 403.3(t) and is designated as a Significant Industrial User (SIU).

c. Any other users determined by the Director of Public Works to require special regulation or source control.

Users for whom permits are mandatory must make application for and obtain a permit which shall govern each wastewater connection to the City's wastewater system.

Sec. 31A-9. Application.

Users seeking a wastewater discharge permit shall complete and file with the Director of Public Works an application form, within 30 days after the effective date of this Ordinance, and proposed new users shall apply at least 90 days prior to connecting to or contributing to the City's wastewater system. The application may require information including but not limited to: Estimated wastewater strength, estimated wastewater flow, average and peak wastewater discharge flow rates for each side sewer; locations of side sewers, sampling points, and pretreatment facilities; description of activity, facilities, and plant processes on the premises, including raw materials, processes and types of materials which are or could be discharged, SIC number; total product produced, by type; number and type of employees; and any other information the Director of Public Works may deem necessary to evaluate the permit application. Within 90 days the Director of Public Works shall approve or deny this application.

a. Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Sec. 31A-10. Terms and Conditions of Permit.

a. Terms. All wastewater discharge permits shall be expressly subject to all provisions of this Chapter. All permits shall contain the following terms:

(1) A group classification designation;

(2) Monitoring requirements;

(3) Requirements for reports of initial and continuing compliance;

(4) Requirements for pretreatment facilities.

b. Conditions. Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations established by the City. Permits may contain the following:

(1) A permit application fee;

(2) Limitations on wastewater strength for the flow in each side sewer, including average and maximum concentrations of the wastewater constituents and characteristics;

(3) Limits on average and maximum rate of discharge, restriction of discharge to certain hours of the day, or requirements for flow regulation and equalization;

(4) Requirements for the installation of flow measurement or other facilities;

(5) Requirements for installation and maintenance of inspection and sampling facilities, including City access to the facilities;

(6) Specifications for monitoring programs which may include sampling locations, method of sampling, those chemical constituents to be reported upon, frequency of sampling, number, types, and standards for tests;

(7) Requirements for submission of technical reports or discharge reports, and authority for the Director of Public Works or designee to copy all such reports kept at the premises of the user;

(8) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording access to the City for the purposes of inspection and copying;

(9) Requirements for facilities to prevent accidental discharge of prohibited materials or other wastes regulated by this Chapter.

Sec. 31A-11. Permit Duration.

Permits shall be issued for a time period not to exceed five years and shall be stated to expire on a specific date. The user shall apply for permit re-issuance a minimum of 90 days prior to the expiration of the user's existing permit.

Sec. 31A-12. Change of Permit Terms and Conditions.

The City may change the terms and conditions of a wastewater discharge permit, including changing the average limits on the elements of wastewater strength, from time to time as circumstances may require. The City shall allow a user reasonable time to comply with any City required changes in the permit.

Any user desiring to make alterations of connections to the wastewater collection system, or desiring to modify its' industrial plant, process, or wastewater treatment facilities in a manner which would increase or decrease the flow rate or alter the quality of the wastewater discharge described in its Wastewater Discharge Permit shall first apply for an amended permit and obtain a revised Wastewater Discharge Permit approved by the Director of Public Works prior to the commencement of any construction of new facilities or operation of modified facilities. The Director of Public Works shall treat this in the same manner as an original application under Section 31A-10.

Upon promulgation of a National Categorical Pretreatment Standard, the Director of Public Works shall notify by registered letter all users whom may be subject to such standard, including the applicable reporting requirements under 40 CFR Section 403.12. Within 180 days after the promulgation of a National Categorical Pretreatment Standard, all applicable users shall make application to the Director of Public Works for a Wastewater Discharge Permit. Likewise, applicable users with an existing Wastewater Discharge Permit shall make application to the Director of Public Works for a revised Permit within 180 days after the promulgation of such standard. The City shall respond by issuing new or revised Wastewater Discharge Permits to the applicants. The new or revised Permit shall be issued within three months of the promulgation of the National Categorical Pretreatment Standard, and shall require compliance with such standard within the time frame prescribed by the standard.

Sec. 31A-13. Transfer of Permit Prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

Sec. 31A-14. Revocation of Permit.

Any user who violates the following conditions of its permit or of this Chapter, or of applicable State and Federal regulations, is subject to having its permit revoked by the Director of Public Works upon a minimum notice of three days.

Violations subjecting a user to possible revocation of its permit include, but are not limited to, the following:

a. Failure of a user to accurately report the wastewater constituents and characteristics of its discharge;

b. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

c. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

d. Violation of conditions of the permit.

Sec. 31A-15. Unusual Conditions, Special Agreements, and Waivers.

a. No statement contained in this Chapter prevents any special agreement or arrangement between the City and any industrial concern whereby a nonresidential waste of unusual strength or character may be accepted by the City for treatment.

b. If any discharge contains or may contain constituents which cause it to fail to conform to any of the requirements set forth in Section 31A-7, but the Director of Public Works finds that:

(1) The discharge will not cause harm to the wastewater system nor unreasonably or inequitably burden the operations of the system; and

(2) When considered together with similar excesses in discharges of other limited herein will not materially affect the ability of the City to meet the requirements of the Colorado River Basin Regional Water Quality Control Board on the City's wastewater treatment plant effluent (NPDES Permit), the Director of Public Works shall grant approval for discharge to the sewer with waiver or modifications of the requirements which would not be met, and so indicate on the user's permit.

c. The Director of Public Works shall not grant waiver of any requirement set forth by Federal or State regulation.

Sec. 31A-16. Administrative Authority.

The Director of Public Works is charged with responsibility for the City's wastewater control program, the administration and enforcement of the provisions of this Chapter and the City of Banning Industrial Waste Program Enforcement Response Guide.

To effectively administer and enforce the provisions of these regulations, the Director of Public Works may require any discharger to comply with any or all of the requirements of the following sections.

Sec. 31A-17. Pretreatment.

a. Users shall provide necessary wastewater treatment as required to comply with this Chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Chapter. Any subsequent changes in the procurement facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the City, Regional Water Quality Control Board and EPA for inspection and copying upon request, including copies of records maintained on the premises of the user.

The City shall publish annually, in the largest daily newspaper published in the POTW's municipality, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. This procedure shall be as specified in 40 CFR Section 403.8 (f) (2) (vii).

b. Grease, oil and sand interceptors shall be provided when, in the opinion of the Director of Public Works they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful materials; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director Public Works and located so as to be readily and easily accessible for cleaning and inspection. The requirement for installation of a grease, oil or sand interceptor shall be indicated in the user's wastewater discharge permit.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gas-tight and watertight.

All grease, oil and sand interceptors deemed necessary shall be installed and maintained at the owner's expense and shall be in efficient operation at all times.

c. Hauled wastewater shall be regulated by the following conditions of this ordinance:

(1) Septic tank waste my be introduced into the POTW only at locations designated by the Director of Public Works, and at such times as are established by the Director of Public Works. Such waste shall not violate Sections 31A-4, 31A-5, 31A-6 and 31A-7 of this ordinance or any other requirements established by the City. The Director of Public Works may require septic tank waste haulers to obtain wastewater discharge permits.

(2) The Director of Public Works shall require haulers of industrial waste to obtain wastewater discharge permits. The Director of Public Works may require generators of hauled industrial waste to obtain wastewater discharge permits.. The Director of Public Works also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

(3) Industrial waste haulers may discharge loads only at locations designated by the Director of Public Works. No load may be discharged without prior consent of the Director of Public Works. The City as directed by the Director of Public Works may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Sec. 31A-18. Protection from Accidental Discharge.

Each nonresidential user shall provide protection from accident discharge of prohibited materials or other wastes regulated by this Chapter. Facilities to prevent accidental discharge of such materials shall be provided and maintained at the user's expense. Detailed plans showing facilities and operation procedures to provide this protection shall be submitted to the Director of Public Works for review, and shall be approved by the Director of Public Works before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify its facility as necessary to meet the requirements of this Chapter.

Each user required to provide facilities for protection from accidental discharge shall be identified in the user's wastewater discharge permit. Permit provisions shall describe the extent of facilities required and shall outline a compliance schedule.

If, for any reason, a facility does not comply with or is unable to comply with the protection from accidental discharge limitations of this Chapter, the facility responsible for such discharge shall immediately notify the Director of Public Works so that corrective action may be taken to protect the treatment system.

In the event of any accidental discharge, a written report addressed to the Director of Public Works detailing the date, time and cause of the accidental discharge, the quantity and characteristics of the discharge and corrective action taken to prevent future discharges, shall be filed by the responsible nonresidential facility within five (5) days of the occurrence of the non-complying discharge.

At least once every two (2) years, the Director of Public Works shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. 'The Director of Public Works may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

a. Description of discharge practices, including nonroutine batch discharges;

b. Description of stored chemicals;

c. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by this section; and

d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 31A-19. Discharge Reports.

The Director of Public Works may require discharge reports, including but not limited to questionnaires, technical reports, sampling reports, and test analyses, and periodic reports of Wastewater discharge. Reporting requirements shall be as specified in the user's Wastewater Discharge Permit.

When a report filed by a user pursuant to this section is not adequate in the judgment of the Director of Public Works, such user may be required to supply additional information as deemed necessary.

The discharge report may include, but shall not be limited to, nature of the process, volume and rates of wastewater flow, a lab analysis of wastewater samples, elements, constituents, and characteristics of the wastewater, together with any information required in an application for wastewater discharge permit.

All costs associated with preparation of discharge reports, including the cost of wastewater analysis, shall be the responsibility of the user.

Those users subject to National Categorical Pretreatment Standards, shall comply with all reporting requirements in accordance with the General Pretreatment Regulations for Existing and New Sources of Pollution (Title 40 CFR Part 403). All reports specifically set forth in 40 CFR Part 403 shall be required pursuant to this Chapter. These include, but are not limited to:

a. Baseline Monitoring Reports:

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph (2) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described above shall submit the information set forth below.

(a) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(b) Environmental Permits. A list of any environmental control permits held by or for the facility.

(c) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants.

(i) The categorical pretreatment standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136.

(iii) Sampling must be performed in accordance with procedures set out in 40 CFR 136.

(f) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 31A-19 b. of this ordinance.

(h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 31A-9 a. of this ordinance.

b. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Section 31A-19 a.(2)(g) of this ordinance.

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to

the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such progress reports the Director of Public Works.

c. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 31A-19 a.(2)(d-f) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 31A-9 a. of this ordinance.

d. Periodic Compliance Reports.

(1) All significant industrial users shall, at a frequency determined by the Director of Public Works but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 31A-9 a. of this ordinance.

(2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 31A-19 j. of this ordinance, the results of this monitoring shall be included in the report.

e. Reports of Changed Conditions.

Each user must notify the Director of Public Works of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

(1) The Director of Public Works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 31A-9 of this ordinance.

(2) The Director of Public Works may issue a wastewater discharge permit under Section 31A-8 of this ordinance or modify an existing wastewater discharge permit under Section 31A-12 of this ordinance in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

f. Reports of Potential Problems.

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge, the user shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW,

natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph 31A-19 f.(1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

g. Reports from Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require.

h. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the Director of Public Works within twenty-four(24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Director of Public Works monitors at the user's facility at least once a month, or if the Director of Public Works samples between the user's initial sampling and when the user receives the results of this sampling.

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the Regional Water Quality Control Board, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 31A-19 e. of this ordinance. The notification

requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 31A-19 a., c., d. of this ordinance.

(2) Dischargers are exempt from the requirements of paragraph 31A-19 h. (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director of Public Works, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

i. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

j. Sample Collection.

(1) Except as indicated by Section 31A-19 j.(2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user

demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

k. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

l. Record Keeping.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Banning, or where the user has been specifically notified of a longer retention period by the Director of Public Works.

Sec. 31A-20. Monitoring and Inspection Facility.

a. The City may require to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area, subject to approval of an encroachment permit, and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such a facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operation condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications shall be met. Construction shall be completed within 90 days following written notification by the City. Such notification may be as indicated in the user's Wastewater Discharge Permit.

b. The monitoring program may require user to conduct a sampling and analysis program of a frequency and type specified in the user's Wastewater Discharge Permit to demonstrate compliance with prescribed wastewater discharge limits. As specified in the user's Wastewater Discharge Permit, the user shall either:

(1) Conduct his sampling and analysis program provided he demonstrates to the Director of Public Works that he has the necessary qualifications and facilities to perform the work; and

(2) Engage a private laboratory, certified by the State of California Department of Public Health.

Sec. 31A-21. Inspection of Facilities.

The City may inspect the facilities of any user to ascertain whether the purpose of this Chapter and all requirements are being met. Persons or occupants of premises where nonresidential wastewater is discharged shall allow the City access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with so that upon presentation of suitable identification, personnel from the City, the EPA, or their authorized representatives will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

The City shall randomly sample and analyze the effluent from nonresidential users to identify, independent of self-monitoring information supplied by the user, occasional and continuing noncompliance with the user's permit or other regulations set forth by this Chapter.

The City shall investigate instances of noncompliance as indicated in the user's self-monitoring reports or random inspection and surveillance activities described in this Section. Sample collection and analysis and the acquisition of other information shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial

actions, and the user so investigated shall be liable for all charges incurred by the City for such investigation.

a. The City of Banning may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications;

(2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

(3) Fees for reviewing and responding to accidental discharge procedures and construction;

(4) Fees for filing appeals; and

(5) Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City. These fees may be set from time to time by resolution of the City Council.

Sec. 31A-22. Sampling.

a. The point of determining compliance with the provisions of this Chapter (and of the user's Wastewater Discharge Permit, if applicable) at the point of the discharge to the public wastewater system or such other upstream sampling point on the private lateral as mutually agreed upon by the nonresidential user and the Director of Public Works. Where multiple discharge permits to the City of Banning wastewater collection system are regulated by a Wastewater Discharge Permit, sampling must be carried out at an acceptable location for each permitted discharge. Where certain wastes are critical, the Director of Public Works may specify, through the provisions of the user's Permit, procedures for obtaining necessary samples and require that any persons discharging industrial wastewater install a measuring device and that samples be analyzed and measurements of flows taken and reported to the City, and such sampling and measuring device shall be made accessible to the Director of Public Works or his authorized representative.

Unless otherwise specified in the provisions of the user's Wastewater Discharge Permit, compliance with the requirements of this Chapter are based on the mean values obtained from analysis of composite industrial waste samples representative of the quality and quantity of discharge to the sewer. All such samples shall be weighted with the flow at the sampling point to furnish values weighted with time and quantity for

each required chemical constituent. The frequency of monitoring shall be as prescribed in the user's Wastewater Discharge Permit.

b. Sampling and analysis shall be performed in accordance with Section 304(g) of the Federal Water Pollution Control Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Director of Public Works. Where 40 CFR, Part 136 does not include a sampling of analytical technique for pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Director of Public Works.

Sec. 31A-23. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Public Works inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Sec. 31A-25. Enforcement.

The City may adopt procedures and rules for the implementation and administration of this Chapter. The City shall enforce the provisions of this Chapter, including all requirements established or permits issued pursuant to this Chapter.

a. Requiring Discharger to Submit Schedule of Remedial or Preventive Measures. When the Director of Public Works finds that a discharge of wastewater is taking place, has taken place, or is threatening to take place that, has violated, violates or will violate prohibitions or limits prescribed by this Chapter or wastewater source control requirements or the provisions of a wastewater discharge permit, the Director of

Public Works may require the user to submit for approval of the Director of Public Works, with such modifications as deemed necessary, a detailed time schedule of specific actions the user shall take to correct or prevent a violation of requirements.

b. Issuance of Cease and Desist Order. When the Director of Public Works finds that a discharge of wastewater has taken place, is taking place or threatening to take place in violation of prohibitions or limits of this Chapter or wastewater source control requirements or the provisions of a wastewater discharge permit, the Director of Public Works may issue an order to cease and desist and direct that those users not complying with such prohibitions, limits, requirements, or provisions to (1) comply forthwith, (2) comply in accordance with a time schedule set up by the Director of Public Works, or (3) in the event of a threatened violation, take appropriate remedial or preventive action.

Sec. 31A-25. Appeal Procedure.

Any permit applicant, permit holder, or other user affected by any decision, action or determination, including cease and desist orders, made by the Director of Public Works in interpreting or implementing the provisions of this Chapter, or any permit issued hereunder, may file with the Director of Public Works written request for reconsideration within 10 days of such a decision, action, or determination, setting forth in detail the facts supporting the request. The Director of Public Works may elect to hold a hearing on the request. The request for reconsideration shall be acted upon by the Director of Public Works within 10 days from the date of filing or the close of the reconsideration hearing. The decision, action, or determination shall remain in effect during such period of review by the Director of Public Works.

If the ruling made by the Director of Public works is unsatisfactory to the user requesting reconsideration, he may, within 10 days after notice of the action by the Director of Public Works, file a written appeal to the City Council.

The written appeal shall state all pertinent aspects of the matter and shall include the hearing record if one was requested. The City Council may amend, modify, confirm or reject any decision judgment, or finding (including waivers) of the Director of Public Works provided the purpose and intent of this Chapter is not violated.

Sec. 31A-26. Criminal Penalties.

Any person who violates any provision of this Chapter, any standard, any standard adopted by this Chapter, or any permit or permit condition issued under this Chapter, is guilty of a misdemeanor, and shall be punished by a fine not exceeding $1,000 or six months in the Riverside County jail, or both, for each day on which a violation occurs.

Sec. 31A-27. Civil Enforcement Remedies and Penalties.

The violation of any provision of this Chapter, any standard adopted by this Chapter, or any permit or permit condition issued under this Chapter is hereby declared a public nuisance, and shall be abated by any means available under the law. The City may also pursue any of the alternative civil remedies herein against any discharger who violates the provisions of the Chapter.

a. Damage to Facilities. When the discharge of wastewater causes an obstruction, damage, or other impairment to City wastewater facilities, the Director of Public Works may assess a charge against the discharger for the work required to clean or repair the facility.

b. One Thousand Dollar Per Day Penalty. Any person who violates any order issued by the Director of Public Works or any provision of this Chapter, shall be liable civilly in a sum not to exceed One Thousand Dollars ($1,000) for each day in which such violation occurs. The City Attorney, upon request of the City Council, shall petition the Superior Court to impose, assess, and recover such sums.

c. Injunction. Whenever a discharge of wastewater is in violation of the provisions of this Chapter or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, or for any violation of a pretreatment standard or requirement, the City may petition the Superior Court for the issuance of a preliminary injunction, to be followed by a permanent injunction, as may be appropriate, restraining the continuance of such discharge.

d. Termination of Service. The City may terminate or cause to be terminated wastewater treatment or wastewater service to any premise if a violation of any provision of this Chapter pertaining to control of wastewater is found to exist or if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance, as defined in this Chapter. This provision is in addition to other statutes, rules, or regulations authorizing termination of service.

SECTION 2. SEPARABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3. That all ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. That the City Clerk is hereby directed to certify to the passage of this ordinance and to cause the same or a summary to be published one time within 15 days of its passage in the Record Gazette, a newspaper of general circulation, printed and published in the City of Banning.

PASSED, APPROVED AND ADOPTED THIS 11th DAY OF February, 1997.

John Hunt, Mayor

ATTEST:

Marie Calderon, City Clerk

Approved as to Form and

Legal Content:

John Wilson, City Attorney

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Ordinance No. 1206 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the 14th day of January, 1997, and was duly adopted at a regular meeting of said City Council held on the 11th day of February, 1997, by the following vote, to wit:

AYES:	Councilmembers Jenkins, Palmer, Williams, Mayor Hunt
NOES:	None
ABSTAIN:	None
ABSENT:	Councilmember Lucsko

Marie A. Calderon, City Clerk
City of Banning

ORDINANCE NO. 1271

AN ORDINANCE OF THE CITY OF BANNING, AMENDING ORDINANCE NO. 1206, CHAPTER 31A. SECTION 31A-5, SUBSECTIONS (c) AND (m), SECTION 31A-6, SUBSECTION (b) AND SECTION 31A-10, SUBSECTION (b) OF THE BANNING MUNICIPAL ORDINANCE CODE RELATING TO INDUSTRIAL DISCHARGE REGULATIONS FOR THE CITY OF BANNING SEWER COLLECTION SYSTEM.

WHEREAS, Ordinance No. 1206 added Chapter 31A to the Banning Municipal Ordinance Code pertaining to industrial wastewater and pretreatment requirements in 1997; and

WHEREAS, it is essential that Chapter 31A of the Banning Municipal Ordinance Code be amended in order for the City to implement the Industrial Waste Pretreatment Program; and

WHEREAS, an engineering consultant, CGvL Engineers, has performed an extensive city-wide sampling program to develop technically based local limits for the City of Banning, as described in the "Development of Technically Based Local Limits for City of Banning" report dated November, 2001; and

WHEREAS, the City Council of the City of Banning has determined that a new pH limit range of 5.5 to 10.5 will replace that listed in Section 31A-5, Subsections (c) and (m); and

WHEREAS, the City Council of the City of Banning has determined that the "Summary of Recommended Local Limits" listed on Table 4-4 of the report will replace section 31A-6, Subsection (b) Discharge Limits; and

WHEREAS, the City Council of the City of Banning has determined that an Annual Industrial User Discharge Permit Application Fee of $500.00 be paid to the City of Banning and will replace Section 31A-10, Subsection (b) Conditions, Item No. 1 to state as such; and

WHEREAS, this ordinance amendment was presented to the Public Works Advisory Committee with a public hearing meeting on September 17, 2001, and the Committee has recommended that Ordinance No. 1271 be adopted, as proposed;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Banning as follows:

SECTION I. Section 31A-5, Subsections (c) and (m) of the Banning Municipal Ordinance Code are amended to read as follows:

"Section 31A-5. Prohibited Discharges."

No person shall discharge or deposit or cause or allow to be discharged or deposited into the City's sewer collection system any wastewater containing or exhibiting the following:

c) A pH lower than 5.5 or having any corrosive or detrimental characteristic that may cause injury to wastewater treatment or maintenance personnel or may cause damage to structures, equipment or other physical facilities of the wastewater system, as determined by the City Engineer.

m) Any material inducing a high pH (pH greater than 10.5), which causes encrustation, scale or precipitates on sewer walls or other adverse effects on the wastewater system, as determined by the City Engineer.

SECTION II. Section 31A-6, Subsection (b) of the Banning Municipal Ordinance Code is amended to read as follows:

"Section 31A-6. Limitations on Discharges."

b) The following values represent the maximum instantaneous discharge concentration levels of specific contaminants, which may be present in a user's discharge to the City of Banning's sewer collection system:

Pollutant	Daily Maximum, mg/L
Aluminum	140.0
Arsenic[a]	----
Cadmium	0.07
Chromium	3.3
Copper	1.2
Lead	0.55
Iron	11.0
Mercury	0.001
Nickel	1.5
Silver	6.6
Zinc	2.5
Cyanide	1.2[b]
Chloride	580
TDS[d]	2,710[c] + average water supply
TTO[e]	-----
pH	5.5-10.5

a) Data indicate no detectable arsenic enters the BWTP. Therefore, no limit is currently recommended.

b) Limit established based on best available technology economically achievable (BAT).

c) To be calculated annually and amended on each Industrial User Discharge Permit if there is more than a 10 percent change in TDS in the annual average water supply.

d) Based on the average TDS in the water supply (230 mg/L), a variable limit will be adjusted quarterly.

e) No historical data collected to indicate presence. Therefore, no limit is recommended until sampling results show presence.

SECTION III. Section 31A-10, Subsection (b) Item No. 1 of the Banning Municipal Ordinance Code is amended to read as follows:

"Section 31A-10. Terms and Conditions of Permit."

b) Conditions. Industrial User Discharge Permits shall be expressly subject to all provisions of this Chapter and all other applicable regulations established by the City. Permits will contain the following:

1) An Annual Industrial User Discharge Permit Application Fee of $500.00 to be paid to the City of Banning for the review of the permit application, review of the quarterly self monitoring reports and to ensure compliance of the permittee with the Permit requirements for the one year period. The Public Works Director is authorized to make necessary adjustments to such Annual Industrial User Discharge Permit Application Fee as required.

SECTION IV. Section 31A-10. Terms and Conditions of Permit, Subsection (b) Conditions. Item No.'s two (2) through nine (9) of the Banning Municipal Ordinance Code shall remain intact.

SECTION V. Following notice duly given by publication, the City Council has held a full and fair pubic hearing regarding the adoption of Ordinance No. 1271, "Amending Ordinance No. 1206, Chapter 31A. Section 31A-5, Subsections (c) and (m), Section 31A-6, Subsection (b) and Section 31A-10, Subsection (b) relating to Industrial Discharge Regulations for the City of Banning Sewer Collection System." All interested persons were offered the opportunity to hear and be heard regarding protests and objections to the adoption of Ordinance No. 1271. All protests and objections to the adoption of Ordinance No. 1271 are hereby overruled by the City Council.

SECTION VI. The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days, cause it, or a summary of it, to

be published one time in the Banning Record Gazette, a newspaper published and circulated in the City of Banning, and thereupon and thereafter this Ordinance shall become effective on the 30th day after the date of its adoption.

PASSED, ADOPTED AND APPROVED this 11th day of December, 2001.

John Hunt, Mayor

ATTEST:

Marie A. Calderon,
City Clerk of the City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

John F. Wilson,
City Attorney

CERTIFICATION

I, Marie A. Calderon, City Clerk of the City of Banning, do hereby certify that the foregoing Ordinance No. 1271 was duly introduced at a regular meeting of the City Council of the City of Banning, California, held on the 27th day of November, 2001, and was duly adopted at a regular meeting of said City Council held on the 11th day of December, 2001, by the following vote, to wit:

AYES:	Councilmembers Mediano, Salas, Wages, Mayor Hunt
NOES:	None
ABSTAIN:	None
ABSENT:	Councilmember Jenkins

Marie A. Calderon, City Clerk
City of Banning

S-1	STANDARD LEGEND
S-2	SEWER LINE LOCATION
S-3	PRE-CAST CONCRETE MANHOLE (ECCENTRIC) DETAIL
S-4	CONCRETE BASE AND JOINT DETAILS
S-5	ADJUSTING EXISTING MANHOLE TO GRADE
S-6	MANHOLE SHAFT LOCATION DETAILS
S-7	TRAFFIC MANHOLE FRAME AND COVER
S-8	SPECIAL MANHOLE (20'-0" TO 30'-0" DEEP)
S-9	SPECIAL MANHOLE (30'-0" + DEEP)
S-10	DROP MANHOLE DETAIL (SPECIAL ACCEPTANCE ONLY)
S-11	GUARD POST DETAIL (EASEMENT/OUTSIDE OF PAVING MANHOLE)
S-12	TERMINAL OR MAIN CLEANOUT DETAIL (SPECIAL CONDITION/ACCEPTANCE ONLY)
S-13	TERMINUS (CUL DE SAC) MANHOLE
S-14	NOT USED
S-15	V.C.P. PIPE BEDDING DETAILS
S-16	PIPE BEDDING AND SPECIAL DETAILS
S-17	TRENCH REPAIR DETAIL
S-18	SEWER MAIN PROTECTION DETAIL
S-19	CONCRETE SLOPE ANCHORS
S-20	STEEL CASING PIPE
S-21	4" AND 6" SEWER SADDLE CONNECTION TO EXISTING MAINS
S-22	V.C.P. HOUSE LATERAL
S-23	DEEP SEWER LATERAL DETAIL
S-24	BACKWATER VALVE DETAIL
S-25	BACKWATER VALVE INSTALLATION DETAIL

2012 EDITION

BANNING, CA — Proud History Prosperous Tomorrow

REGISTERED PROFESSIONAL ENGINEER — KAHONO OEI — No. 52652 — Exp. 12-31-12 — CIVIL — STATE OF CALIFORNIA

RECOMMENDED BY: Arturo Vela 12-12-12
ARTURO VELA, P.E., SENIOR ENGINEER DATE

APPROVED BY: 12-12-12
KAHONO OEI, P.E., CITY ENGINEER DATE

CITY OF BANNING

STANDARD NO.

SEWER STANDARD INDEX

SS-1
1 OF 2

STANDARDS

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S–2	SEWER LINE LOCATION

MANHOLES

S–3	MANHOLE DETAIL
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CITY OF BANNING

STANDARD NO.

SEWER STANDARD INDEX

SS-I
2 OF 2

STANDARD LEGEND

RIGHT OF WAY (R.O.W.)	
CENTERLINE	
W x	EXISTING WATER LINE
W	PROPOSED WATER LINE
NPW x	EXISTING RECYCLED WATER LINE
NPW	PROPOSED RECYCLED WATER LINE
SS x	EXISTING SEWER LINE
SS	PROPOSED SEWER LINE
NG x	EXISTING GAS LINE
NG	PROPOSED GAS LINE
	SERVICE LATERAL
	ENCASEMENT
E x	EXISTING ELECTRICAL CONDUIT
E	PROPOSED ELECTRICAL CONDUIT
T x	EXISTING TELEPHONE CONDUIT
T	PROPOSED TELEPHONE CONDUIT
FO x	EXISTING FIBER OPTIC CABLE
FO	PROPOSED FIBER OPTIC CABLE
	PORTLAND CEMENT CONCRETE IN SECTION
	PORTLAND CEMENT CONCRETE IN PLAN

POWER POLE AND GUY LINE	
TRAFFIC SIGNAL EXISTING	
WATER WELL	
BUTTERFLY VALVE	
GATE VALVE	
FIRE HYDRANT	
BLOW–OFF	
AIR & VACUUM VALVE ASSEMBLY (SIZE PER PLAN)	
POTABLE WATER QUALITY SAMPLE STATION	
NON–POTABLE WATER QUALITY SAMPLE STATION	

C.O.	CLEAN–OUT
D.I.P.	DUCTILE IRON PIPE
D.M.H.	DROP MANHOLE
J.M.H.	JUNCTION MANHOLE
M.H.	MANHOLE
V.C.P.	VITRIFIED CLAY PIPE

	CLEAN–OUT
	HOUSE CONNECTION SEWER
	WYE BRANCH

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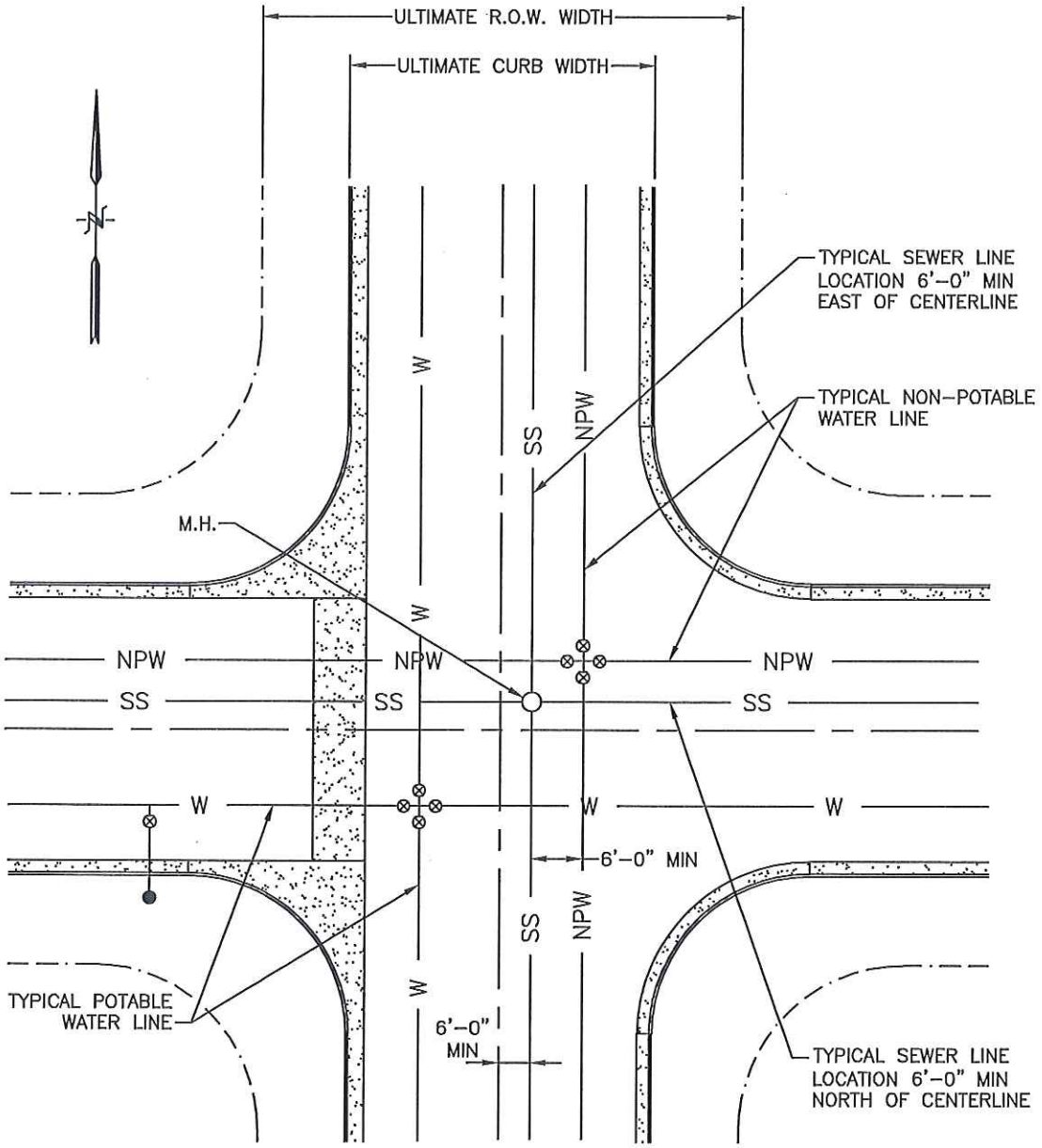
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CITY OF BANNING

STANDARD NO. S-1

STANDARD LEGEND



NOTE:
SEWER LINE SIZE TO BE DETERMINED BY C.O.B. MASTER PLAN AND STANDARDS

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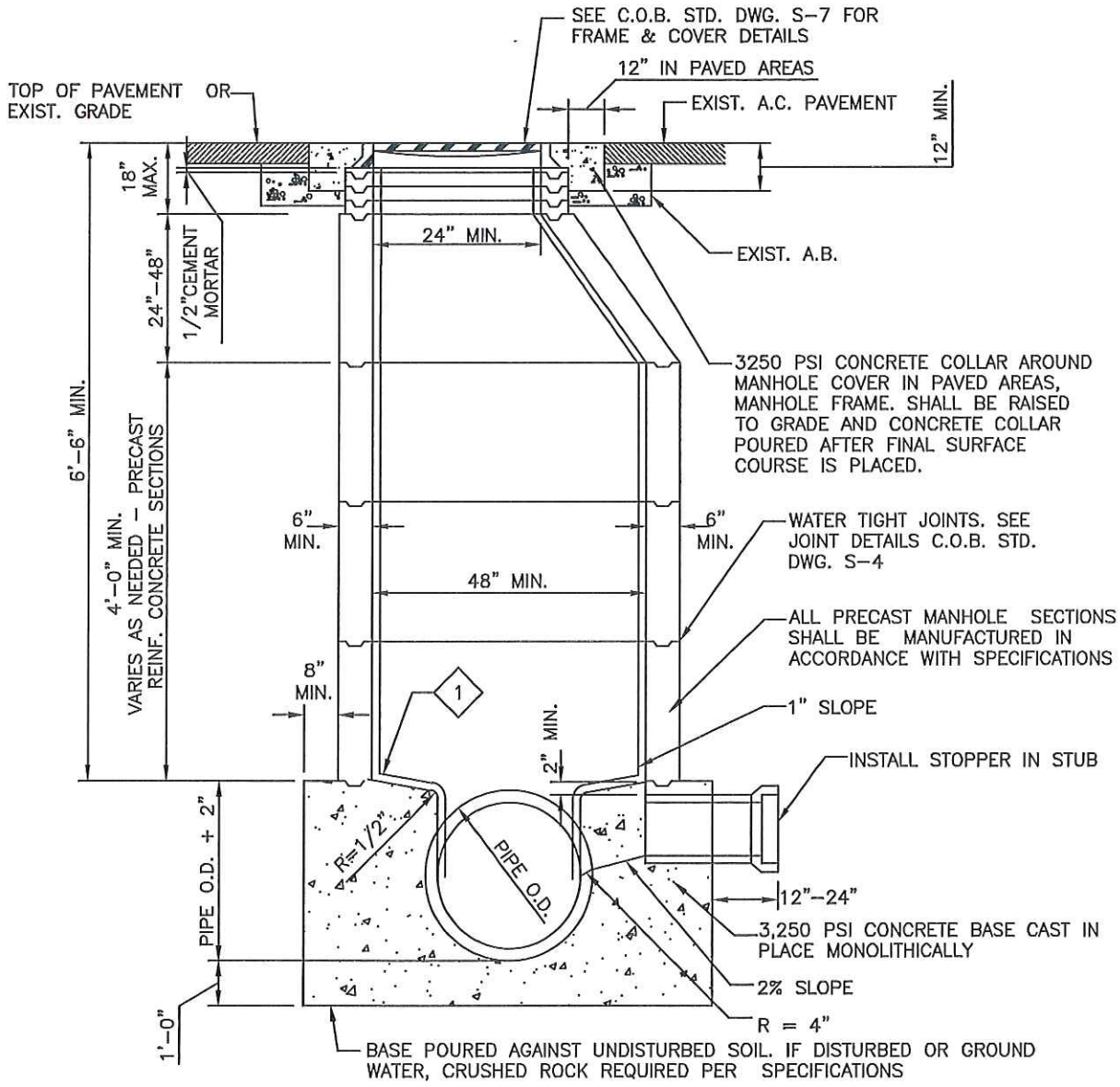
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CITY OF BANNING

STANDARD NO.

SEWER LINE LOCATION

S-2



NOTES:

1. PLACE TWO HALF MOON SHAPED PLYWOOD COVERS (5/8" THICK MINIMUM) IN BOTTOM OF MANHOLE AFTER SHAFTS HAVE BEEN SET TO KEEP DEBRIS FROM ENTERING SEWER.
2. FOR DROP MANHOLE DETAIL SEE C.O.B. STD. DWG. S-10. (SPECIAL ACCEPTANCE BY CITY ENGINEER ONLY).
3. FOR MANHOLES LOCATED OUTSIDE PAVED AREAS THE FRAME AND COVER SHOULD BE SET A MINIMUM OF 0.1 FT. ABOVE FINISH GRADE IN SHOULDER AREAS, UNPAVED ROADS OR LANDSCAPED AREAS, AND 18" IN UNFINISHED AREAS.
4. ALL INLETS AND OUTLETS SHALL BE SUPPORTED WITH CONCRETE SUPPORTS PRIOR TO POURING MANHOLE BASE.
5. PRECAST ECCENTRIC CONCRETE CONE, ORIENT PER C.O.B. STD. S-6

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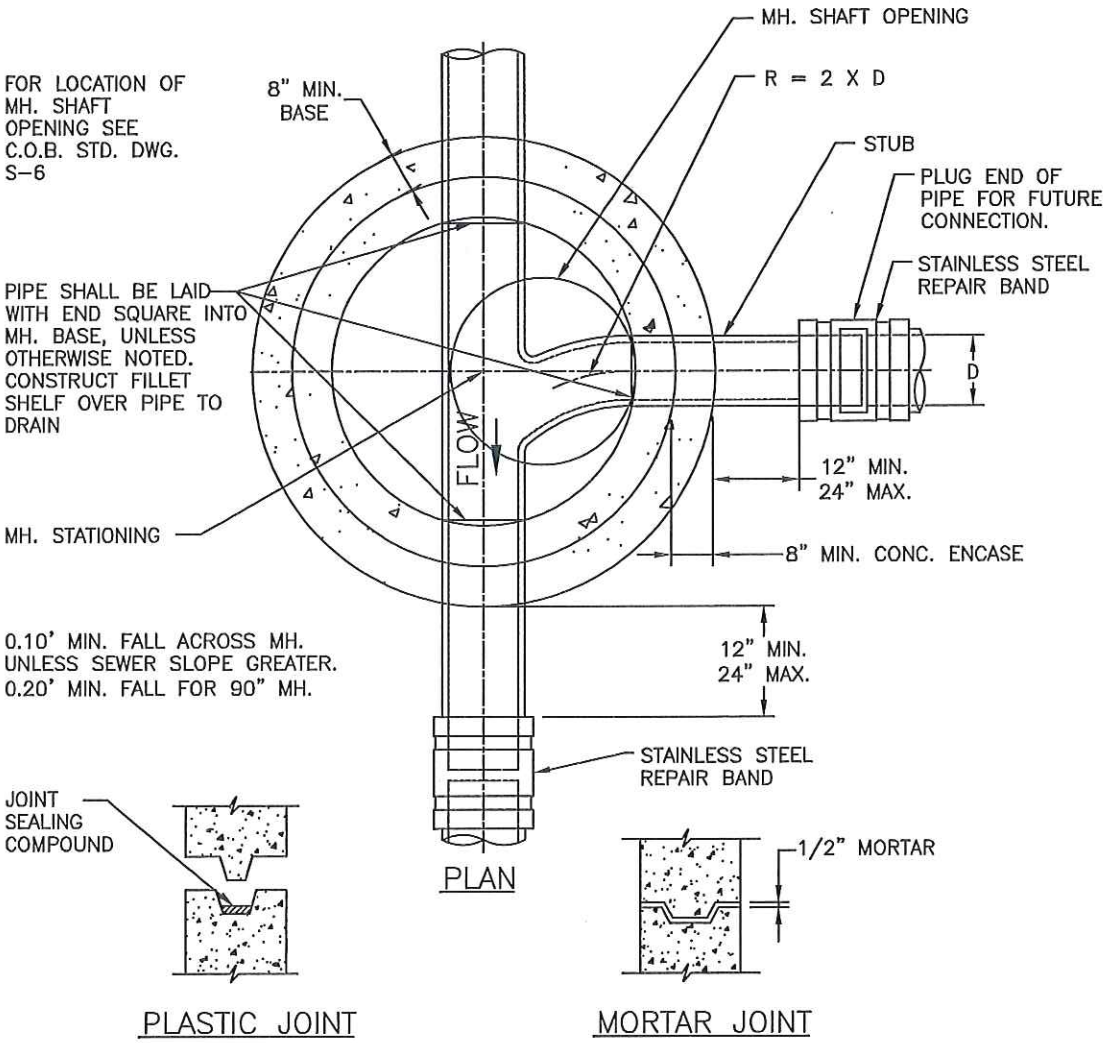
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CITY OF BANNING

PRE-CAST CONRETE MANHOLE (ECCENTRIC)

STANDARD NO. S-3
1 OF 1



NOTES:

1. MORTAR JOINTS – SUFFICIENT MORTAR SHALL BE APPLIED ACROSS ENTIRE FACE OF JOINT SO THAT WHEN PRECAST UNITS ARE PLACED ON TOP OF ONE ANOTHER, THE MORTAR WILL SQUEEZE OUT BOTH THE INSIDE AND OUTSIDE WALL FACES. JOINTS SHALL BE "POINTED UP" AFTER SETTING PRECAST UNITS EXCLUDING GRADE RINGS.
2. ALL MORTARED JOINTS MUST HAVE A TOOLED FINISH ON INSIDE OF MANHOLES. EXCESS MORTAR SHALL BE CLEANED OFF OF PRE-CAST CONCRETE SECTIONS.
3. PLASTIC JOINTS – PREFORMED COLD-APPLIED READY-TO-USE PLASTIC JOINT SEALING COMPOUND SHALL BE QUICK-SEAL AS SUPPLIED BY QUIKSET UTILITY VAULTS, SANTA ANA, CALIFORNIA – OR APPROVED EQUAL. MUST BE USED WHEN GROUND WATER IS ENCOUNTERED.

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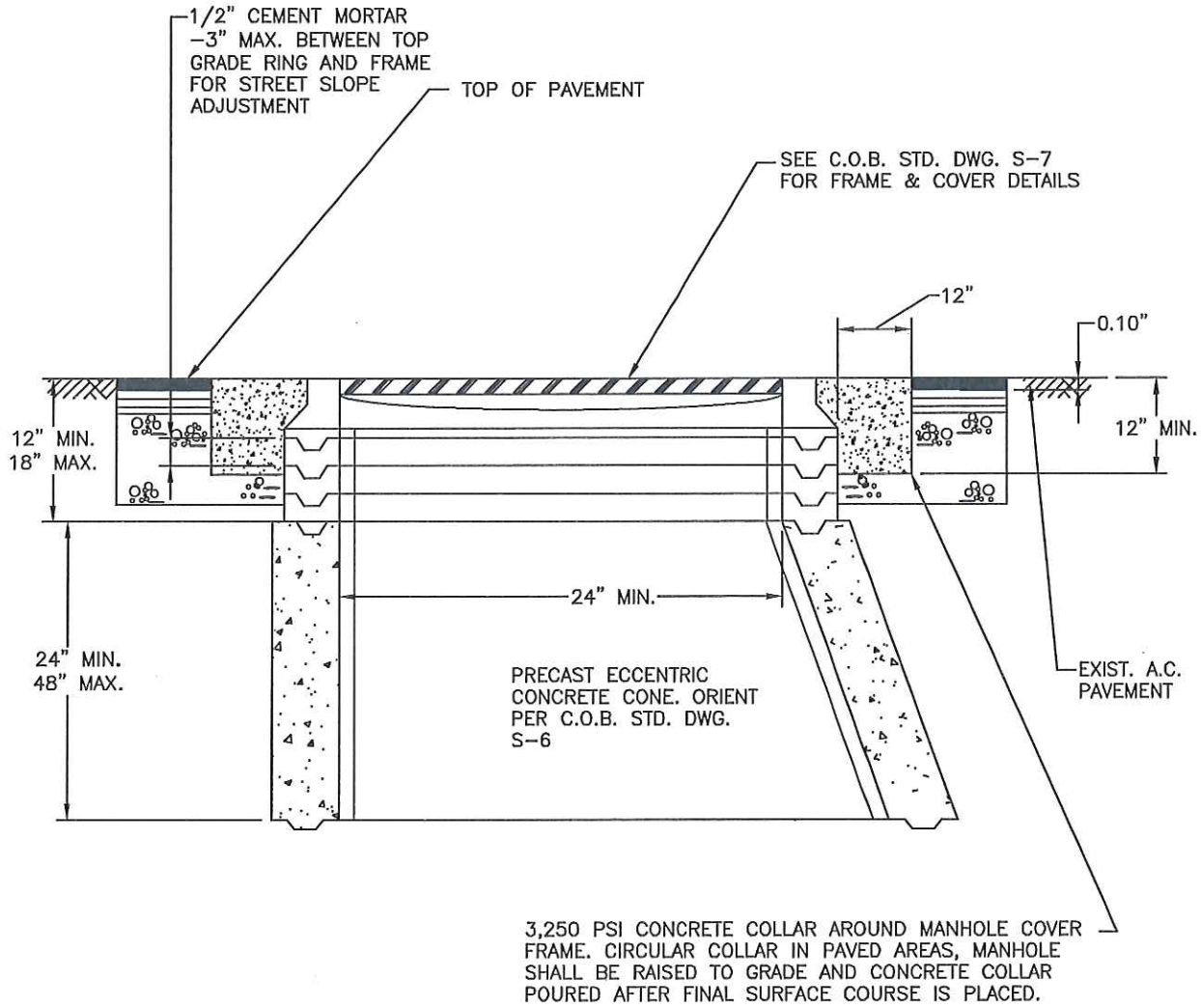
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CITY OF BANNING

STANDARD NO. S-4

CONCRETE BASE AND JOINT DETAILS

1 OF 1



NOTES:

1. MORTAR JOINTS – SUFFICIENT MORTAR SHALL BE APPLIED ACROSS ENTIRE FACE OF JOINT SO THAT WHEN PRECAST UNITS ARE PLACED ON TOP OF ONE ANOTHER, THE MORTAR WILL SQUEEZE OUT BOTH THE INSIDE AND OUTSIDE WALL FACES. JOINTS SHALL BE "POINTED UP" AFTER SETTING PRECAST UNITS EXCLUDING GRADE RINGS.
2. ALL MORTARED JOINTS MUST HAVE A TOOLED FINISH ON INSIDE OF MANHOLES. EXCESS MORTAR SHALL BE CLEANED OFF OF PRE-CAST CONCRETE SECTIONS.

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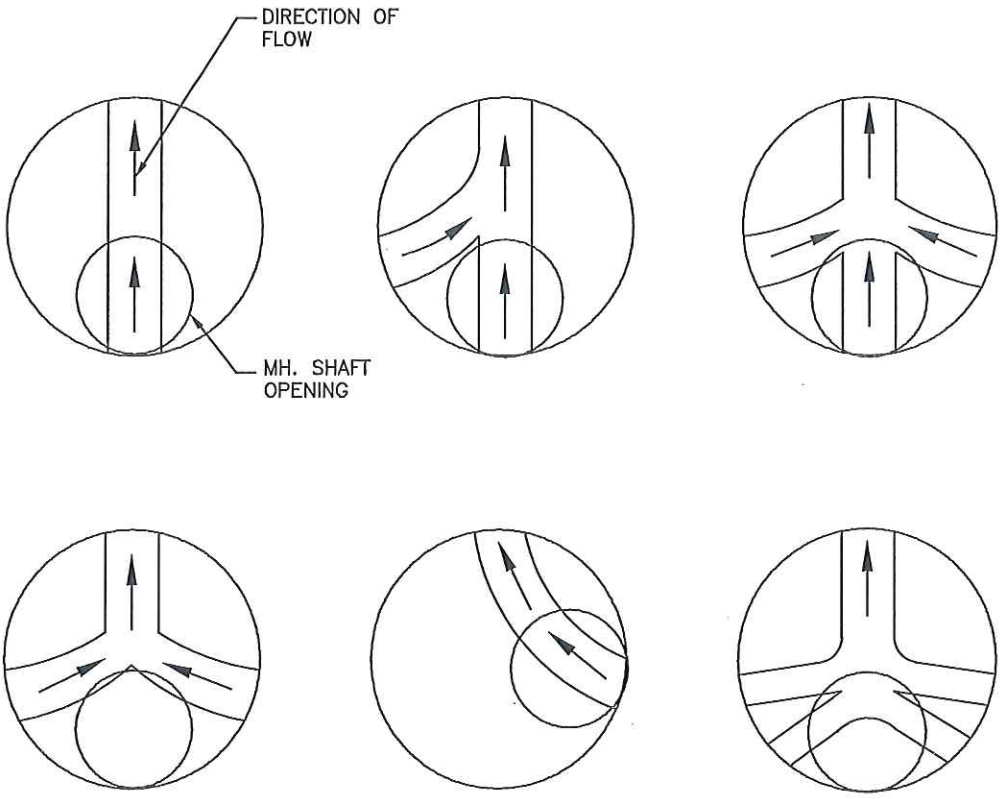
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CITY OF BANNING

STANDARD NO.

ADJUSTING EXISTING MANHOLE TO GRADE

S-5
1 OF 1



TERMINUS MANHOLE

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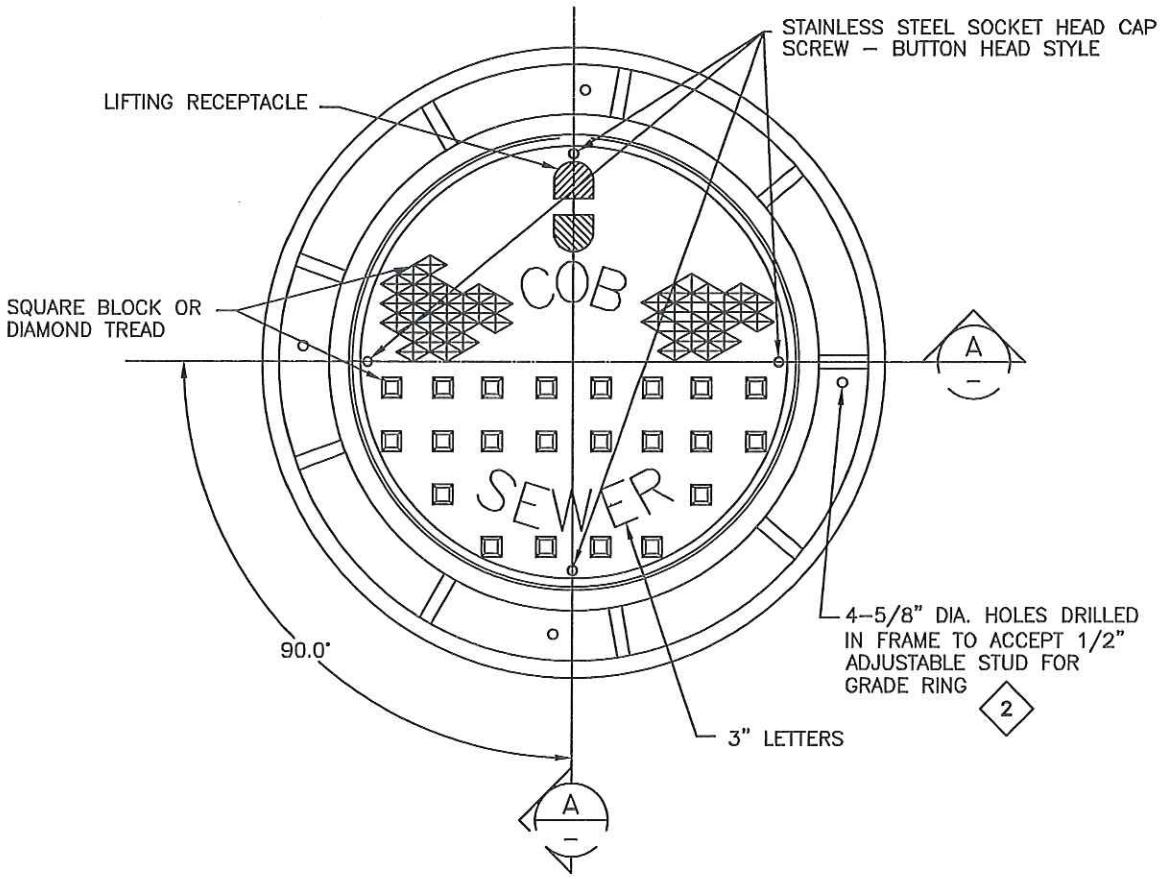
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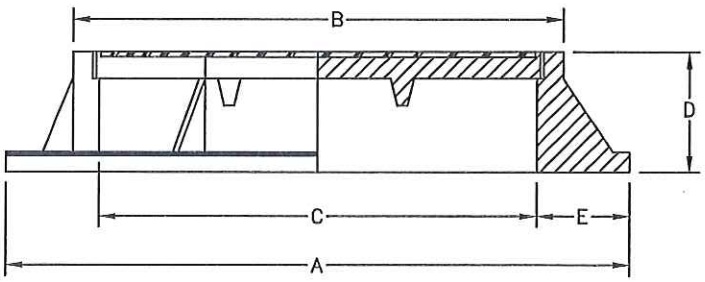
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STANDARD NO.

MANHOLE SHAFT LOCATION DETAILS

S-6
1 OF 1





SECTION A

SEE S–7 SHEET 2 OF 2 FOR NOTES, MANHOLE DIMENSION SCHEDULE, AND MANHOLE SIZE SCHEDULE.

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CITY OF BANNING

TRAFFIC MANHOLE FRAME AND COVER

STANDARD NO. S-7

1 OF 2

NOTES:

1. 48" AND 60" MANHOLES SHALL HAVE 24" COVERS. 72" MANHOLES SHALL HAVE 30" COVERS.
2. WHERE FRAME AND COVER ARE SET 18" ABOVE GRADE, 4 $\frac{1}{2}$" DIA. INSERTS FOR ADJUSTABLE STUDS SHALL BE CAST IN TOP GRADE RING, ALIGNED AS DETAILED ON SHEET 1 OF 2. FRAME SHALL BE BOLTED TO GRADE RING.
3. WHERE MANHOLE IS LOCATED WITHIN AN EASEMENT, BOLT DOWN FRAME AND COVER SHALL BE REQUIRED.

MANHOLE DIMENSIONS		
SIZE	24"	30"
A	32"	38"
B	27 1/4"	33"
C	24"	30"
D	3.5"	6"
E	4"	4"

MANHOLE SIZES			
SEWER MAIN	MAX BRANCH SIZE	MANHOLE SIZE	FRAME AND COVER
8" – 15"	10"	48"	24"
18" – 21"	12"	60"	24"
24" – 36"	15"	72"	30"

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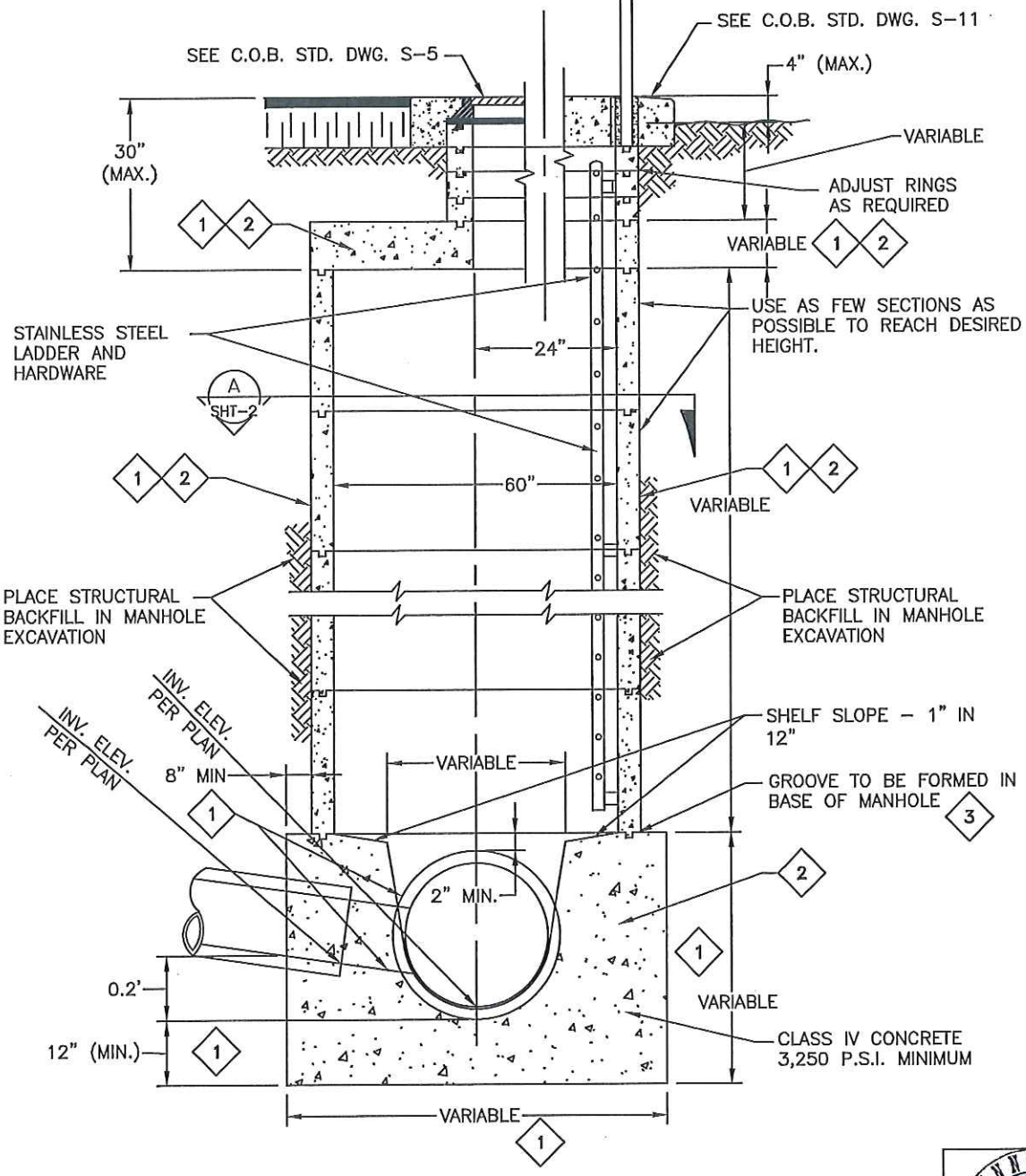
TRAFFIC MANHOLE FRAME AND COVER

STANDARD NO. S-7

2 OF 2

DETAIL FOR MANHOLES IN PAVED SURFACES

DETAIL FOR MANHOLES IN EASEMENTS



SEE C.O.B. STD. DWG. S-8 SHEET 2 OF 2 FOR SECTION AND NOTES.

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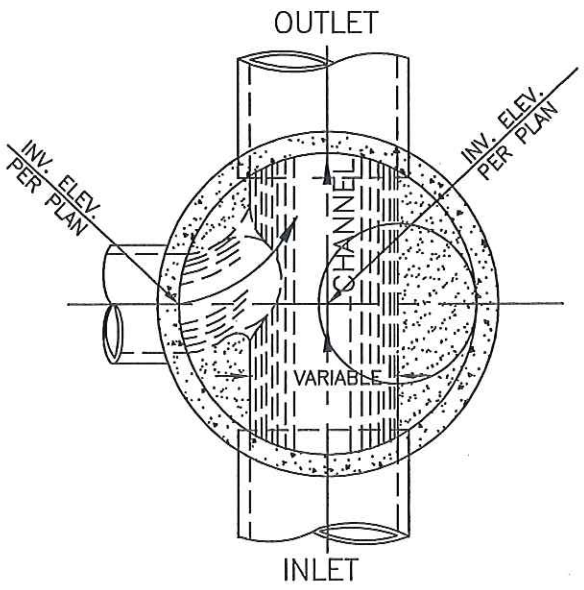
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CITY OF BANNING

STANDARD NO.

SPECIAL MANHOLE (20' TO 30' DEEP)

S-8
1 OF 2



SECTION A
SHT-1

NOTES:

1. DIMENSIONS PER MANHOLE MANUFACTURER'S SPEC.
2. STEEL REINFORCEMENT PER MANHOLE MANUFACTURER'S SPECIFICATIONS.
3. INVERT CHANNELS, SHELF AND GROOVE SHALL BE FORMED MONOLITHICALLY WITH THE MANHOLE BASE, NO REWORKING OF CONCRETE WHICH HAS PARTIALLY HARDENED.
4. ALL SECTIONS TO BE WASHED, TO REMOVE ANY LOOSE MATERIAL AND WHILE STILL WET, THEY ARE TO BE SET IN 1:3 MORTAR TRIMMED SMOOTH INSIDE AND OUTSIDE AT TIME OF SETTING, INCLUDING FRAME. INSIDE MORTARED JOINTS MUST HAVE A TOOLED FINISH. EXCESS MORTAR SHALL BE CLEANED OFF PRE-CAST CONCRETE SECTIONS.
5. CONCRETE FOR MANHOLE SECTION 3,250 P.S.I. MIN.
6. PROVIDE FLEXIBLE JOINT IN ALL SEWER PIPES OUTSIDE MANHOLE BUT WITHIN 12"-24" OF CONCRETE BASE. NO BELLS, USE MISSION CLAY STAINLESS STEEL BAND REPAIR COUPLINGS OR EQUAL.
7. ADJUSTMENT OF FRAME AND COVER AFTER FINAL PAVING OPERATIONS. FRAME AND COVER SHALL BE SET 1/4" BELOW PAVING TO ALLOW FOR PAVING SETTLEMENT.
8. PRECAST MANHOLE SUPPLIER TO SUBMIT STRUCTURAL CALCULATION TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION.
   SOIL ACTIVE PRESSURE = 49 P.C.F.
   SOIL BEARING PRESSURE = 1,500 P.S.F. (OR VALUES PER APPROVED SOIL REPORT)

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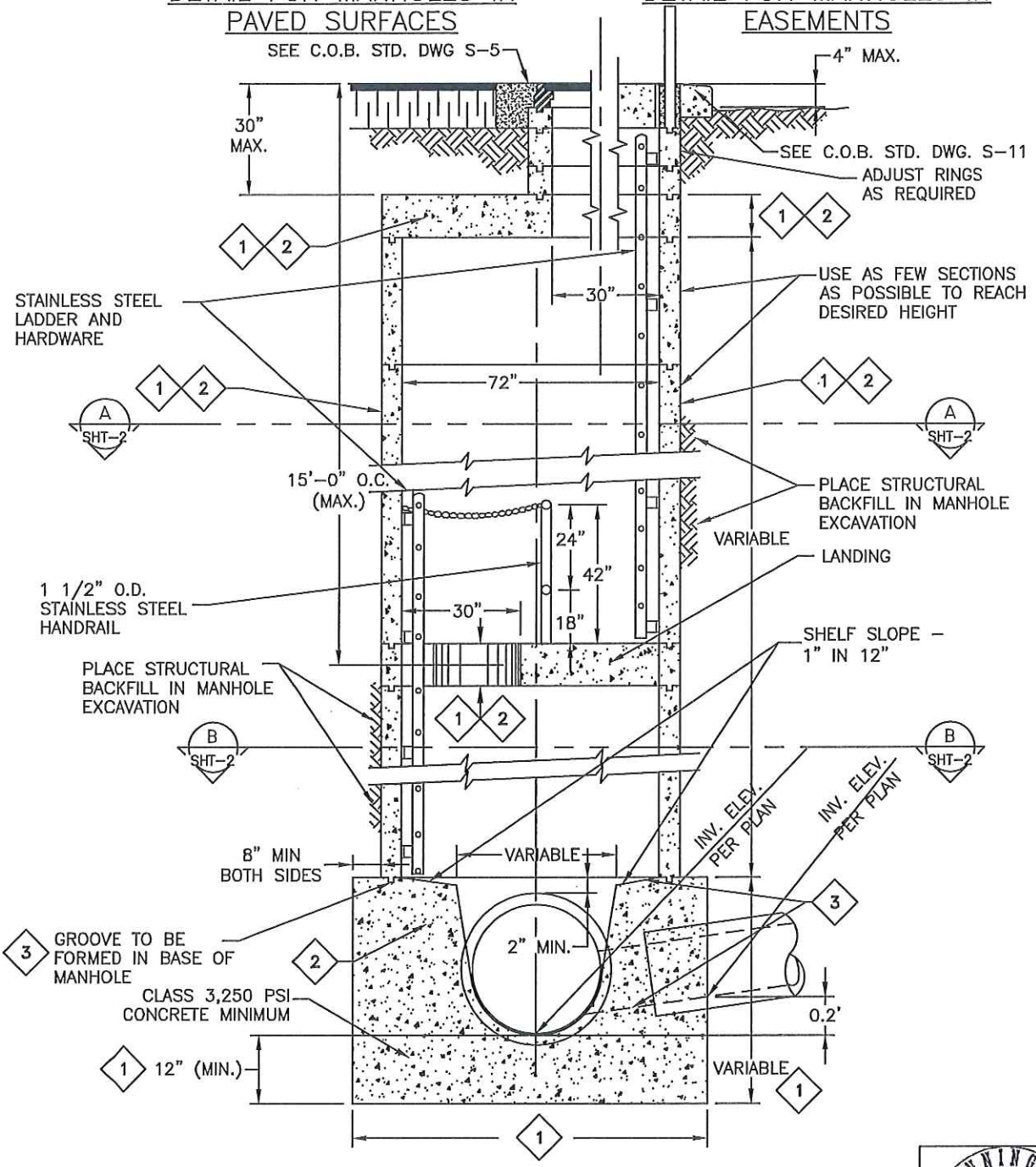
CITY OF BANNING

SPECIAL MANHOLE (20' TO 30' DEEP)

STANDARD NO. S-8
2 OF 2

DETAIL FOR MANHOLES IN PAVED SURFACES

DETAIL FOR MANHOLES IN EASEMENTS



SEE C.O.B. STD. DWG. S-9 SHEET 2 OF 2

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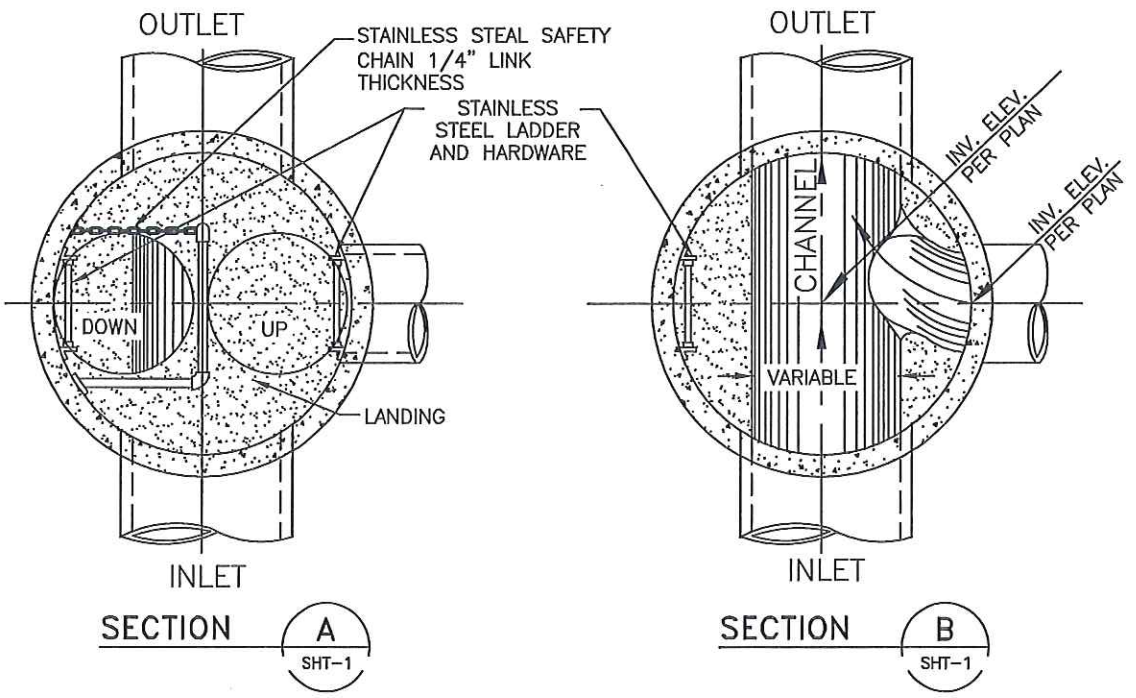
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SPECIAL MANOLE (30' OR DEEPER)

STANDARD NO. S-9

1 OF 2



NOTES:

1. DIMENSIONS PER MANHOLE MANUFACTURER'S SPEC.
2. STEEL REINFORCEMENT PER MANHOLE MANUFACTURER'S SPECIFICATIONS.
3. INVERT CHANNELS, SHELF AND GROOVE SHALL BE FORMED MONOLITHICALLY WITH THE MANHOLE BASE, NO REWORKING OF CONCRETE WHICH HAS PARTIALLY HARDENED.
4. ALL SECTIONS TO BE WASHED, TO REMOVE ANY LOOSE MATERIAL AND WHILE STILL WET, THEY ARE TO BE SET IN 1:3 MORTAR TRIMMED SMOOTH INSIDE AND OUTSIDE AT TIME OF SETTING, INCLUDING FRAME. INSIDE MORTARED JOINTS MUST HAVE A TOOLED FINISH. EXCESS MORTAR SHALL BE CLEANED OFF PRE-CAST CONCRETE SECTIONS.
5. CONCRETE FOR MANHOLE SECTION 3,250 PSI MIN.
6. PROVIDE FLEXIBLE JOINT IN ALL SEWER PIPES OUTSIDE MANHOLE BUT WITHIN 12"-24" OF CONCRETE BASE. NO BELLS, USE MISSION CLAY STAINLESS STEEL BAND REPAIR COUPLINGS OR EQUAL.
7. ADJUSTMENT OF FRAME AND COVER AFTER FINAL PAVING OPERATIONS. FRAME AND COVER SHALL BE SET 1/4" BELOW PAVING TO ALLOW FOR PAVEMENT SETTLEMENT.
8. PRECAST MANHOLE SUPPLIER TO SUBMIT STRUCTURAL CALCULATION TO ENGINEER FOR APPROVAL PRIOR TO FABRICATION.
   USE: SOIL ACTIVE PRESSURE = 49 P.C.F.
   SOIL BEARING PRESSURE = 1,500 P.S.F. (OR VALUES PER APPROVED SOIL REPORT)

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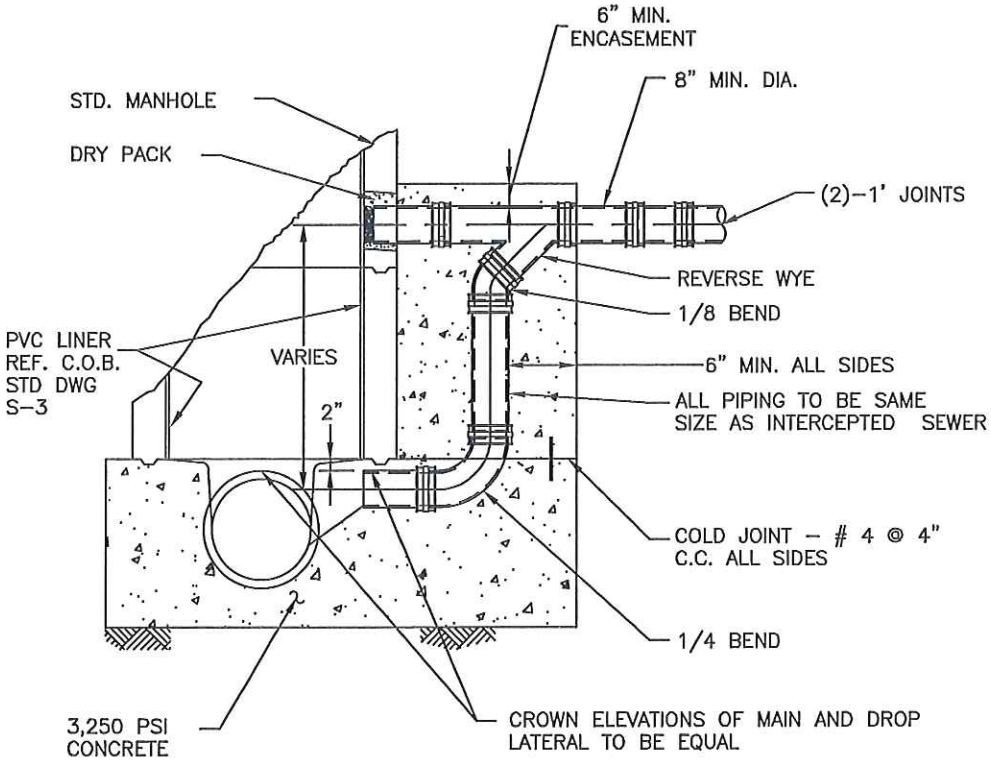
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CITY OF BANNING

SPECIAL MANOLE (30' OR DEEPER)

STANDARD NO. S-9

2 OF 2



SECTION

NOTES:

1. DROP MANHOLE ONLY TO BE USED FOR SPECIAL SITUATIONS, AND SHALL NOT BE CONSTRUCTED WITHOUT PRIOR APPROVAL.
2. ALL NEW OPENINGS CONSTRUCTED INTO MANHOLE SHALL BE DONE BY CORE DRILLING.
3. INTERIOR WALL OF MANHOLE TO BE LINED WITH PVC LINER PER SPECIFICATIONS.

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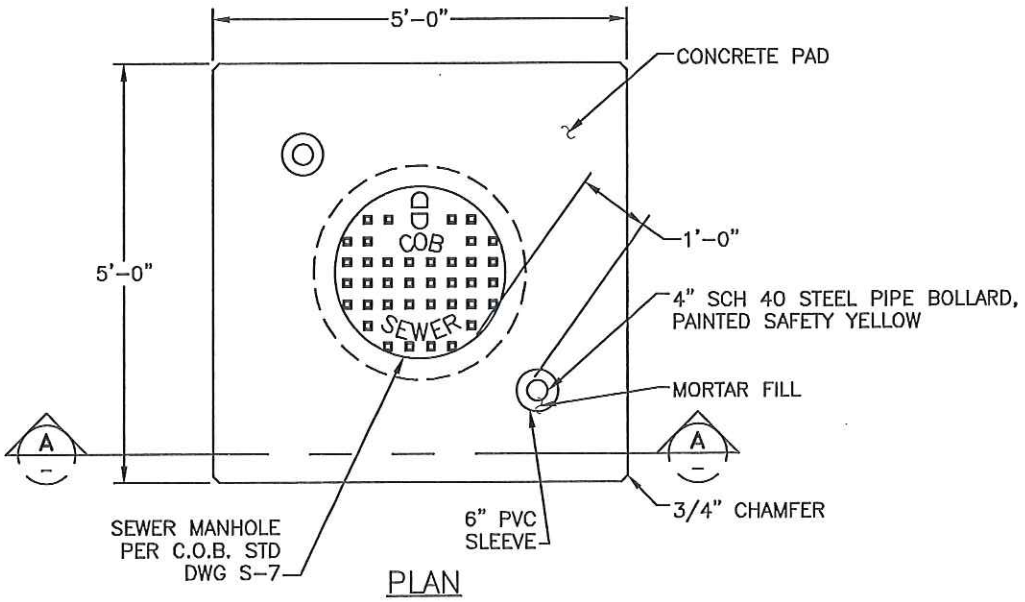
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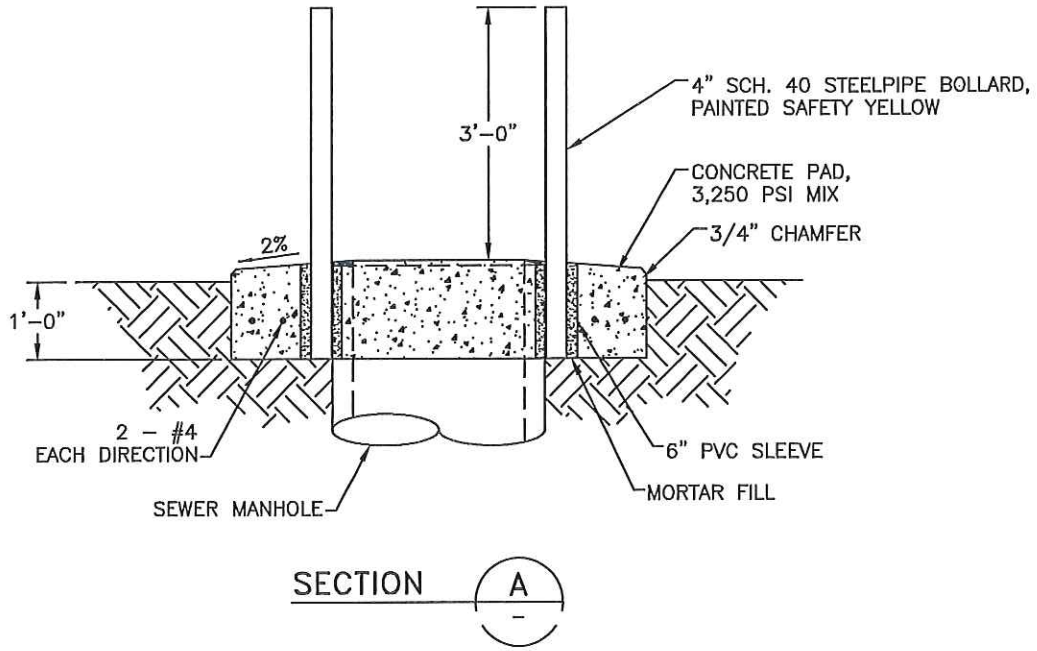
STANDARD NO.

DROP MANHOLE DETAIL
(SPECIAL ACCEPTANCE DETAIL)

S-10
1 OF 1



PLAN



SECTION A

NOTE:
1. THIS DETAIL IS MEANT TO BE USED WHEN MANHOLES ARE IN AN EASEMENT AND/OR NOT WITHIN A PAVED AREA.

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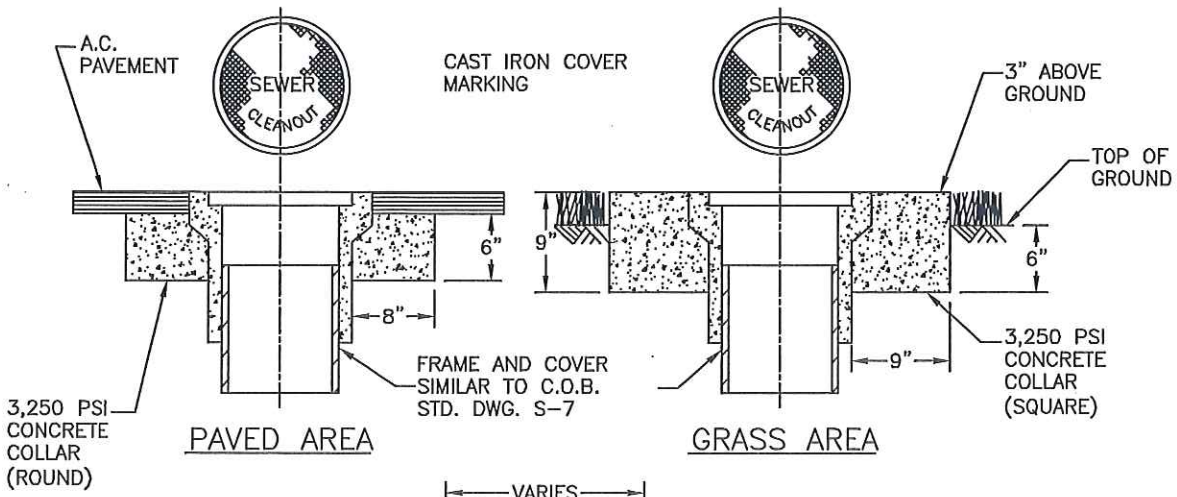
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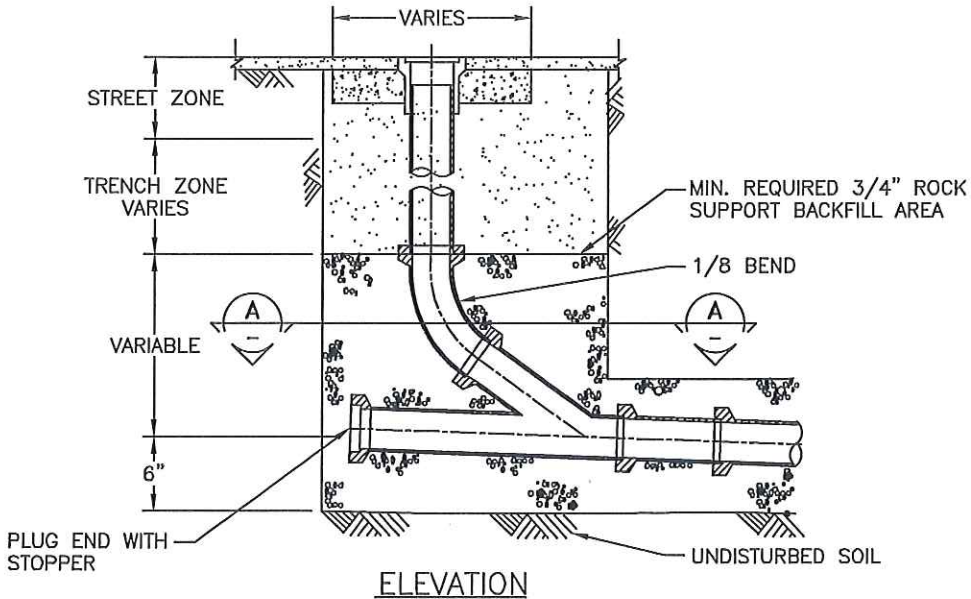
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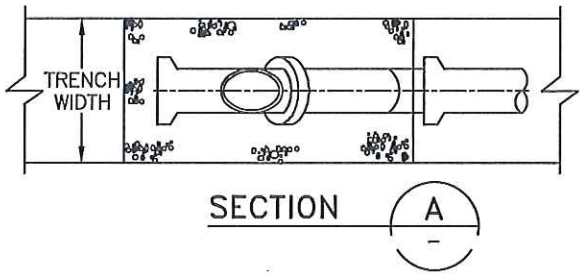
STANDARD NO.

GUARD POST DETAIL

S–11
1 OF 1







NOTE:

1. CLEANOUT PIPE TO BE SAME SIZE AND KIND OF MATERIAL AS MAIN.

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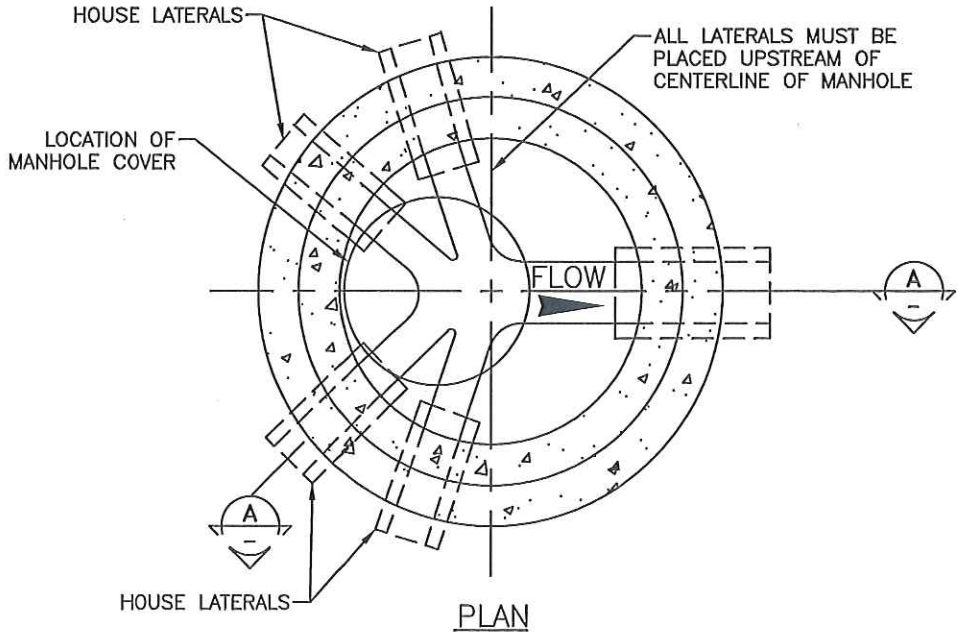
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TERMINAL OR MAIN CLEANOUT DETAIL

STANDARD NO.

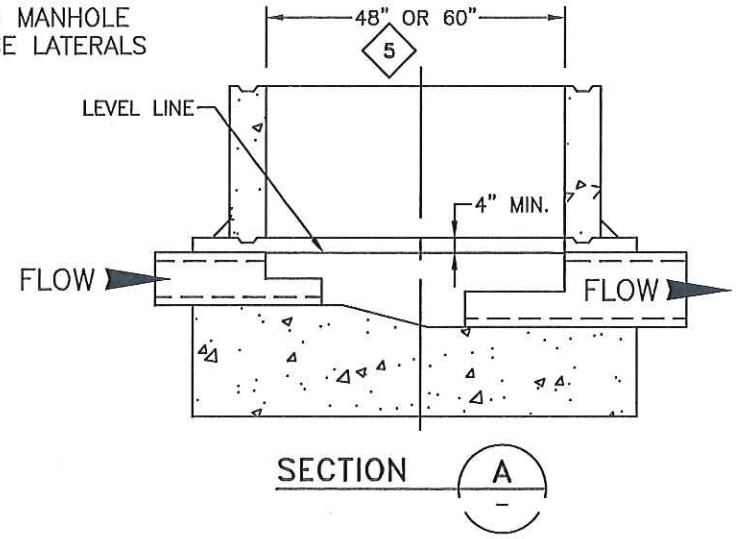
S-12

1 OF 1



PLAN

TERMINUS MANHOLE WITH HOUSE LATERALS



NOTES:

1. REFER TO STANDARD DRAWINGS OF MANHOLES FOR DETAILS PRETAINING TO MANHOLES ONLY.
2. THE TOP 1/2 DIAMETER OF THE PIPE IS TO BE BROKEN OUT TO A NEAT LINE. BROKEN EDGES SHALL BE PLASTERED SMOOTH WITH CEMENT MORTAR.
3. THE MAXIMUM NUMBER OF LATERALS INTO A TERMINUS MANHOLE SHALL BE FOUR.
4. THE MAXIMUM NUMBER OF LATERALS INTO A KNUCKLE MANHOLE SHALL BE THREE.
5. ALL MANHOLES WITH THREE OR MORE CONNECTING LATERALS SHALL BE 5'–0" DIAMETER.

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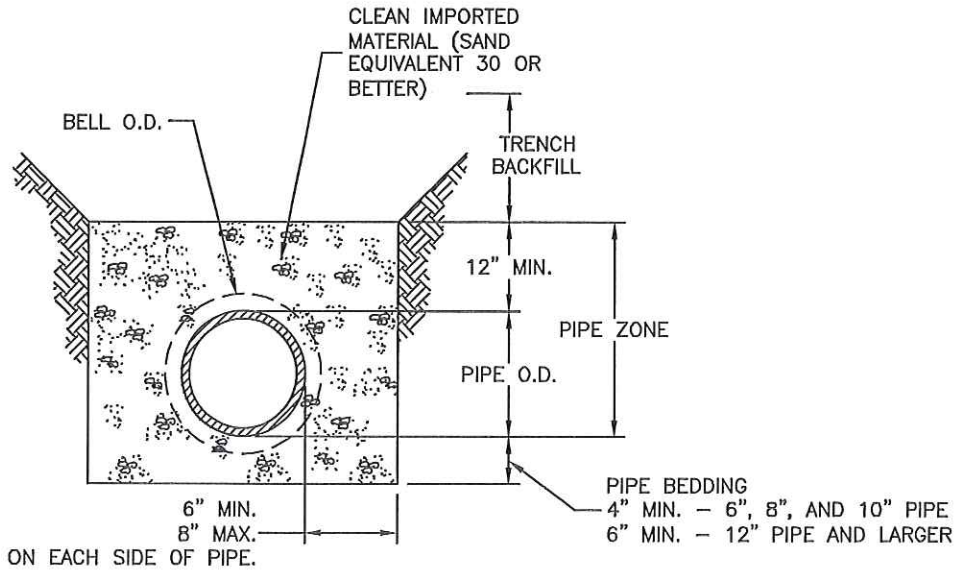
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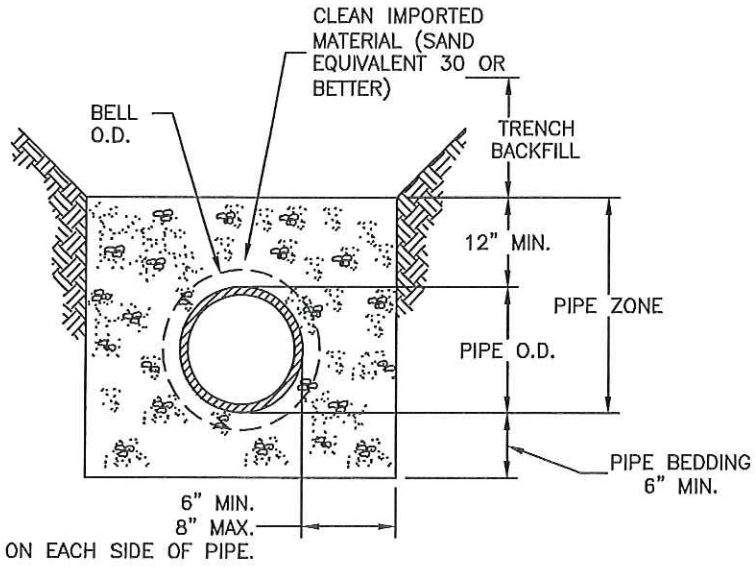
STANDARD NO.

TERMINUS (CUL DE SAC) MANHOLE

S-13
1 OF 1



LOAD FACTOR=1.1



LOAD FACTOR=2.2

NOTES:

1. IF UNSTABLE SOIL IS ENCOUNTERED, DISTRICT REPRESENTATIVE SHALL DETERMINE DEPTH OF REMOVAL AND SIZE OF FOUNDATION ROCK REFILL MATERIAL.

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CITY OF BANNING

V.C.P. PIPE BEDDING DETAILS

STANDARD NO.

S-15

1 OF 2

MINIMUM LOAD FACTOR – UNLIMITED TRENCH WIDTH							
SEWER DIAMETER	DEPTH OF COVER						
	6'–0"	8'–0"	10'–0"	12'–0"	14'–0"	16'–0"	18'–0"
8"	1.1	1.1	1.1	2.2	2.2	2.2	2.2
10"	1.1	1.1	2.2	2.2	2.2	2.2	–
12"	1.1	2.2	2.2	2.2	2.2	–	–
15"	1.1	2.2	2.2	2.2	–	–	–

NOTES:

1. FOR SEWER DIAMETERS DIFFERENT THAN SHOWN AND FOR DEPTHS OF COVER DIFFERENT THAN SHOWN, CITY SHALL APPROVE PIPE BEDDING AND PIPE ZONE BACKFILL PRIOR TO CONSTRUCTION.
2. WHEN DEPTH REACHES 10'–0", ALL PIPE ZONE BEDDING SHALL BE A MINIMUM DEPTH OF 6" BELOW PIPE UNLESS OTHERWISE NOTED ON PLANS.

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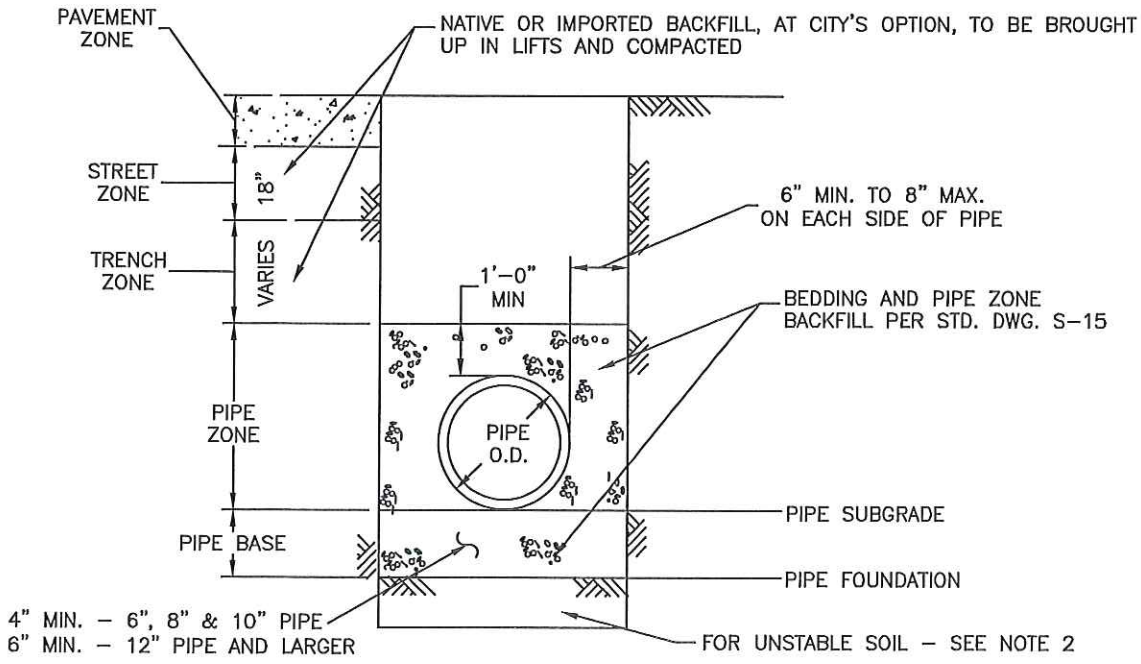
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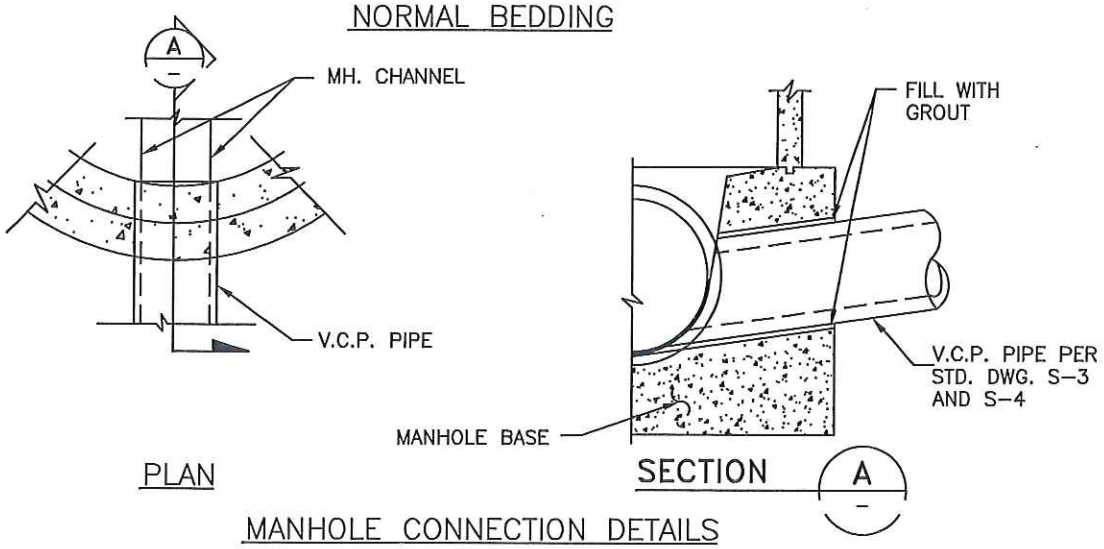
V.C.P. PIPE BEDDING DETAILS

STANDARD NO. **S-15**

2 OF 2



NORMAL BEDDING



MANHOLE CONNECTION DETAILS

NOTES:

1. IF UNSTABLE SOIL IS ENCOUNTERED, CITY REPRESENTATIVE SHALL DETERMINE DEPTH OF REMOVAL AND SIZE OF FOUNDATION ROCK REFILL MATERIAL.
2. SEE C.O.B. STD. DWGS. S-3, S-4, AND S-5 FOR MANHOLE DETAILS.

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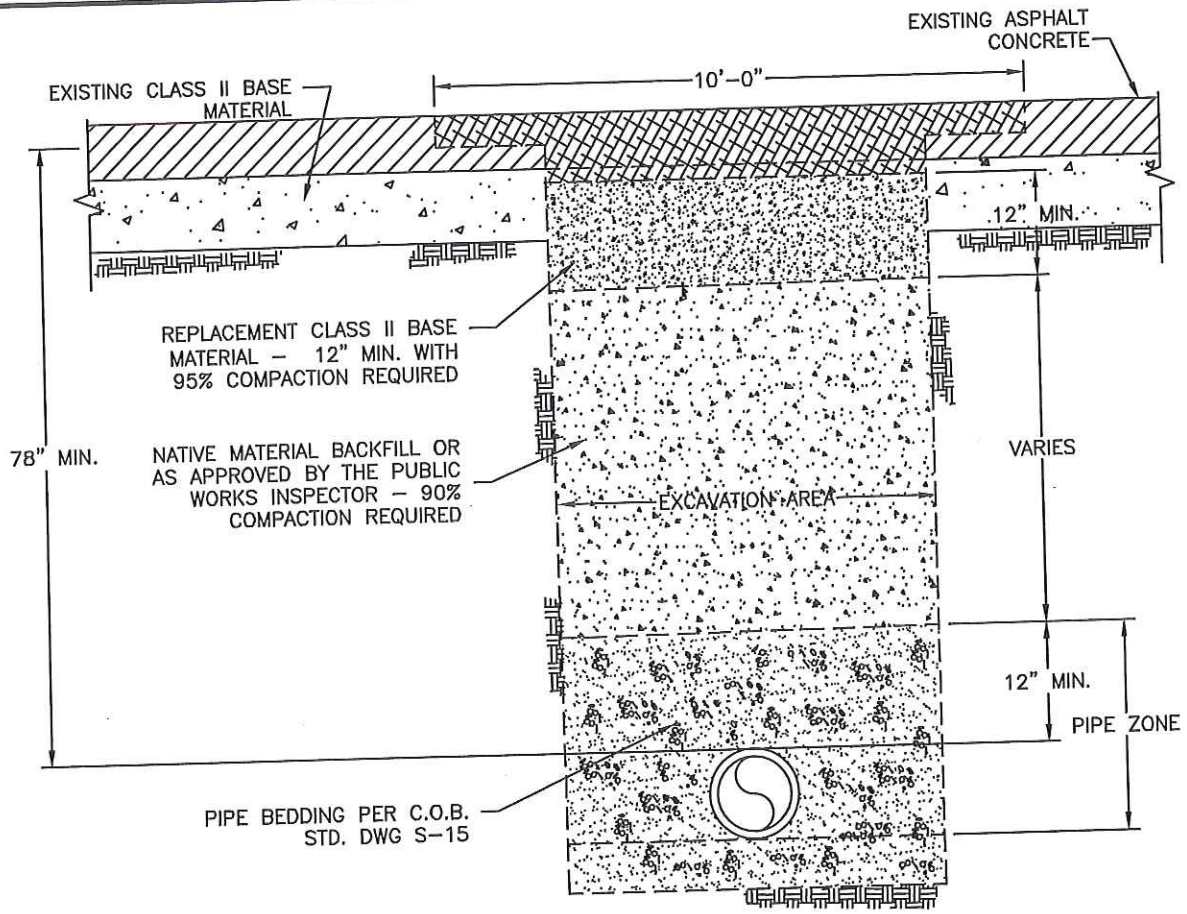
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PIPE BEDDING AND SPECIAL DETAILS

STANDARD NO. S-16
1 OF 1



NOTES:

1. NO TRENCHING, CUTTING, POTHOLING, GRINDING OR CORING WILL BE ALLOWED, EXCEPT FOR EMERGENCIES OR TO PROVIDE SERVICE CONNECTIONS, IF THE STREET HAS BEEN PAVED OR RESURFACED WITHIN THE PREVIOUS THREE YEARS.
2. WHEN TRENCHING OR CUTTING INTO ANY STREET, FULL LANE WIDTH (10 FEET WIDE MINIMUM) ASPHALT CONCRETE (AC) PAVEMENT REPLACEMENT, AC COLD MILLING (0.10 FEET THICK) AND AC OVERLAY, SHALL BE REQUIRED.
3. REPLACEMENT AC PAVEMENT SHALL BE 1 INCH GREATER THAN EXISTING AC PAVEMENT THICKNESS OR 5 INCHES THICK, WHICHEVER IS GREATER.
4. OUTSIDE OF STREET RIGHT OF WAY, COMPACTION SHALL BE 90%.
5. ADDITIONAL ARTERIAL STREET BACKFILL MAY BE REQUIRED.
6. TRENCHES SHALL BE PAVED WITH TEMPORARY AC PAVEMENT IMMEDIATELY FOLLOWING WORK. ALL TEMPORARY ASPHALT SHALL BE A MINIMUM 3 INCHES THICK AND SHALL BE PROPERLY COMPACTED FLUSH WITH EXISTING PAVING USING A VIBRATORY ROLLER OR VIBRATORY PLATE. ALL TEMPORARY ASPHALT MUST BE KEPT UP DAILY AT THE CONTRACTOR'S EXPENSE. PERMANENT PAVING IS REQUIRED WITHIN 2 WEEKS OF EXCAVATION.
7. SEE SHEET 2 OF 2 FOR PIPE VS. TRENCH SIZES.

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CITY OF BANNING

STANDARD NO.

TRENCH REPAIR DETAIL

S-17
1 OF 2

TRENCH REPAIR–PIPE SIZE VS TRENCH SIZE		
PIPE SIZE–INCHES (INSIDE DIAMETER)	TRENCH WIDTH–INCHES	
	MINIMUM	MAXIMUM
4	20	28
6	22	32
8	24	32
10	26	36
12	30	36
14	32	42
16	34	42

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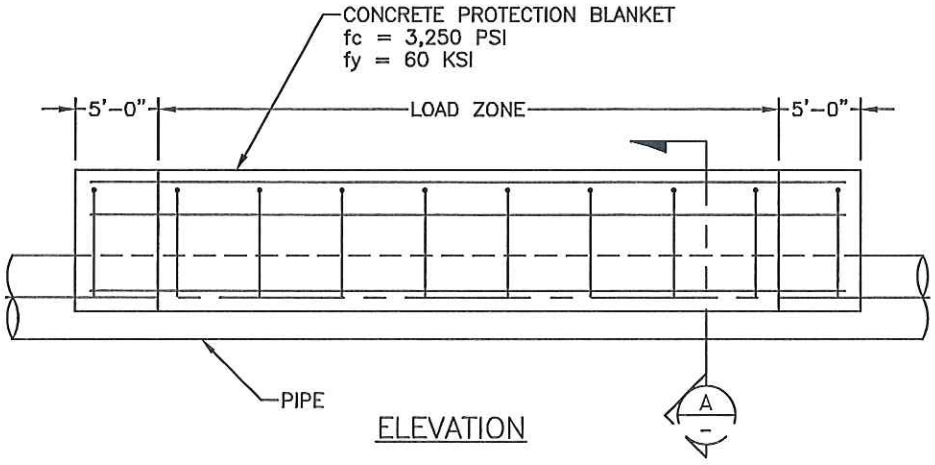
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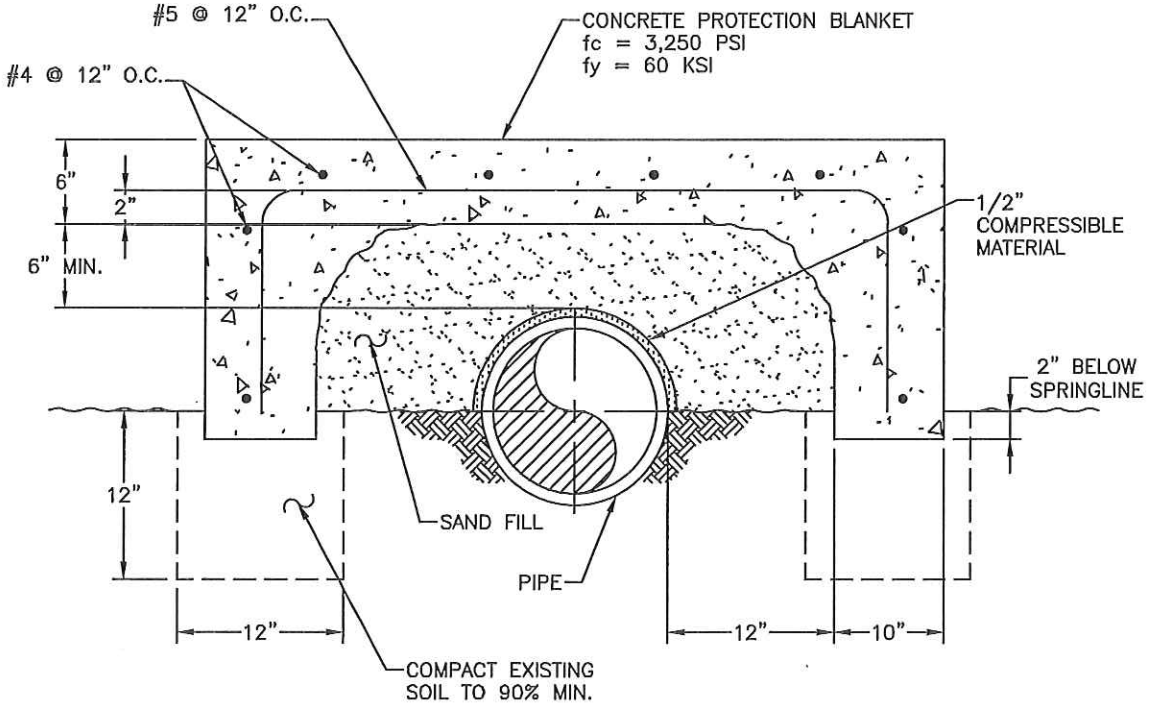
STANDARD NO.

TRENCH REPAIR DETAIL

S-17
2 OF 2



ELEVATION



SECTION A -

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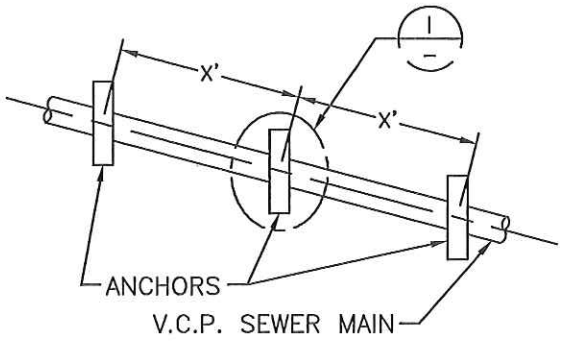
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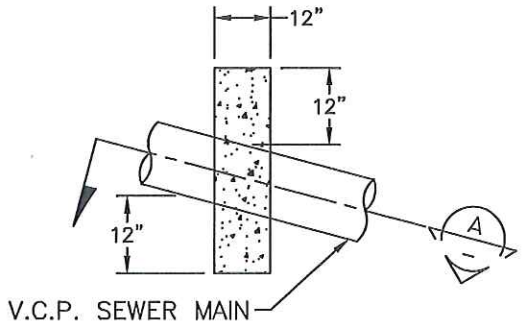
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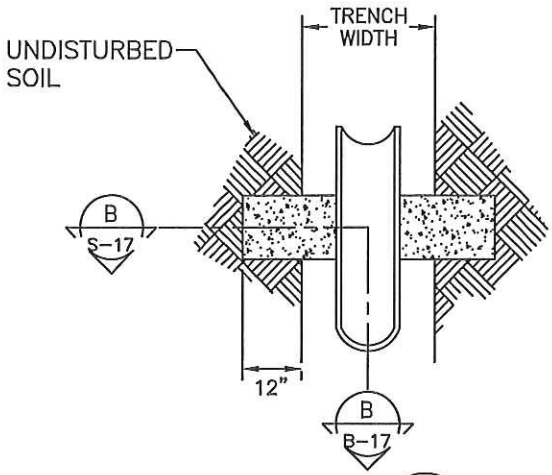
SEWER MAIN PROTECTION DETAIL

S-18
1 OF 1





DETAIL 1



SECTION A

SEE C.O.B. STD. DWG. S-17 SHEET 2 OF 2 FOR SECTION B, REINFORCING STEEL PATTERN, PIPE SLOPE SCHEDULE, AND NOTES.

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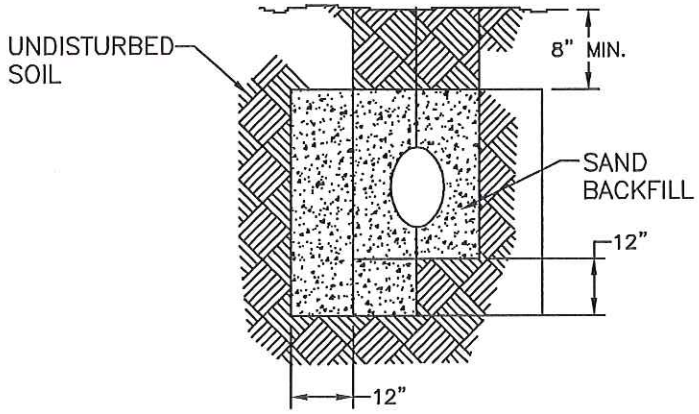
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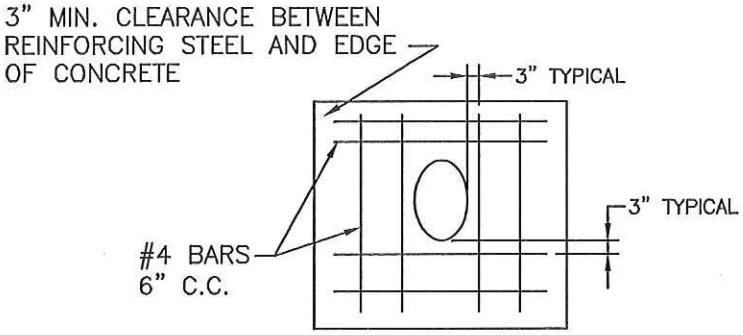
CONCRETE SLOPE ANCHORS

STANDARD NO. S-19

1 OF 2



SECTION B
B–17



REINFORCING STEEL PATTERN

PIPE SLOPE	PIPE SLOPE	X DISTANCE
100%	1:1	12'–0"
66.6%	1–1/2:1	14'–0"
50%	2:1	16'–0"
40%	2–1/2:1	18'–0"
33.3%	3:1	20'–0"

NOTES:

1. PIPE ANCHORS REQUIRED ON ALL SLOPES OF 3:1 OR STEEPER.
2. ANCHOR SHALL EXTEND 12" INTO NATURAL UNDISTURBED SOIL.
3. CONCRETE SHALL BE 3250 PSI MINIMUM.
4. ANCHORS FOR TRAPEZOIDAL TRENCH SECTIONS WILL CONFORM TO TRENCH CROSS SECTION AND EXTEND 12" INTO UNDISTURBED SOIL.

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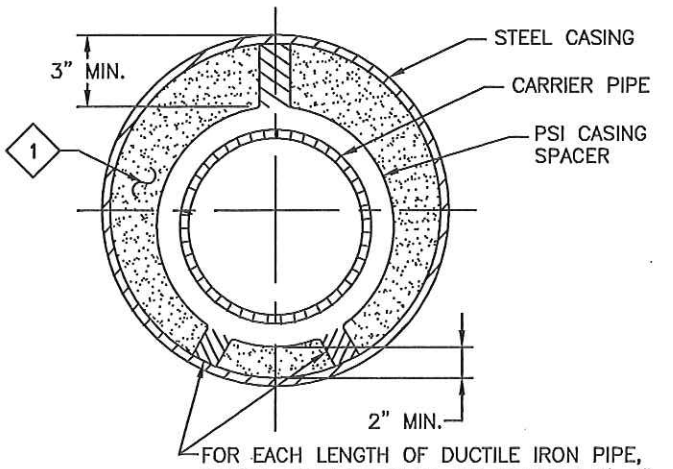
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CONCRETE SLOPE ANCHORS

STANDARD NO. S-19
2 OF 2



FOR EACH LENGTH OF DUCTILE IRON PIPE, CASING SPACERS SHALL BE LOCATED 6'–0" APART AND 3'–0" FROM EACH END OF PIPE. FOR VCP, SPACERS SHALL LOCATED 1' FROM EACH END OF PIPE.

STEEL CASING SCHEDULE

V.C.P. SIZE	MINIMUM CASING SIZE	MIN. WALL THICK.
6"	16" I.D.	1/4"
8"	18" I.D.	1/4"
10"	21" I.D.	5/16"
12"	24" I.D.	5/16"

NOTES:

1. THE ANNULAR SPACE BETWEEN THE CASING AND THE CARRIER PIPE SHALL BE FILLED WITH AIR BLOWN SAND.
2. UNLESS OTHERWISE NOTED, CASING SHALL BE INSTALLED BY THE BORE, JACK AND/OR TUNNEL METHOD. IF OPEN–CUT INSTALLATION OF CASING IS ALLOWED, BACKFILL SHALL BE IN ACCORDANCE WITH C.O.B. STD. DWG S–17.
3. SIZE AND THICKNESS OF CASING SHALL BE AS SHOWN IN SCHEDULE.
4. ALL STEEL CASING PIPE FIELD JOINTS SHALL BE WELDED FULL–CIRCUMFERENCE.
5. PSI CASING SPACERS SHALL BE PROVIDED PER DETAIL ABOVE.
6. CARRIER PIPE SHALL BE AIR PRESSURE TESTED PRIOR TO FILLING CASING AND AGAIN WITH ENTIRE ENTIER PIPLINE
7. UPSTREAM AND DOWNSTREAM ELEVATIONS OF CARRIER PIPE TO BE VERIFIED PRIOR TO FILLING.
8. EACH END OF CASING SHALL BE SEALED WITH CONCRETE MORTAR.

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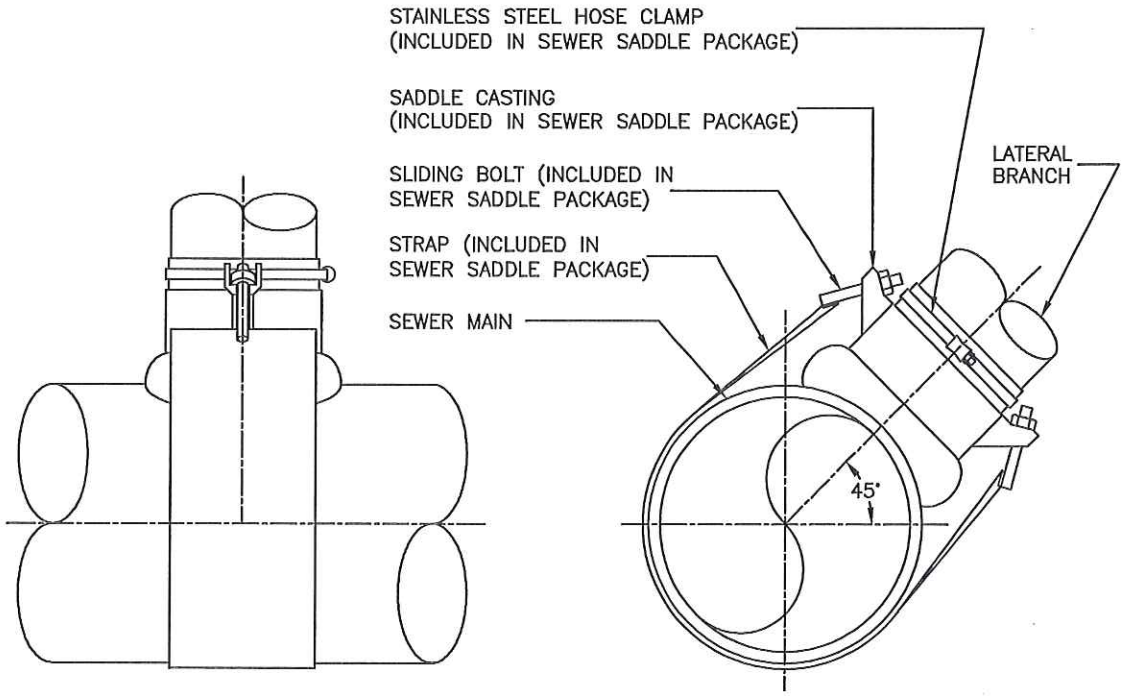
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STANDARD NO.

STEEL CASING PIPE

S–20
1 OF 1



SEWER SADDLE FOR 4" – 6" CLAY PIPE LATERAL CONNECTION

SEWER DIAMETER	ROMAC INDUSTRIES, INC. PART NUMBER	
	4" LATERAL BRANCH	6" LATERAL BRANCH
8" – 12"	CB–5.38	CB–7.56
14" – 24"	CB–5.38LS	CB–7.56LS
24" – 48"	CB–5.38XLS	CB–7.56XLS

NOTES:

1. LATERAL CONNECTION BY SADDLE METHOD SHALL BE USED ON PIPES 8" IN DIAMETER AND LARGER.
2. THE HOLE FOR THE COLLAR WYE FITTING FOR A SEWER SADDLE SHALL BE MADE WITH A TAPPING MACHINE. THE HOLE SHALL BE CLEANLY MACHINED, AND IF NECESSARY, WORKED BY HAND WITH A RASP OR SANDED TO ACCOMPLISH A TRUE AND NEAT OPENING FOR THE COLLAR WYE.
3. THE COLLAR WYE SADDLE SHALL BE SECURED TO THE SEWER MECHANICALLY.
4. DAMAGED PIPE SHALL BE REPAIRED AS DIRECTED BY THE CITY REPRESENTATIVE.

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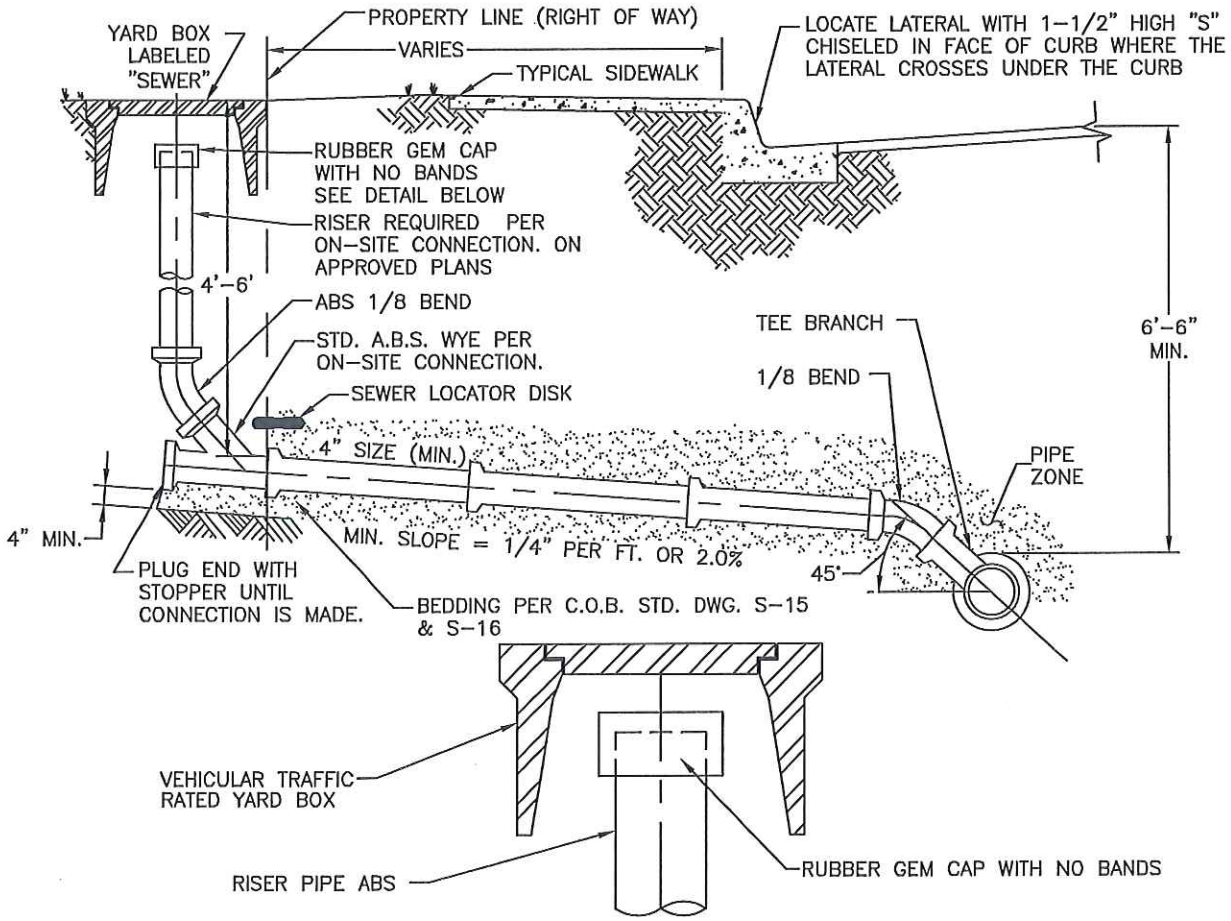
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4" AND 6" SEWER SADDLE CONNECTION TO EXISTING MAINS

STANDARD NO. **S-21**

1 OF 1



STOPPER DETAIL

NOTES:

1. LATERAL SIZE TO BE DETERMINED ON THE BASIS OF TOTAL NUMBER OF FIXTURE UNITS DRAINED, BUT IN NO CASE SHALL THE LATERAL DIAMETER BE LESS THAN FOUR INCHES FOR SINGLE OR MULTIPLE FAMILY RESIDENTIAL AND SIX INCHES FOR COMMERCIAL OR INDUSTRAL. RISERS SHALL BE THE SAME SIZE AS THE LATERAL.
2. LATERAL TO BE INSTALLED TO PROPERTY LINE. ALL LATERALS ARE TO BE CONSTRUCTED OF EXTRA STRENGTH VITRIFIED CLAY PIPE. MUST BE INSTALLED WITH A MINIMUM HORIZONTAL OFFSET OF 36" FROM ALL OTHER UTILITIES.
3. PLACE SAND (SE 30 OR BETTER) A MINIMUN OF 4" BELOW THE PIPE AND 1' ABOVE THE TEE OR WYE, AND LATERAL.
4. IF RISER IS NOT BUILT, PLUG WYE BRANCH WITH STOPPER.
5. INSTALL A SEWER LOCATOR DISK AT THE END OF ALL LATERAL RUNS AT RIGHT OF WAY.
6. ONLY LATERAL RUNS ARE PERMITED TO BE EITHER "BELL AND SPIGOT", OR "BAND SEAL".

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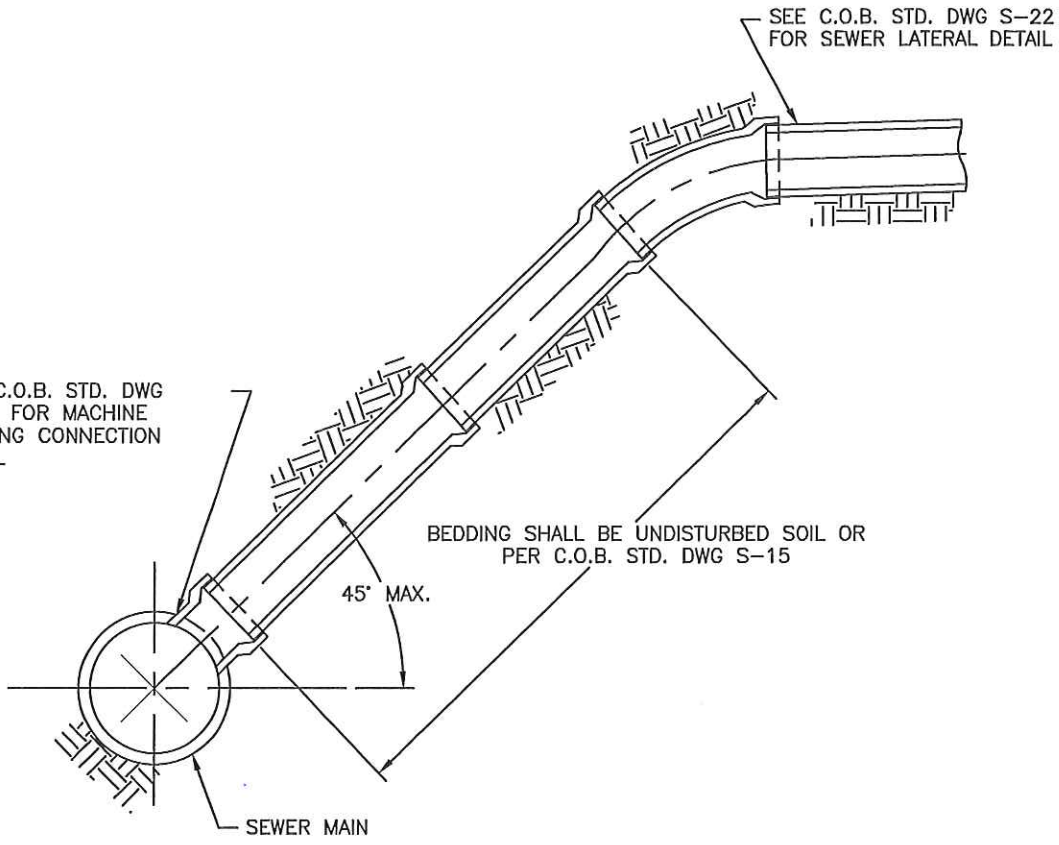
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V.C.P. HOUSE LATERAL

STANDARD NO. **S-22**

1 OF 1



NOTES:

1. SEE CONSTRUCTION DRAWINGS FOR LOCATION AND SIZE OF LATERALS.
2. IF THE SEWER MAIN IS IN AN EASEMENT AND IT IS GREATER THAN 7'–0" DEEP, A LATERAL EXTENSION PER THIS DETAIL WILL BE REQUIRED TO BRING END OF CONNECTION PIPE TO 5'–0" OF SURFACE, EXCEPT IN CASES WHERE DEPTH IS NEEDED TO SERVE PROPERTY.

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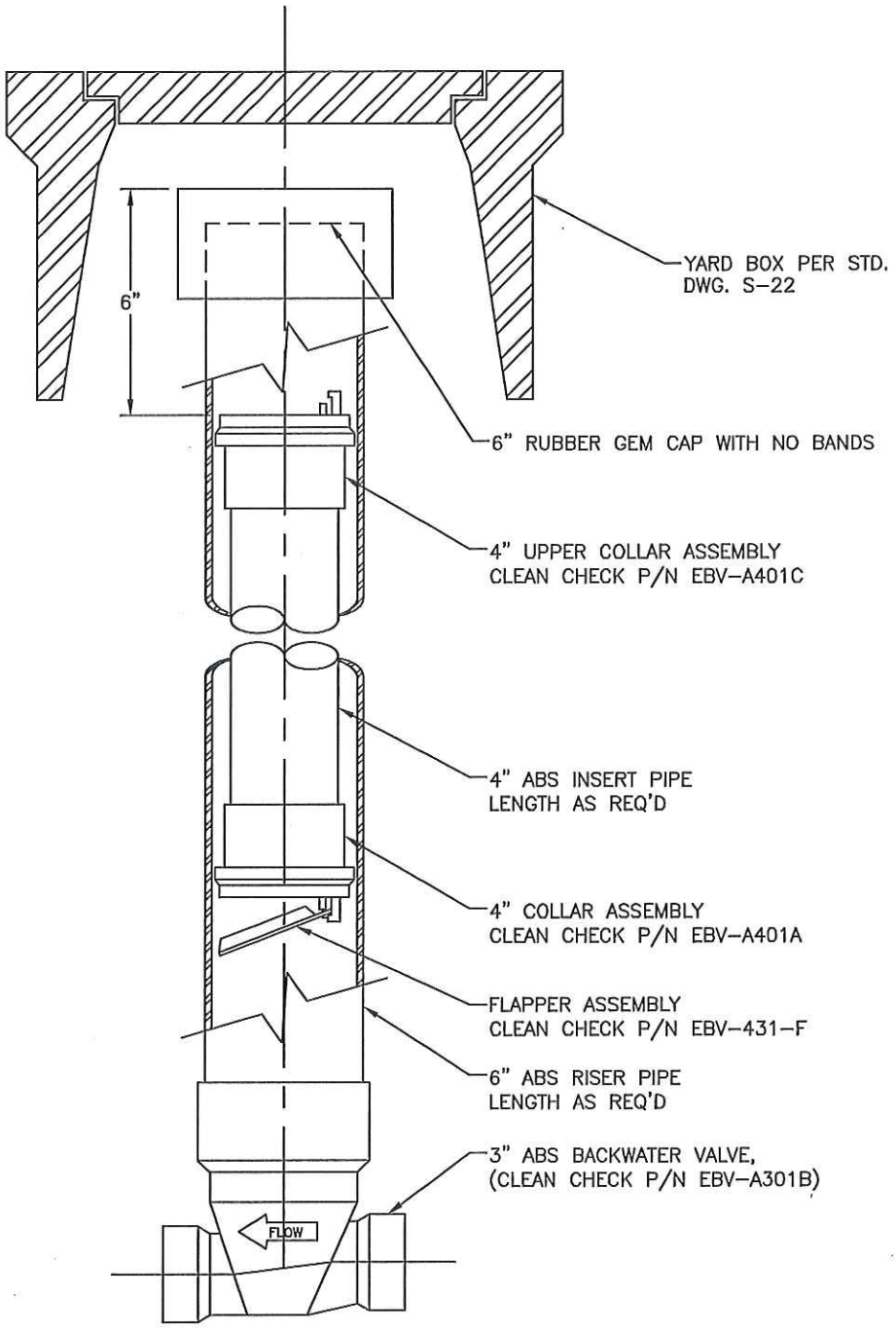
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STANDARD NO.

DEEP SEWER LATERAL DETAIL

S-23
1 OF 1



NOTES:

1. THE REQUIRED MATERIALS ARE AS SHOWN OR AS APPROVED EQUAL.

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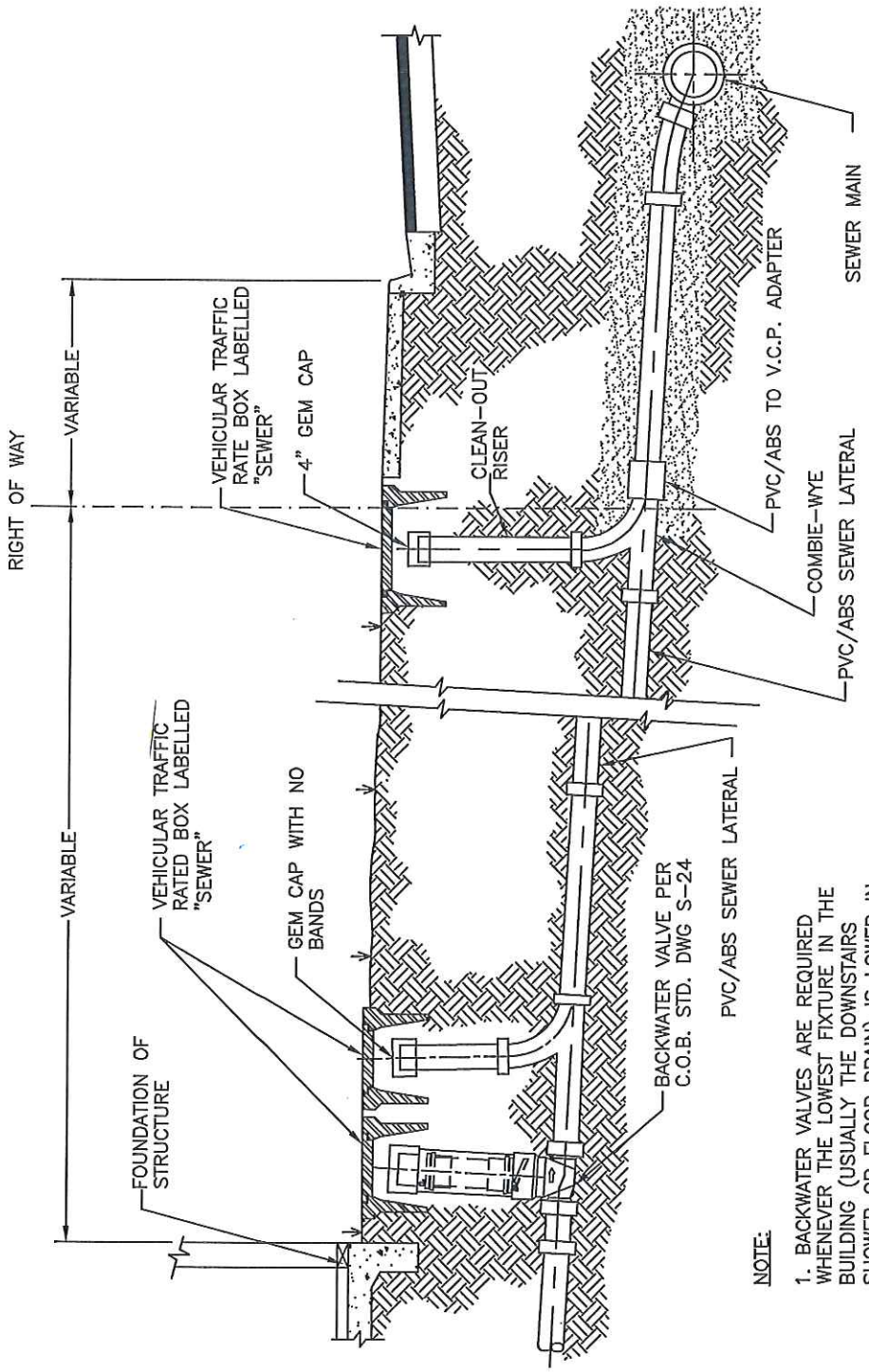
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CITY OF BANNING

BACKWATER VALVE DETAIL

STANDARD NO. **S-24** 1 OF 1



NOTE:

1. BACKWATER VALVES ARE REQUIRED WHENEVER THE LOWEST FIXTURE IN THE BUILDING (USUALLY THE DOWNSTAIRS SHOWER OR FLOOR DRAIN) IS LOWER IN ELEVATION THAN THE RIM OF THE NEAREST UPSTREAM SEWER MANHOLE FROM WHERE THE LATERAL TIES INTO.

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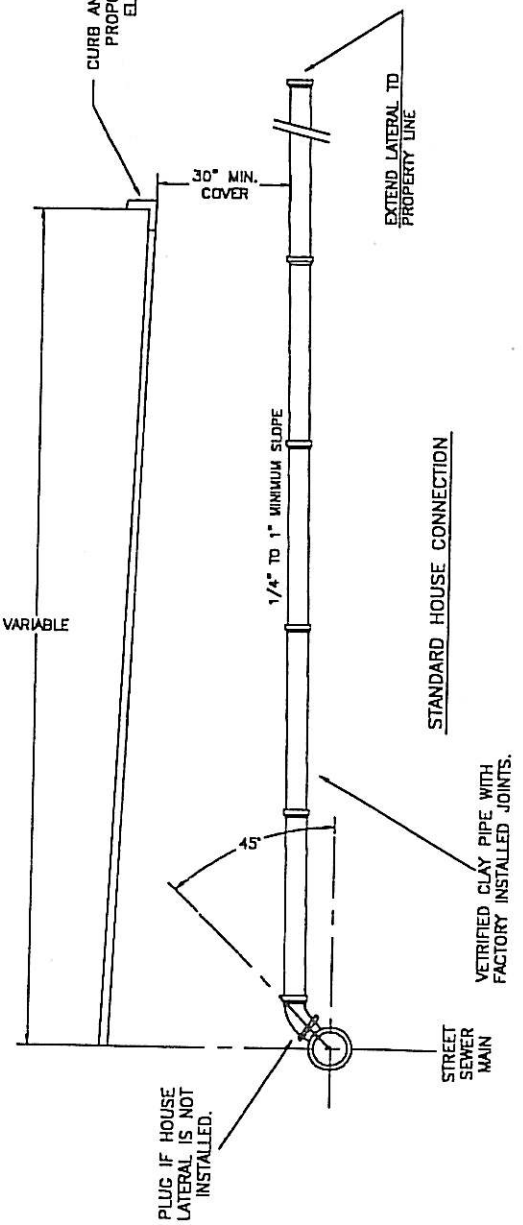
CITY OF BANNING

BACKWATER VALVE INSTALLATION DETAIL

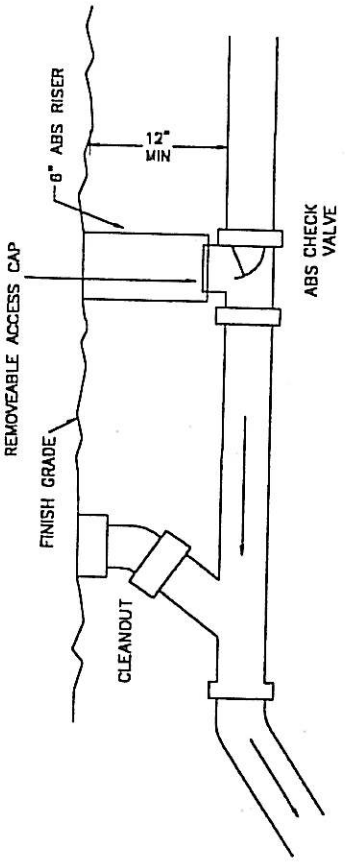
STANDARD NO.

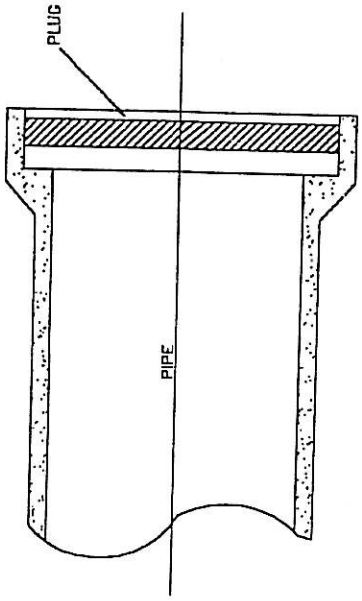
S-25

1 OF 1



STANDARD HOUSE CONNECTION

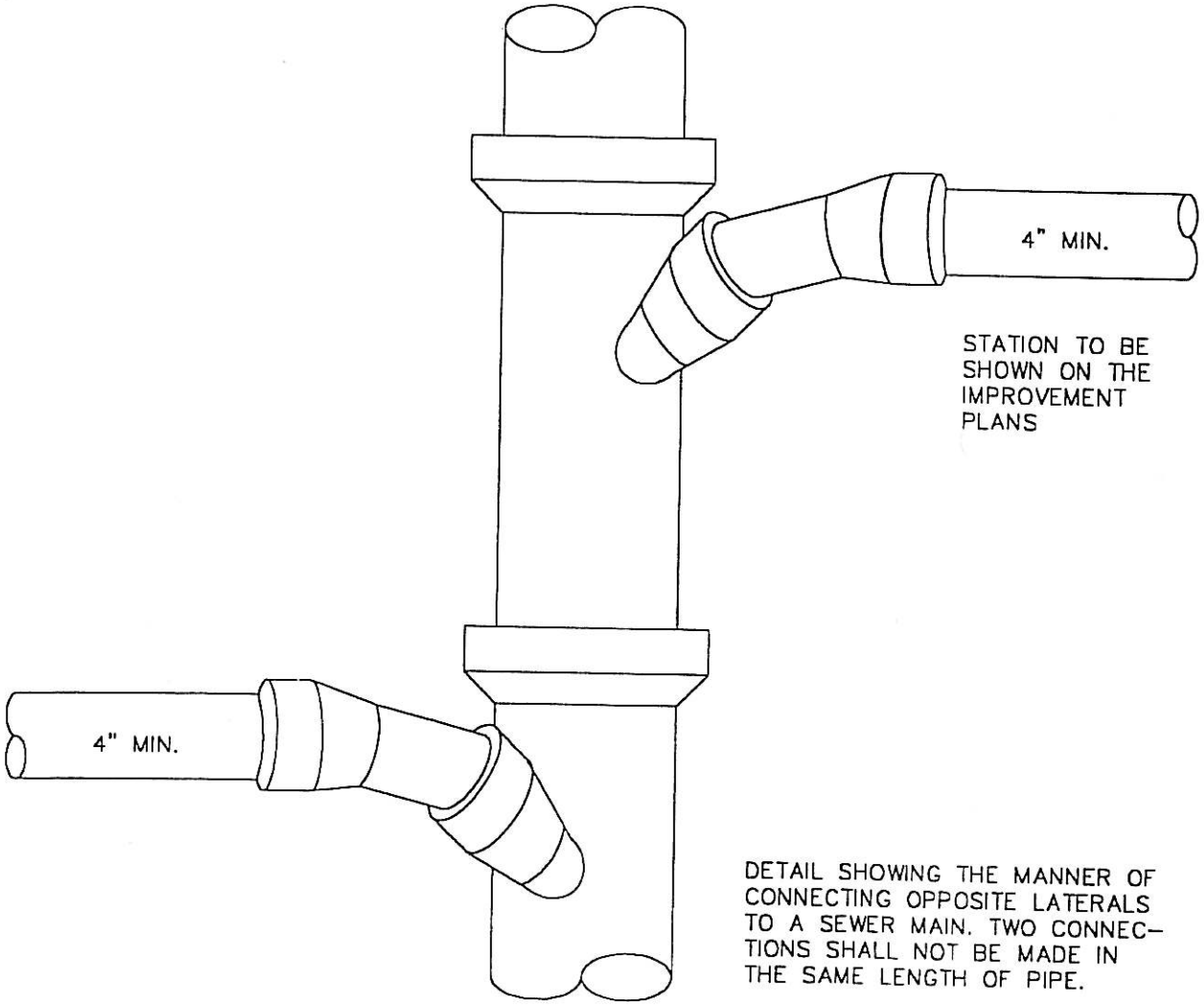




STANDARD PLUG DETAIL

REVISED	DRAWN	DATE	CITY OF BANNING
	APPROVED	DATE	
			SEWER LATERALS HOUSE CONNECTION — S-600
	DIRECTOR OF PUBLIC WORKS		

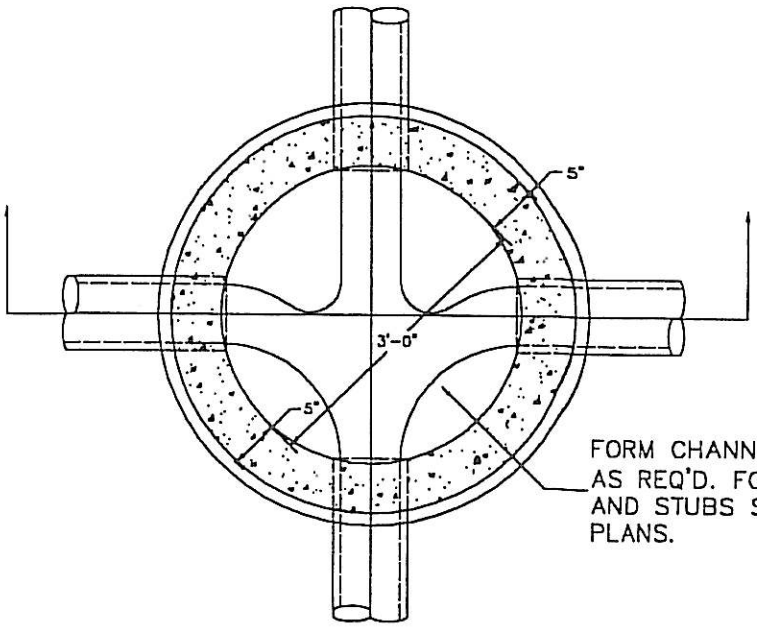
IN NO CASE, SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON TOP OF THE PIPE. SEWER LATERALS SHALL HAVE A MINIMUM SLOPE OF 1/4":1; PLUGS SHALL BE INSTALLED IN ACCORDANCE WITH PIPE MANUFACTURER'S RECOMMENDATIONS.



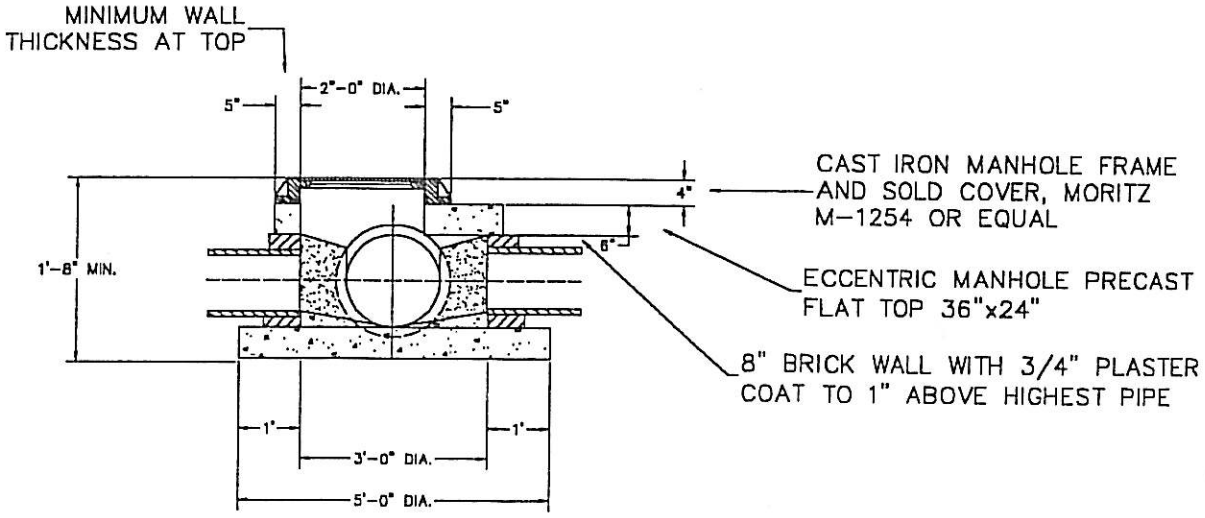
STATION TO BE SHOWN ON THE IMPROVEMENT PLANS

DETAIL SHOWING THE MANNER OF CONNECTING OPPOSITE LATERALS TO A SEWER MAIN. TWO CONNECTIONS SHALL NOT BE MADE IN THE SAME LENGTH OF PIPE.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			SEWER LATERALS HOUSE CONNECTION	S-600A
	DIRECTOR OF PUBLIC WORKS			

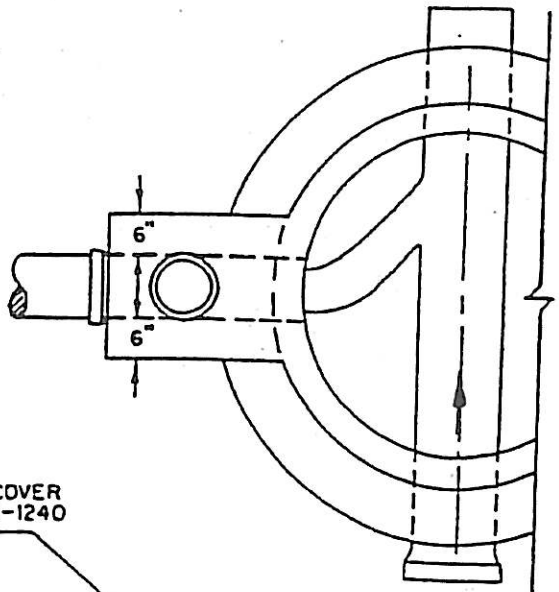


3'6' MAXIMUM HEIGHT FOR GREATER
DEPTH USE STANDARD MANHOLE DESIGN



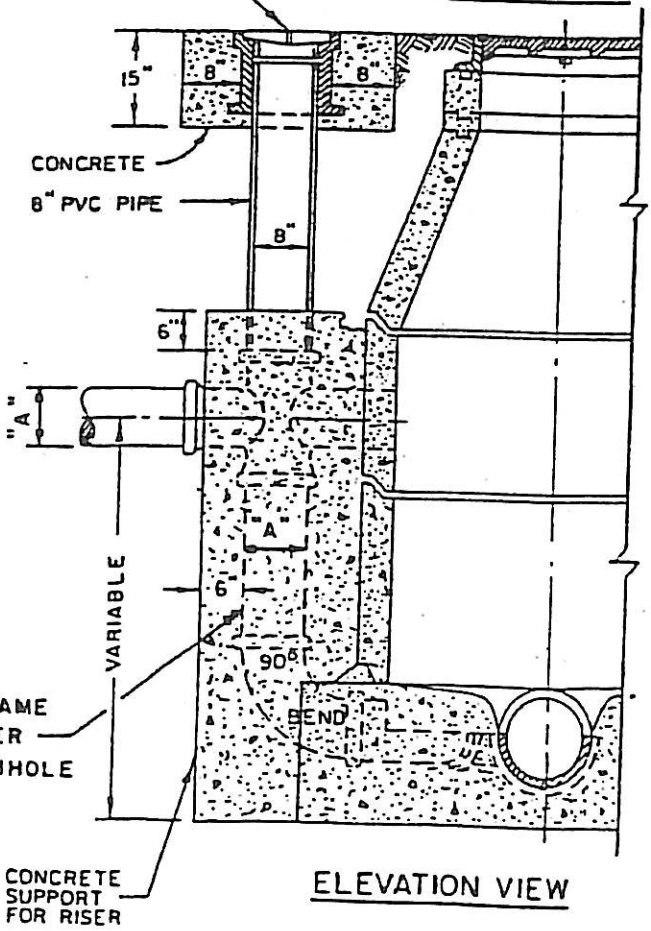
SECTION

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			SHALLOW MANHOLE	S-602
	DIRECTOR OF PUBLIC WORKS			



PLAN VIEW

LAMP HOLE FRAME AND COVER
ALHAMBRA FOUNDRY NO. A-1240
OR EQUAL.

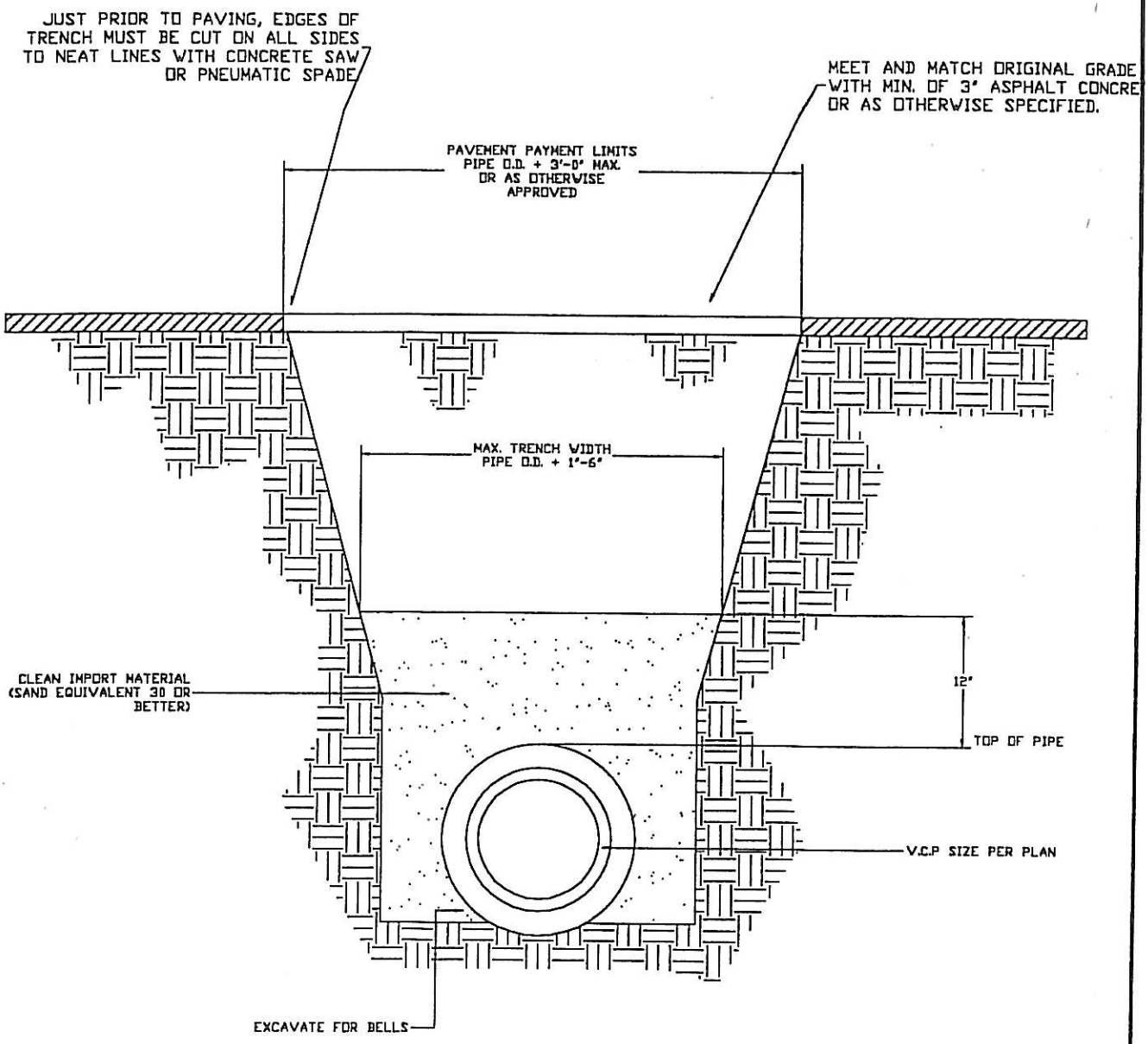


DROP PIPE SHALL BE SAME
DIAMETER "A" AS SEWER
DISCHARGING INTO MANHOLE

CONCRETE
SUPPORT
FOR RISER

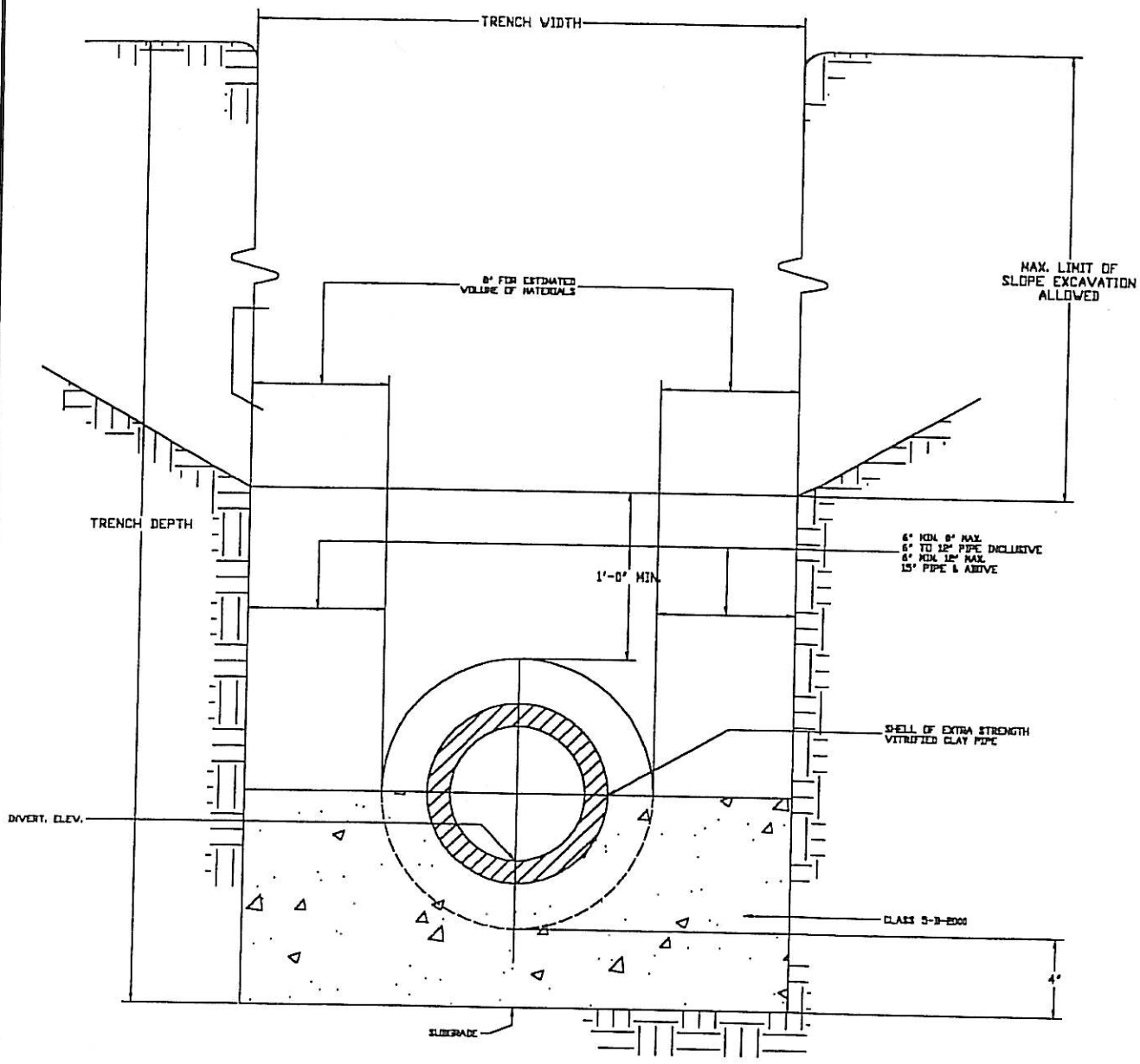
ELEVATION VIEW

Date: 8-5-76	Drawn: SCHUERMANN	CITY OF BANNING MUNICIPAL UTILITIES DEPARTMENT	A-96 REV. A
Scale: NONE	Revised: 8-17-87		
Approved by Director of Public Works C.E.		DROP MANHOLE	



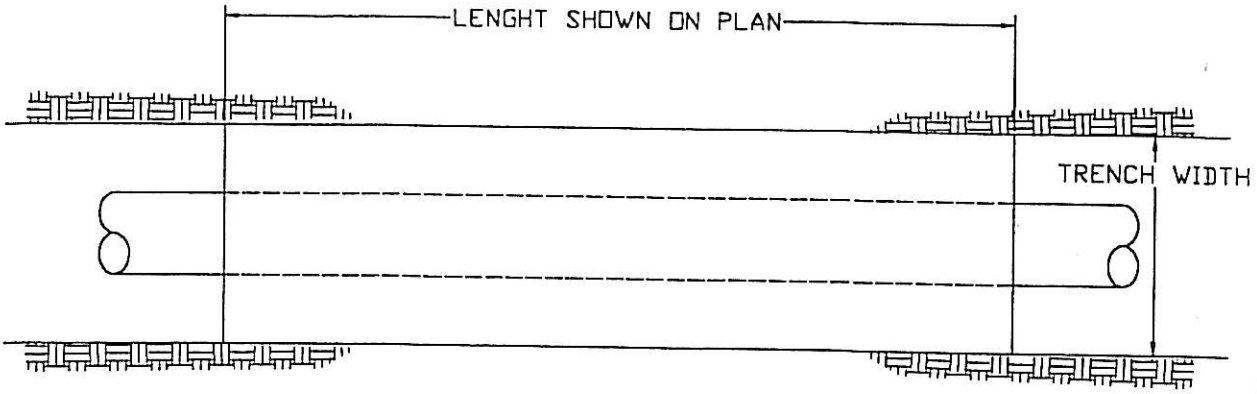
NOTE: ALL PAVEMENT DAMAGED OUTSIDE OF PAYMENT LIMITS, AS SHOWN ABOVE, DURING OR AS ATHE RESULT OF CONSTRUCTION, SHALL BE REMOVED AND REPLACED BY THE CONTRACTOR AT NO ADDITIONAL PAYMENT.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			TRENCH-CUT DETAIL	S-606
	DIRECTOR OF PUBLIC WORKS			

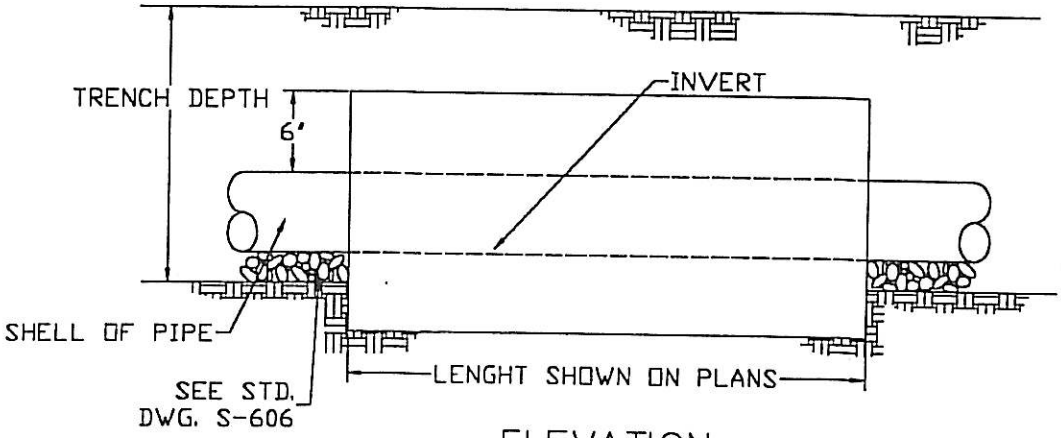


NOTE:
EXTRA STRENGTH VITRIFIED CLAY PIPE AND CONCRETE CRADLE FOR SEWERS SHALL BE USED WHEN INVERT DEPTH IS 15' OVER OR AS SHOWN ON PLANS.

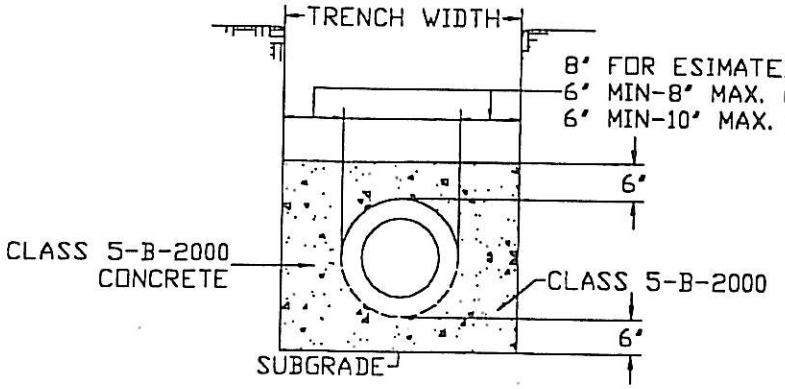
REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			CONCRETE CRADEL FOR SEWER	S-607
	DIRECTOR OF PUBLIC WORKS			



PLAN

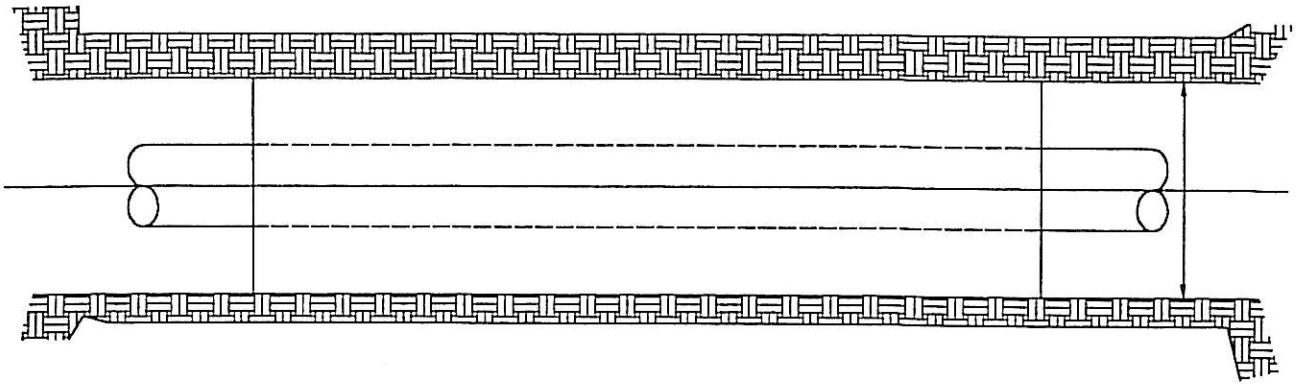


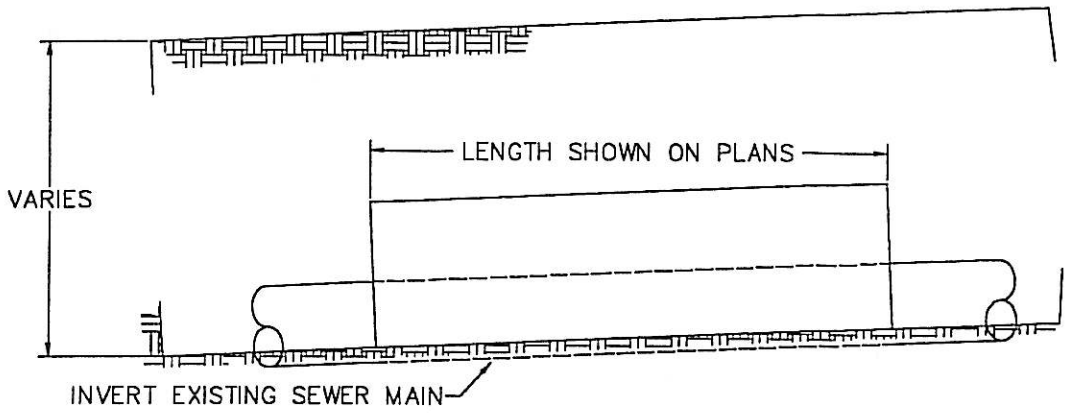
ELEVATION

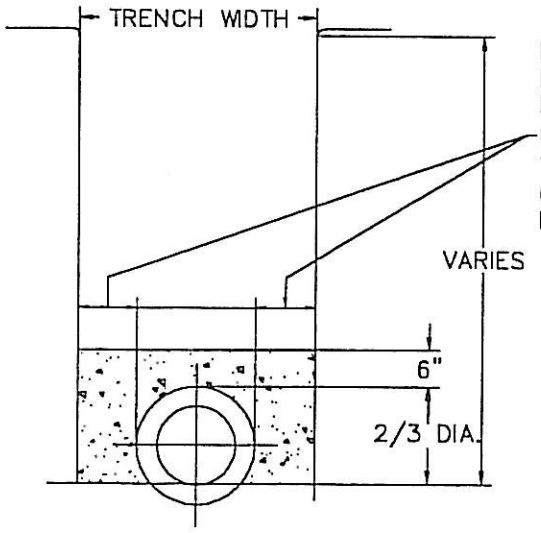


CONCRETE ENCASEMENT FOR SEWERS SHALL BE USED WHEN INVERT DEPTH IS UNDER 3', OR OVER 22', AS SHOWN ON PLAN.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			CONCRETE ENCASEMENT FOR SEWER PIPE	S-608
	DIRECTOR OF PUBLIC WORKS			



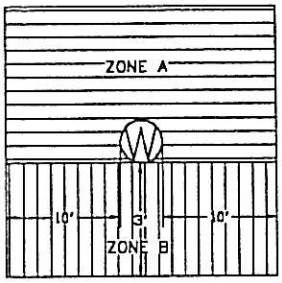




FOR ESTIMATED COLUME OF MATERIALS USE MAXIMUM FOR INDICATED PIPE SIZE.
6" MIN. –8" MAX.–6" TO 12" PIPE INCLUSIVE.
6" MIN. – 10" MAX. – 15" PIPE AND ABOVE.

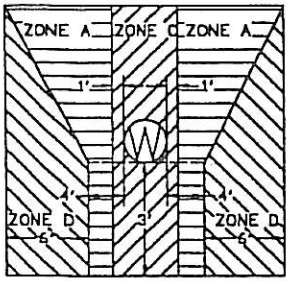
NOTE: CONCRET ENCASEMENT FOR EXISTING SEWER SHALL BE USED WHEN INVERT DEPTH IS 4' OR LESS OR 15' OR GREATER AS SHOWN ON PLANS.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			CONCRETE ENCASEMENT FOR EXISTING SEWER PIPE	S–609
	DIRECTOR OF PUBLIC WORKS			



CROSSING

SANITARY SEWERS
AND WATER LINES



PARALLEL

SANITARY SEWERS
AND WATER LINES

NOTE: Ⓦ INDICATES PRESSURE WATER MAIN FOR POTABLE WATER.
DIMENSIONS ARE FROM OUTSIDE OF PIPE TO OUTSIDE OF PIPE.

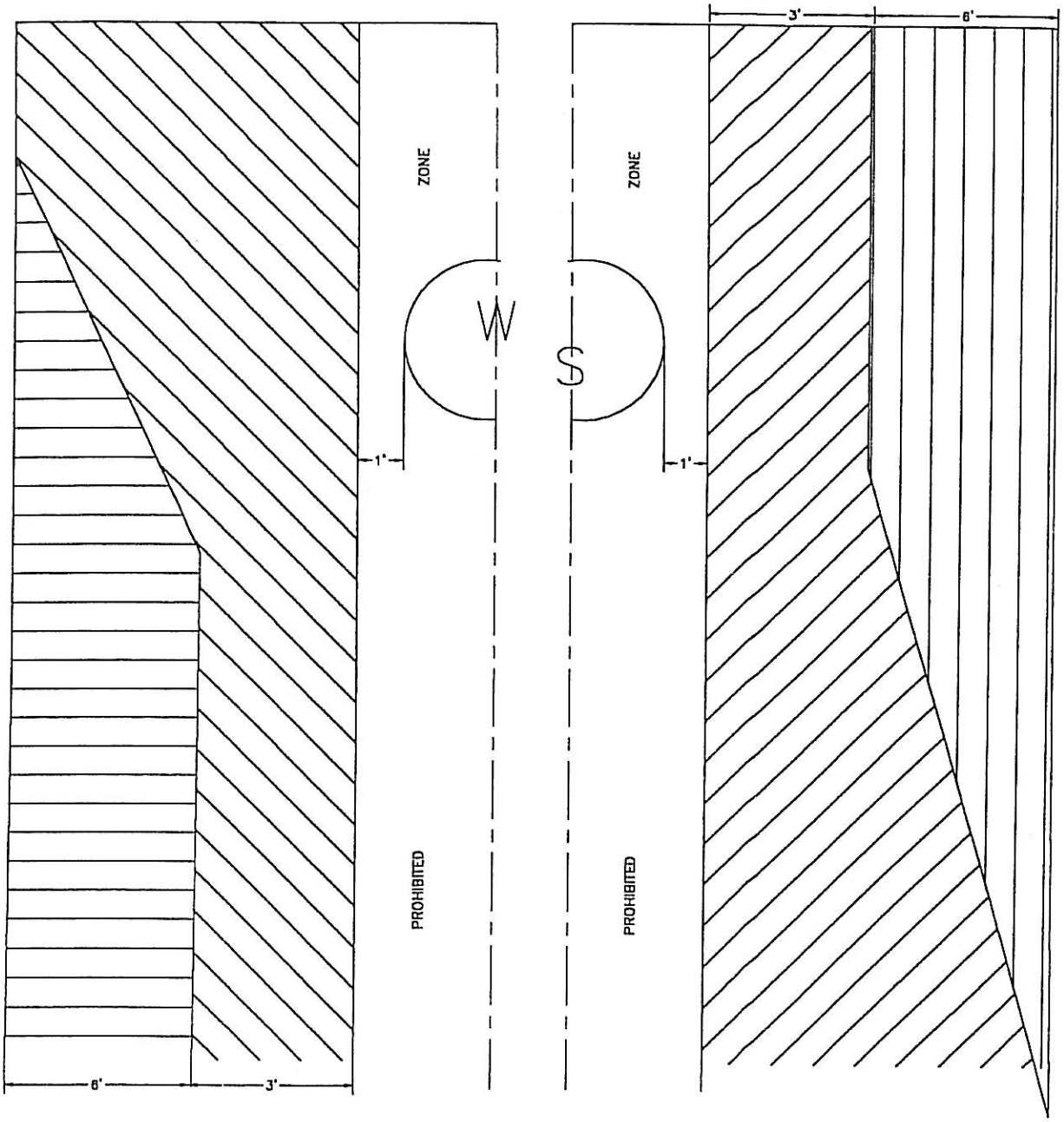
SANITARY SEWERS AND WATER LINES SEPERATED BY LESS THAN 10 FEET WITHIN ANY OF THE ABOVE INDICATED ZONES WILL REQUIRE SPECIAL SEWER CONSTRUCTION AS SHOWN BELOW.

ZONE	SEWER CONSTRUCTION REQUIREMENTS
	CAST IRON PIPE WITH APPROVED MECHANICAL JOINTS; VITRIFIED CLAY PIPE, CEMENT–ASBESTOS PIPE, OR REINFORCED CONCRETE PIPE IN STEEL CASING OR ENCASED IN REINFORCED COCRETE: OR OTHER APPROVED METHODS.
	VITRIFIED CLAY PIPE, CEMENT–ASBESTOS PIPE, OR REINFORCED CONCRETE PIPE ENCASED IN REINFORCED CONCRETE: ANY ZONE "A" CONSTRUCTION METHOD: OR OTHER APPROVED METHODS.
	NO SANITARY SEWERS PERMITTED
	ZONE "A" OR ZONE "B" CONSTRUCTION METHODS.

NOTE: IN CASE OF CONFLICT THE FINAL AUTHORITY SHALL BE THE STATE OF CALIFORNIA, DEPARTMENT OF HEALTH.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			SEPERATION REQUIREMENTS FOR SWERAGE AND WATER SUPPLY FACILITIES	S-610
	DIRECTOR OF PUBLIC WORKS			

PARALLEL CONSTRUCTION



CASE 1: NEW SEWER

- ZONE "A" SPECIAL PERMISSION
- ZONE "B" SPECIAL PIPE

CASE 2: NEW WATER MAIN

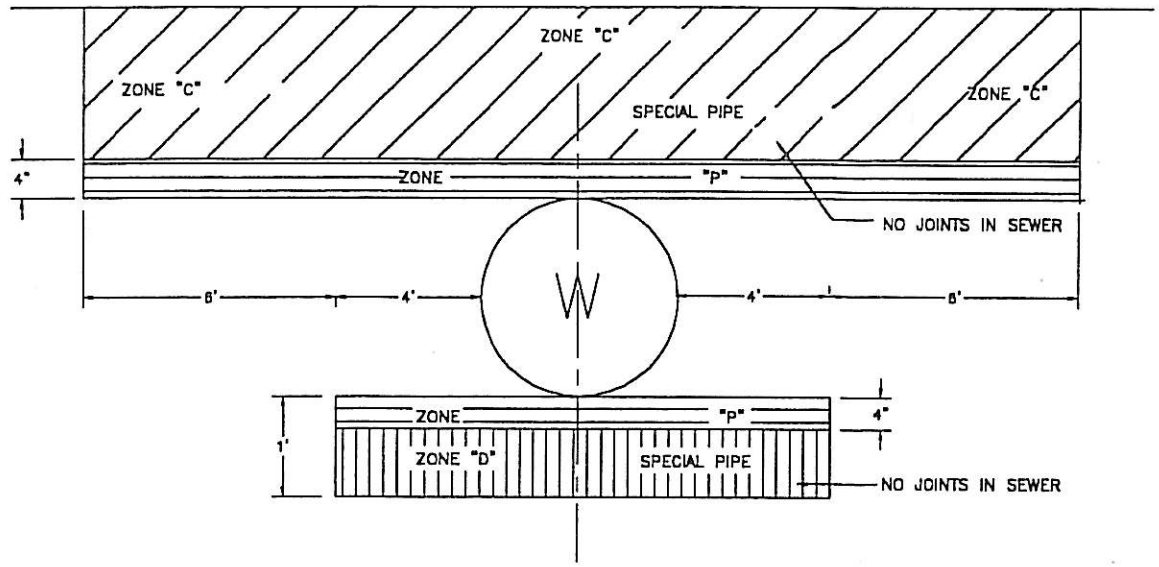
- ZONE "A" SPECIAL PERMISSION
- ZONE "B" SPECIAL PIPE

NOTE:

ZONES IDENTICAL ON EITHER SIDE OF CENTER LINE ZONE "P" IS PROHIBITIVE ZONE, SECTION 64630 (e)(2) CALIFORNIA ADMINISTRATIVE CODE, TITLE 22.

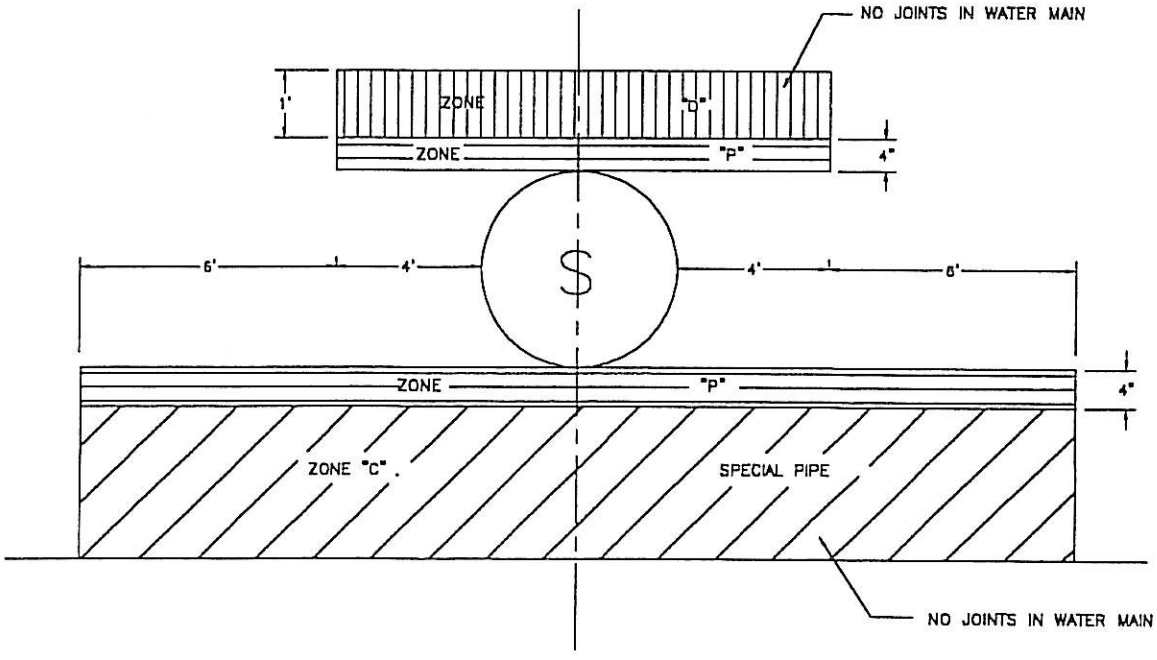
REVISED	DRAWN DATE	CITY OF BANNING	
	APPROVED DATE		
		SEPARATION REQUIREMENTS FOR SEWER AND WATER FACILITIES	S-610A
	DIRECTOR OF PUBLIC WORKS		

CROSSINGS



CASE 1: NEW SEWER

NOTE: "P" IS PROHIBITED CONSTRUCTION ZONE



CASE 2: NEW WATER MAIN

REVISED	DRAWN DATE	CITY OF BANNING	
	APPROVED DATE		
		SEPARATION REQUIREMENTS FOR SEWER AND WATER FACILITIES	S-610B
	DIRECTOR OF PUBLIC WORKS		

SEPARATION REQUIREMENTS FOR SEWER AND WATER

CASE 1:NEW SEWER BEING INSTALLED

ZONE: SPECIAL CONSTRUCTION REQUIRED FOR SEWER

A. SEWER LINES PARALLEL TO WATER MAINS SHALL NOT BE PERMITTED IN THIS ZONE WITHOUT APPROVAL FROM THE RESPONSIBLE HEALTH AGENCY AND WATER SUPPLIER.

B. A SEWER LINE PLACED PARALLEL TO A WATER LINE SHALL BE CONSTRUCTED OF:

1. EXTRA STRENGTH VITRIFIED CLAY PIPE WITH COMPRESSION JOINTS.
2. CLASS 4000, TYPE II, ASBESTOS-CEMENT PIPE WITH RUBBER GASKET JOINTS.
3. RUBBER GASKETED PRESSURE RATED PLASTIC PIPE (PER ASTM 2241), CLASS RATED PLASTIC WATER PIPE (PER AWWA C900 OR EQUIVALENT.
4. PLASTIC SEWER PIPE WITH FUSEDJOINTS (PER ASTM D3034) OR EQUIVALENT.
5. CAST OR DUCTILE IRON PIPE WITH COMPRESSION JOINTS.
6. REINFORCED CONCRETE PRESSURE PIPE WITH COMPRESSION JOINTS (PER AWWA C302-74).

C. A SEWER LINE PLACED CROSSING A WATER MAIN SHALL BE CONSTRUCTED OF:

1. DUCTILE IRON PIPE WITH HOT DIP BITUMINOUS COATING AND MECHANICAL JOINTS.
2. A CONTINUOUS SECTION OF CLASS 200 (DR 14 PER AWWA C900) PLASTIC PIPE OR EQUIVALENT, CENTERED OVER THE PIPE BEING CROSSED.
3. A CONTINUOUS SECTION OF REINFORCED CONCRETE PRESSURE PIPE (PER AWWA C302-74) CENTERED OVER THE PIPE BEING CROSSED.
4. ANY SEWER PIPE WITHIN A CONTINUOUS SLEEVE.

D. A SEWER LINE PLACED CROSSING A WATER MAIN SHALL BE CONSTRUCTED OF:

1. A CONTINUOUS SECTION OF DUCTILE IRON PIPE WITH HOT DIP BITUMINOUS COATING.
2. A CONTINUOUS SECTION OF CLASS 200 (DR 14 PER AWWA C900) PLASTIC PIPE OR EQUIVALENT, CENTERED ON THE PIPE BEING CROSSED.
3. A CONTINUOUS SECTION OF REINFORCED CONCRETE PRESSURE PIPE (PER AWWA C302-74) CENTERED ON THE PIPE BEING CROSSED.
4. ANY SEWER PIPE WITHIN A CONTINUOUS SLEEVE.
5. ANY SEWER PIPE SEPARATED BY A TEN-FOOT BY TEN-FOOT, FOUR INCH THICK REINFORCED CONCRETE SLAB.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			SEPARATION REQUIREMENTS FOR SEWER AND WATER FACILITIES	S-610C
	DIRECTOR OF PUBLIC WORKS			

SEPARATION REQUIREMENTS FOR SEWER AND WATER

CASE 1:NEW SEWER BEING INSTALLED

ZONE

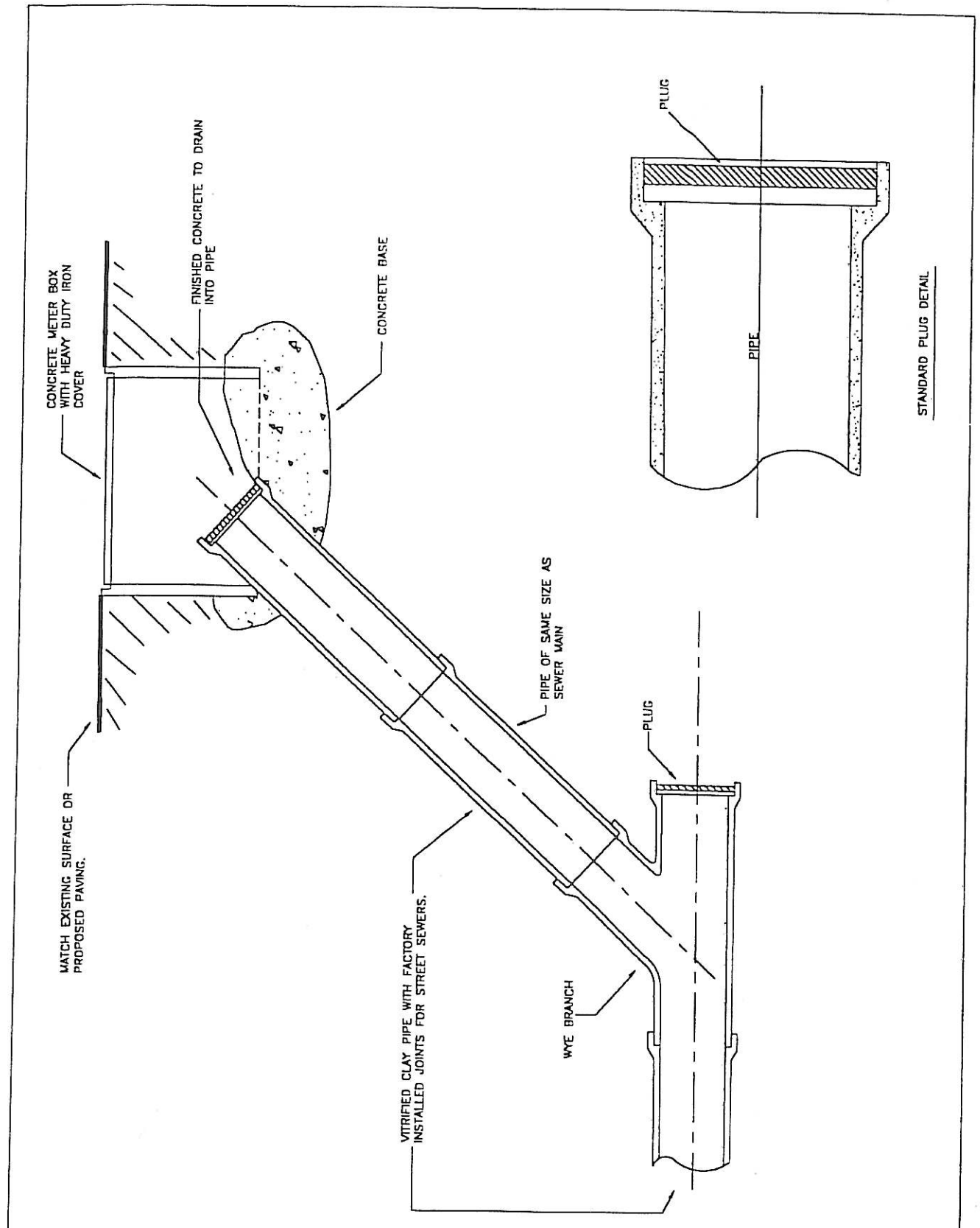
A. NO WATER MAINS PARALLEL TO SEWERS SHALL BE CONSTRUCTED WITHOUT APPROVAL FROM THEAPPROVAL FROM THE HEALTH AGENCY.

B. IF THE SEWER PARALLELING THE WATER MAIN DOES NOT MEET THE CASE 1, ZONE B, REQUIREMENTS, THE WATER MAIN SHALL BE CONSTRUCTED OF:
1. DUCTILE IRON PIPE WITH HOT DIP BITUMINOUS COATING.
2. DIPPED AND WRAPPED ONE-FOURTH-INCH-THICK WELDED STEEL PIPE.
3. CLASS 200, TYPE II, ASBESTOS-CEMENT PRESSURE PIPE.
4. CLASS 200 PRESSURE RATED PLASTICK WATER PIPE (DR 14 PER AWWA C900) OR EQUIVALENT.
5. REINFORCED CONCRETE PRESSURE PIPE, STEEL CYLINDER TYPE, PER AWWA (C300-74 OR C301-79 OR C303-70).

C. IF THE SEWER CROSSING THE WATER MAIN DOES NOT MEET CASE 1, ZONE C REQUIREMENTS, THE WATER MAIN SHALL HAVE NO JOINTS IN ZONE C AND BE CONSTRUCTED OF:
1. DUCTILE IRON PIPE WITH HOT DIP BITUMINOUS COATING.
2. DIPPED AND WRAPPED ONE-FOURTH-INCH-THICK WELDED STEEL PIPE.
3. CLASS 200 PRESSURE RATED PLASTICWATER PIPE (DR 14 PER AWWA C900) OR EQUIVALENT..
4. REINFORCED CONCRETE PRESSURE PIPE, STEEL CYLINDER TYPE, PER AWWA (C300-74 OR C301-79 OR C303-70).

D. IF THE SEWER CROSSING THE WATER MAIN DOES NOT MEET THE REQUIREMENTS FOR ZONE D, CASE 1, THE WATER MAIN SHALL BE CONSTRUCTED OF:
1. DUCTILE IRON PIPE WITH HOT DIP BITUMINOUS COATING.
2. DIPPED AND WRAPPED ONE-FOURTH-INCH-THICK WELDED STEEL PIPE.
3. CLASS 200 PRESSURE RATED PLASTIC WATER PIPE (DR 14 PER AWWA C900) OR EQUIVALENT.
4. REINFORCED CONCRETE PRESSURE PIPE, STEEL CYLINDER TYPE, PER AWWA (C300-74 OR C301-79 OR C303-70).

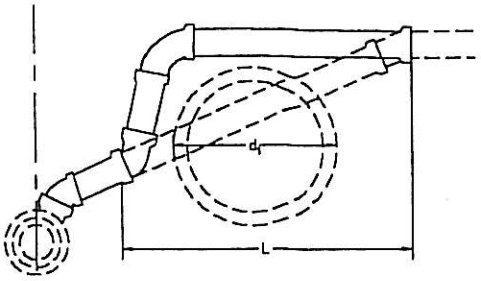
REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			SEPARATION REQUIREMENTS FOR SEWER AND WATER FACILITIES	S-610D
	DIRECTOR OF PUBLIC WORKS			



REVISED	DRAWN DATE	CITY OF BANNING	
	APPROVED DATE		
		STANDARD CLEANOUT	S-611
	DIRECTOR OF PUBLIC WORKS		

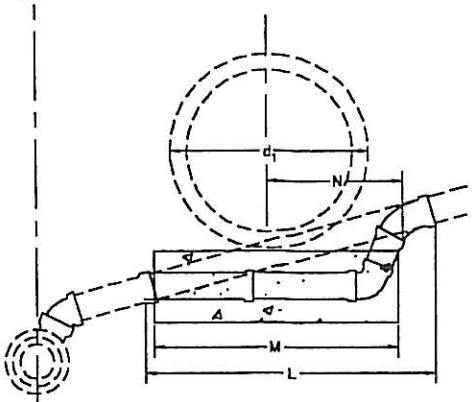
CASE – A

ABOVE STORM DRAIN TO HOUSE CONNECTION– SPECIALS REQUIRED: 2–4"1/8 BENDS.



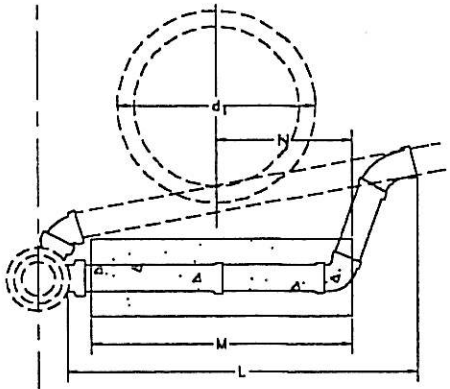
CASE – B

BELOW STORM DRAIN TO CONNECTION–SPECIALS REQUIRED: 2–4" 1/8 BENDS.



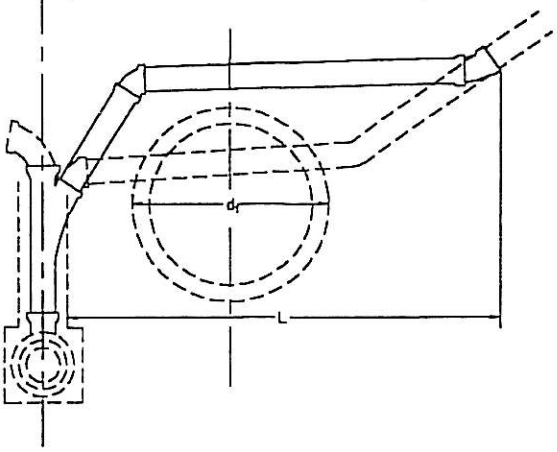
CASE – C

BELOW STORM DRAIN TO FLAT SADDLE–SPECIALS REQUIRED: 3–4"1/8 BENDS, 1–SADDLE.



CASE – D

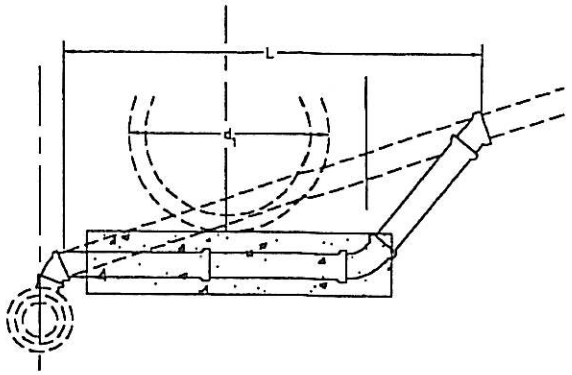
ABOVE STORM DRAIN TO CHIMNEY–SPECIALS REQUIRED: 2–4"1/8 BENDS.



REVISED	DRAWN DATE	CITY OF BANNING	
	APPROVED DATE		
		REMOLDING DETAILS HOUSE SEWER CONNECTIONS	S–612
	DIRECTOR OF PUBLIC WORKS		

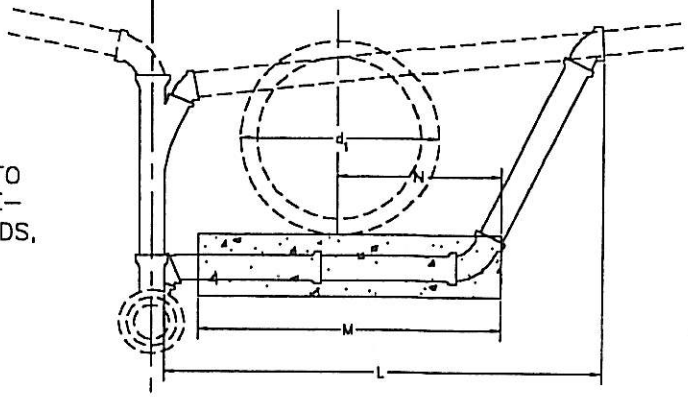
CASE – E

BELOW STORM DRAIN TO Y––SPECIALS REQUIRED: 3–4" 1/8 BENDS.



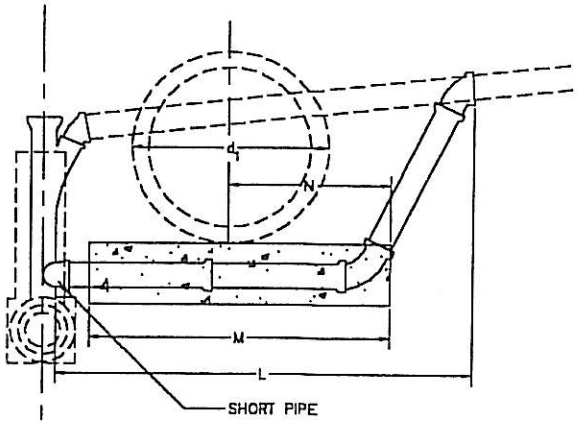
CASE – F

BELOW STORM DRAIN TO SADDLE––SPECIALS RE–QUIRED: 3/4" 1/8 BENDS, 1 SADDLE.



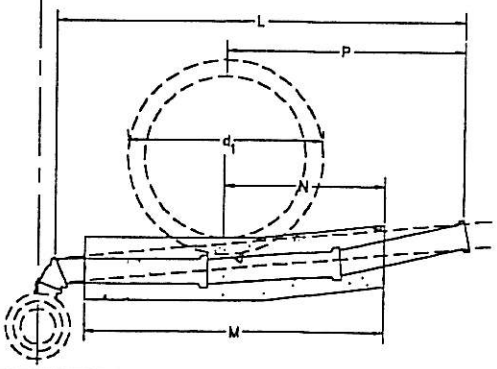
CASE – G

BELOW STORM DRAIN TO CHIMNEY––SPECIALS REQUIRED: 2–4" 1/8 BENDS.



CASE – H

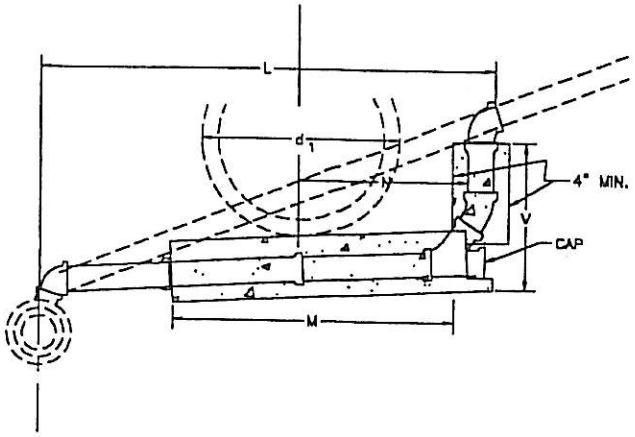
BELOW STORM DRAIN TO HOUSE CONNECTION. SLOPE SLIGHTLY MODI–FIED.



REVISED	DRAWN DATE	CITY OF BANNING	
	APPROVED DATE		
		REMOLDING DETAILS HOUSE SEWER CONNECTIONS	S–612A
	DIRECTOR OF PUBLIC WORKS		

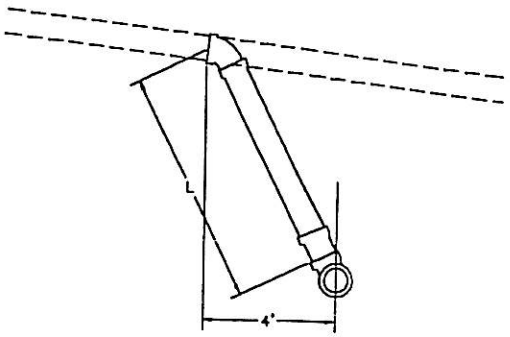
CASE – I

BELOW STORM DRAIN TO Y–SPECIALS REQUIRED:
3–4" 1/8 BENDS,
1–4"X4" Y.



CASE – R

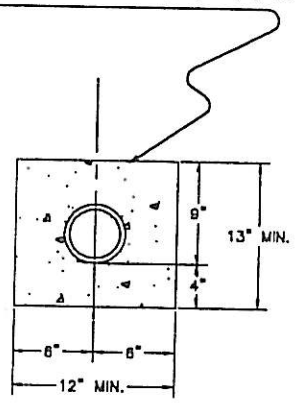
CONNECTION WITH NEW SEWER–SPECIALS REQUIRED:
2–4" 1/8 BENDS.



NOTES

1. EXISTING PIPES ARE INDICATED BY BROKEN LINES.
2. PIPES TO BE CONSTRUCTED ARE INDICATED BY FULL LINES.
3. ALL PIPES SHALL BE 4" INTERNAL DIAMETER, OR SHALL MATCH EXISTING LATERAL.
4. ALL BENDS SHALL BE 4–1/8" BENDS UNLESS SPECIFIED OTHERWISE.
5. CONCRETE REINFORCEMENT, CROSS SECTION SHOWN SHEET S–612B, SHALL BE USED ON ALL PIPES TO BE CONSTRUCTED UNDER STORM DRAIN, TOP PORTION WITHIN 1" OF STORM DRAIN TO BE OMITTED.
6. DIMENSIONS:
   L IS SPECIFIED ON PLAN AS THE AVERAGE TOTAL LENGTH.
   M=(d, +24") ;ESS EMPIGJ TP AVPOD A FRACTOPM PF A FPPT/
   N=1/2 M, EXCEPT WHERE SPECIFIED OTHERWISE ON PLAN.
   P, USED FOR CASE–H, IS SPECIFIED WHERE L DOES NOT EXTERND TO THE BEND.
   V, USED FOR CASE–I, IS SPECIFIED TO THE NEAREST FOOT AND IN SUMMARY, IS ITEMIZED AS CONCRETE REINFORCEMENT FOR 6" PIPE.
7. A 4" SADDLE, WHERE USED, SHALL BE CONNECTED TO THE PIPE CONSTITUTING THE EXISTING Y OR T, OR TO THE NEXT LOWER PIPE LENGTH.

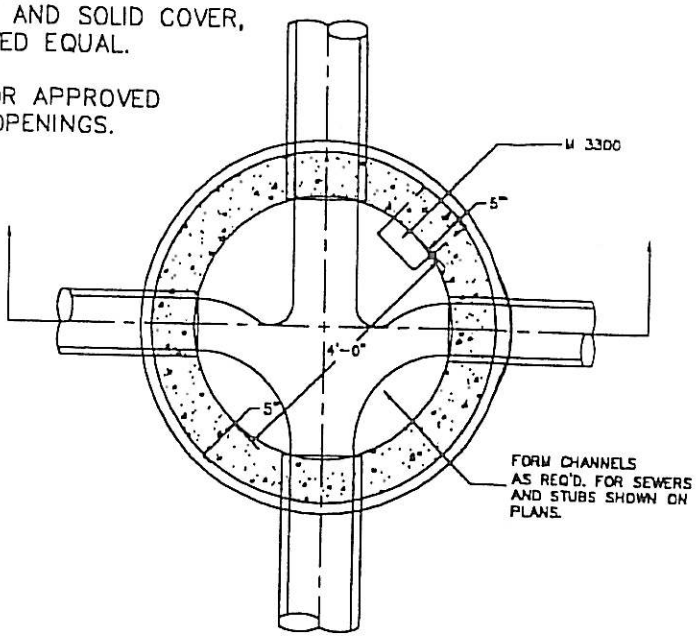
CROSS SECTION OF CONCRETE REINFORCEMENT FOR 4" PIPE.

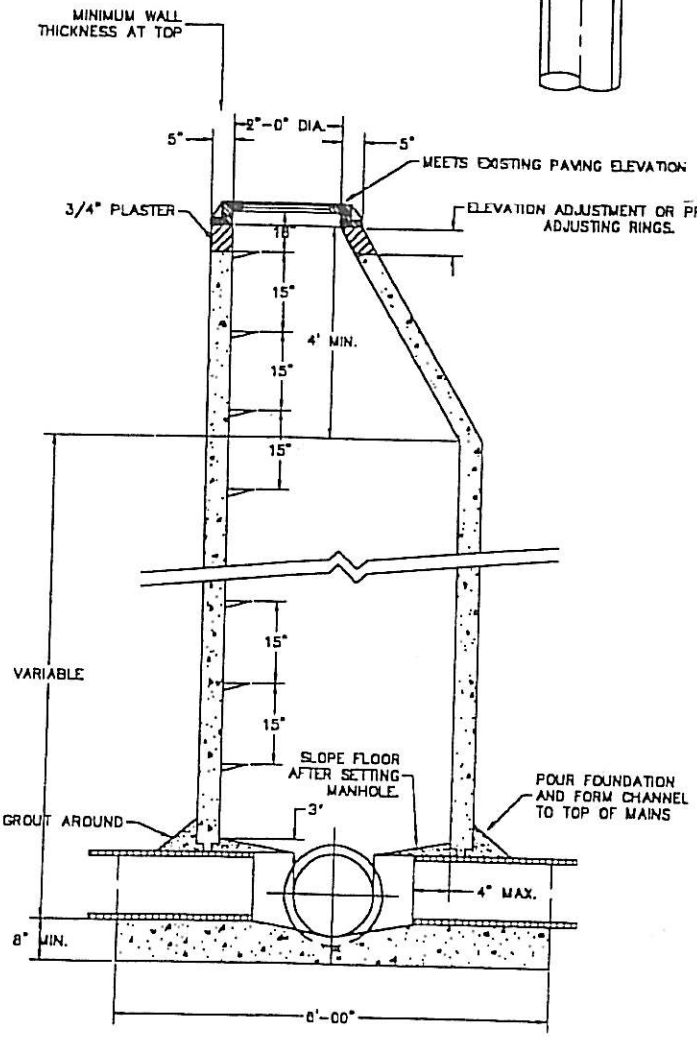


REVISED	DRAWN DATE	CITY OF BANNING	
	APPROVED DATE		
		REMOLDING DETAILS HOUSE SEWER CONNECTIONS	S–612B
	DIRECTOR OF PUBLIC WORKS		

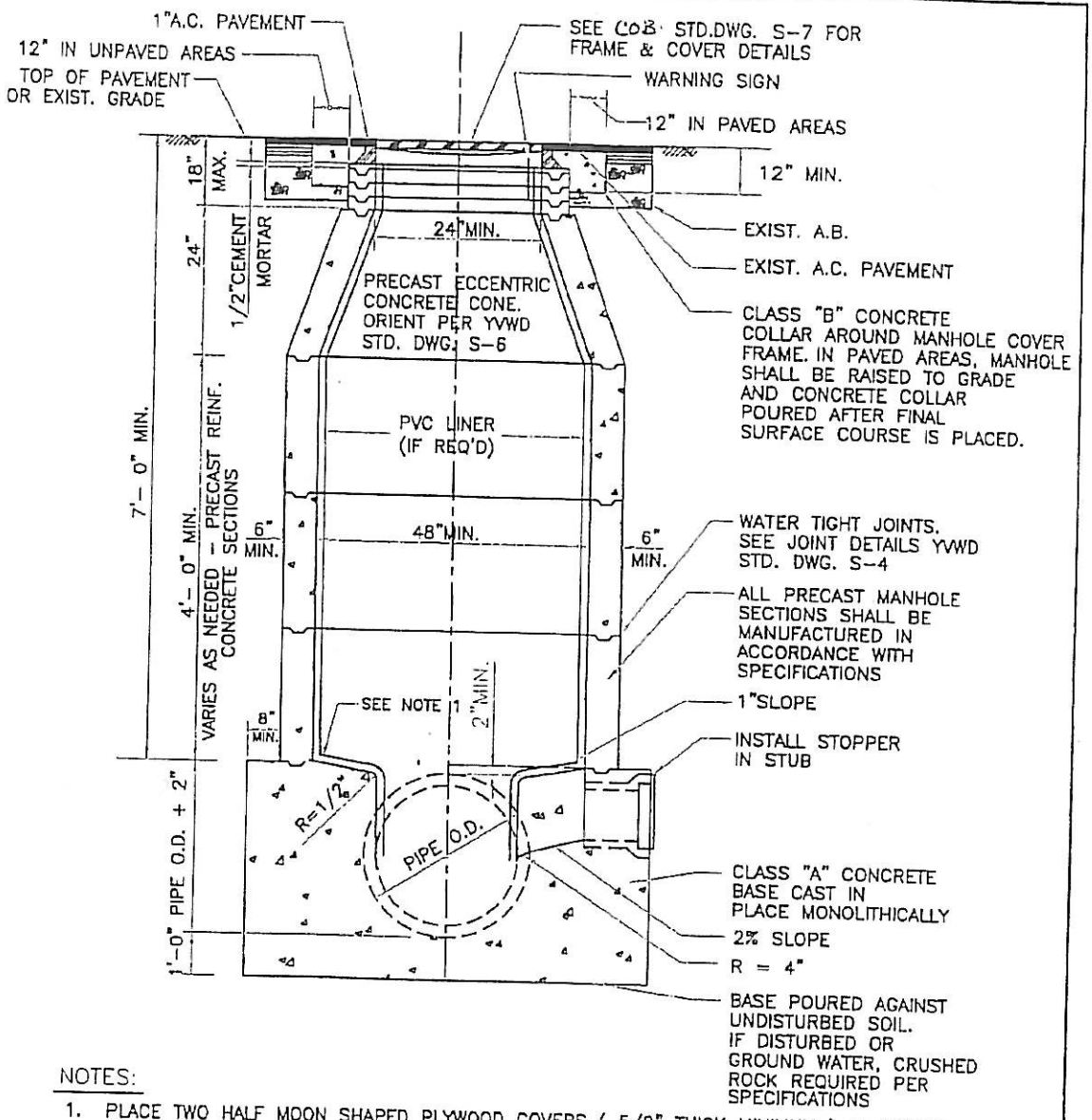
CAST IRON MANHOLE FRAME AND SOLID COVER, MORTIZ M-1254 OR APPROVED EQUAL.

MAN-HOLE STEPS, MOTRIZ OR APPROVED EQUAL. OFFSET FROM PIPE OPENINGS.





REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			PRE-CAST CONCRETE MANHOLE (ECCENTRIC)	S-601
	DIRECTOR OF PUBLIC WORKS			



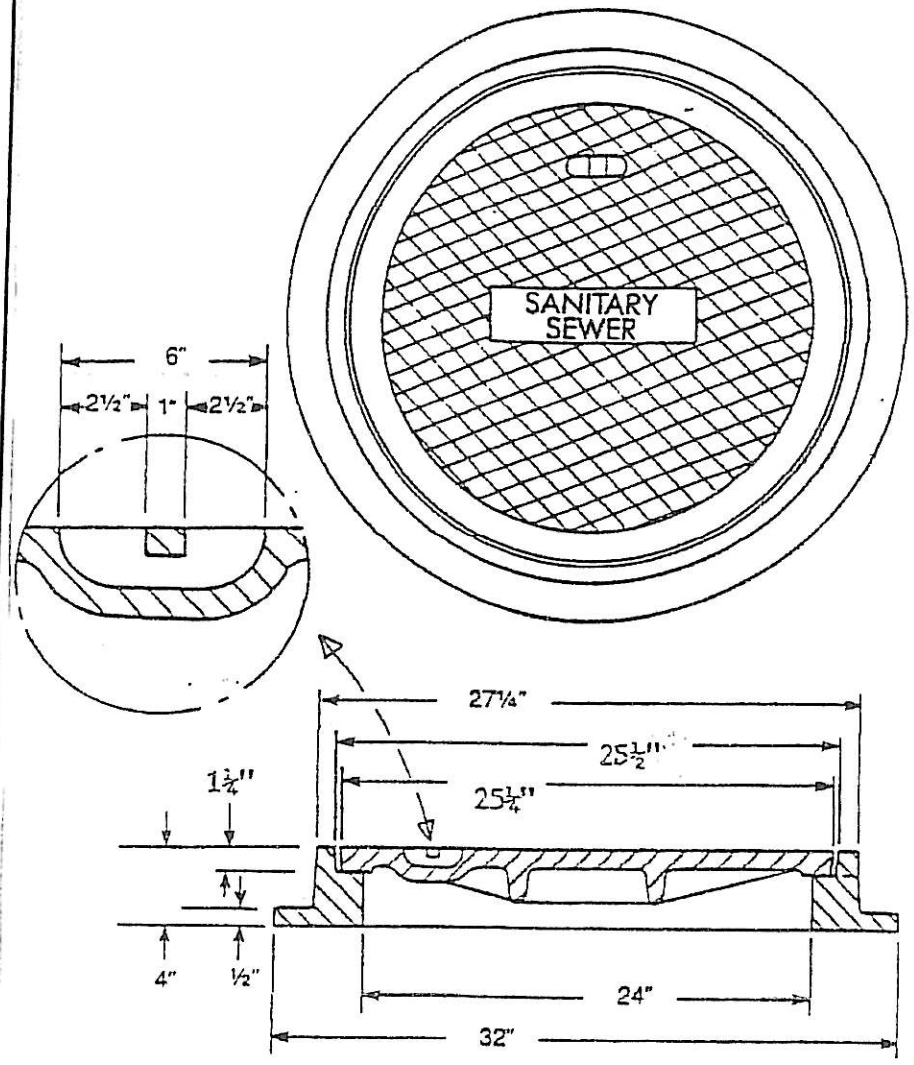
NOTES:

1. PLACE TWO HALF MOON SHAPED PLYWOOD COVERS (5/8" THICK MINIMUM) IN BOTTOM OF MANHOLE AFTER SHAFTS HAVE BEEN SET TO KEEP DEBRIS FROM ENTERING SEWER.
2. FOR DROP MANHOLE SEE COB STD. DWG. A-96
3. FOR MANHOLES LOCATED OUTSIDE PAVED AREAS THE FRAME AND COVER SHOULD BE SET A MINIMUM OF 0.1 FT. ABOVE FINISH GRADE IN SHOULDER AREAS, UNPAVED ROADS OR LANDSCAPED AREAS, AND 18"IN UNFINISHED AREAS.
4. ALL INLETS AND OUTLETS SHALL BE SUPPORTED WITH CONCRETE SUPPORTS PRIOR TO POURING MANHOLE BASE.

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			MANHOLE DETAIL	S-601A
	DIRECTOR OF PUBLIC WORKS			

SBF 1254 CPH

SET WEIGHT	
Frame	160 Lbs
Cover	165 Lbs
Total	325 Lbs



REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			MANHOLE LID/FRAME DETAIL	S-603
	DIRECTOR OF PUBLIC WORKS			

GENERAL NOTES
SANITARY SEWERS

1. ALL WORK SHALL COMPLY WITH THE CITY OF BANNING PUBLIC WORKS SPECIFICATIONS AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION, A.P.W.A. IN THE CASE OF CONFLICTS BETWEEN THE CITY OF BANNING PUBLIC WORKS SPECIFICATIONS AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, THE CITY OF BANNING PUBLIC WORKS SPECIFICATIONS SHALL GOVERN.
2. TYPE OF PIPE SHALL BE V.C.P. (VITRIFIED CLAY PIPE) OR TRUSS PIPE.
3. SEWER MAINS MAY BE LAID THROUGH MANHOLES AND USED AS A FORM FOR THE INVERT.
4. FINAL TESTING FOR PIPELINE LEAKAGD SHALL BE MADE IN THE PRESENCE OF THE INSPECTOR FOR THE CITY, AFTER BACKFILL HAS BEEN INSPECTED AND APPROVED.
5. ALL TRENCHES SHALL BE COMPACTED TO 90% RELATIVE DENSITY.
6. THE CONTRACTOR SHALL NOTIFY THE CITY OF BANNING 48 HOURS PRIOR TO STARTING ANY WORK.
7. THE CONTRACTOR SHALL SET UP APPOINTMENTS TO REVIEW THE PLANS IN DETAIL WITH THE CITY PRIOR TO START OF CONSTRUCTION.
8. SEPARATION BETWEEN WATER LINES AND SEWERS SHALL CONFORM TO CITY OF BANNING AND STATE OF CALIFORNIA HEALTH DEPARTMENT REQUIREMENTS.
9. IT SHALL BE THE SEWER CONTRACTOR'S RESPONSIBILITY TO SET MANHOLE COVERS TO FINISH GRADE AFTER PAVING IN ACCORDANCE WITHTHE CITY OF BANNING STANDARDS.
10. ALL ELEVATIONS SHOWN TO BE EXISTING WERE TAKEN FROM RECENT SURVEY OF THE ENGINEER AND SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
11. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CLEAR THE RIGHT-OF-WAY IN ACCORDANCE WITH THE PROVISIONS OF LAW AS IT AFFECTS EACH UTILITY INCLUDING IRRIGATION LINES & APPURTENANCES AT NO COST TO THE CITY.
12. THE CONTRACTOR SHALL AT NO EXPENSE TO THE CITY PROVIDE ALL NECESSARY SAMPLES AND TESTS REQUIRED BY THE CITY TO ASSURE THAT THE QUALITY OF MATERIALS AND WORMANSHIP ARE IN ACCORDANCE WITH THESE PLANS AND SAID SPECIFICATIONS.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK AND SHALL MAINTAIN ALL FACILITIES COMPLETED AND UNCOMPLETED, UNTIL ACCEPTED BY THE CITY.
14. THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND NOTIFY UTILITY COMPANIES 48 HOURS IN ADVANCE OF THE BEGINNING OF CONSTRUCTION.
15. ALL SEWER LATERALS SHALL BE MARKED ON CURB WHERE THEY ENTER STREET WITH A PERMANENT "S".

REVISED	DRAWN	DATE	CITY OF BANNING	
	APPROVED	DATE		
			GENERAL NOTES SANITARY SEWERS	S-613
	DIRECTOR OF PUBLIC WORKS			

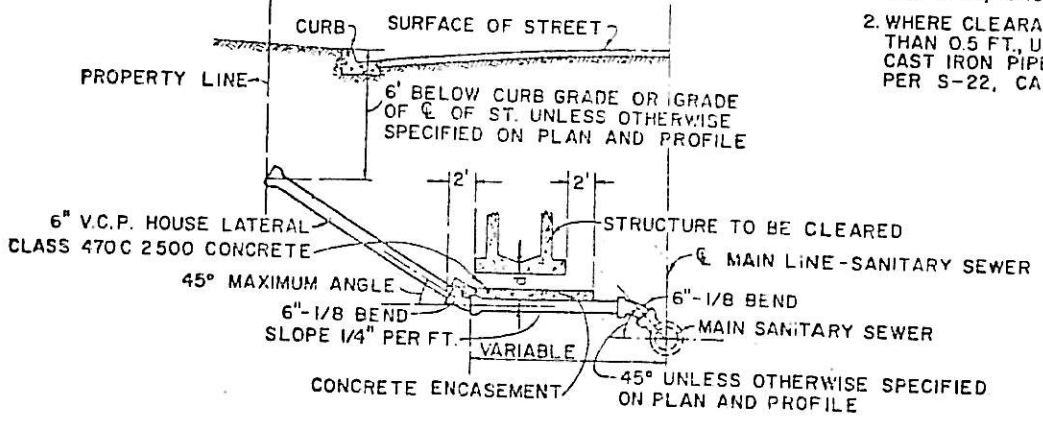
SPECIAL HOUSE LATERALS

CASE I

SPECIAL HOUSE LATERAL UNDER STRUCTURE

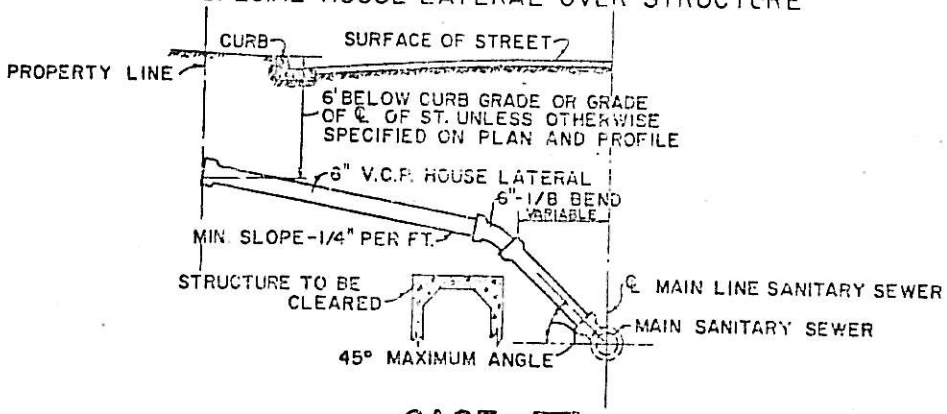
NOTES:

1. WHERE CLEARANCE "d" IS 0.5 TO 1.5 FT, USE V.C.P. AND ENCASE PER S-22, CASE I.
2. WHERE CLEARANCE "d" IS LESS THAN 0.5 FT., USE CLASS 150 CAST IRON PIPE AND ENCASE PER S-22, CASE II.



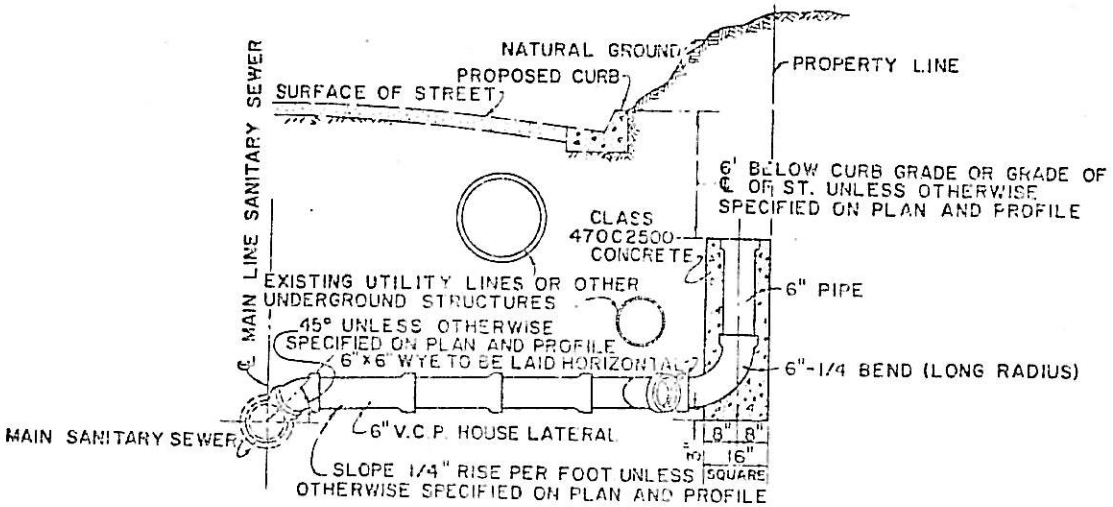
CASE II

SPECIAL HOUSE LATERAL OVER STRUCTURE



CASE III

SPECIAL HOUSE LATERAL WITH CHIMNEY



DEPARTMENT OF COUNTY ENGINEER-COUNTY OF LOS ANGELES
SANITATION DIVISION

APPROVED

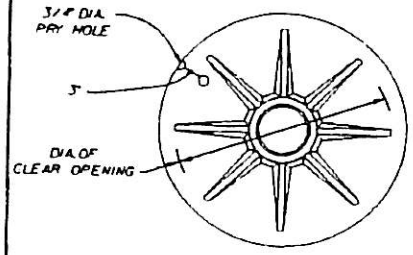
Richard E. Hudson
DIVISION ENGINEER

COUNTY ENGINEER

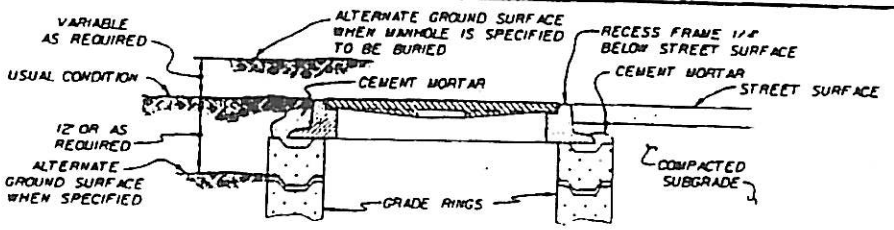
COUNTY ENGINEER STANDARD S-25

DATE OCTOBER 23, 1964

REVISED TO APRIL 1968, APRIL 1972



BOTTOM VIEW

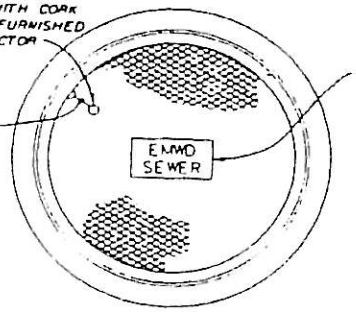


OPEN FIELD
REQUIRES LOCKING MANHOLE COVER (STD.DWG. SB-81)

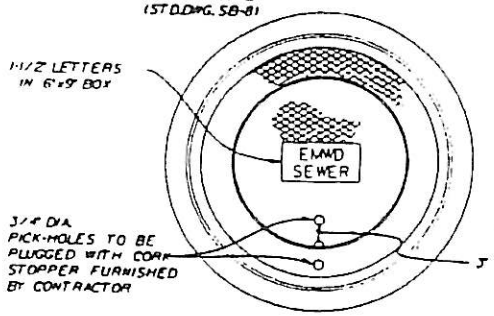
PAVED ROADWAY

NOTES

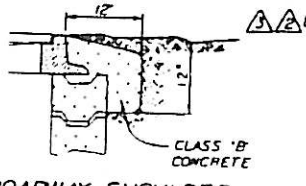
1. MANHOLE COVER SHALL BE DESIGNED FOR A.A.S.H.O. H-20 LOADING
2. CAST IRON SHALL HAVE A MINIMUM TENSILE STRENGTH OF 30,000 LBS. PER SQUARE INCH.
3. MANHOLE COVER SHALL BE ALHAMBRA FOUNDRY CO. TYPE A-1254 FOR 24" CLEAR OPENING OR A-1325 FOR 36" CLEAR OPENING WITH A TWO PIECE COVER ASSEMBLY OR APPROVED EQUALS.
4. MARKER POSTS SHALL BE INSTALLED TO MARK MANHOLE LOCATIONS IN UNIMPROVED AREAS.
5. CONTRACTOR TO USE MANHOLES WITH 24" CLEAR OPENING FOR SEWERS 24" DIA. AND SMALLER AND 36" CLEAR OPENING FOR SEWERS LARGER THAN 24" DIA. UNLESS OTHERWISE DIRECTED BY ENGINEER.
6. USE TWO PIECE COVER ASSEMBLY FOR 36" CLEAR OPENING UNLESS OTHERWISE DIRECTED BY ENGINEER.
7. ONE PIECE COVER SHOWN HERE IS FOR 24" CLEAR OPENING FOR 36" CLEAR OPENING REFER TO MANUFACTURER'S CATALOG.
8. USE TWO PIECE SHALLOW MH COVER, SOUTH BAY FOUNDARY SBF-4348 (OR APPROVED EQUAL) FOR SHALLOW MANHOLES PER SB-30.



TOP VIEW



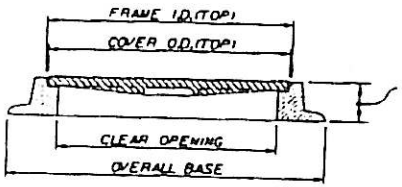
TOP VIEW
TWO-PIECE COVER



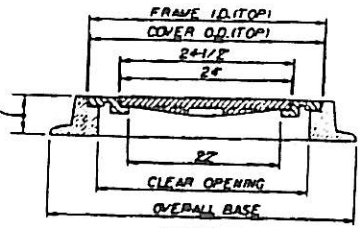
ROADWAY SHOULDER OR DIRT ROADWAY
(USE A.C. APRON ON ALL UNIMPROVED ROADS - SEE STD. DWG. SA-47)

MANHOLE COVER & FRAME REQUIRED DIMENSIONS

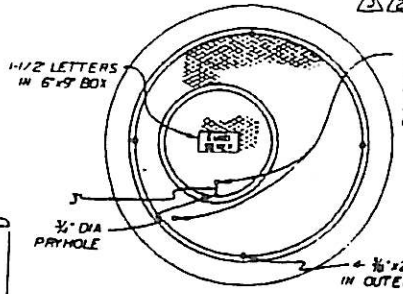
CLEAR OPENING	COVER O.D.	FRAME I.D.	FRAME HEIGHT	OVERALL BASE	TOTAL WEIGHT
24"	26-1/4"	26-1/2"	3-1/2"	32"	305 LBS.
36"	38"	38-1/4"	6"	44"	600 LBS.
36" TWO PIECE	38-1/8"	38-5/8"	6"	44"	850 LBS.
2-PC SHALLOW MH COVER	50½"	50¾"	4-1/2"	58"	1320 LBS.



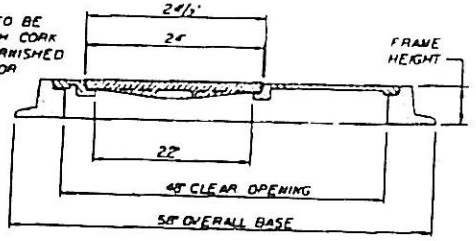
SECTION



SECTION
TWO-PIECE COVER



TOP VIEW
TWO-PIECE SHALLOW MH COVER



SECTION
TWO-PIECE SHALLOW MH COVER

REVISIONS

NO.	DATE	INITIAL	DESCRIPTION	APPD	DATE
1	10/19/95	KER	REDRAWN WITH CADD ON MYLAR	VJR	10/95
2	8/6/96	KER	ADDED 2-PC RECTANGULAR COVER	VJR	8/7/96
3	7/21/97	KER	REVISED SHALLOW MH COVER	VJR	10/[illegible]97

REFERENCES:

FILE I.D.: /usr/work/standards/sb61new.dgn

SCALE: NONE

DRAWN BY K.E.R.

APPROVALS

	INITIAL	DATE
DESIGN		
CONSTRUCTION		
INSPECTION		
OPERATIONS	LMM	10/23/95
SUBMITTED	VJR	10/20/95

RECOMMENDED Joseph D. Van Sickle, DIRECTOR OF ENGINEERING 10/20/95 DATE

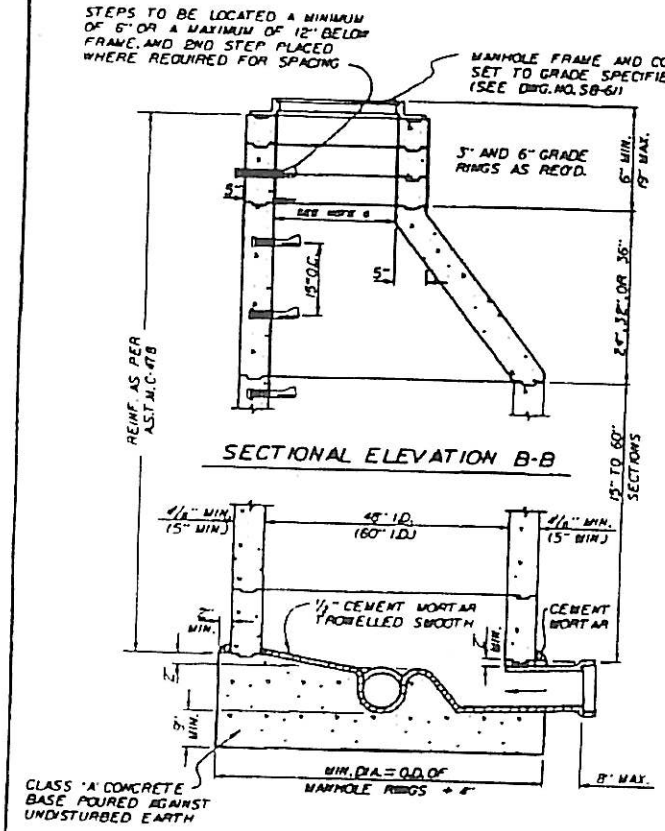
EASTERN MUNICIPAL WATER DISTRICT
STANDARD DRAWING

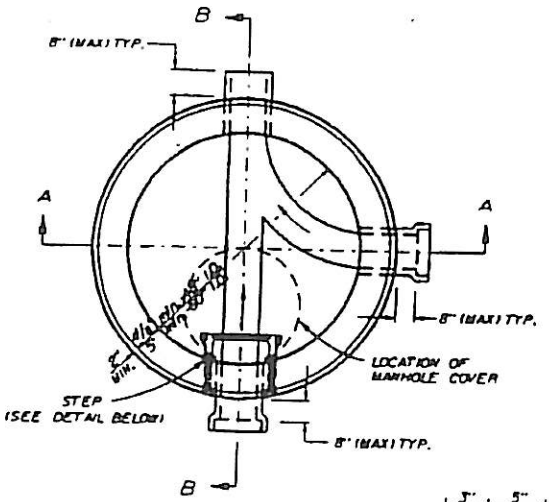
MANHOLE COVER AND FRAME
FOR STANDARD AND WATER-TIGHT MANHOLES

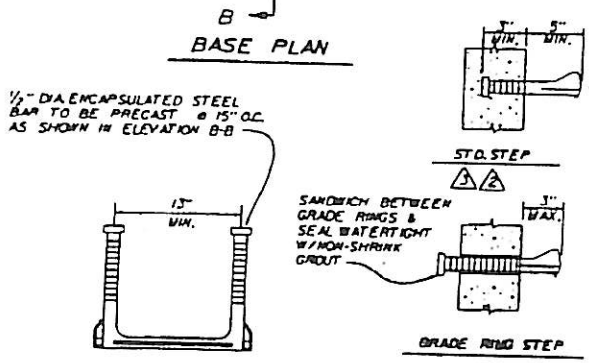
APPROVED Hoole Rugger, CHIEF ENGINEER 10/20/95 DATE

SB-61 3

1087







NOTES

1. PRECAST REINFORCED CONCRETE MANHOLES SHALL CONFORM TO THE APPLICABLE REQUIREMENTS OF A.S.T.M. C-478 AND:
   A. SHALL BE DESIGNED FOR A.A.S.H.O. H-20 LOADING.
   B. CONCRETE SHALL BE COMPACTLY VIBRATED, CENTRIFUGALLY SPUN, OR MECHANICALLY TAMPED.
2. SEWER MAINS ARE TO BE LAID THRU THE MANHOLE WHERE POSSIBLE AND USED AS A FORM FOR THE INVERT. THE TOP 1/8 DIAMETER OF THE PIPE IS TO BE BROKEN OUT TO A NEAT LINE. BROKEN EDGES SHALL BE PLASTERED SMOOTH WITH CEMENT MORTAR.
3. CONCRETE BASE SHALL BE OF CLASS "A" CONCRETE AND PLACED IN ONE OPERATION. CONCRETE INVERTS SHALL BE TRUE TO GRADE AND ALIGNMENT, AND FINISHED WITH A SMOOTH SURFACE. SPECIAL CARE SHALL BE USED IN FORMING ALL CHANNELS TO FACILITATE THE FLOW OF SEWAGE.
4. ALL MANHOLE TOPS SHALL BE INSTALLED WITH THE MANHOLE COVER OVER THE UPSTREAM INLET, EXCEPT AS OTHERWISE SPECIFIED.
5. SEE DRAWING SB-61 FOR DETAILS AND INSTALLATION OF MANHOLE COVER AND FRAME.
6. CONTRACTOR TO USE MANHOLES WITH A 24" CLEAR OPENING FOR SEWERS 24" DIA. AND SMALLER, AND 36" CLEAR OPENING FOR SEWERS LARGER THAN 24" DIA. UNLESS OTHERWISE DIRECTED BY THE ENGINEER. OPENING SHALL BE ORIENTED 180° FROM MANHOLE OUTLET.
7. STANDARD 48" & 60" MANHOLE AS SHOWN HEREON TO BE INSTALLED WHEN DEPTH TO PIPE SHELF IS GREATER THAN 5' FROM FINISHED STREET GRADE.
8. MANHOLE STEPS SHALL BE CAST IN PLACE AND ORIENTED 180° FROM MANHOLE OUTLET. GRADE RING STEPS SHALL BE PLACED BETWEEN GRADE RINGS AND GROUTED IN PLACE. BOTTOM STEP TO BE USED AS CLEANING HOOK AND SHALL BE PLACED 6" MIN. AND 12" MAX FROM TOP OF SHELF. 2 3
9. DIMENSIONS PERTAINING TO 60" I.D. REINFORCED MANHOLES SHOWN IN PARENTHESES (X").
10. JOINT SHALL BE 3/4" THICK CEMENT MORTAR NEATLY STRUCK AND POINTED, OR PREFORMED COLD-APPLIED READY-TO-USE PLASTIC JOINT SEALING COMPOUND AND PRIMER.

REVISIONS					
NO.	DATE	INITIAL	DESCRIPTION	APP'D	DATE
1	8/6/96	K.E.R.	REDRAWN W/CADD ON MYLAR	VAB	8/7/96
2	11/13/96	K.E.R.	REVISED STEP DETAIL AND NOTE 8	VAB	11/14/96
3	12/11/96	K.E.R.	REVISED STEP DETAIL AND NOTE #8	VJB	12/11/96

APPROVALS		
	INITIAL	DATE
DESIGN	mm	1/31/67
CONSTRUCTION		
INSPECTION		
OPERATIONS		
SUBMITTED	CM	

REFERENCES: ORIGINAL SB-53 DRAWN 1-31-67
FILE I.D.: /USR/KARL/STWDROS/SB53.DGN
SCALE: NONE
DRAWN BY KER

RECOMMENDED _____ DIRECTOR OF ENGINEERING DATE

APPROVED Doyle J. Boan CHIEF ENGINEER 1/31/67 DATE

EASTERN MUNICIPAL WATER DISTRICT
STANDARD DRAWING

PRECAST REINFORCED CONCRETE STANDARD 48" & 60" I.D. MANHOLE

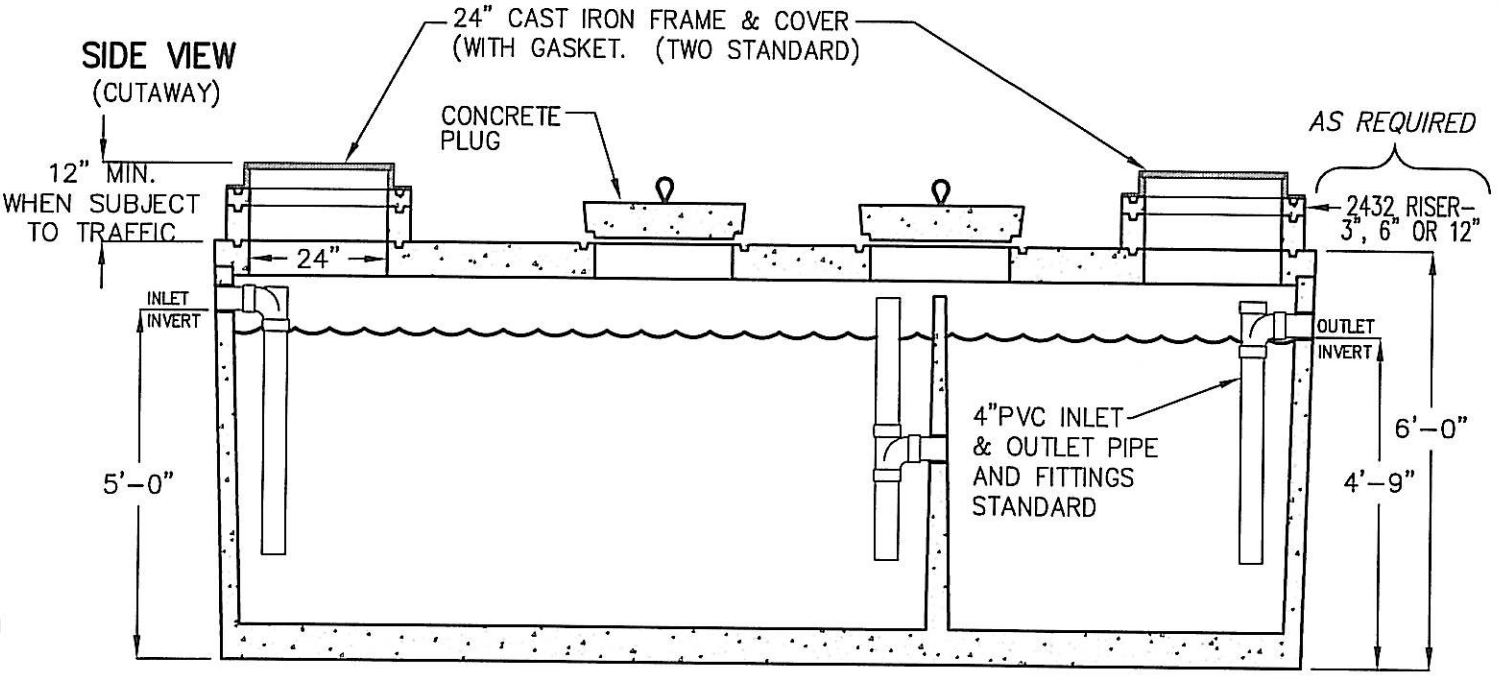
SB-53 3

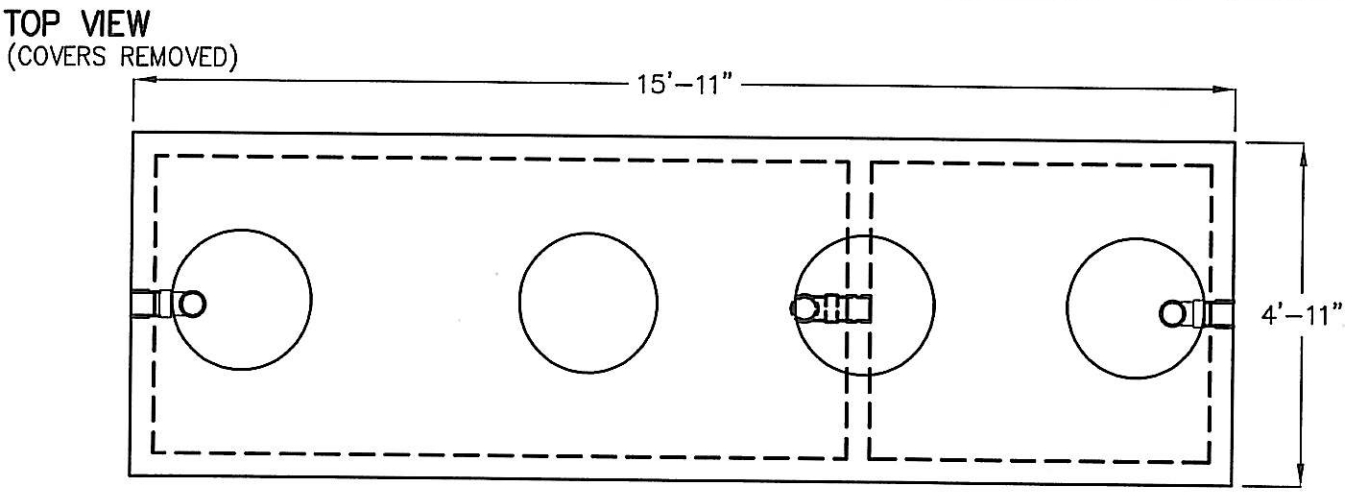
1088

2000 GALLON GREASE INTERCEPTOR

MODEL JP2000G

TRAFFIC RATED ACCEPTED BY UPC





- LIQUID CAPACITY: 2,000 GALLONS.
- TANK DESIGNED FOR H–20 TRAFFIC WHEEL LOAD WITH DRY SOIL CONDITIONS (WATER TABLE BELOW TANK) EARTH COVER OVER TANK NOT TO EXCEED 6 FT.
- SUITABLE NATIVE OR SUB–BASE SHALL BE PREPARED TO HANDLE ANTICIPATED LOADS. THE EXCAVATION SHALL BE BEDDED WITH SUITABLE GRANULAR MATERIAL AND SHALL BE COMPACTED TO 90% MAXIMUM DRY DENSITY, OR TO REQUIREMENTS OF THE PROJECT GEOTECHNICAL ENGINEER.
- FOR COMPLETE DESIGN AND PRODUCT INFORMATION CONTACT JENSEN PRECAST.

MINIMUM EXCAVATION SIZE:
5'–11" X 16'–11" X DEPTH REQ'D.

THE DESIGN AND DETAIL OF THIS DRAWING ARE THE PROPERTY OF JENSEN PRECAST AND NOT TO BE USED EXCEPT IN CONNECTION WITH ITS OWN WORK. DESIGN AND INVENTION RIGHTS ARE RESERVED.

10–01–03
2000G_JP–W.dwg
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JENSEN PRECAST

City of Banning

Sewer System Study

FINAL
November 2006



CITY OF BANNING

SEWER SYSTEM STUDY

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LIST OF ABBREVIATIONS

Abbreviation	Description
ADWF	Average Dry Weather Flow
ADF	Average Day Flow
AS	Activated Sludge
BWF	Base Wastewater Flow
cf	Cubic feet
cfs	Cubic feet per second
Carollo	Carollo Engineers
City	City of Banning
CI	Cast iron
CIMIS	California Irrigation Management Information System
CIP	Capital improvement program
d/D	depth of flow to pipe diameter ratio
du/ac	Dwelling unit per acre
fps	feet per second
ft^2	square foot
gpd/ac	gallon per day per acre
gpd/cap	gallons per day per capita
GWI	Groundwater Inflow
lf	Lineal Feet
mgd	million gallons per day
PDWF	Peak Dry Weather Flow
PVC	Polyvinyl chloride
PWWF	Peak Wet Weather Flow
RDI	Rainfall dependent Inflow and Infiltration
ROW	Right of Way
RWQCB	California Regional Water Quality Control Board
TF	Trickling Filter
VCP	Vitrified clay pipe
WDR	Waste Discharge Requirements
WFF	Wastewater Flow Factor
WWTP	Wastewater Treatment Plant

1.0 INTRODUCTION

1.1 Authorization

This report is prepared in accordance with the consulting engineering agreement for the water, sewer, and recycled water master plan update project between the City of Banning (City) and Carollo Engineers (Carollo), dated March 14, 2006. This report represents the findings of the work conducted for Task B (Sewer Master Plan Update). The findings of Task A (Water Master Plan Update) and Task C (Water Reuse Master Plan Update) are presented in separate reports.

1.2 Purpose and Objective

1.2.1 Purpose

The purpose of this Sewer System Study is to update the 1994 *Sewer Master Plan* that was prepared by NBS Lowry [1]. This document identifies the deficiencies of the City's existing sewer system under existing and ultimate sewer demands, provides recommendations for improvements to address these deficiencies, and summarizes these improvements in a Capital Improvement Program (CIP).

1.2.2 Objectives

The objectives of this Sewer System Study are:

1. Identify the existing and ultimate wastewater flows in the City.
2. Define planning and evaluation criteria for the City's sewer system.
3. Determine the deficiencies in the City's existing sewer system under existing and ultimate wastewater flows.
4. Determine improvements to address the system deficiencies under existing and ultimate wastewater flows.
5. Prepare a CIP including phasing and cost estimates for the recommended improvements to the City's sewer system.

1.3 Background

During the last decade, the City has experienced an increased level of land use planning activities that will continue to increase the City's wastewater flows. The City's wastewater flowrate has already increased with the completion of the Sun Lakes Development. Five

additional residential developments that are currently being planned within City's service area will further increase the City's sewer flows. These developments are:

- Five Bridges Development by Lennar
- Pardee Development by Pardee Homes
- Black Bench Development by SunCal Companies
- Loma Linda Development (Banning Bench)
- BDS Development south of Interstate 10

These developments are depicted on Figure 2.1. To accommodate the increase in sewer flows that are associated with these developments, the City recognized a need to update their sewer master plan. This study will evaluate the capacity of the City's existing sewer collection system to convey the existing and projected wastewater flows and make recommendations where needed to expand the existing sewer system.

1.3.1 Previous Studies

NBS Lowry prepared the previous *Sewer Master Plan* [1] in 1994. In this sewer system study, a number of sewer system improvements were recommended. These improvements and the status of implementing these improvements are summarized in Table 1.1. As shown in this table, the City has only implemented two of the recommended improvements to date, as the majority of improvements are associated with the proposed developments. This study will review the need for the remaining improvements and adjust the pipeline sizing where needed to address the updated wastewater flow projections.

Montgomery Watson Harza (MWH) completed a report titled "*Update of the Banning Wastewater Treatment Facility Expansion Plan*" [2] in March 2006. This study updated the 1994 Wastewater Treatment Plant (WWTP) Facility Upgrade Plan. The report evaluated process alternatives for the phased expansion of the WWTP to meet future increased wastewater treatment needs. A three stage WWTP expansion was recommended to increase the plant capacity from 3.6 million gallons per day (mgd) (2006) to 7.8 mgd (2025).

In addition, the General Plan and various specific plans were used to estimate the future wastewater flows. More information on these reports is in included in Section 2.

Table 1.1 Status of 1994 Sewer System Improvements Sewer System Study City of Banning		
No	**Sewer System Improvements[1]**	**Completed[2]**
1	Expansion of the Westward Avenue Lift Station by a capacity of 300 gpm	√
2	Add a diversion sewer line consisting of a diversion manhole and 1,100 lf of 10-inch sewer on Omar Street.	√
3	Add a parallel sewer line consisting of 700 lf of 12-inch sewers on Livingston Street.	-
4	Add a trunk sewer line consisting of 4,200 lf of 8-inch and 8,800 lf of 10-inch sewer lines on Highland Springs Avenue.	-
5	Add a trunk sewer line consisting of 14,700 lf of 8-inch, 3,600 lf of 10-inch, and 5,200 lf of 12-inch sewer on Highland Home Road.	-
6	Add a trunk sewer line consisting of one diversion manhole and 17,300 lf of 18-inch sewer on Deutsch.	-
7	Add a trunk sewer line consisting of 10,400 lf of 8-inch sewer on Banning Creek.	-
8	Add a parallel sewer line consisting of 800 lf of 12-inch sewer on San Gorgonio Avenue.	-
9	Add a trunk sewer line consisting of 10,400 lf of 8-inch sewer on the southern limits.	-
10	Add a trunk sewer line consisting of 3,000 lf of 8-inch sewer on 8th Street.	-
11	Add a trunk sewer line consisting of 11,600 lf of 8-inch sewer on Sunset Avenue.	-
12	Add 4,200 lf of 10-inch sewer lines, 4,200 lf of 10-inch force main and an 870 gpm lift station on the eastern limits.	-

(1) Improvements identified in 1994 Sewer Master Plan [1].
(2) As of August 2006.

1.4 Study Area

The study area of this sewer system study includes the entire City's service area. The City is located in the northwest portion of Riverside County and is situated along Interstate 10 approximately 30 miles east of the City of Riverside and 25 miles west of Palm Springs. The study area is shown on Figure 1.1.

The City encompasses 25 square miles and has a current population of approximately 29,000. Approximately 8 square miles or 32 percent of the City's service area is currently developed. The City is growing rapidly and has an estimated build out population of nearly 100,000. The five near-term developments as indicated on Figure 2.1 have a combined area of nearly 4 square miles and are projected to increase the City's population by 31,000 to 60,000. Hence, the City will still have significant room for growth after the completion of these developments.

City of Banning, CA - Sewer System Study

Note:
1. This map contains data from the City of Banning GIS.
2. This map is intended for display and planning purposes only.

Figure 1.1 - Vicinity Map and Study Area

October 2006

1.5 Scope of Work

The scope of work for this Sewer System Study Update consists of the following tasks:

1) Collect and review all available reports, data, and other relevant information.

2) Determine population, land use and wastewater flow projections for existing and future development areas within the City's limits.

3) Update the wastewater model, which includes the following tasks.

    a) Develop model using H_2OMAP Sewer from MWH Soft, Inc.

    b) Select sub-basins within the collection system for calibration and analysis.

    c) Development of wastewater flow factors and peaking factors

    d) Calibration of the sewer model using flow monitoring data.

4) Use the calibrated model to detect sewer system deficiencies under the existing sewer flow and with the ultimate residential build-out development wastewater flow.

5) Prepare a report, including a summary of system deficiencies within the City's existing system, recommend system improvements to alleviate these deficiencies, and prepare a CIP.

1.6 Acknowledgments

Carollo Engineers wishes to acknowledge and thank all of the City's staff for their support and assistance in completing this project. Special thanks go to Paul Toor, George Thacker, John Holub, Jerry Aguilar, and Perry Gerdes.

1.7 Project Staff

The following Carollo Engineers staff members were principally involved in this project:

David Prasifka, P.E.	: Partner-In-Charge
Dennis Wood, P.E.	: Technical Review
Inge Wiersema, P.E.	: Project Manager/Project Engineer
Jim Patton, P.E.	: Staff Engineer
Chris Graf	: Staff Engineer
Coleen Sullivan	: Technical Staff/GIS

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2.0 LAND USE AND WASTEWATER FLOW PROJECTIONS

This Section describes the City's land use and estimated wastewater flow projections, which are based upon the City's land use plans. The land use discussion is divided into existing land use, specific plan land use for the near-term developments, and general plan land use for the City's ultimate land use. The wastewater flow projection discussion is divided into wastewater flow factors, peaking factors, and concludes with a wastewater flow projection summary.

2.1 Existing and Future Land Use

The existing, near-term, and build out land use types in the City described in this Section are based on the City's General Plan [6] , parcel information [7], aerial photography [8], and the specific plans for Five Bridges [9], Pardee [10], Black Bench [11], Loma Linda [12], and BDS [13]. The land use designations that are described in these documents are summarized below.

- **Residential - Rural.** This land use category includes all residential designations that have a density of 0-1 dwelling units per acre (du/ac).

- **Residential - Very Low Density.** This land use category includes all residential designations that have a density of 1-2 dwelling units per acre (du/ac). Based on this definition, this category includes the following land use designations: Very Low Density Residential [6]; Residential [13]; and PA-12, PA-13, and PA-15 [11].

- **Residential - Low Density.** This land use category includes all residential designations that have a density of 2-5 dwelling units per acre (du/ac). Based on this definition, this category includes the following land use designations: Low Density Residential [6], PA-1 through PA-11, PA-14, and PA-16 through PA-18 [11]; Minimum residential area of 6,000 square foot and greater [9]; Residential Areas 4, 8, 18, 24, 31, 33, 46, 47, 52, 53, 60, and 61 [10]; and Residential Areas 1, 3, 4, and 5 [12].

- **Residential - Medium Density.** This land use category includes all residential designations that have a density of 5-9 dwelling units per acre (du/ac). Based on this definition, this category includes the following land use designations: Residential Areas 1, 6, 11, 14, 17, 21, 22, 26, 28, 30, 35-45, 49-50, 55, 58, 62, and 64 [10]; and Residential Areas 2, 6, 7, 8, and 9 [12].

- **Residential - High Density.** This land use category includes all residential designations that have a density of 9-20 dwelling units per acre (du/ac). Based on this definition, this category includes the following land use designations: Garden Courts and Townhomes [9].

- **Commercial.** This land use category includes markets, service stations, restaurants, office buildings, hospitals, car washes, and other commercial service establishments.

- **Industrial.** This land use category includes all service industry and manufacturing establishments. This City does not include any heavy industry or water intensive industrial customers.

- **Public.** This land use category includes various types of public facilities, such as schools, libraries, office buildings, parking structures, and recreational areas. The (recycled) water demand in this category varies greatly.

- **Streets and Right-of-Way.** This land use category includes all major streets, flood control channels, powerline easements, and freeway right-of-ways, such as Interstate 10. Small residential streets are included in the gross residential area.

- **Airport.** This category includes the airport buildings, runways, and all airport related industrial and commercial areas. These include the Airport Operations District, the Airport Clear Zone District, the Airport Facilities District, and the Airport Planned Development areas.

2.1.1 Existing Land Use

The City of Banning has approximately 4,901 acres of developed area, which equals to about 21 percent of the City's service area. An aerial view of the City, that depicts the location of the existing developments [8], is shown on Figure 2.1. This figure shows that the majority of the developments are located along Interstate 10, while the non-developed areas are mostly located north of Interstate 10 and are partially covered with steep hillsides of the San Bernardino Mountains. The land use distribution of the existing developments is summarized in Table 2.1. As shown on this table, the majority (63 percent) of the developed areas are residential land use categories, while the remaining 37 percent of the developments are public, industrial, and commercial land uses.

Table 2.1 Existing Development by Land Use Category
Sewer System Study
City of Banning

Land Use Category	Area (acres)	Area (%)
Rural Residential	335	7%
Very Low Residential	373	8%
Low Residential	1,440	29%
Medium Residential	767	16%
High Residential	170	3%
Commercial	666	14%
Industrial	773	16%
Public	378	8%
Total	**4,901**	**100%**

Figure 2.1 Aerial View

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2.1.2 Specific Land Use Plan

As mentioned in Section 1, the City has recently received five Specific Plans that describe the land use plans for proposed developments within the City boundaries. The five specific plans cover a combined area of approximately 3,270 acres, which equals approximately 14 percent of the City's service area. The developments and their respective planning areas and the distribution of the planned 10,308 dwelling units are as follows:

- ✓ Black Bench : 1,500 dwelling units
- ✓ Sunset : 2,160 dwelling units
- ✓ BDS : 481 dwelling units
- ✓ Pardee : 5,224 dwelling units
- ✓ Loma Linda : 944 dwelling units

The specific plan boundaries are depicted on Figure 2.1. The land use distribution of these five specific plans is summarized in Table 2.2.

Table 2.2 Specific Plan Land Use Summary
Sewer System Study
City of Banning

Development/ Land Use Category	Phase 1		Build Out	
	Area (acres)	Area (%)	Area (acres)	Area (%)
Black Bench				
Very Low Residential	0	0%	104	15%
Low Residential	111	42%	387	57%
Public	o	0%	13	2%
Parks	26	10%	52	8%
Fire Modification Zone	126	48%	126	19%
Black Bench Total	**264**	**100%**	**683**	**100%**
BDS				
Very Low Residential	140	100%	372	100%
BDS Total	**140**	**100%**	**372**	**100%**
FIVE BRIDGES				
Low Residential	68	46%	204	45%
Medium Residential	39	27%	118	26%
High Residential	14	10%	43	9%
Commercial	0	0%	37	8%
Parks	26	17%	51	11%
Five Bridges Total	**147**	**100%**	**455**	**100%**

Table 2.2 Specific Plan Land Use Summary (Continued) Sewer System Study City of Banning				
Development/ Land Use Category	**Phase 1**		**Build Out**	
	Area (acres)	**Area (%)**	**Area (acres)**	**Area (%)**
PARDEE				
Low Residential	102	25%	389	30%
Medium Residential	31	8%	564	44%
Commercial	0	0%	36	3%
Public	5	1%	32	2%
Parks	26	6%	52	4%
Golf Course	220	54%	220	17%
Pardee Total	**409**	**100%**	**1,293**	**100%**
LOMA LINDA				
Low Residential	26	9%	79	17%
Medium Residential	36	13%	107	23%
Commercial	0	0%	12	3%
Public	0	0%	10	2%
Parks	37	13%	74	16%
Golf Course	185	65%	185	40%
Loma Linda Total	**284**	**100%**	**467**	**100%**
GRAND TOTAL	**1,243**		**3,270**	

Note: For the phasing of parks and golf courses, it is assumed that 50 percent of parks and 100 percent of golf course would be developed in Phase 1.

As listed in Table 2.2, the development of these specific plan areas is divided into two periods, Phase 1 and Build Out. Phase 1 is anticipated to be completed around year 2010, while build out conditions are projected to be reached around year 2030. The combined area of Phase 1 is approximately 1,243 acres, or 38 percent of the entire specific plans area at build out (3,270 acres).

2.1.3 General Plan Land Use

The ultimate land use for the City's service area is specified in the City's General Plan [6], which was adopted by City Council in January, 2006. The City's General Plan differentiates 27 land categories. For the purpose of this study, these categories are consolidated into ten generic land use designations, as shown on Figure 2.2. The areas of these ten land use categories are calculated from the City's GIS and are summarized in Table 2.3.

As shown in Table 2.3, residential land use categories cover 60 percent of the City's service area, while natural open space is the second largest land use, covering about 22 percent of the City's service area.

As shown on Figure 2.2, the majority of the areas that are not currently developed or part of the specific plans, are designated as natural open space and rural residential and cover hillsides of the San Bernardino Mountains.

Figure 2.2 General Plan Land Use

INSERT 11by17

Table 2.3 General Plan Land Use Summary Sewer System Study City of Banning		
Land Use Category	**Area (acres)**	**Area (%)**
Rural Residential	6,759	29%
Very Low Residential	2,369	10%
Low Residential	3,385	14%
Medium Residential	1,099	5%
High Residential	510	2%
Commercial	1,090	5%
Industrial	773	3%
Public	1,061	4%
Open Space - Parks	1,292	5%
Open Space - Nature	5,288	22%
Total	**23,628**	**100%**

2.2 Population

The City's population will increase significantly with the addition of the five new developments. The total developed area and the project population for Phase 1 and Built Out conditions are summarized in Table 2.4, while details are included in Appendix B. Table 2.4 shows that the five developments will increase the population to about 56 percent of the City's built out population, while covering only 31 percent of the City's service area. Hence, the development of the remaining areas will primarily consist of lower density land use types, such as LDR and AR. Based on 2.6 people per dwelling unit [14], the average density of the remaining development beyond the planning horizon of this study is approximately 1.0 du/ac.

Table 2.4 Population Projections by Area Sewer System Study City of Banning				
Area Description	**Area (acres)**	**Area (%)**	**Population (ppl)**	**Population (%)**
Existing Development	4,901	21%	28,982	29%
5 Developments - Phase 1	598	3%	7,239	7%
5 Developments - Phase 2 to Build Out	1,911	8%	21,913	22%
Remaining Development	16,218	69%	41,651	42%
Total	**23,628**	**100%**	**99,785**	**100%**

The City's projected population is summarized in Table 2.5. These projections are based on the following assumptions:

- The five developments will reach Phase 1 conditions in 2010

- The five developments will reach Build Out conditions in 2030
- The entire City's will reach Build Out conditions in 2050.

Table 2.5 Population Projections by Year
Sewer System Study
City of Banning

Year	Existing City[1]	Five Developments[2]	Total	Growth of Period
2005	28,982	0	28,982	
2010	31,998	7,239	39,237	7.1%
2030	47,548	29,152	76,700	4.8%
2050	76,495	29,152	105,647	1.9%

(1) The Existing City includes the City's entire service area with the exception of the five developments.
(2) Five Developments: Pardee, Black Bench, Loma Linda, Five Bridges, and BDS.

2.3 Historic Wastewater Flows

The current average daily flow received at the City's wastewater treatment plant is approximately 2.8 MGD. Historical average daily flows received at the City's plant are shown in Figure 2.3, while historical average monthly flows are shown in Figure 2.4.

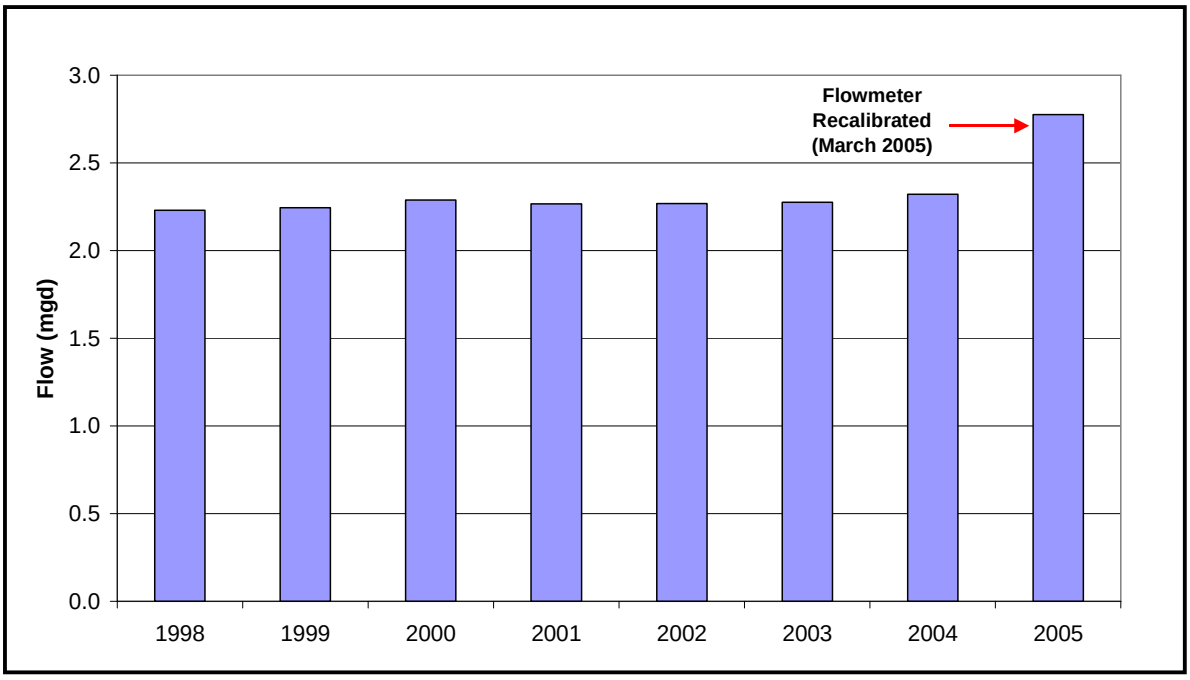


Figure 2.3 Historic Average Daily Plant Flows

As shown in Figure 2.3, the historical average daily wastewater flows at the Banning WWTP have been relatively constant in the period 1998 through 2004, while flows increased significantly in 2005. This increase was attributed to the recalibration of the existing flow meter at the WWTP.

The wastewater flow increased from 2.2 mgd (1998) to 2.3 mgd (2004), which equates to an increase of 4 percent. In 2005, the average daily flow increased to 2.8 mgd, which is 20 percent higher than recorded in 2004.

As shown in Figure 2.4, the seasonal wastewater flows variation at the Banning WWTP has also been fairly constant during this period, with February (month no. 2) being the month with the lowest flow and August (month no. 8) being the month with the highest flow.

Based on a review of the average monthly flows in the period 1998-2005, it was observed that the maximum monthly flow is 10 percent higher than the average monthly flow, while the minimum monthly flow is 10 percent lower than the average monthly flow. These variations are very typical for residential areas.

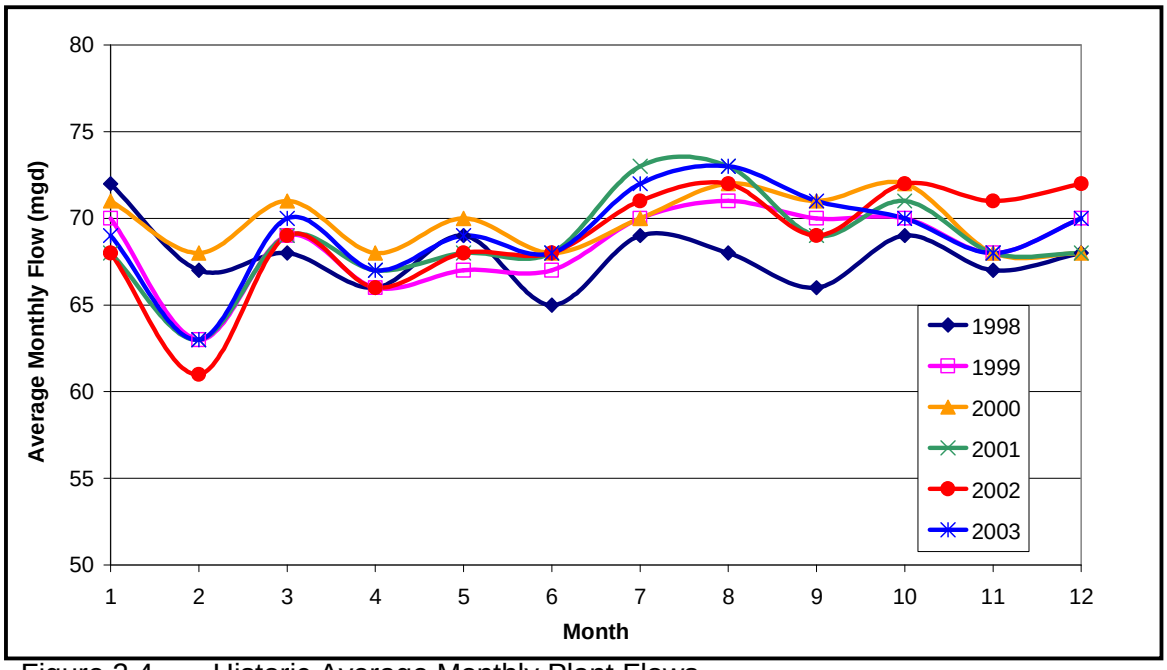


Figure 2.4 Historic Average Monthly Plant Flows

2.4 Wastewater Flow Factors

A wastewater flow factor (WFF) is the estimated amount of wastewater generation for a certain land use type. WFFs are typically expressed in gallons per day per capita (gpd/cap) for residential areas and gallon per day per acre (gpd/ac) for commercial, industrial, and public areas. These factors are used to estimate the average daily flow (ADF) for existing, phase one and ultimate development conditions by multiplying the WFF with the total number of people or acres within each land use area. The WWFs used for the projections presented in this study were derived from the calibration of the existing wastewater flow of 2.8 mgd, an average density of 2.6 ppl/du, and acreage per land use type, and the estimated percent build out for each subbasin (see Figure 5.2). Based on this information

the number of equivalent residential units (ERUs) and the average wastewater flow per ERU were calculated. The WFFs used in this study are summarized in Table 2.6.

Table 2.6 Wastewater Flow Factors
Sewer System Study
City of Banning

Land Use Category	Existing		Future	
	Density[(1)] (ERU/ac)	WFF[(2,3)] (gpd/ac)	Density[(1)] (ERU/ac)	WFF[(2,3)] (gpd/ac)
Rural Residential (RR)	0.5	77	0.5	77
Very Low Density Residential (VLDR)	1.5	230	2	230
Low Density Residential (LDR)	3	460	4	537
Medium Density Residential (MDR)	4	614	7	1,074
High Density Residential (HDR)	10	1,534	15	2,224
Commercial (C)	10	1,534	10	1,534
Industrial (I)	5	767	10	1,534
Public Facilities (P)	0	0	3	399
Open Space	0	0	0	0

(1) Based on a calibrated population of 29,000 people and 18,280 existing ERUs, which was calculated using the percent build out of existing developments by land use type and by subbasin.
(2) Based on 153.4 gpd/ERU, which was obtained from a density of 2.6 ppl/du and an average wastewater flow of 59 gpd/cap. The 59 gpd/cap was calculated from an average daily wastewater flow of 2.8 mgd, a density of 2.6 cap/ERU, and 18,280 ERUs.

As shown in this table, the flow factors used for projecting wastewater flows for the existing service area are lower than those used for projecting flows for the new development areas. The lower factors are based on the model calibration results, as discussed in Section 4, and reflect the estimated wastewater flows of the current developments in the City.

The higher flow factors used for the new development areas provide projected wastewater flows that are higher than the flows used for the existing developments to provide a more conservative basis for planning and account for densification within existing development areas.

2.5 Peaking Factors

It is important to consider the variability of wastewater flow when evaluating system hydraulics and sizing sewer system facilities and pipelines. Peaking factors represent the ratio of a particular flow condition compared to the average dry weather flow (ADWF) and are typically obtained by reviewing historical data.

The peaking conditions that are of particular significance to hydraulic analysis of the sewer system include the Peak Dry Weather Flow (PDWF) and the Peak Wet Weather Flow (PWWF). A more detailed description of the various wastewater flow components, including ADWF, PWWF, PDWF, and Infiltration and Inflow (I/I), are described in Section 4.

This section also presents daily historical flow data recorded at the WWTP (Figure 4.1) that are used to determine peaking factors.

Some systems do not experience a strong response to wet weather events due to the good condition of pipelines, soil characteristics, and rainfall patterns. These systems are typically sized for PDWF only. The PDWF is the peak flow on a dry day, which is determined by the diurnal flow pattern.

Systems that do experience a strong response in wastewater flows after a rainfall event should be sized for PWWF. Typical wet weather peaking factors of 2.0 are used to estimate peak flows at treatment facilities, while peaking factors ranging between 3.0 and 4.0 are used to estimate peak flows in the smaller upstream areas of sewer systems.

The flow monitoring program conducted for this study did not collect flows during a major storm event and did not contain hourly flow data. Therefore, it was decided that the peaking factors be based on the historical daily values obtained at the WWTP as presented on Figure 4.1. As explained in more detail in Section 4 and presented in Table 4.1, the following peaking factors were used in this sewer system study:

- PDWF = 1.7 times ADWF
- PWWF = 2.5 times ADWF (into treatment plant)
- PWWF = ADWF plus 500 gpd/ac (in collection system)

2.6 Diurnal Curve

In addition to seasonal flow variation, wastewater flows vary throughout a 24-hour period. In residential areas, flow peaks typically occur in the morning and late afternoon, while in non-residential areas, flow peaks typically occur throughout the day when businesses and industries are operating. Some industries use two or three 8-hour shifts, resulting in more continuous wastewater flows. As the City is primarily characterized by residential land use types and usage patterns of commercial and industrial users are unknown, one aggregate hourly wastewater flow curve, also knows as diurnal curve, is used in this study to describe and simulate wastewater flows throughout the day. The diurnal curve created from wastewater flows received at the WWTP on May 24, 2006 is shown on Figure 2.5.

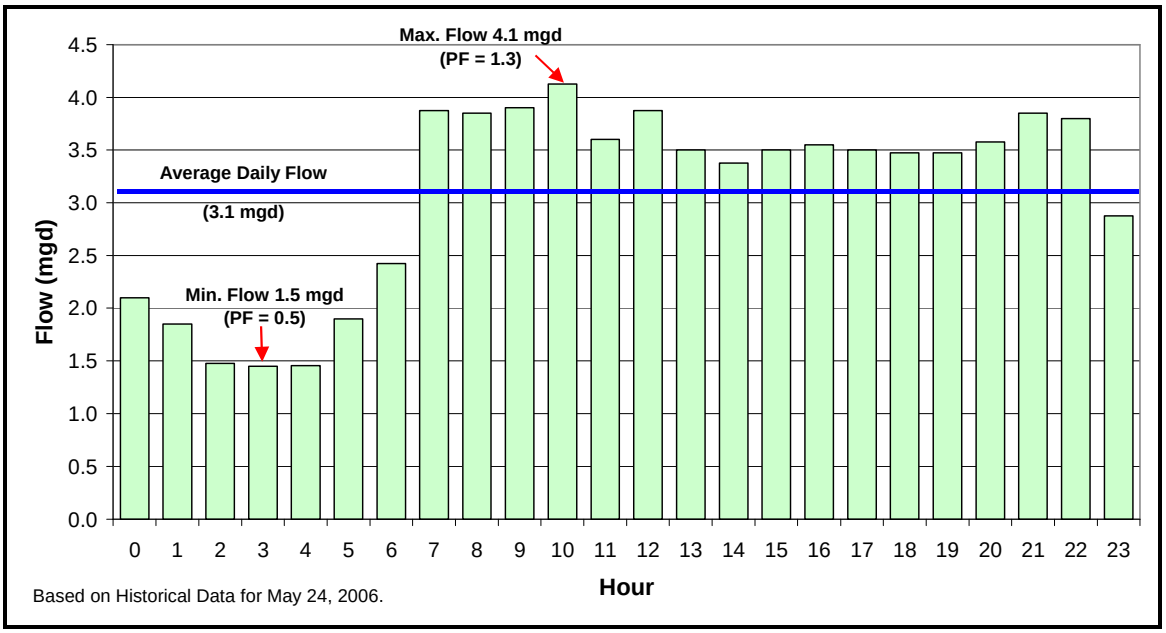


Figure 2.5 Wastewater Diurnal Curve

As shown on this figure, the maximum hour peaking factor is 1.3 and occurs around 10 AM. This factor is consistent with the flows recorded on January 12, 2005, when the average daily and peak hour flow were 2.8 and 3.4 mgd, respectively, resulting in a peak hour flow of 1.2. This diurnal curve was used for the hydraulic modeling analysis conducted for this study.

2.7 Wastewater Flow Projections

The City's wastewater flows for existing development areas and the five new developments were projected by using the wastewater flow factors as shown in Table 2.5, along with the calculated land use areas within the City limits. For residential areas, the average density of dwelling units per acre (du/ac) was also used to estimate the population and use per capita wastewater flow rates. The wastewater flows were projected for the existing developments (infill) in the City and the five developments under Phase 1 and Build Out conditions. The projected wastewater flows are summarized in Table 2.7 and Table 2.8, while detailed estimates by development for each of the planning periods (existing conditions, Phase 1, and Build Out) are included in Appendix B.

Table 2.7 Wastewater Flow Projections - ADWF
Sewer System Study
City of Banning

Service Area	2005 (mgd)	2010[1] (mgd)	2015[2] (mgd)	2020[2] (mgd)	2025[2] (mgd)	2030[1] (mgd)	2050[3] (mgd)
Existing City	2.8	3.6	4.5	5.5	6.4	5.4	8.6
Black Bench	0.00	0.1	0.1	0.2	0.2	0.4	0.4
Five Bridges	0.00	0.2	0.2	0.3	0.3	0.6	0.6
Pardee	0.00	0.2	0.3	0.4	0.4	1.4	1.4
Loma Linda	0.00	0.1	0.1	0.1	0.1	0.3	0.3
BDS	0.00	0.0	0.1	0.1	0.1	0.1	0.1
Total	**2.8**	**4.3**	**5.4**	**6.5**	**7.6**	**8.2**	**11.4**

Note: some totals may not add up due to rounding.
1) The projected flows for the developments in 2010 and 2030 are Phase 1 and Build Out conditions, respectively.
2) The projected flows for years 2015, 2020, and 2025 are based on the population growth rate in this period per the City's UWMP [15].
3) The projected flows for year 2050 is based on ultimate build out conditions.

Table 2.8 Wastewater Flow Projections - PDWF
Sewer System Study
City of Banning

Service Area	2005 (mgd)	2010[1] (mgd)	2015[2] (mgd)	2020[2] (mgd)	2025[2] (mgd)	2030[1] (mgd)	2050[3] (mgd)
Existing City	4.8	6.1	7.7	9.3	10.8	9.1	14.7
Black Bench	0.0	0.2	0.2	0.3	0.3	0.7	0.7
Five Bridges	0.0	0.3	0.4	0.5	0.6	1.1	1.1
Pardee	0.0	0.4	0.5	0.6	0.7	2.3	2.3
Loma Linda	0.0	0.1	0.2	0.2	0.2	0.5	0.5
BDS	0.0	0.1	0.1	0.1	0.1	0.2	0.2
Total	**4.8**	**7.3**	**9.2**	**11.0**	**12.8**	**13.9**	**19.4**

Note: Peak Dry Weather Flows are based on a peaking factor of 1.7 times the ADWF listed in Table 2.7 (per Table 4.1).
1) The projected flows for the developments in 2010 and 2030 are Phase 1 and Build Out conditions, respectively.
2) The projected flows for years 2015, 2020, and 2025 are based on the population growth rate in this period per the City's UWMP [15].
3) The projected flows for year 2050 is based on ultimate build out conditions.

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3.0 WASTEWATER TREATMENT

This section discusses the existing wastewater treatment facilities in the City, the planned expansions, and the potential use of satellite plants to treat wastewater from one or multiple development areas. Cost estimates of the various treatment options are presented and compared to determine the most beneficial treatment configuration for the City that can accommodate the City's future wastewater flows. This section concludes with recommendations regarding the City's expansion of wastewater treatment facilities.

3.1 Existing Wastewater Treatment

All wastewater flows collected within the City's service area are currently treated at one facility, the Banning WWTP. This plant is located in the southeast portion of the City adjacent to Smith Creek and east of Hathaway Street as shown on Figure 5.1. The City has operated the treatment plant at this site since 1925 and has incrementally expanded various process components to maintain sufficient capacity to treat the increasing wastewater flows.

The wastewater treatment plant is designed to treat wastewater to secondary standards and consist of the following processes: headworks, screening, grit removal, two primary clarifiers, two trickling filters, and two secondary clarifiers. The headworks of the WWTP was sized for an ultimate capacity of 7.8 mgd, while the treatment plant has a rated capacity of 3.6 mgd. The average wastewater flow that is currently treated is approximately 2.8 mgd. Based on an evaluation of historical biochemical oxygen demand (BOD_5) concentrations it was determined that the existing trickling filters have the potential of exceeding the waste discharge requirements (WDR) limits of 30 mg/L BOD_5 when the flows exceed 2.8 mgd [2]. The City can use chemical treatment to increase the capacity of the existing trickling filters to 3.6 mgd.

The solids treatment at the Banning WWTP consists of a gravity thickener, two primary digesters, a secondary digester, sludge drying beds, and percolation ponds. Anaerobic digesters and sludge drying beds are used for sludge stabilization and dewatering. The plant currently discharges its effluent to percolation ponds. Solids are periodically removed from the drying beds and hauled off by a private contractor. Once off site, the sludge is disposed by a reputable solids hauler at a designated landfill site.

3.2 Future Wastewater Treatment

The projected growth in the City will increase the total wastewater flow that needs to be treated beyond the capacity of the existing Banning WWTP. As shown in Table 2.7, the projected ADWF for year 2030, which is the planning horizon of this study, is 8.2 mgd. As the existing WWTP has a rated capacity of 3.6 mgd, the City would need to expand their wastewater treatment capacity by 4.6 mgd to 8.2 mgd.

There are several options to increase the City's WWTP treatment capacity. The alternatives investigated in this study are:

1) Expansion of the Banning WWTP.

2) Expansion of the Banning WWTP and the construction of a new Satellite Plant that would treat wastewater from the Pardee development.

3) Expansion of the Banning WWTP and the construction of a new Satellite Plant that would treat wastewater from the Loma Linda and Black Bench developments.

4) Expansion of the Banning WWTP and the construction of two new Satellite Plants that would treat wastewater from the Pardee, Loma Linda and Black Bench developments.

The treatment plant capacities assumed for each alternative are summarized in Table 3.1. All alternatives are based on a planning horizon of year 2030, when the five developments are projected to reach build out. The future rated treatment capacities are based on the projected dry weather flows. It is assumed that the treatment plants would be designed such that they can handle the variation in flows during PDW and PWW conditions.

Table 3.1 Wastewater Flow Projections Summary
Sewer System Study
City of Banning

Alternative	WWTP (mgd)	Pardee SP (mgd)	LL & BB SP (mgd)	Total (mgd)
1: WWTP only	8.2	0	0	8.2
2: WWTP + Pardee SP	6.8	1.4	0	8.2
3: WWTP + LL&BB SP	7.5	0	0.7	8.2
4: WWTP + Pardee SP + LL&BB SP	6.1	1.4	0.7	8.2

Notes:SP = Satellite Plant; LL&BB = Loma Linda and Black Bench

It is assumed that all alternatives would include tertiary treatment of all wastewater flows in the City to serve the recycled water system. As discussed in the recycled water master plan prepared by Carollo Engineers in 2006 [3], the projected recycled water demand in the City exceeds the projected wastewater flows under high demand conditions. It is therefore necessary that all wastewater flows be treated to tertiary standards to maximize the City's recycled water use and reduce the need for additional potable water supplies to accommodate growth.

The four options are discussed in detail in the subsequent subsections. It should be noted that the potential expansion of the solids handling facilities, which would be equal in all alternatives, are not included in this analysis.

3.2.1 Alternative 1 - WWTP Expansion Only

The expansion of the Banning WWTP was evaluated in the study *Update of the Banning Wastewater Treatment Expansion Plan* that was prepared in 2006 [2]. This report evaluates various treatment process options and recommends that the plant be expanded to 7.8 mgd in three stages. The study recommends that the existing trickling filter (TF) capacity be removed and be replaced with activated sludge (AS) treatment. The capacity expansion is also based on the use of activated sludge. The study includes three options and site plans for the implementation of these processes using oxidation ditches, rectangular clarifiers, or circular clarifiers. However, no recommendations on the preferred option are made. The study identifies three stages to phase the process conversion and plant expansion. The rated capacity of the existing plant is also reduced from 3.6 mgd to 2.8 mgd due to the re-rated capacity of the existing trickling filters [2]. The planned capacity per stage, as identified in this study, is as follows:

- Stage 1: 4.05 mgd (addition of 1.25 mgd of AS capacity)
- Stage 2: 5.0 mgd (addition of 3.75 mgd of AS capacity and removal of 2.8 mgd of TF capacity)
- Stage 3: 7.8 mgd (addition of 2.8 mgd of AS capacity)

In addition to these treatment process changes and expansions, the City would need to provide 7.8 mgd of tertiary treatment to allow use of treated effluent for irrigation per Title 22 of the California Code of Regulations. Tertiary treatment processes include filtration, disinfection, chemical storage, chemical feed, recycled water pumping, and a control system.

This alternative consists of centralized wastewater treatment at the existing Banning WWTP site by expanding its current capacity up to the projected average DWF of 8.2 mgd, as listed in Table 3.1. Hence, expansions beyond the planned upgrades to the 7.8 mgd capacity identified in the *Update of the Banning Wastewater Treatment Expansion Plan* [2] would be required. It is assumed that Stage 3 would be increased from 2.8 mgd to 3.2 mgd to reach a total capacity of 8.2 mgd.

A cost estimate of the treatment process upgrades and expansions required to increase the City's treatment capacity to 8.2 mgd is summarized in Table 3.2. The unit cost used for these estimates are discussed in Section 5.

Based on a depreciation period of 30 years, 5 percent interest, and an average treatment capacity of 8.2 mgd, the overall unit treatment cost of this alternative is $650/mgd. It should be noted that tertiary treatment and solids handling costs are not included as these costs would be the same for all alternatives, and thus, do not impact the alternatives comparison.

Table 3.2 Cost Estimate Alternative 1 - WWTP Expansion Only Sewer System Study City of Banning			
Description	**WWTP ($million)**	**Satellite Plants ($million)**	**Total ($million)**
Construction Cost + Contingency	$23.9	$0.0	$23.9
Land Acquisition Cost	$0.0	$0.0	$0.0
Mark-Ups	$6.0	$0.0	$6.0
Total Capital Cost	**$29.9**	**$0.0**	**$29.9**

Note: Tertiary treatment and the potential expansion of the solids handling facilities are not included.

3.2.2 Alternative 2 - One Satellite Plant for Pardee

This alternative consists of wastewater treatment at two locations, the existing Banning WWTP site and a new Satellite Plant for the Pardee development.

The existing WWTP would be expanded from its current capacity to the projected average DWF of 6.8 mgd, as listed in Table 3.1. Hence, the required expansion is less than the planned upgrades the 7.8 mgd capacity identified in the *Update of the Banning Wastewater Treatment Expansion Plan* [2]. It is assumed that Stage 3 would be decreased from 2.8 mgd to 1.8 mgd to provide a total capacity of 6.8 mgd.

The Pardee Satellite plant would be located near the intersection of Eighth Street and Highland Springs Avenue, where it would collect and treat the wastewater flows generated by this new development. The projected average DWF for this satellite plant is 1.4 mgd.

A cost estimate of the treatment process upgrades and expansions required to increase the City's treatment capacity to 8.2 mgd is summarized in Table 3.3. The unit cost used for these estimates are discussed in Section 5.

Based on a depreciation period of 30 years, 5 percent interest, and an average treatment capacity of 8.2 mgd, the overall unit treatment cost of this alternative is $757/mgd. It should be noted that tertiary treatment and solids handling cost are not included as these costs would be the same for all alternatives, and thus, do not impact the alternatives comparison.

Table 3.3 Cost Estimate Alternative 2 - Pardee Satellite Plant Sewer System Study City of Banning			
Description	**WWTP ($million)**	**Satellite Plants ($million)**	**Total ($million)**
Construction Cost + Contingency	$21.5	$5.8	$27.3
Land Acquisition Cost	$0.0	$0.7	$0.7
Mark-Ups	$5.4	$1.5	$6.8
Total Capital Cost	**$26.8**	**$8.0**	**$34.8**

Note: Tertiary treatment and the potential expansion of the solids handling facilities are not included.

3.2.3 Alternative 3 - One Package Plant for Loma Linda and Black Bench

This alternative consists of wastewater treatment at two locations, the existing Banning WWTP site and one new Satellite Plant for the Loma Linda and Black Bench developments.

The existing WWTP would be expanded from its current capacity to the average DWF flow of 7.5 mgd, as listed in Table 3.1. Hence, the required expansion is less than the planned upgrade to the 7.8 mgd capacity identified in the *Update of the Banning Wastewater Treatment Expansion Plan* [2]. It is assumed that Stage 3 would be decreased from 2.8 mgd to 2.5 mgd to provide a total capacity of 7.5 mgd.

The Loma Linda and Black Bench satellite plant would be located near the intersection of Sunset Avenue and Wilson Street, where it would collect and treat the wastewater flows generated by these two developments. The projected average DWF for this satellite plant is 0.7 mgd.

A cost estimate of the treatment process upgrades and expansions required to increase the City's treatment capacity to 8.2 mgd is summarized in Table 3.4. The unit cost used for these estimates are discussed in Section 5.

Based on a depreciation period of 30 years, 5 percent interest, and an average treatment capacity of 8.2 mgd, the overall unit treatment cost of this alternative is $810/mgd. It should be noted that tertiary treatment and solids handling costs are not included as these costs would be the same for all alternatives, and thus, do not impact the alternatives comparison.

Table 3.4 Cost Estimate Alternative 3 - LL & BB Satellite Plant
Sewer System Study
City of Banning

Description	WWTP ($million)	Satellite Plants ($million)	Total ($million)
Construction Cost	$23.2	$6.4	$29.5
Land Acquisition Cost	$0.0	$0.4	$0.4
Mark-Ups	$5.8	$1.6	$7.4
Total Capital Cost	**$29.0**	**$8.3**	**$37.3**

Note: Tertiary treatment and the potential expansion of the solids handling facilities are not included.

3.2.4 Alternative 4 - Two Package Plants

This alternative consists of wastewater treatment at three locations, the existing Banning WWTP site, one satellite plant for the Pardee development, and one new Satellite Plant for the Loma Linda and Black Bench developments.

The existing WWTP would be expanded from its current capacity to the average DWF of 6.1 mgd, as listed in Table 3.1. Hence, the required expansion is less than the planned upgrade to a capacity of 7.8 mgd as identified in the *Update of the Banning Wastewater*

Treatment Expansion Plan [2]. It is assumed that Stage 3 would be decreased from 2.8 mgd to 1.1 mgd to provide a total capacity of 6.1 mgd.

The Pardee Satellite plant would be located near the intersection of Eighth Street and Highland Springs Avenue, where it would collect and treat the wastewater flows generated by this new development. The projected average DWF this satellite plant is 1.4 mgd.

The Loma Linda and Black Bench Satellite plant would be located near the intersection of Sunset Avenue and Wilson Street, where it would collect and treat the wastewater flows generated by these two developments. The projected average DWF this satellite plant is 0.7 mgd.

A cost estimate of the treatment process upgrades and expansions required to increase the City's treatment capacity to 8.2 mgd is summarized in Table 3.5. The unit costs used for these estimates are discussed in Section 5.

Based on a depreciation period of 30 years, 5 percent interest, and an average treatment capacity of 8.2 mgd, the overall unit treatment cost of this alternative is $912/mgd. It should be noted that tertiary treatment and solids handling costs are not included as these costs would be the same for all alternatives, and thus, do not impact the alternatives comparison.

Table 3.5 Cost Estimate Alternative 4 - Two Satellite Plants
Sewer System Study
City of Banning

Description	WWTP ($million)	Satellite Plants ($million)	Total ($million)
Construction Cost	$20.5	$12.2	$32.7
Land Acquisition Cost	$0.0	$1.1	$1.1
Mark-Ups	$5.1	$3.0	$8.2
Total Capital Cost	**$25.7**	**$16.3**	**$42.0**

Note: Tertiary treatment and the potential expansion of the solids handling facilities are not included.

3.2.5 Wastewater Treatment Recommendations

The comparison of treatment cost for the four alternatives is summarized in Table 3.6. As shown, the unit treatment costs are estimated to range from $650/mgd to $912/mgd.

Table 3.6 Alternatives Comparison - Treatment Cost Only
Sewer System Study
City of Banning

Capital Cost Component	Alt. 1 WWTP only	Alt.2 Pardee SP	Alt. 3 Loma Linda SP	Alt. 4 Two SPs
Total ($million)	$29.9	$34.8	$37.3	$42.0
Annual Cost ($million/yr)	$1.9	$2.3	$2.4	$2.7
Unit Cost ($/mgd)	**$650**	**$757**	**$810**	**$912**

Note: Tertiary treatment and the potential expansion of the solids handling facilities are not included.

Based on the data presented in Table 3.6, it can be concluded that it is most cost-effective to treat all wastewater flows at one facility. However, this comparison is limited to the cost of wastewater treatment and do not include other considerations such as:

- Collection system improvements: Each alternative would require different collection system improvements to convey the wastewater to the designated treatment facilities. The evaluation of the collection system and the identification of the collection system improvements for each alternative is included in Section 6.

- Solids Handling: All alternatives assume that the existing WWTP site has sufficient space to increase the solids handling capacity to 7.9, as solids handling at the satellite plants would be more costly, require additional land, and be subject to odor complaints. However, hauling of these solids would increase the City's overall operational cost for alternatives with satellite plants (Alternatives 2-4) compared to the operational cost of centralized treatment at the Banning WWTP (Alternative 1).

- Tertiary Treatment: The cost of tertiary treatment is not included in the cost estimates. However, the addition of tertiary treatment cost for alternatives with satellite plants (Alternatives 2-4) would be more costly than centralized tertiary treatment at the Banning WWTP (Alternative 1).

- Odor Control: The Banning WWTP is located in an area that is characterized by industrial land use types. The location of the satellite plants would be closer to the new residential developments, which could cause substantial odor complaints from residents.

- Land Acquisition and Siting: In addition to odor complaints, siting and acquisition of appropriate land for the satellite plants could be difficult, as these new developments are characterized by upscale housing and golf courses. The satellite plants would require a camouflage design and/or landscaping to blend in with the appearance of the community.

For a fair comparison basis of the alternatives, cost of both treatment and wastewater collection system improvements need to be considered. In addition, the cost difference in recycled water system improvements needs to be considered to provide a complete comparison basis. This cost comparison is presented in Section 6.

3.3 Wastewater Reclamation

The City must treat all wastewater flows to tertiary standards to implement the recycled water system as presented in the *2006 Recycled Water Master Plan* [3]. The purpose of this system is to maximize the City's recycled water use and reduce the need for additional potable water supplies to accommodate growth.

3.4 Sludge Management

Sludge produced at the Banning WWTP is currently dried at the wastewater treatment plant and hauled off site by a private contractor. However, the sludge handling capacity at the plant may not be sufficient in the future when the treatment of an additional wastewater flow will also result in an increase in sludge. It should be noted that this study does not include an evaluation of the City's sludge handling capacity needs and options as this is beyond the scope of this project. It is recommended that the City conduct a study to determine the best sludge management process.

4.0 PLANNING AND DESIGN CRITERIA

This section includes a discussion of the following planning and design criteria:

- Regulatory requirements
- Wastewater Flow Factors
- Wastewater Flow Components
- Pipeline Capacity Equations
- Flow Depth Criteria
- Pipeline Sizing
- Pump Capacity Criteria
- Cost Estimating Assumptions

4.1 Regulatory Requirements

Improvements to the sewer system should be designed to protect public health and safety in conformance with the guidelines and requirements of California Code of Regulations, Title 22, Division 4, Chapter 3, Article 1 through 10, Sections 60301 through 60355, the Riverside County Department of Health Services and the City of Banning. The City is also required to comply with all standards and conditions described in the Waste Discharge Requirements (WDR) which are requirements adopted by the California Regional Water Quality Control Board (RWQCB) Colorado River Basin Region. To provide recycled water, wastewater treatment also needs to meet Title 22 tertiary treatment standards.

4.2 Wastewater Flow Factors

For wastewater flow estimating purposes, the flow factors listed in Table 2.6 will be used.

4.3 Wastewater Design Flows

Historical monthly flows at the Wastewater Treatment Plant (WWTP) were reviewed and analyzed to determine monthly and seasonal fluctuations experienced by the sewer system. The design flow criteria included developing peaking factors for estimating peak dry weather flows (PDWF). A flow monitoring program was completed as part of this study; however, the data collected did not include any rainfall event to identify the wet weather flow components.

The City's wastewater flows consist of many components including the base wastewater flow (BWF), groundwater infiltration (GWI), and rainfall dependent inflow and infiltration (RDI). These flow components are described below.

4.3.1 Base Wastewater Flow

The BWF is the flow generated by the City's residential, commercial, and industrial customers. The flow has a diurnal pattern that varies by land use category. Typically, a residential diurnal has a two-peak pattern with the more pronounced peak following the wake-up hours of the day, and a less pronounced peak occurring in the evening. Commercial and industrial patterns, though they vary depending on the type of use, typically have more consistent higher flow patterns during business hours, and lower flows at night. Furthermore, the diurnal flow pattern experienced during a weekend may vary from the diurnal flow experienced during a weekday. The City's BWF is 2.8 mgd.

4.3.2 Groundwater Infiltration

Groundwater Infiltration (GWI), one of the components of I/I, is associated with extraneous water entering the sewer system through defects in pipes and manholes. This component is related to the condition of the sewer pipes, manholes, and groundwater levels. Groundwater infiltration may occur throughout the year, although groundwater infiltration rates are typically higher in the late winter and early spring. Dry weather groundwater infiltration (or base infiltration) cannot easily be separated from BWF by flow measurement techniques. The GWI rate in systems with minor infiltration could range from 0 to 200 gpd/net acre.

4.3.3 Inflow and Infiltration

During the wet weather season, sewer flows are higher due to infiltration and inflow of extraneous groundwater and storm water that may enter the sewers through pipe and manhole defects or direct drainage connections during a storm event. Wet weather inflow is defined as a sharp rise in flow in direct response to a rainfall event. Wet weather infiltration is a slower response to the rainfall event, which builds up with time and continues even after rainfall has stopped. The amount of infiltration into the City's system is related to the condition of the sewer pipes and manholes since infiltration enters through defects such as cracks and openings in pipes and manholes. I/I flows are also dependent upon groundwater levels and rainfall patterns. Peak I/I flows occur during major rainstorms and are related to the intensity and duration of rainfall.

Rainfall Dependent Infiltration and Inflow (RDI/I) are typically estimated by reviewing and examining flow components, and by conducting temporary or long-term flow monitoring programs. The flow monitoring conducted for this study did not include any rainfall events, and therefore, the RDI/I component could not be evaluated with City specific data.

To estimate the amount of inflow and infiltration, historical daily flows received at the WWTP were evaluated. The average and peak daily flows received at the Banning WWTP are depicted on Figure 4.1. As shown on this figure, the peak daily flow is typically 1.5 to 2 times higher than the average daily flow, while peak flows can range up to 3 times the average daily flow. On dry days, the peak flow is typically between 4 and 5 mgd. During wet weather events, the peak flow ranges from 6 to 7 mgd. Hence, the difference between peak flows on dry and wet days is approximately 2 mgd, which indicates a significant amount of infiltration and inflow (I/I) in the City's sewer system.

Based on this data, discussions with City staff, and review of typical values used in wastewater collection system design manuals, it was determined that the wet weather events in this study should be evaluated using an inflow and infiltration rate of 500 gpd/ac.

As this factor is an estimate, it is recommended that the City conduct additional long-term flow monitoring studies to determine the City's infiltration factor and adjust the recommended projects presented in this study accordingly.

4.4 Wastewater Peaking Factors

Peaking factors are used to consider the variability of wastewater flow when evaluating system hydraulics and sizing sewer system facilities and pipelines. Peaking factors represent the ratio of a particular flow condition compared to the average dry weather flow (ADWF) and are typically obtained reviewing by historical data.

The peaking conditions that are of particular significance to hydraulic analysis of the sewer system include the Peak Dry Weather Flow (PDWF) and the Peak Wet Weather Flow (PWWF). A more detailed description of the various wastewater flow components is discussed below.

4.4.1 Average Dry Weather Flow

The average dry weather flow (ADWF) is the average flow that occurs on a daily basis during the dry weather season, with no evident reaction to rainfall. The ADWF includes the BWF generated by the City's residential, commercial, and industrial users, plus the dry weather GWI component. The importance of this component lies in its use as a basis for expressing other flow components by applying multipliers to the ADWF.

Review of the California Irrigation Management Information System (CIMIS) Riverside Station precipitation data indicated that June through August are the typical dry weather months. Historical flow records for this period shows that the average flow in these months is typically 10 percent lower than the average flow of the entire year.

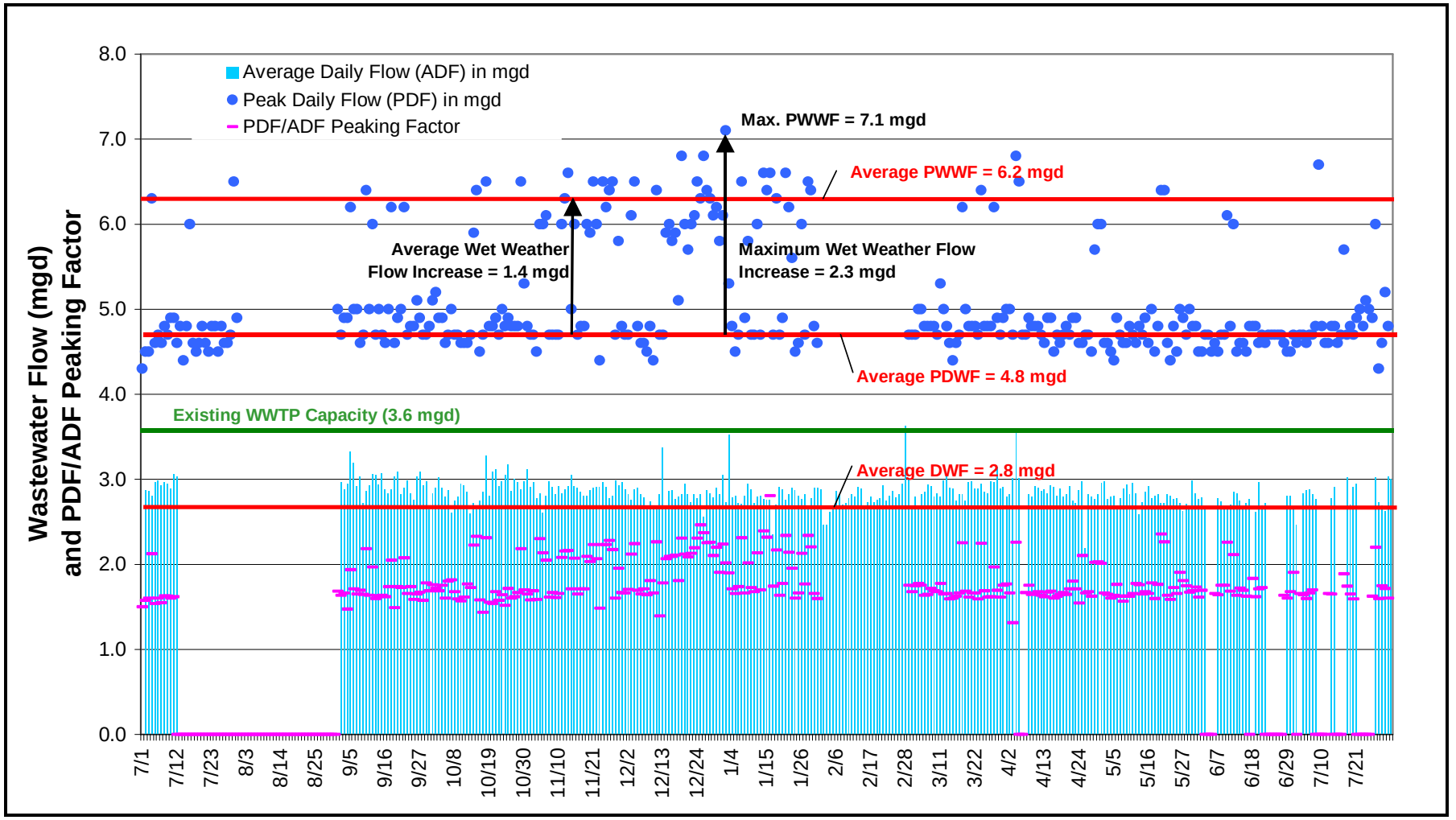


Figure 4.1 Historical Daily Plant Flows

4.4.2 Peak Dry Weather Flow

The peak dry weather flow (PDWF) is the highest observed hourly flow that occurs during the dry weather season. The peak dry weather flow component is typically used for designing the capacity of sewer pipes.

4.4.3 Peak Wet Weather Flow

The peak wet weather flow (PWWF) is the highest observed hourly flow that occurs during the wet weather season. The PWWF component is typically used for designing the capacity of the sewer system while providing some acceptable allowance for surcharging. Unlike the ADWF analyses, the hydraulic analysis during wet weather conditions (or PWWF) allows surcharging with the hydraulic grade line rising up to a foot below the manhole rim. Flows that exceeded that level are considered causing a deficiency.

During significant storm events, wet weather peaking factors can be as much as 5 to 10 times higher than the ADF. However, the WEF Manual of Practice FD-6 and ASCE Manual No. 62 suggest typical PWWF to ADWF ratios ranging between 3 and 4, with higher values indicating pronounced infiltration and inflows.

4.4.4 Recommended Peaking Factors

The peaking factors used in this study are summarized in Table 4.1. The PWWF with 500 gpd/ac to account for I/I governs the sizing of the collection system.

Table 4.1 Wastewater Peaking Factors
Sewer System Study
City of Banning

Flow Condition	Factor
PDWF(1)	1.7 * ADWF
PWWF - at WWTP(2)	2.5 * ADWF
PWWF - in Collection System(3)	PDWF + 500 gpd/ac (I/I)

(1) Per Figure 4.1: PDWF/ADWF = 4.8/2.8 = 1.7
(2) Per Figure 4.1: PWWF/ADWF = 7.1/2.8 = 2.5
(3) Per Figure 4.1: Maximum Flow Increase = 2.3 mgd. I/I = 2.6 mgd/4,900 acres (per Table 2.1) = 470 gpd/ac. This is rounded to 500 gpd/ac.

4.5 Pipeline Capacity Equations

Sewer pipe capacities are dependent on many factors. These include roughness of the pipe, the chosen maximum allowable depth of flow, and limiting velocity and slope. The Continuity equation and the Manning equation for steady-state flow are used for gravity sewer hydraulic calculations:

Continuity Equation: $Q = V * A$

Where: Q = peak flow (cfs)
V = velocity (fps)
A = cross-sectional area of pipe (ft^2)

Manning Equation: $V = (1.486 R^{2/3} S^{1/2})/n$

Where: V = velocity (fps)
n = Manning's coefficient of friction
R = hydraulic radius or area divided by wetted perimeter (ft)
S = slope of pipe (feet per foot)

4.5.1 Manning Coefficient (n)

The Manning coefficient 'n' is a friction coefficient and varies with respect to pipe material, size of pipe, depth of flow, smoothness of joints, root intrusion, and other factors. For sewer pipes, the Manning coefficient typically ranges between 0.011 and 0.017, with 0.013 being a representative value used for system master planning purposes. For this project, 0.013 will be used as the default value.

4.5.2 Velocity

A standard design practice for gravity sewer design is to maintain a minimum velocity of 2 fps when a sewer pipeline is half-full. At this velocity, the sewer flow will typically provide self-cleaning or scouring of sewage solids that have settled in pipes during low flow conditions. Due to the hydraulics of a circular conduit, velocity of half-full flow in pipes approaches the velocity of nearly full flow in pipes. All new pipelines should be designed such that the scouring velocity of 2 fps is achieved on a daily basis. Thus, new sewer pipelines should be designed with a minimum slope to meet this velocity.

Force mains should be sized to provide a pipeline velocity of between 2.0 to 6.5 fps.

4.5.3 Slopes

The minimum recommended pipeline slopes are listed in Table 4.2. The slopes shown in Table 4.2 are recommended for pipes with peak flows close to design capacity. Steeper slopes may be required for pipelines with lower peak flows. In any case, slopes should not be steep enough to allow for velocities that exceed 10 fps.

Table 4.2 Minimum Recommended Slopes for Circular Gravity Pipes Sewer System Study City of Banning		
Pipe Diameter (in)	**Minimum Slope (ft/ft)**	**Pipe Velocity (fps)**
8	0.0040	2.19
10	0.0030	2.20
12	0.0024	2.22
15	0.0017	2.17
18	0.0014	2.22
21	0.0011	2.18
24	0.0010	2.28

Source: 1994 City of Banning Sewer Maser Plan [1].
Note: All slopes are based on pipelines flowing half full (d/D = 0.5) at 2 fps.

4.5.4 Flow Depth Criteria

When designing sewer pipelines, it is common practice to adopt variable flow depth criteria for various pipe sizes. This criterion is expressed as a maximum depth of flow to pipe diameter ratio (d/D). Design d/D ratios typically range from 0.5 to 0.92, with the lower values typically used for smaller pipes since smaller pipes may experience flow peaks greater than planned or may experience blockages from debris, paper, or rags. A design d/D ratio of 0.75 is typically used for designing new gravity sewer pipes in the City.

Utilizing a d/D ratio of 0.75 for analysis purposes may lead to premature or unnecessary replacement of existing pipelines. Therefore, a d/D ratio of 0.92 will be utilized to evaluate City's existing trunk system, while a d/D ratio of 0.75 will be utilized for designing the future trunk system and evaluating existing pipelines equal or smaller than 12-inch in diameter. The criteria used in this study to determine whether pipes have sufficient conveyance capacity are listed in Table 4.3.

Table 4.3 Maximum Depth to Pipe Diameter Ratio Sewer System Study City of Banning	
Pipe Diameter (in)	**Maximum d/D Ratio (during PWWF)**
12 and smaller - existing pipelines	0.75
15 or larger - existing pipelines	0.92
15 or larger - new pipelines	0.75

To minimize the settlement of sewage solids, it is standard practice in the design of gravity sewers to specify that a minimum velocity of 2 feet per second (fps) be maintained when the pipeline is at design capacity. At this velocity, the sewer flow will typically provide self-

cleaning for the pipe. Due to hydraulics of a circular conduit, velocity of half-full flow in pipes approaches the velocity of nearly full flow in pipes.

4.5.5 Pipeline Sizing

All new gravity sewer pipelines should be sized to meet the d/D ratio and velocity criteria as mentioned above. Pipeline sizes are based on the City's standard diameters as listed in Table 4.4. As shown in Table 4.3, the smallest pipeline considered is 8-inches in diameter.

For locations where pipeline sizes change, and smaller sewer mains join a larger diameter sewer main, the invert of the larger sewer will be lowered sufficiently to maintain the same energy gradient. An approximate method for securing these results is to place the 0.8 depth point of both sewers at the same elevation. For master planning purposes, and in the absence of field data, sewer crowns will be matched at the manholes.

Table 4.4 Standard Pipeline Sizes
Sewer System Study
City of Banning

Pipe Diameter	Type Size
8 inches	Standard Size
10 inches	Standard Size
12 inches	Standard Size
15 inches	Standard Size
18 inches	Standard Size
21 inches	Standard Size
24 inches	Standard Size
30 inches	Non-standard Size(1)
33 inches	Standard Size
36 inches	Standard Size

(1) As the City has 30-inch diameter trunk mains, this size is proposed for future recommendations. However, the comparable standard size would be 31-inch diameter.

4.6 Pumping Capacity Criteria

Lift stations consist of pumps used to raise wastewater flows to higher elevation to continue gravity flow at reasonable pipe slopes and depths. Pump capacities should be sufficient to pump peak flow rates, such as the PWWF, experienced in the sewer system. Pumps with capacities less than anticipated peak flow rates are considered deficient.

Lift stations should also be able to handle the PWWF with the largest unit out of service to allow temporary outage of pumps and repairs. Standby power is recommended for all lift

stations. These criteria do not apply to the Caltrans LS, as the wet well at this LS can accommodate a long duration of wastewater flows.

4.7 Cost Estimating Assumptions

4.7.1 Cost Index

Cost estimates presented in this study are based on the current engineering and news record (ENR) cost index for the Los Angeles metropolitan area of 8,547 published in June, 2006. Future adjustments of cost estimates presented in this report can be estimated by increasing the estimated capital cost by the ratio of the future ENR to 8,547.

4.7.2 Unit Cost

The cost estimates presented in this report are based on the assumptions and unit construction costs listed in Table 4.5.

Table 4.5 Cost Estimating Assumptions
Sewer System Study
City of Banning

Category	Description	Assumption
Pipelines	***Diameter (inches)***	***Unit Cost ($/lineal ft)***
	8	$ 180
	10	$ 196
	12	$ 201
	15	$ 223
	18	$ 242
	21	$ 290
	24	$ 320
	27	$ 408
	30	$ 491
	33	$ 539
	36	$ 588
Lift Stations	***Capacity (hp)***	***Unit Cost ($/hp)***
	<50	$ 10,000
	50-100	$ 7,500
Land Acquisition	***Area (acres)***	***Unit Cost ($/acre)***
	All	$350,000

Table 4.5	Cost Estimating Assumptions (Continued) Sewer System Study City of Banning	
Category	**Description**	**Assumption**
Other Items	***Category***	***Construction Cost***
	Abandonment of LS	$100,000 (lump sum)
	Wastewater Treatment	$3,200,000 ($/mgd)
	Tertiary treatment	$1,000,000 ($/mgd)
Mark-ups	***Category***	***Mark-up (%)***
	Contingency	30% of Capital Cost
	Engineering, Design and Construction Mgmt	15% of Capital Cost + Contingency
	Legal and Administration	10% of Capital Cost +
Amortization	***Category***	***Unit***
	Depreciation period	30 years
	Interest	5 %

Land acquisition cost estimates are included for lift stations and satellite wastewater treatment plants. Lift stations are assumed to require 0.5 acres per facility, while the Pardee and Loma Linda satellite plants are assumed to require 2.0 and 1.0 acres, respectively. Capital costs do not include pipeline corridor purchases or easement costs because it was assumed that public ROW will be utilized wherever possible.

5.0 MODEL DEVELOPMENT

5.1 Model Methodology

The sewer model was created using the City's preliminary geographical information system (GIS) that is being prepared for the City during the development of this study (2005-2006). All sewer gravity mains and force mains were imported in H_2OMAP Sewer Suite Version 6. After the sewer pipelines were imported, model junctions were automatically created for all pipeline begin and end points to connect all sewer pipelines according to the connectivity presented in the City's GIS.

The pipeline diameters, manhole diameters, invert elevations, slope, pipeline material, manhole diameter, rim elevations, inlet elevations, and manhole depth were imported from the GIS into the model database, where available. The number of GIS records and the available data is summarized in Table 5.1.

Table 5.1 Model and GIS summary Sewer System Study City of Banning

System Component	No. of Records Total	No. of Records with data	Percent of Records with Data
Pipelines			
Diameter	2,314	2,307	100%
Length	2,314	1,745	75%
Inlet Elevation	2,314	1,725	75%
Outlet Elevation	2,314	1,802	78%
Slope(1)	2,314	1,742	75%
Material	2,314	2,306	100%
Manholes			
Diameter	1,726	1,517	88%
Rim Elevation	1,726	1,489	86%
Inlet Elevation	1,726	1,468	85%
Depth	1,726	1,470	85%

(1) Slopes with values equal or smaller than 1.000000 are considered not valid.

As shown in Table 5.1, approximately 25 percent of the pipeline data related to the pipeline slope (length, invert elevations, and slope) was missing in the GIS. Assumptions were made to complete the model pipeline database. Additional database fields were added to keep track of which pipelines include data that was input manually, obtained from as-built

drawings, or obtained from adjacent pipelines. The missing inverts were populated using one of the following methodologies:

- Use of invert from adjacent (upstream or downstream) pipeline;
- Use of depth and ground elevation of manholes. The manhole depth was obtained from City as-built drawings, where available and ground elevation of manholes were allocated from the City's 5-ft interval ground elevation contours;
- Use of ground elevation of manholes only. For manholes located on missing as-built drawings, a depth of 10 foot was assumed as initial value to calculate the invert elevation.
- Use of linear interpolation of inverts from adjacent pipelines.
- Use of the GIS slope values to calculate the upstream and downstream inverts.

After the pipeline network database was completely populated, the lift stations were input with the system controls, and connected to the sewer force mains. The pump curves of the lift stations were input based on manufacturer's data, where available, and information provided by City staff during field visits.

Once the model included all facilities, the sewer loads were allocated to all manholes to run the model and evaluate the pipeline profiles. Evaluation of these profile drawings showed that the City's GIS includes multiple vertical datums. As the research of datums and adjustment of GIS data is beyond the scope of this project, a number of "drop manholes" were created, to allow downstream flow throughout the sewer system, without the modification of a large number of GIS values.

It is recommended that the City update the model database with the final GIS data, once all GIS data is verified. The different vertical datums should be populated so that a common datum can be chosen and used to calculate the corrected elevations. If needed, the City should conduct surveys in the areas where pipeline profiles do not follow a continuous downhill pattern.

5.2 Collection System

The City's collection system consists of approximately 108 miles of 4-inch through 30 inch diameter sewers and includes four sewage lift stations and associated force mains as shown in Figure 5.1. All sewer pipelines flow by gravity with the exception of the force main. The "backbone" of the system consists of the trunk sewers, generally 15-inches in diameter and larger, that convey the collected wastewater flows to the City's WWTP.

The sewer system pipeline characteristics that are included in the model are summarized in Table 5.2. As listed in Table 5.2, the sewer model includes 115 miles of sewer mains, ranging from 4-inch to 30-inch in diameter. It should be noted that the model includes both

existing sewer mains and some future sewer main expansions; hence, the total length of model pipelines exceeds the existing sewer main length.

Table 5.2 Model Pipeline Characteristics Sewer System Study City of Banning

Pipeline Diameter (in)	Gravity Mains (mi)	Force Mains (mi)	Total Mains (mi)
4	0.1	1.0	1.1
6	6.4	0.4	6.8
8	85.0	0.0	85.0
10	1.0	0.2	1.2
12	8.6	0.0	8.6
15	8.6	0.0	8.6
18	1.2	0.0	1.2
21	3.3	0.0	3.3
24	0.1	0.0	0.1
30	0.4	0.0	0.4
Total	**114.6**	**0.6**	**115.2**

Note: Total lengths include all existing and some future sewer mains that are part of the sewer model.

5.2.1 Gravity System

The majority of the City's collection system is a gravity flow system consists of 6-inch and 8-inch diameter sewer mains. The most common sewer main material is VCP, however other materials such as Asbestos Cement and PVC pipelines are also present in the City's collections system. The most common pipeline size is 8-inches, representing to approximately 75 percent of the sewer collection system.

5.2.2 Pressurized System

While the majority of the City's collection system flows by gravity, a small portion (0.5 percent) of the City's sewer collection system is pressurized. The discharge piping from each of the lift stations is under pressure from the lift station pumps to the highest point in the pump discharge piping. Throughout the entire sewer system, approximately 0.6 miles of force mains exists and ranges from 4 inches to 10 inches in diameter. The majority of the force mains are CI and PVC pipe.

5.2.3 Lift Stations

The City's sewer collection system includes four active lift stations. In addition, two lift stations have been abandoned. The characteristics of the active lift stations are summarized in Table 5.3, while their locations are shown on Figure 5.1.

Table 5.3 Lift Station Summary Sewer System Study City of Banning				
Name	**Intersection Location**	**No. of Pumps**	**Design Flow (gpm)**	**Design Head (ft)**
Sun Lakes LS No. 1	Southwest of Riviera Av. and Crenshaw Cir.	2	210	100
Sun Lakes LS No. 2	South of Breckenridge Ave. and Myrtle Beach Dr.	2	135	60
Westward LS	1000 ft west of Sunset Ave. and Westward Ave.	3	1200 (2x) 900 (1x)	40
Caltrans LS	1400 ft east of Hathaway St. and Westward Ave.	1	180	50

5.2.4 Wastewater Treatment Plants

The wastewater plant, located near the intersection of Scott Street and Charles Street, is modeled as a system outlet with an elevation of 2100 ft msl. All sewer flows in the model will drain to this outlet, with the exception of scenarios that include satellite plants.

5.3 Wastewater Load Allocation

To distribute the wastewater flow in the model, the collection system was evaluated and 23 drainage basins, or subbasins were identified. These subbasins are shown on Figure 5.2.

The estimated wastewater flow within each subbasin was evenly distributed among the number of manholes that fall within each subbassin. Model nodes connected to lift stations and force mains were excluded from wastewater flow allocation.

The total wastewater flow of each subbasin was estimated based on a combination of the area of each land use type, the equivalent residential units (ERUs), and the estimated percent development of each subbasin. An average wastewater flow rate of 153 gpd/ERU (2.6 ppl/du * 59 gpd/cap) was based on the calibration of the actual wastewater flows, population, and land use mix in the City.

For example, the average wastewater flow for a 25 acre subbasin that consists of 15 acres of MDR, 5 acres of HDR, and 5 acres of commercial land use, and that is approximately 80 percent developed, is estimated as follows:

MDR: 80 % * 15 acres * 4 ERU/ac * 153 gpd/ERU = 7,344 gpd

LDR: 80 % * 5 acres * 3 ERU/ac * 153 gpd/ERU = 1,836 gpd

COM: 80% * 5 acres * 10 ERU/ac * 153 gpd/ERU = 6,120 gpd

Total: 15,300 gpd or 10.63 gpm

Figure 5.1 Existing Sewer Collection System

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If this subbasin contains 20 manholes, then the average sewer load per manhole is 0.531 gpm under ADWF conditions. This sewer load allocation method was used for existing conditions and build out ADWF conditions.

5.3.1 Existing System

The existing average day wastewater flow is approximately 2.8 mgd. The percent build out of the 23 subbasins under existing conditions was estimated using the aerial coverage of the City as presented in Figure 2.1. Subbasins 1, 6, 7, 14, and 23 are used for future sewer loads only, and therefore the percent developed of these subbasins was set as zero. The percent developed of the remaining subbasins was estimated to range from 10 percent to 100 percent. The number of manholes of the remaining subbasins ranged from 5 to 385 per subbasin. The total wastewater flow of 1,967 gpm (2.83 mgd) was distributed over 1911 manholes that are part of the existing system model scenario, with flows ranging from 0.32 to 4.94 gpm per manhole.

5.3.2 Model Calibration

The average day wastewater flow during the week of model calibration (July 10 - July 16) was 2.4 mgd. The wastewater flows in the model were allocated by applying a uniform scaling factor of 0.863 to the existing system sewer flows.

5.3.3 Year 2030

The average day wastewater flow for year 2030 is approximately 8.2 mgd. The percent build out of the 23 subbasins for year 2030 was adjusted to match the projected wastewater flows. Subbasins 1, 6, 7, 14, and 23 represent the five new development areas, and are all assumed to be 100 percent developed by year 2030. The percent developed of the remaining subbasins was estimated to range from 90 percent to 100 percent. The number of manholes of the 23 subbasins ranged from 1 to 385 per subbasin. The total wastewater flow of 5,694 gpm (8.2 mgd) was distributed over 1924 manholes that are part of the year 2030 model scenario, with flows ranging from 0.9 to 285 gpm per manhole.

5.4 Model Calibration

The Banning sewer model was calibrated to establish a level of confidence in the flows that it simulates. The calibrated model serves as an established benchmark for further analysis and evaluation.

Calibration is complicated by the fact that some data are known and unchanging; some are variable over time, while others are estimated. Pipe and manhole information such as diameter, lengths, slopes, and location are typically known and can usually be verified with as-built drawings of the City's sewer collection system. Flow data obtained from the WWTP records and from flow-monitoring vary with time of day, season, and total number of

customers. The City's model was calibrated for the flows recorded during the temporary flow-monitoring conducted in July 2006.

5.4.1 Flow Monitoring

The locations of the five flow monitors used to collect calibration data were selected such that portions of the City's collection system could be isolated for model calibration purposes. The locations are depicted on Figure 5.2 and described in Table 5.4. As shown on this figure, all flow monitors were installed south of Interstate 10 to isolate portions of the City's sewer collection system connected to large diameter trunk lines that convey wastewater in an easterly direction to the Banning WWTP.

Table 5.4 Flow Monitoring Locations
Sewer System Study
City of Banning

Flow Meter ID	Location	Nearest Intersection	Pipe Size (inches)
No. 1	Northern inlet to the WWTP.	Scott St. and Charles St.	18
No. 2	Southern inlet to the WWTP.	Scott St. and Charles St.	30
No. 3	Northern inlet into 21" main along Westward Av.	Westward Av. and 4th St.	15
No. 4	Western inlet into 21" main along Westward Av.	Westward Av. and 22nd St.	21
No. 5	Northern inlet into 21" main along Westward Av.	Westward Av. and 22nd St.	12

The flow monitoring results are summarized in Table 5.5, while details are included in Appendix C. The data presented in Table 5.5, which is also used for the model calibration, is based on the average values in the week of July 10 through July 16. The monitoring data for the previous week were disregarded due to a malfunctioning flow meter.

Table 5.5 Flow Monitoring Data Summary
Sewer System Study
City of Banning

Flow Meter ID	Max Flow (gpm)	Min Flow (gpm)	Average Flow (gpm)	Peak/Ave Ratio
No. 1	1,013	0	416	2.4
No. 2	4,582	487	1,281	3.6
No. 3	145	35	83	1.7
No. 4	1,342	331	788	1.7
No. 5	275	12	126	2.2

Figure 5.2 Tributary Areas and Monitoring Locations

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5.4.2 Calibration Methodology

The model was calibrated by comparing the average flows of the field data with the average flows predicted by the model over a 24-hour period. To produce stable wastewater flows at the WWTP inlet, the model was run for 3 days or 72 hours to account for the affect of attenuation. The average flow of the last 24-hour of the model run was calculated for each of the flow monitoring locations and compared with the field results. The following adjustments were made to match the field and model results:

- Adjustments of percent build out for each subbasin
- Adjustments of initial levels in the wet wells
- Adjustments of initial status of the lift station pump units
- Adjustments of lift station pump operating points
- Input of flow split ratios at critical manholes with multiple outlets

5.4.3 Calibration Results

The model calibration results are summarized in Table 5.6. As shown in this table, the predicted average flows in the model are within five (5) percent of the field data for four (4) of the monitoring locations, while one location shows a difference of 21 percent. It should be noted that the accuracy of the field measurements is likely not more than 10 percent. Hence, these results are satisfactory, and the model is considered calibrated.

Table 5.6 Model Calibration Results
Sewer System Study
City of Banning

Flow Meter ID	Average Flow in Field (gpm)	Average Flow in Model (gpm)	Average Flow Difference (gpm)	Average Flow Difference (%)
No. 1	416	423	7	2%
No. 2	1,281	1,215	-67	-5%
No. 3	83	85	2	3%
No. 4	788	620	-168	-21%
No. 5	126	120	-7	-5%

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6.0 COLLECTION SYSTEM ANALYSIS

6.1 Evaluation Methodology

The calibrated hydraulic sewer model was used for the evaluation of the City's collection system. The following scenarios were evaluated:

- Existing System under Peak Dry Weather Flow (PDWF) conditions
- Existing System under Peak Wet Weather Flow (PWWF) conditions
- Future System under Peak Dry Weather Flow (PDWF) conditions
- Future System under Peak Wet Weather Flow (PWWF) conditions

The future system is defined as the collection system with extensions to serve the five new developments and the projected wastewater flows of year 2030. The future system also includes recommended improvements to address the existing system deficiencies, where applicable.

The PWWF conditions are modeled by adding a second wastewater flow to the PDWF for all model nodes to account for an average I/I of 500 gpd/acre [4], which corresponds to approximately 1 percent inflow of a 2-inch rainfall event in 24 hours. As discussed in Section 4, this amount of I/I is consistent with the City's historical wastewater flow increase during wet weather events.

The hydraulic model is ran for a 48-hour (2-day) extended period simulation to allow sufficient time to balance the wastewater flows throughout the collection system for the affect of flow attenuation. The model results are evaluated for the peak hours of the second day, which mostly occurs between 7 and 10 am (simulation hours 31 through 34), depending on the proximity to the WWTP.

The predicted values of d/D are used to identify pipelines where the depth in existing pipelines exceeds the available capacity, or where d/D is equal or greater than 0.92 (flowing full). New pipelines are sized such that d/D does not exceed 0.75. These and other evaluation criteria are described in more detail in Section 5.

6.2 Existing Collection System Analysis

6.2.1 Evaluation Conditions

The existing system model is run for two flow conditions, PDFW and PWWF. The average flow under PDWF conditions is 2.83 mgd. Based on a combined drainage area of the existing system subbasins (Figure 4.2) of 6,700 acres and an average I/I of 500 gpd/ac, the

total wet weather inflow is estimated to be 3.3 mgd. Hence, the PWWF modeled for the existing system evaluation is 6.2 mgd.

6.2.2 System Deficiencies

The deficiencies identified with the existing sewer collection system are summarized in Table 6.1. As shown in this table, the only system deficiencies occur during wet weather conditions. The ID's of these deficiencies are indicated with a prefix EWD (Existing Wet Weather Deficiency). The locations of these deficiencies are shown on Figure 6.1.

Table 6.1 Existing System Deficiencies
Sewer System Study
City of Banning

Deficiency ID	Model Pipe ID	Pipeline Location	Pipe Length (ft)	Pipe Size (in)	Design Flow[1] (gpm)	Peak Flow (gpm)	d/D ratio
Peak Dry Weather Flow Conditions							
n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Peak Wet Weather Flow Conditions							
EWD-1	1558	Ramsey Street between Omar Street and 15" trunkline.	80	8	310	552	>1
EWD-2	2019	From Wesley St. to the WWTP inlet	870	30	4,410	4,221	>1

(1) Design Flow or Capacity is based on a design velocity of 2 fps.
(2) This diameter needs to be verified, as the upstream pipeline is 12-inch in diameter. This deficiency would not exist, if this pipeline diameter is also 12-inches.

6.2.3 Recommendations

The recommended system improvements that address the identified deficiencies are summarized in Table 6.2 and are depicted on Figure 6.2. The ID's of the recommended projects for existing system improvements are indicated with a prefix EP (Existing Project).

Figure 6.1 Existing System and Future System Deficiencies

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Figure 6.2 Existing and Future System Recommendations

INSERT 11by17

As shown in Table 6.2, the deficient pipelines can either be paralleled or replaced with a larger pipeline. Both diameters are indicated in Table 6.2. It is recommended that the City conduct condition assessments for the pipeline segments that are identified as deficient to decide which method is most suitable for the project location. The cost estimates presented in the CIP are all typically based on pipeline replacements, as this provides a more conservative estimate for planning.

Table 6.2 Existing System Recommendations
Sewer System Study
City of Banning

Project ID	Pipeline Location	Pipeline Length (ft)	Parallel Pipeline Size (in)	Replacement Pipeline Size (in)
EP-1	Wesley St. between Hathaway St. and WWTP inlet	1,600	21-inch	36-inch(1)
EP-2	Ramsey St. between Omar St. and 15-inch trunk line on Ramsey	100	8-inch(2)	12-inch(2)

(1) Replacement of existing 30-inch diameter trunk line is not recommended. This main is assumed to remain in place in the CIP.
(2) The existing diameter (8") needs to be verified, as the upstream pipeline is 12-inch in diameter. This deficiency would not exist, if this pipeline diameter is also 12-inches.

It should be noted that one of the recommended projects, project EP-2, is a relatively short pipeline improvement, which typically would not be included in a sewer system study. This improvement is to avoid surcharging near the intersection of Ramsey Street and Omar Street, just north of Interstate 10, where flow from Omar Street merges into the 15-inch diameter trunk sewer that flows to the Westward Lift Station. If temporary surcharging is acceptable, this improvement could be given a lower priority and installed later than other system improvements. It is recommended that this deficiency be confirmed in the field during wet weather flows.

6.3 Future Collection System Analysis

6.3.1 Evaluation Conditions

The existing system model is run for two future flow conditions of year 2030, PDFW and PWWF. The average future flow under PDWF conditions is projected to be 8.2 mgd. Based on a combined drainage area of the future system subbasins (Figure 4.2) of 10,900 acres and an average I/I of 500 gpd/ac, the total wet weather inflow is estimated to be 5.4 mgd. Hence, the PWWF modeled for the future system evaluation is 13.6 mgd.

The future model includes the recommended pipelines that are needed to address the existing system deficiencies as listed in Table 6.2. In addition, pipelines required to collect the wastewater flows from the new developments were added to the model. Specific plans

were used, where available, to input the proposed pipeline alignments and diameter. The model was used to confirm these sizes and evaluate alternate routes.

6.3.2 System Deficiencies

The deficiencies identified with the future sewer collection system are summarized in Table 6.3 and Table 6.4. As shown in these tables, the majority of the system deficiencies occur during wet weather conditions. The ID's of the deficiencies are indicated with a prefix FDD (Future Dry Weather Deficiency) or a prefix FWD (Future Wet Weather Deficiency). The locations of these deficiencies are shown on Figure 6.1.

6.3.3 Recommendations

The recommended system improvements that address the identified deficiencies are summarized in Table 6.5 and are depicted on Figure 6.2. The ID's of the recommended projects for future system improvements are indicated with a prefix FP (Future Project).

As shown in Table 6.2, the deficient pipelines can either be paralleled or replaced with a larger pipeline. Both diameters are indicated in Table 6.4. It is recommended that the City conduct condition assessments for the pipeline segments that are identified as deficient to decide which method is most suitable for the project location. The cost estimates presented in the CIP are all typically based on pipeline replacements, as this provides a more conservative estimate for planning.

Table 6.5 also lists a number of projects that were considered as part of this sewer system study but are not included in the proposed CIP. Based on discussions with City staff it was determined that these projects, (FP-1, FP-2, and FP-4) are cost prohibitive and not desired due to the crossing with the Interstate 10, the railroad, the three streams and the related environmental issues. These projects are also depicted in grey in Figure 6.2. These projects were replaced with projects FP-14 and FP-15.

As listed in Table 6.2, it is recommended that Westward LS be abandoned. This recommendation was based on discussions with City staff. This lift station can be bypassed with the new gravity main (FP-3) along Crossroads Parkway between Sunlakes Boulevard and the new sewer main along Bobcat Road (FP-12).

To serve the new developments east of the WWTP, some gravity mains (FP-18 and FP-19), a new lift station (FP-17) and a force main (FP-20) are recommended. These facilities are sized to convey up to 90 percent of the development in tributary areas 21 and 22 (see Figure 5.2), which includes the area north of Interstate 15 and east of Hathaway Street. The projected ADWF for the lift station is approximately 450 gpm, while the projected PWWF is estimated at 680 gpm. When this station is sized for wet weather conditions with a lift of 150 feet, the capacity of this 1.0 mgd station is about 40 hp.

Table 6.3 Future System Deficiencies - Peak Dry Weather Conditions
Sewer System Study
City of Banning

Defi-ciency ID	Model Pipe ID	Pipeline Location	Pipeline Length (ft)	Pipeline Size (in)	Design Flow[(1)] (gpm)	Peak Flow (gpm)	d/D ratio
FDD-1	2839	Highland Home Rd. between Springs View Dr. and Ramsey St.	334	12	710	1,476	>1.0
	1522	Highland Home Rd. between Springs View Dr. and Ramsey St.	10	12	710	1,482	>1.0
FDD-2	1228	Highland Home Rd. between Springs View Dr. and Ramsey St.	351	15	1,100	2,403	>1.0
FDD-3	1220	Transmission Main to Westward LS from Ramsey Street & I-10	396	15	1,100	2,295	>1.0
	1221	Transmission Main to Westward LS from Ramsey Street & I-10	396	15	1,100	2,292	>1.0
	1544	Transmission Main to Westward LS from Ramsey Street & I-10	348	15	1,100	2,290	>1.0
	1545	Transmission Main to Westward LS from Ramsey Street & I-10	332	15	1,100	2,287	>1.0
	1547	Transmission Main to Westward LS from Ramsey Street & I-10	196	15	1,100	2,283	>1.0
FDD-4	3362	Hathaway St. between Barbour St. and Charles St.	665	8	310	946	>1.0
	3377	Hathaway St. between Barbour St. and Charles St.	703	8	310	936	>1.0
FDD-5	3394	Hathaway St. between I-10 and Lincoln St.	690	8	310	875	>1.0
FDD-6	2049	From Porter St (700 ft east of Hathaway St) to Wesley St.	544	30	4,410	6,226	>1.0
	2050	From Porter St (700 ft east of Hathaway St) to Wesley St.	138	30	4,410	6,215	>1.0
FDD-7	2019	From Wesley St. to the WWTP inlet	424	30	4,410	6,216	>1.0
	2020	From Wesley St. to the WWTP inlet	451	30	4,410	6,204	>1.0
	2021	From Wesley St. to the WWTP inlet	456	30	4,410	6,216	>1.0
	2051	From Wesley St. to the WWTP inlet	228	30	4,410	6,219	>1.0
FDD-8	3435	Sunset Av. between Jacinto View Rd. and Ramsey St.	709	8	310	736	>1.0

(1) Design Flow or Capacity is based on a design velocity of 2 fps.

Table 6.4 Future System Deficiencies - Peak Wet Weather Conditions
Sewer System Study
City of Banning

Deficiency ID	Model Pipe ID	Pipeline Location	Pipeline Length (ft)	Pipeline Size (in)	Design Flow[(1)] (gpm)	Peak Flow (gpm)	d/D ratio
FWD-1	1250	Between I-10 and Westward LS, N/O Westward Ave.	20	15	1,100	3,187	>1.0
	1254	Between I-10 and Westward LS, N/O Westward Ave.	36	15	1,100	4,287	>1.0
FWD-2	1546	Transmission Main to Westward LS from Ramsey Street & I-10	489	15	1,100	3,164	>1.0
FWD-3	3363	Hathaway St. between I-10 and Barbour St.	718	8	310	1,066	>1.0
FWD-4	2047	From Porter St (700 ft east of Hathaway St) to Wesley St.	172	24	2,820	8,161	>1.0
	2048	From Porter St (700 ft east of Hathaway St) to Wesley St.	433	24	2,820	8,164	>1.0
FWD-5	1165	Sunset Av. between Wilson St. and W. George St.	448	8	310	1,236	>1.0
FWD-6	112	Sunset Av. between Nicolet St. and Jacinto View Rd.	432	8	310	1,291	>1.0
FWD-7	2032	Porter St between Old Banning Iddylwild Rd. and Hargrave St.	374	21	2,160	6,696	>1.0
FWD-8	2036	Porter St between Old Banning Iddylwild Rd. and Hargrave St.	411	21	2,160	6,727	>1.0
	2037	Porter St between Old Banning Iddylwild Rd. and Hargrave St.	411	21	2,160	6,723	>1.0
FWD-9	2624	Highland Home Rd. between Wilson St. and Spring View Dr.	173	12	710	1,937	>1.0
FWD-10	1553	Ramsey St. between Highland Home Rd. and Omar St.	346	12	710	2,345	>1.0
	1554	Ramsey St. between Highland Home Rd. and Omar St.	205	12	710	2,335	>1.0
	1555	Ramsey St. between Highland Home Rd. and Omar St.	346	12	710	2,350	>1.0
	1556	Ramsey St. between Highland Home Rd. and Omar St.	165	15	1,100	2,494	>1.0
	1573	Ramsey St. between Highland Home Rd. and Omar St.	346	12	710	2,339	>1.0
FWD-11	1241	Westward Ave. between Highland Home Rd. and Westward LS	389	12	710	1,115	>1.0
	1249	Westward Ave. between Highland Home Rd. and Westward LS	381	12	710	1,114	>1.0
FWD-12	1240	Westward Ave. between Highland Home Rd. and Westward LS	396	12	710	1,104	>1.0
	1244	Westward Ave. between Highland Home Rd. and Westward LS	346	12	710	1,105	>1.0
	1245	Westward Ave. between Highland Home Rd. and Westward LS	346	12	710	1,107	>1.0
	1246	Westward Ave. between Highland Home Rd. and Westward LS	356	12	710	1,108	>1.0
	1247	Westward Ave. between Highland Home Rd. and Westward LS	36	12	710	1,109	>1.0
FWD-13	2058	22nd St. between Jefferson St. and Westward Ave.	390	12	710	1,695	>1.0
FWD-14	1981	Westward Ave. between 22nd St. and 18th St.	219	21	2,160	4,792	>1.0
FWD-15	1995	Westward Ave. between 22nd St. and 18th St.	390	18	1,590	4,821	>1.0
FWD-16	1558	Inters. of Ramsey St. and Omar St. N/O 15" on Ramsey St.	80	8	310	722	>1.0

(1) Design Flow or Capacity is based on a design velocity of 2 fps.

Table 6.5 Future Collection System Recommendations Sewer System Study City of Banning				
Project ID	**Pipeline Location**	**Pipeline Length (ft)**	**Parallel Size (in)**	**Replacement Size (in)**
FP-1[(1)]	Highland Home Rd. between Ramsey St. and Sunlakes Dr.	3,500	15	n/a
FP-2[(1)]	Highland Home Rd. Sunlakes Dr. and Bobcat Rd.	3,500	15	n/a
FP-3	Crossroads Pkwy between Westward LS and Bobat Rd.	3,500	15	n/a
FP-4[(1)]	Bobcat Rd. between Highland Home Rd. and Sunset Ave.	4,000	15	n/a
FP-5	Highland Home Rd. N/O Wilson St.	1,500	15	n/a
FP-6	Wilson St. W/O Highland Home Rd.	2,000	15	n/a
FP-7	Sunset Ave. between Wilson St. and Ramsey Ave.	2,300	12	n/a
FP-8	Hathaway St. between I-10 and Charles St.	3,000	8	n/a
FP-9	From intersection of Porter St. & Hathaway St. to Wesley St.	1,400	24	n/a
FP-10	From Wesley St. to WWTP[(2)]	1,600	24	n/a
FP-11	Sunset Ave. from Black Bench to Wilson St.	23,500	12	n/a
FP-12	Bobcat Rd. from Sunset Ave. to Old Banning Iddylwild Rd.	11,500	21	n/a
FP-13	Abandonment of Westward LS	n/a	n/a	n/a
FP-14	From the Intersection of Wilson and Highland Homes Rd to the intersection of Ramsey St and Sunset Ave, via Wilson St, Omar St, Ramsey St, and following the easement of the 2 abandoned 8" sewer mains.	7,200	15	n/a
FP-15	Sunset Ave from Ramsey St to 1,300 ft south of Westward Ave.	4,300	15	n/a
FP-16	Westward Ave from Highland Home Rd to the abandoned Westward Lift Station (FP-13).	4,300	12	n/a
FP-17	New Lift Station, 0.5 miles east of the WWTP	n/a	n/a	n/a
FP-18	Crossing under Interstate 15 along Cottonwood Drive	700	10	n/a
FP-19	Cottonwood Drive from Interstate 15 to Westward Av	3,600	10	n/a
FP-20	Westward Avenue from the new lift station (FP-17) to the WWTP (force main) via Scott St and Charles St.	4,000	10	n/a

(1) These projects are replaced in the CIP by projects FP-14, FP-15, and upsizing of FP-12).
(2) Project FP-10 (30-inch diameter parallel pipeline) replaces project EP-1 (21-inch diameter parallel pipeline).

6.4 Future Treatment System Analysis

The projected growth in the City will increase the total wastewater flow that needs to be treated beyond the capacity of the existing Banning WWTP. As discussed in Section 3, there are several options to increase the City's WWTP treatment capacity. The alternatives investigated in this study are:

1) Expansion of the Banning WWTP

2) Expansion of the Banning WWTP and the construction of a new Satellite Plant that would treat wastewater from the Pardee development.

3) Expansion of the Banning WWTP and the construction of a new Satellite Plant that would treat wastewater from the Loma Linda and Black Bench developments.

4) Expansion of the Banning WWTP and the construction of two new Satellite Plants that would treat wastewater from the Pardee, Loma Linda and Black Bench developments.

The conveyance improvements required for each of these four alternatives are determined with the hydraulic sewer model and presented in this subsection. It should be noted that this analysis was performed with the system configuration that included project FP-1, FP-2, and FP-4 and did not include project FP-14 and FP-15. As the comparison study presented in this section still provides a relative scoring of each option, the analysis was not repeated with the modified system configuration as presented in the CIP that eliminated the routing via Highland Home Road to Bobcat Road for cost and environmental considerations.

6.4.1 Alternative 1 - WWTP Expansion Only

The system recommendations that are required to convey all the projected dry and wet weather wastewater flows to the Regional WWTP are presented in Tables 6.2 and 6.5.

6.4.2 Alternative 2 - One Satellite Plant for Pardee

The construction of a satellite wastewater treatment plant that would treat all wastewater flows from the Pardee development would decrease the City's wastewater flow under PDWF and PWWF conditions by 1.4 and 2.1 mgd, respectively. Due to this wastewater flow reduction, the following improvements that are required for centralized treatment at the Banning WWTP (Alternative 1) could be reduced in size or eliminated:

- FP-1: Eliminated
- FP-2: Reduced from 15-inch to 12-inch diameter
- FP-4: Reduced from 15-inch to 12-inch diameter
- FP-9: Reduced from 24-inch to 21-inch diameter
- FP-10: Reduced from 30-inch to 24-inch diameter
- FP-12: Reduced from 21-inch to 18-inch diameter

6.4.3 Alternative 3 - One Package Plant for Loma Linda and Black Bench

The construction of a satellite wastewater treatment plant that would treat all wastewater flows from the Loma Linda and Black Bench developments would decrease the City's wastewater flow under PDWF and PWWF conditions by 0.7 and 1.5 mgd, respectively.

Due to this wastewater flow reduction, the following improvements that are required for centralized treatment at the Banning WWTP (Alternative 1) could be reduced in size or eliminated:

- FP-7: Eliminated
- FP-9: Reduced from 24-inch to 21-inch diameter
- FP-10: Reduced from 30-inch to 24-inch diameter

6.4.4 Alternative 4 - Two Package Plants

The construction of a satellite wastewater treatment plant that would treat all wastewater flows from the Pardee, Loma Linda and Black Bench developments would decrease the City's wastewater flow under PDWF and PWWF conditions by 2.1 and 3.6 mgd, respectively. Due to this wastewater flow reduction, the following improvements that are required for centralized treatment at the Banning WWTP (Alternative 1) could be reduced in size or eliminated:

- FP-1: Eliminated
- FP-2: Reduced from 15-inch to 12-inch diameter
- FP-4: Reduced from 15-inch to 12-inch diameter
- FP-7: Eliminated
- FP-9: Reduced from 24-inch to 18-inch diameter
- FP-10: Reduced from 30-inch to 21-inch diameter
- FP-12: Partially reduced from 21-inch to 18-inch diameter

6.4.5 Recommendations

The capital cost estimates of the conveyance systems for the four alternatives are summarized in Table 6.6. Based on a depreciation period of 30 years, 5 percent interest, and an average treatment capacity of 7.9 mgd, the overall unit cost of treatment and collection system improvements are estimated. These unit costs are presented in Table 6.1. As shown in this table, the unit cost range from $1,169/mgd to $1,251/mgd.

Table 6.6 Alternatives Comparison Sewer System Study City of Banning				
Capital Cost Component	**Alt. 1 WWTP only**	**Alt.2 Pardee SP**	**Alt. 3 Loma Linda SP**	**Alt. 4 Two SPs**
Treatment[1] ($million)	$29.9	$34.8	$37.3	$42.0
Collection ($million)	$23.9	$20.9	$22.6	$20.0
Recycled Water[2] ($million)	$0.0	$0.8	($2.8)	($4.4)
Total ($million)	**$53.8**	**$56.6**	**$57.1**	**$57.6**
Capital Cost ($million/yr)	$3.5	$3.7	$3.7	$3.7
Unit Cost[3] ($/mgd)	**$1,169**	**$1,230**	**$1,241**	**$1,251**

(1) Tertiary treatment and the potential expansion of the solids handling facilities are not included.
(2) Based on the incremental recycled water system cost compared to Alternative 1 per Table 6.4 of RWMP [3]
(3) Based on a 30-year depreciation period of 30, 5 percent interest, and AWF of 7.9 mgd.

Based on this unit cost comparison, it can be concluded that Alternative 1 is the most cost-effective. However, the difference in capital and unit cost is not significant as it only varies +/- 3 percent from the average capital and unit cost. Other considerations are therefore more important and should determine if package plants are beneficial for the City. These other considerations include, but are not limited to:

- Land acquisition opportunities and constraints
- Odor control at the influent and effluent of the Satellite Plants
- Traffic related to hauling of solids to the Banning WWTP
- Additional staffing requirements for the Satellite Plants
- Appearance of satellite plants in residential areas
- Environmental issues
- Political factors

Based on these other considerations it is unknown at this time if the construction of satellite plants for the new developments will be implemented. Due to the uncertainties associated with the satellite plants it was decided to plan for the alternative with the most extensive conveyance improvements, Alternative 1, which consists of centralized wastewater treatment and the expanded regional WWTP. By planning for this alternative, the proposed collection system can accommodate all treatment alternatives, with and without satellite plants. The associated treatment plant recommendations are summarized in Table 6.7.

Table 6.7 Future Treatment System Recommendations Sewer System Study City of Banning		
Project ID	**Pipeline Location**	**Capacity (mgd)**
FP-21	WWTP Stage 1 expansion from 3.6 mgd to 5.1 mgd.	1.5
FP-22	Tertiary treatment of 5.1 mgd	5.1
FP-23	WWTP Stage 2 expansion from 5.1 mgd to 6.7 mgd	1.6
FP-24	Tertiary treatment expansion from 5.1 mgd to 6.7 mgd	1.6
FP-25	WWTP Stage 3 expansion from 6.7 mgd to 8.2 mgd	1.5
FP-26	Tertiary treatment expansion from 6.7 mgd to 8.2 mgd	1.5

6.5 Recommended System Configuration

The recommended sewer system consists of a conveyance system that is sized to treat all the existing and projected wastewater flows under dry and wet weather conditions at the Banning WWTP. The WWTP would need to be expanded by 4.6 mgd to a capacity of the projected average DWF of 8.2 mgd for year 2030. In addition, 8.2 mgd of tertiary treatment capacity would need to be installed and all pipeline improvements, as listed in Table 6.2 and Table 6.5, need to be implemented.

The phasing of these improvements, the cost estimates per project, and the phasing and allocation of the estimated cost are presented in the Capital Improvement Program, which is discussed in Section 7.

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7.0 CAPITAL IMPROVEMENT PLAN

The objective of this Section is to present the City's sewer system capital improvement program (CIP). This CIP consists of the phasing, cost estimates, and the allocation of project cost for the recommended improvements as defined in Section 6. The purpose of this CIP is to provide the City with a guideline for the planning and budgeting of its sewer system.

It should be noted that the model used for this Sewer System Study was created from preliminary GIS data, which has been further checked and updated since the start of the project. Based on the connectivity, elevation, and invert data issues encountered during the model creation and calibration (see Section 5), it is highly recommended that:

- The hydraulic model is updated with the new GIS data, when available;
- The updated model is re-calibrated under dry and wet weather conditions;
- All deficiencies and recommendations presented in study be verified with the updated calibrated model
- The CIP presented in this section is updated with the findings from these model verification runs.

7.1 Phasing of Improvements

The recommended improvements are divided into two development stages, Phase 1 and Build Out. The phasing of the improvements is summarized in Table 7.1 and graphically presented on Figure 7.2. As shown in Table 7.1 and Figure 7.2, the majority of the sewer system improvements are included in Phase 1.

Table 7.1 Sewer System Improvements - Phasing Sewer System Study City of Banning				
Project ID	**Project Description**	**Length (ft)**	**Size (in)**	**Phase**
Pipeline Improvements				
EP-2	Ramsey St. betw. Omar St. and 15-inch trunk line on Ramsey	100	8	1
FP-3	Crossroads Pkwy between Westward LS and Bobat Rd.	3,500	15	1
FP-5	Highland Home Rd. N/O Wilson St.	1,500	15	1
FP-6	Wilson St. W/O Highland Home Rd.	2,000	15	1
FP-7	Sunset Ave. between Wilson St. and Ramsey Ave.	2,300	12	2
FP-8	Hathaway St. between I-10 and Charles St.	3,000	8	1
FP-9	From intersection of Porter St. & Hathaway St. to Wesley St.	1,400	24	2
FP-10	From Wesley St. to WWTP (replaces EP-1)	1,600	30	2
FP-11	Sunset Ave. from Black Bench to Wilson St.	23,500	12	1
FP-12	Bobcat Rd. from Sunset Ave. to Old Banning Iddylwild Rd.	11,500	21	1
FP-14	From the Intersection of Wilson and Highland Homes Rd to the intersection of Ramsey St and Sunset Ave, via Wilson St, Omar St, Ramsey St, and following the easement of the 2 abandoned 8” sewer mains.	7,200	15	1
FP-15	Sunset Ave from Ramsey St to 1,300 ft south of Westward Ave.	4,300	15	1
FP-16	Westward Ave from Highland Home Rd to the abandoned Westward Lift Station (FP-13).	4,300	12	2
FP-18	Crossing under Interstate 15 along Cottonwood Drive	700	10	2
FP-19	Cottonwood Drive from Interstate 15 to Westward Av	3,600	10	2
FP-20	Westward Avenue from the new lift station (FP-17) to the WWTP (force main) via Scott St and Charles St.	4,000	10	2
Other Improvements		**Size**	**Unit**	
FP-13	Abandonment of Westward LS	4.8	mgd	2
FP-17	New LS east of the WWTP (40 hp)	1.0	mgd	2
FP-21	WWTP Stage 1 expansion from 3.6 mgd to 5.1 mgd.	1.5	mgd	1
FP-22	Tertiary treatment of 5.1 mgd	5.1	mgd	1
FP-23	WWTP Stage 2 expansion from 5.1 mgd to 6.7 mgd	1.6	mgd	1
FP-24	Tertiary treatment expansion from 5.1 mgd to 6.7 mgd	1.6	mgd	1
FP-25	WWTP Stage 3 expansion from 6.7 mgd to 8.2 mgd	1.5	mgd	2
FP-26	Tertiary treatment expansion from 6.7 mgd to 8.2 mgd	1.5	mgd	2

Figure 7.1 Phasing of Proposed Sewer System Improvements

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7.2 Cost Estimates

The estimated construction cost and total capital cost are summarized by Phase in Table 7.2. These cost estimates are based on the unit cost assumptions listed in Table 4.5.

The distribution of the estimated capital cost for the proposed system for year 2030 conditions is graphically presented in Figure 7.2.

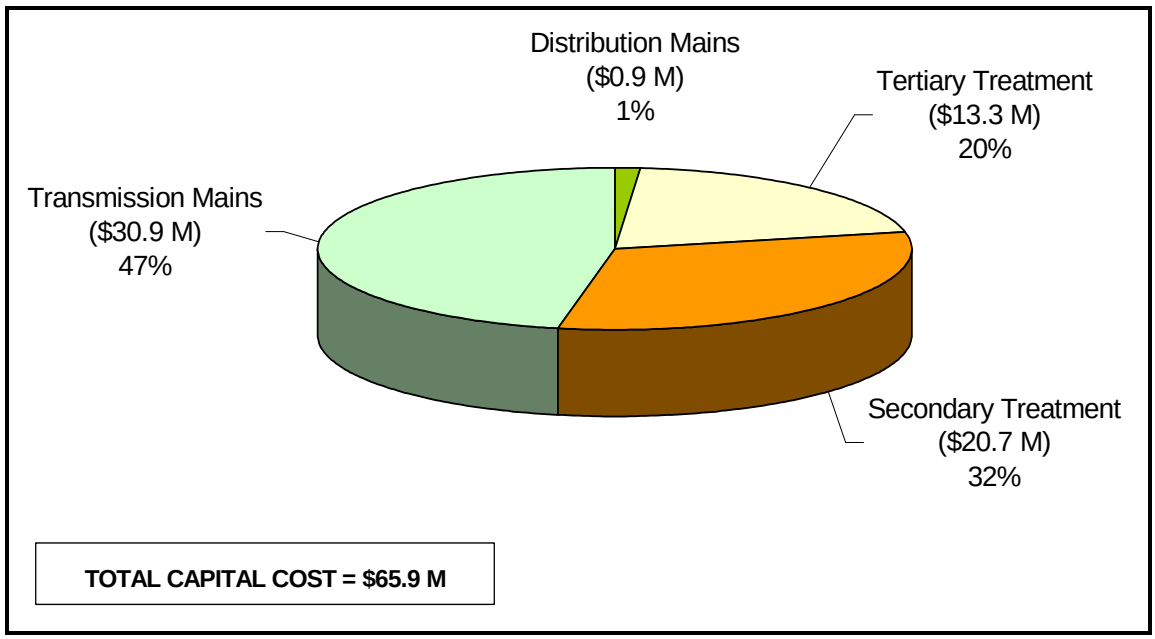


Figure 7.2 Distribution of Estimated Capital Cost

It should be noted that these cost estimates and the information presented in this CIP is based on the assumption that all projected wastewater flows will be treated at the Banning WWTP, which would require an expansion to a capacity of 8.2 mgd. However, as stated in Section 6.4, the difference in capital and unit cost between centralized treatment and the use of satellite plants is not significant. Other considerations are therefore more important and should determine if package plants are beneficial for the City. If these other considerations, such as land availability, make the use of satellite plants favorable, certain collection system improvements listed in this CIP can be reduced in size or avoided. The project changes per alternative are also described in Section 6.4.

Table 7.2 Sewer System Improvements - Cost Estimates
Sewer System Study
City of Banning

Project ID	Project Description	Length (ft)	Size (in)	Unit Cost ($/lf)	Construction Cost ($)	Contingency ($)	Mark-ups[(1)] ($)	Capital Cost ($)
Conveyance Improvements								
EP-2	Ramsey St. between Omar St. and 15-inch main on Ramsey	100	12	$201	$21,000	$7,000	$7,000	$35,000
FP-1	Highland Home Rd. between Ramsey St. and Sunlakes Dr.	3,500	15	$223	$781,000	$235,000	$254,000	$1,270,000
FP-2	Highland Home Rd. Sunlakes Dr. and Bobcat Rd.	3,500	15	$223	$781,000	$235,000	$254,000	$1,270,000
FP-3	Crossroads Pkwy between Westward LS and Bobat Rd.	3,500	15	$223	$781,000	$235,000	$254,000	$1,270,000
FP-4	Bobcat Rd. between Highland Home Rd. and Sunset Ave.	4,000	15	$223	$892,000	$268,000	$290,000	$1,450,000
FP-5	Highland Home Rd. N/O Wilson St.	1,500	15	$223	$335,000	$101,000	$109,000	$545,000
FP-6	Wilson St. W/O Highland Home Rd.	2,000	15	$223	$446,000	$134,000	$145,000	$725,000
FP-7	Sunset Ave. between Wilson St. and Ramsey Ave.	2,300	12	$201	$463,000	$139,000	$151,000	$753,000
FP-8	Hathaway St. between I-10 and Charles St.	3,000	8	$180	$540,000	$162,000	$176,000	$878,000
FP-9	From intersection of Porter St. & Hathaway St. to Wesley St.	1,400	24	$320	$448,000	$135,000	$146,000	$729,000
FP-10	From Wesley St. to WWTP (replaced EP-1)	1,600	24	$320	$512,000	$154,000	$167,000	$833,000
FP-11	Sunset Ave. from Black Bench to Wilson St.	23,500	12	$201	$4,724,000	$1,418,000	$1,536,000	$7,678,000
FP-12	Bobcat Rd. from Sunset Ave. to Old Banning Iddylwild Rd.	11,500	21	$290	$3,335,000	$1,001,000	$1,084,000	$5,420,000
FP-14	From the Intersection of Wilson and Highland Homes Rd to the intersection of Ramsey St and Sunset Ave.	7,200	15	$223	$1,606,000	$482,000	$522,000	$2,610,000
FP-15	Sunset Ave from Ramsey St to 1,300 ft south of Westward Ave.	4,300	15	$223	$959,000	$288,000	$312,000	$1,559,000
FP-16	Westward Ave from Highland Home Rd to the abandoned Westward Lift Station (FP-13).	4,300	12	$201	$865,000	$260,000	$282,000	$1,407,000
FP-18	Crossing under Interstate 15 along Cottonwood Drive	700	10	$196	$138,000	$42,000	$45,000	$225,000
FP-19	Cottonwood Drive from Interstate 15 to Westward Av	3,600	10	$196	$706,000	$212,000	$230,000	$1,148,000
FP-20	Westward Avenue from the new lift station (FP-17) to the WWTP (force main) via Scott St and Charles St.	4,000	10	$196	$784,000	$236,000	$255,000	$1,275,000
Subtotal Conveyance Improvements		***85,500***	***n/a***	***n/a***	***19,117,000***	***5,744,000***	***6,219,000***	***31,080,000***

Table 7.2 Sewer System Improvements - Cost Estimates (Continued)
Sewer System Study
City of Banning

Project ID	Project Description	Length (ft)	Size (in)	Unit Cost ($/lf)	Construction Cost ($)	Contingency ($)	Mark-ups[1] ($)	Capital Cost ($)
Other Improvements		**Size**	**Size**	**Unit**	**($/mgd)**			
FP-13	Abandonment of Westward LS	4.8	mgd	LS	$100,000	n/a	n/a	$100,000
FP-17	New Lift Station, 0.5 miles east of the WWTP	1	mgd	$400,000	$400,000	$120,000	$130,000	$650,000
FP-21	WWTP Stage 1 expansion from 3.6 mgd to 5.1 mgd.	1.5	mgd	$3,200,000	$4,800,000	$1,440,000	$1,560,000	$7,800,000
FP-22	Tertiary treatment of 5.1 mgd	5.1	mgd	$1,000,000	$5,100,000	$1,530,000	$1,658,000	$8,288,000
FP-23	WWTP Stage 2 expansion from 5.1 mgd to 6.7 mgd	1.6	mgd	$3,200,000	$5,120,000	n/a	n/a	$5,120,000
FP-24	Tertiary treatment expansion from 5.1 mgd to 6.7 mgd	1.6	mgd	$1,000,000	$1,600,000	$480,000	$520,000	$2,600,000
FP-25	WWTP Stage 3 expansion from 6.7 mgd to 8.2 mgd	1.5	mgd	$3,200,000	$4,800,000	$1,440,000	$1,560,000	$7,800,000
FP-26	Tertiary treatment expansion from 6.7 mgd to 8.2 mgd	1.5	mgd	$1,000,000	$1,500,000	$450,000	$488,000	$2,438,000
Subtotal Other Improvements		***18.6***	***mgd***	***n/a***	***$23,420,000***	***$5,460,000***	***$5,916,000***	***$34,796,000***
GRAND TOTAL		**n/a**	**n/a**	**n/a**	**$42,537,000**	**$11,204,000**	**$12,135,000**	**$65,876,000**

7.3 Phasing of Project Cost

The phasing of cost by project type is summarized in Table 7.3.

Table 7.3 Phasing of Sewer System CIP
Sewer System Study
City of Banning

System Component	Phase 1 ($ million)	Phase 2 ($ million)	Total ($ million)
Distribution	$0.9	$0.0	$0.9
Transmission	$21.3	$9.7	$30.9
Secondary Treatment	$12.9	$7.8	$20.7
Tertiary Treatment	$10.9	$2.4	$13.3
Total	**$46.0**	**$19.9**	**$65.9**

Appendix A
References

[1] NBS Lowry, *Sewer Master Plan* prepared for the City of Banning, March 1994.

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[11] *Black Bench Specific Plan*

[12] Douglas Wood & Associates, S*pecific Plan/Environmental Impact Report for Banning Bench*, August 2004.

[13] PSOMAS, SB610/221 *Water Supply Assessment and Verification Report*. Prepared for the Sunset Crossroad Project from Lennar Communities. June 28, 2005.

[14] City of Banning, *City of Banning Profile* - Economic Development Section of the City's website. http://www.ci.banning.ca.us/default.asp?page=61, October, 2006.

[15] Wildermuth Environmental, Inc., 2005 *Urban Water Management Plan* - prepared for the City of Banning, December 2005.

Appendix B
Wastewater Flow Projections

PHASE 1 BUILDOUT (NEXT 10 YEARS)

Black Bench Development (SunCal)

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Residential								
PA 1	20.0	4.4	88	2.9	255	----------	90	22,968
PA-2	14.6	4.6	67	2.9	195	----------	90	17,529
PA-3	27.7	3.5	97	2.9	281	----------	90	25,304
PA-4	23.2	3.9	90	2.9	262	----------	90	23,615
PA-18	25.4	3.3	84	2.9	243	----------	90	21,877
Total - Residential	**111**		**426**		**1,237**			**111,293**
Total	**111**				**1,237**			**111,293**

BDS (South of I-10)

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Residential	140	1.2	173	2.9	502		90	45,148
Total - Residential	**140**		**173**		**502**			**45,148**
Total	**140**				**502**			**45,148**

Five Bridges Development (Lennar)

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Residential								
7,200 SF Minimum	8	3 - 5	28.7	2.9	83	-------	90	7,482
7,000 SF Minimum	9	3 - 5	35.0	2.9	102	-------	90	9,135
6,600 SF Minimum	27	3 - 5	113.3	2.9	329	-------	90	29,580
6,000 SF Minimum	25	3 - 5	112.3	2.9	326	-------	90	29,319
5,000 SF Minimum	27	5 - 7	149.3	2.9	433	-------	90	38,976
4,000 SF Minimum	12	6 - 8	80.0	2.9	232	-------	90	20,880
Garden Courts	4	8 - 10	31.7	2.9	92	-------	90	8,265
Townhomes	11	11 - 18	169.7	2.9	492	-------	90	44,283
Total - Residential	**122**		**720**		**2,088**			**187,920**
Total	**122**				**2,088**			**187,920**

Pardee Development (Pardee Homes)

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Residential								
PA-1A	4	4.4	18	2.9	52	----------	90	4,708
PA-1B	6	5.3	30	2.9	87	----------	90	7,829
PA-1C	17	5.0	85	2.9	246	----------	90	22,152
PA-2	28	4.1	114	2.9	329	----------	90	29,642
PA-3	25	11.4	285	2.9	827	----------	90	74,385
PA-4	20	4.6	91	2.9	263	----------	90	23,652
PA-5	16	4.9	79	2.9	230	----------	90	20,718
PA-6	17	4.5	78	2.9	226	----------	90	20,319
PA-7	25	5.3	133	2.9	384	----------	90	34,583
Total - Residential	**158**		**912**		**2,644**			**237,988**
Public - Medium Volume								
Golf Course Clubhouse	5.4	----------	----------	----------	----------	1,500	----------	8,100
Total - Public Medium Volume	**5.4**							**8,100**
Total	**163**				**2,644**			**246,088**

Loma Linda Development

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Residential								
1	4	4.00	18	2.9	51		90	4,569
2	8	5.25	42	2.9	123		90	11,053
3	10	4.25	42	2.9	121		90	10,871
4	4	4.25	16	2.9	46		90	4,178
5	9	4.25	36	2.9	105		90	9,429
6	7	5.25	36	2.9	106		90	9,500
7	9	5.25	45	2.9	131		90	11,830
8	4	5.50	23	2.9	65		90	5,886
9	8	7.25	57	2.9	165		90	14,823
Total - Residential	**62**		**315**		**913**			**82,138**
Total	**62**				**913**			**82,138**
GRAND TOTAL	**598**				**7,383**			**672,588**

Appendix

ULTIMATE BUILDOUT (NEXT 20 YEARS)

Black Bench Development (SunCal)

	Land Area Acres	Density DU/Acre	Total No. DU	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Public - Medium Volume								
5A	13.1	-------	-------	-------	-------	1,500	-------	19,650
Total - Public Medium Volume	**13.1**							**19,650**
Residential Area								
PA 1	20.0	4.4	88	2.9	255	----------	90	22,968
PA-2	14.6	4.6	67	2.9	195	----------	90	17,529
PA-3	27.7	3.5	97	2.9	281	----------	90	25,304
PA-4	23.2	3.9	90	2.9	262	----------	90	23,615
PA-6	29.6	4.8	142	2.9	412		90	37,083
PA-7	25.4	4.3	109	2.9	317		90	28,506
PA-8	16.8	4.6	77	2.9	224		90	20,170
PA-9	21.3	4.2	89	2.9	259		90	23,349
PA-10	27.6	2.5	69	2.9	200		90	18,009
PA-11	48.5	2.2	107	2.9	309		90	27,849
PA-12	38.2	1.6	61	2.9	177		90	15,952
PA-13	30.4	1.8	55	2.9	159		90	14,282
PA-14	70.7	2.3	163	2.9	472		90	42,441
PA-15	35.5	1.7	60	2.9	175		90	15,751
PA-16	12.5	3.8	48	2.9	138		90	12,398
PA-17	23.7	3.9	92	2.9	268		90	24,124
PA-18	25.4	3.3	84	2.9	243	----------	90	21,877
Total - Residential	**491.1**		**1,499**		**4,347**			**391,208**
Total	**504.2**				**4,347**			**410,858**

Five Bridges Development (Lennar)

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Public - Medium Volume								
Fire Station	2.4	-------	-------	-------	-------	1,500	-------	3,600
Total - Public Medium Volume	**2.4**							**3,600**
Commercial	36.8	-------	-------	-------	-------	1,500	-------	55,200
Total - Commercial	**36.8**							**55,200**
Residential Area								
7,200 SF Minimum	22.8	3 - 5	86	2.9	249	-------	90	22,446
7,000 SF Minimum	27.2	3 - 5	105	2.9	305	-------	90	27,405
6,600 SF Minimum	79.5	3 - 5	340	2.9	986	-------	90	88,740
6,000 SF Minimum	74.7	3 - 5	337	2.9	977	-------	90	87,957
5,000 SF Minimum	81.5	5 - 7	448	2.9	1,299	-------	90	116,928
4,000 SF Minimum	36.8	6 - 8	240	2.9	696	-------	90	62,640
Garden Courts	10.5	8 - 10	95	2.9	276	-------	90	24,795
Townhomes	32.1		509	2.9	1,476	-------	90	132,849
Total Residential	**365.1**		**2,160**		**6,264**			**563,760**
Total	**404.3**				**6,264**			**622,560**

BDS (South of I-10)

	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
Residential	372.12	1.3	481	2.9	1,395		90	125,580
Total - Residential	**372.12**		**481**		**1,395**			**125,580**
Total	**372.12**				**1,395**			**125,580**

Pardee Development (Pardee Homes)

Residential Area	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gpd/Acre	WW Factor gpcd	Total WW Flow gpd
1	27	5.7	154	2.9	447	----------	90	40,194
4	19.6	5.0	98	2.9	284	----------	90	25,578
6	16.3	5.4	88	2.9	255	----------	90	22,968
8	25.8	4.3	111	2.9	322	----------	90	28,971
11	26.8	8.0	214	2.9	621	----------	90	55,854
14	15.2	5.4	82	2.9	238	----------	90	21,402
17	41.7	5.7	238	2.9	690	----------	90	62,118
18	19.5	5.0	98	2.9	284	----------	90	25,578
21	17.3	5.4	93	2.9	270	----------	90	24,273
22	10.9	5.0	55	2.9	160	----------	90	14,355
24	24.7	4.0	99	2.9	287	----------	90	25,839
26	33.4	8.0	267	2.9	774	----------	90	69,687
Appendix	22	8.0	176	2.9	510	----------	90	45,936
30	26	5.0	130	2.9	377	----------	90	33,930
31	19.6	4.0	78	2.9	226	----------	90	20,358
33	18.6	4.3	80	2.9	232	----------	90	20,880
35	23.7	8.0	190	2.9	551	----------	90	49,590
36b	20.8	5.4	112	2.9	325	----------	90	29,232
37	37.3	5.7	213	2.9	618	----------	90	55,593
39	24.5	8.0	196	2.9	568	----------	90	51,156
40	19.1	5.7	109	2.9	316	----------	90	28,449
42	39.7	5.4	214	2.9	621	----------	90	55,854
44	26.4	5.4	143	2.9	415	----------	90	37,323
45	55.1	5.4	298	2.9	864	----------	90	77,778
46	28.9	4.3	124	2.9	360	----------	90	32,364
47	26.9	4.0	108	2.9	313	----------	90	28,188
49	51.4	5.0	257	2.9	745	----------	90	67,077
50	45.8	5.8	266	2.0	532	----------	90	47,880
52	33.5	4.4	147	2.0	294	----------	90	26,460
53	19.5	4.4	86	2.0	172	----------	90	15,480
55	21.9	5.4	118	2.0	236	----------	90	21,240
58	23.8	5.8	138	2.0	276	----------	90	24,840
60	21.4	4.4	94	2.0	188	----------	90	16,920
61	20.8	4.4	92	2.0	184	----------	90	16,560
62	28	5.4	151	2.0	302	----------	90	27,180
64	19.8	5.4	107	2.0	214	----------	90	19,260
Total - Residential	**952.7**		**5,224**		**14,071**			**1,266,345**

ULTIMATE BUILDOUT (NEXT 20 YEARS)								
Pardee Development (Pardee Homes) (Continued)								
Commercial								
3	12.9	----------	----------	----------	----------	1,500	----------	19,350
9	22.7	----------	----------	----------	----------	1,500	----------	34,050
Total - Commercial	**35.6**							**53,400**
Public - Medium Volume								
16	1.9					1,500	----------	2,850
12	6.6	----------	----------	----------	----------	1,500	----------	9,900
36a	6	----------	----------	----------	----------	1,500	----------	9,000
65	8	----------	----------	----------	----------	1,500	----------	12,000
Total - Public Medium Volume	**22.5**							**33,750**
Public - Low Volume (Recreational)								
7	4.8	----------	----------	----------	----------	1,000	----------	4,800
59	5	----------	----------	----------	----------	1,000	----------	5,000
Total - Public Low Volume	**9.8**							**9,800**
Total	**1,021**				**14,071**			**1,363,295**
Loma Linda Development								
	Land Area Acres	Density DU/Acre	Total No. DUs	Pop. Per DU	Total Population	WW Factor gal. Per acre	WW Factor gpcd	Total WW Flow gpd
Residential Area								
1	13.1	4.00	53	2.9	152		90	13,708
2	24.2	5.25	127	2.9	368		90	33,160
3	29.4	4.25	125	2.9	362		90	32,612
4	11.3	4.25	48	2.9	139		90	12,535
5	25.5	4.25	108	2.9	314		90	28,286
6	20.8	5.25	109	2.9	317		90	28,501
7	25.9	5.25	136	2.9	394		90	35,489
8	12.3	5.50	68	2.9	196		90	17,657
9	23.5	7.25	170	2.9	494		90	44,468
Total - Residential	**186.0**		**944**		**2,738**			**246,415**
Commercial Area								
10	10	----------	----------	----------	----------	1,500	----------	15,000
12	1.7	----------	----------	----------	----------	1,500	----------	2,550
Total - Commercial	**11.7**							**17,550**
Public - Medium Volume Area								
11	6.2	----------	----------	----------	----------	1,500	----------	9,300
Total - Public Medium Volume	**6.2**							**9,300**
Public - Low Volume Area								
13	3	----------	----------	----------	----------	1,000	----------	3,000
14	1	----------	----------	----------	----------	1,000		1,000
Total - Public Low Volume	**4**							**4,000**
Total	**207.9**				**2,738**			**277,265**
GRAND TOTAL	**2,509**				**28,815**			**2,799,558**

Note: wastewater flow factors are the same factors as those used in the City's 1994 Sewer Master Plan.

Appendix C
Flow Monitoring Data

Flow Monitoring Site 1

Date	Time	Max level (ft)	Min level (ft)	Max flow (gpm)	Min flow (gpm)	Ave flow (gpm)	Volume (gal)	Total flow (gal)
7/3/2006	9AM - 9PM	0.385	-0.491	856	0	560	400450	400450
7/3/2006	9PM - 9AM	0.334	-0.261	644	0	323	231720	632180
7/4/2006	9AM - 9PM	0.373	-0.141	803	0	568	407370	1039550
7/4/2006	9PM - 9AM	0.346	-0.06	694	0	358	256640	1296190
7/5/2006	9AM - 9PM	0.371	-0.145	795	0	531	388760	1684960
7/5/2006	9PM - 9AM	0.352	-0.133	717	0	353	259660	1944620
7/6/2006	9AM - 9PM	0.372	-0.166	801	0	520	377850	2322470
7/6/2006	9PM - 9AM	0.344	-0.314	684	0	349	254040	2576520
7/10/2006	9AM - 9PM	0.358	-0.188	742	0	426	304950	305030
7/10/2006	9PM - 9AM	0.337	-0.164	657	0	321	232450	537490
7/11/2006	9AM - 9PM	0.360	-0.176	748	0	436	310950	848440
7/11/2006	9PM - 9AM	0.318	-0.459	584	0	316	229740	1078180
7/12/2006	9AM - 9PM	0.320	-0.178	593	0	433	317320	1395510
7/12/2006	9PM - 9AM	0.361	-0.165	741	0	356	257890	1653410
7/13/2006	9AM - 9PM	0.353	-0.169	721	0	505	357680	2011090
7/13/2006	9PM - 9AM	0.403	-0.385	938	0	441	318530	2329630
7/14/2006	9AM - 9PM	0.419	-0.187	1013	0	562	402370	2732000
7/14/2006	9PM - 9AM	0.338	-0.242	661	0	345	249900	2981900
7/15/2006	9AM - 9PM	0.354	-0.161	726	0	464	335680	3317580
7/15/2006	9PM - 9AM	0.349	-0.247	706	0	349	253290	3570870
7/16/2006	9AM - 9PM	0.354	-0.164	676	0	489	354780	3925650
7/16/2006	9PM - 9AM	0.346	-0.260	693	0	379	272200	4797870
		MAX/MIN/AVE		**1013**	**0**	**427**		

Flow Monitoring Site 2

Date	Time	Max level (ft)	Min level (ft)	Max flow (gpm)	Min flow (gpm)	Ave flow (gpm)	Volume (gal)	Total flow (gal)
7/3/2006	9AM - 9PM	2.514	0.722	4005	1061	1541	1106280	1106280
7/3/2006	9PM - 9AM	1.204	0.459	2735	428	765	551980	1658260
7/4/2006	9AM - 9PM	1.341	0.693	3280	980	1465	1055980	2714250
7/4/2006	9PM - 9AM	1.208	0.443	2753	399	831	598870	3313120
7/5/2006	9AM - 6PM	1.297	0.699	3103	996	1386	750370	4063490
7/7/2006	10AM - 9PM	1.239	0.710	2873	1027	1358	913420	4976910
7/7/2006	9PM - 9AM	1.170	0.450	2605	412	847	609730	5586640
7/8/2006	9AM - 9PM	1.546	0.707	4102	1017	1421	1024440	6611080
7/8/2006	9PM - 9AM	1.287	0.446	3065	405	833	600280	7211370
7/9/2006	9AM - 9PM	1.770	0.729	4958	1082	1602	1155720	8367090
7/9/2006	9PM - 9AM	1.688	0.461	4655	433	1070	770870	9137960
7/10/2006	9AM - 9PM	1.669	0.754	4582	1155	1619	1167850	10305810
7/10/2006	9PM - 9AM	1.263	0.489	2971	487	1011	729320	11035130
7/11/2006	9AM - 9PM	1.245	0.736	2899	1101	1477	1065140	12100280
7/11/2006	9PM - 9AM	1.049	0.497	2144	505	945	681640	12781930
7/12/2006	9AM - 9PM	1.347	0.738	3307	1107	1422	1025420	13807350
7/12/2006	9PM - 9AM	1.115	0.496	2391	502	1005	724810	14532160
7/13/2006	9AM - 9PM	1.339	0.724	3274	1068	1542	1111990	15644160
7/13/2006	9PM - 9AM	1.298	0.513	3107	537	1182	852920	16497090
7/14/2006	9AM - 9PM	1.327	0.762	3225	1177	1525	1099280	17596370
7/14/2006	9PM - 9AM	1.432	0.517	3648	547	1025	738790	18335160
7/15/2006	9AM - 9PM	1.302	0.760	3124	1172	1552	1118870	19454040
7/15/2006	9PM - 9AM	1.261	0.503	2963	517	944	680360	20134410
7/16/2006	9AM - 9PM	1.548	0.756	4110	1161	1659	1196530	21330940
7/16/2006	9PM - 9AM	1.156	0.507	2551	524	1031	744160	22075100
		MAX/MIN/AVE		**4958**	**399**	**1242**		

Flow Monitoring Site 3

Date	Time	Max level (ft)	Min level (ft)	Max flow (gpm)	Min flow (gpm)	Ave flow (gpm)	Volume (gal)	Total flow (gal)
7/3/2006	10AM - 10PM	1.568	0.200	7292	78	128	77480	77480
7/5/2006	10AM - 10PM	0.276	0.201	152	79	110	80570	178130
7/5/2006	10PM - 10AM	0.252	0.147	126	41	79	57920	236060
7/6/2006	10AM - 10PM	0.253	0.202	127	80	107	77980	314040
7/6/2006	10PM - 10AM	0.255	0.135	130	34	75	54950	369000
7/7/2006	10AM - 10PM	0.255	0.196	129	75	101	73870	442870
7/7/2006	10PM - 10AM	0.265	0.139	139	36	74	54070	496950
7/8/2006	10AM - 10PM	0.267	0.190	142	71	100	72870	569820
7/8/2006	10PM - 10AM	0.265	0.122	140	28	71	52190	622010
7/9/2006	10AM - 10PM	0.264	0.198	139	77	103	75020	697040
7/9/2006	10PM - 10AM	0.258	0.146	133	41	72	52860	749900
7/10/2006	10AM - 10PM	0.254	0.195	128	75	99	72080	821990
7/10/2006	10PM - 10AM	0.246	0.135	121	35	68	50080	872070
7/11/2006	10AM - 10PM	0.248	0.180	122	63	95	69660	941730
7/11/2006	10PM - 10AM	0.243	0.143	117	39	69	50550	992280
7/12/2006	10AM - 10PM	0.248	0.176	122	60	95	69740	1062030
7/12/2006	10PM - 10AM	0.255	0.147	129	41	70	51270	1113310
7/13/2006	10AM - 10PM	0.251	0.187	125	69	98	71570	1184880
7/13/2006	10PM - 10AM	0.252	0.144	126	40	71	52020	1236900
7/14/2006	10AM - 10PM	0.249	0.177	123	61	95	69100	1306010
7/14/2006	10PM - 10AM	0.259	0.147	133	41	70	51420	1357430
7/15/2006	10AM - 10PM	0.255	0.166	130	53	96	70710	1428140
7/15/2006	10PM - 10AM	0.268	0.140	143	37	66	48610	1476760
7/16/2006	10AM - 10PM	0.270	0.173	145	58	101	73610	1550370
7/16/2006	10PM - 10AM	0.244	0.140	118	37	68	49720	1600100
		MAX/MIN/AVE		**152**	**28**	**87**		

Flow Monitoring Site 4

Date	Time	Max level (ft)	Min level (ft)	Max flow (gpm)	Min flow (gpm)	Ave flow (gpm)	Volume (gal)	Total flow (gal)
7/3/2006	10AM - 10PM	0.5853	0.4677	1236	802.3	949.9	684290	694350
7/3/2006	10PM - 10AM	0.6234	0.1160	1398	374.3	769.7	554770	1249130
7/4/2006	10AM - 10PM	0.5881	0.4296	1255	673.3	904.6	651840	1900970
7/4/2006	10PM - 10AM	0.5976	0.3050	1285	340.0	740.0	533170	2434150
7/5/2006	10AM - 10PM	0.5909	0.4700	1245	813.6	930.5	670420	3104570
7/7/2006	10AM - 10PM	0.5787	0.4540	1225	756.2	899.0	636090	5195710
7/7/2006	10PM - 10AM	0.6163	0.3396	1369	416.2	777.8	560470	5756190
7/8/2006	10AM - 10PM	0.6142	0.3692	1351	499.9	678.2	488870	6245060
7/8/2006	10PM - 1AM	0.4092	0.3332	593.1	407.5	492.4	86270	6331340
7/10/2006	11AM - 10PM	0.5440	0.4065	1060	612.8	764.0	538650	6869990
7/10/2006	10PM - 10AM	0.5778	0.2991	1203	330.8	669.9	482600	7352600
7/11/2006	10AM - 10PM	0.5598	0.4377	1135	704.8	834.6	601050	7953660
7/11/2006	10PM - 10AM	0.6100	0.3236	1342	391.4	777.5	560110	8513770
7/12/2006	10AM - 10PM	0.5811	0.4559	1226	765.5	908.9	654500	9168280
7/12/2006	10PM - 10AM	0.6076	0.3421	1299	430.6	771.4	555750	9724040
7/13/2006	10AM - 4PM	0.6694	0.2945	1599	317.6	836.8	272310	9996350
		MAX/MIN/AVE		**1599**	**317.6**	**794.1**		

Flow Monitoring Site 5

Date	Time	Max level (ft)	Min level (ft)	Max flow (gpm)	Min flow (gpm)	Ave flow (gpm)	Volume (gal)	Total flow (gal)
7/3/2006	10AM - 10PM	0.185	0.064	189	11	115	84150	84150
7/3/2006	10PM - 10AM	0.227	0.057	285	16	115	83970	168120
7/4/2006	10AM - 10PM	0.210	0.059	244	17	119	86540	254670
7/4/2006	10PM - 10AM	0.205	0.063	232	19	120	88030	342700
7/5/2006	10AM - 10PM	0.202	0.064	226	20	126	91640	434340
7/5/2006	10PM - 10AM	0.197	0.073	215	26	124	89900	524250
7/6/2006	10AM - 10PM	0.197	0.060	214	17	111	80960	605210
7/6/2006	10PM - 10AM	0.204	0.080	230	33	127	92390	697610
7/7/2006	10AM - 10PM	0.207	0.046	237	10	117	85430	783040
7/7/2006	10PM - 10AM	0.211	0.053	246	13	124	90550	873600
7/8/2006	10AM - 10PM	0.202	0.064	225	20	118	85700	959310
7/8/2006	10PM - 10AM	0.203	0.066	228	21	119	86180	1045490
7/9/2006	10AM - 10PM	0.200	0.068	221	23	123	89520	1135010
7/9/2006	10PM - 10AM	0.199	0.061	219	18	126	91790	1226810
7/10/2006	10AM - 10PM	0.197	0.064	215	20	132	95900	1322720
7/10/2006	10PM - 10AM	0.204	0.055	231	14	121	88510	1411240
7/11/2006	10AM - 10PM	0.198	0.053	216	14	132	95870	1507110
7/11/2006	10PM - 10AM	0.205	0.064	233	20	124	89760	1596870
7/12/2006	10AM - 10PM	0.197	0.057	215	16	127	92850	1689720
7/12/2006	10PM - 10AM	0.222	0.072	275	26	127	92060	1781780
7/13/2006	10AM - 10PM	0.193	0.071	206	25	133	96550	1878340
7/13/2006	10PM - 10AM	0.203	0.067	229	22	122	88800	1967150
7/14/2006	10AM - 10PM	0.195	0.057	211	15	126	92000	2059150
7/14/2006	10PM - 10AM	0.207	0.051	237	12	122	88950	2148100
7/15/2006	10AM - 10PM	0.200	0.057	221	16	131	95740	2243850
7/15/2006	10PM - 10AM	0.200	0.053	221	14	115	83650	2327500
7/16/2006	10AM - 10PM	0.204	0.052	231	13	132	96260	2423760
7/16/2006	10PM - 10AM	0.200	0.068	222	23	129	93610	2517370
		MAX/MIN/AVE		**285**	**10.0**	**123.5**		

City of Banning
Spill Emergency Response Plan

Water and Wastewater Department
176 E Lincoln St.
Banning, CA. 92220

Adopted July 2009
Revisions:
5/2/2012; 4/21/2014;
6/30/2015; 11/24/2020;
6/1/2023; 6/1/2024

(Plan last updated June 1, 2024)

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Spill Emergency Response Plan

The following document contains spill response procedures that are required by the State of California (Statewide Waste Discharge Requirements (WDR) – General Order WQ 2022-0103-DWQ. The Spill Emergency Response Plan is just one of eleven Sewer System Management Plan (SSMP) elements

1. Requirements

Each Enrollee shall develop and implement a Spill Emergency Response Plan (SERP) that identifies measures to protect public health and the environment. At a minimum, this plan must include the following:

a) Proper notification procedures so that the primary responders, appropriate regulatory officials, and appropriate regulatory agencies are informed of all (Sanitary Sewer Overflows) SSOs in a timely manner;
b) Proper notification of other potentially affected entities (e.g., health agencies, A program to ensure an appropriate response to all overflows;
c) Comply with the notification, monitoring, and reporting requirements of the General Order (WQ 2022-0103-DWQ), State law and regulations, and applicable Regional Water Board Orders;
d) Ensure that appropriate staff and contractors implement the Spill Emergency Response Plan and are appropriately trained;
e) Address emergency system operations, traffic control and other necessary response activities;
f) Contain a spill and prevent/minimize discharge to waters of the State or any drainage conveyance system;
g) Minimize and remediate public health impacts and adverse impacts on beneficial uses of waters of the State;
h) Remove sewage from the drainage conveyance system;
i) Clean the spill area and drainage conveyance system in a manner that does not inadvertently impact beneficial uses in the receiving waters;
j) Implement technologies, practices, equipment, and interagency coordination to expedite spill containment and recovery;
k) Implement pre-planned coordination and collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event;
l) Conduct post-spill assessments of spill response activities;
m) Document and report spill events as required in Order WQ 2022-0103-DWQ; and
n) Annually, review and assess effectiveness of the Spill Emergency Response Plan.

2. Introduction

The SERP provides procedures to ensure prompt and effective actions to minimize the impact of SSOs on the environment and public health. This plan includes protocols for spill containment, traffic control, cleanup operations, notification procedures, reporting mechanisms, and monitoring activities, SSO tracking, among other components.

This plan encompasses four (4) categories of SSOs, as defined by SWRCB Order WQ 2022-0103-DWQ. The categories are defined as follows:

- **Category 1** - A spill of any volume of sewage from or caused by a sanitary sewer system that results in a discharge to a surface water or a drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly. Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

- **Category 2** - A spill of 1,000 gallons or greater, from or caused by a sanitary sewer system that does not discharge to a surface water.

- **Category 3** - A spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system that does not discharge to a surface water.

- **Category 4** - A spill of less than 50 gallons, from or caused by a sanitary sewer system that does not discharge to a surface water.

Possible SSOs occur in one of three areas of the collection/treatment system as follows:

1. Collection System;
2. Lift Station; or
3. Treatment Plant

The response procedures for SSOs are determined by the classification and location of the SSO. While the objectives of the response remain the same, the coordination and personnel chain of communication is slightly different.

For spills on City property (i.e., at the Wastewater Reclamation Facility) on-site personnel report the spill to the Wastewater Reclamation Manager who makes operational decisions regarding the containment, recovery, and clean-up. All

documentation and reporting of the spill is performed by the Wastewater Operation Manager or their designee, through the completion of an SSO Report Form.

In the event of spills occurring in public areas like the lift station or collection system, notifications are promptly relayed to the relevant response team members. Upon arrival at the site, said personnel collects essential information regarding SSO location, potential cause(s), initial estimates of volume, containment requirements, etc. Further personnel and equipment are deployed as deemed necessary following the initial assessment conducted on-site.

Every effort will be made to ensure that all reported SSOs are responded to within the first hour of notification of the SSO.

3. Purpose

The primary purpose of the SERP is to offer detailed written procedures aimed at enhancing response efficiency, offering clear guidance on containment, cleanup and reporting, and minimize the overall risks associated with SSOs.

4. Goals and Objectives

The City acknowledges its duty to protect public health and the environment, as reflected in the objectives of the SERP. These objectives aim to:

- Ensure all reported SSOs are responded to immediately;
- Identify and allocate adequate resources needed in the response;
- Provide timely and adequate training, equipment and qualified staff to ensure effective response; and
- Ensure all SSOs are accurately reported and any SSO trends are identified and used to provide opportunities for continuous improvement.

The objectives of the SERP are to:

- Reduce the occurrence and the magnitude of SSOs;
- Protect the collection system, wastewater treatment facilities, and all appurtenances;
- Protect public and private property;
- Protect water quality;
- Protect Public Health, Safety, environment and property from SSOs;
- Prevent the discharge of sewage into surface waters;
- Contain the sewage discharged to the maximum extent possible;
- Establish perimeters and control zones to control public access to SSO area; and
- Prompt notification of spill information and potential impacts.

5. Initial SSO Response Procedures

This section outlines a strategy for mobilizing labor, materials, tools, and equipment to address or rectify any conditions that could potentially lead to or exacerbate an SSO.

5.1 Staff Instructions

Upon receiving a report of a potential SSO, the City gathers all pertinent details, including the time and date of the call, precise location, description of the issue, suspected time of the SSO occurrence, caller's contact information, and any additional observations provided by the caller. The relevant information is relayed to the designated staff member(s), who are then dispatched to the location to confirm and conduct an initial assessment of the situation. Staff notifications are typically made via telephone or mobile radio. Upon receipt of the dispatch, City personnel proceed promptly to the location of the SSO. Efforts are made to contain the overflow using existing equipment and resources to the fullest extent possible. The Water & Wastewater Superintendent or their assigned representative is briefed by the responding staff, who then determine whether additional crews, materials, equipment, and supplies are required.

The primary responsibilities of each employee in the spill response team are summarized in the following table. Additional details of the responsibilities are covered in the sections that follow.

SANITARY SEWER OVERFLOW RESPONSE TEAM		
	Responsibilities	Contact Information
First Responder	• Provide initial evaluation of spill severity • Call emergency services, as required • Notify Spill Response Supervisor • Stop spill and secure area as instructed by Spill Response Supervisor	Collection System Supervisor (951) 392-7172 or (951) 232-9236
Spill Response Supervisor	• Direct First Responder in initial actions to control spill and prevent public exposures to spill • Evaluate spill and determine actions to control and cleanup • Notify Water & Wastewater Superintendent • Mobilize personnel/equipment to respond to spill • Complete Sanitary Sewer Overflow Report (field form) and initiate agency notifications	Collection System Supervisor (951) 392-7172
Water & Wastewater Superintendent	• Authorize City resources to respond to spill • Communicate with Director of Water & Wastewater, and Regulatory Agencies. • Contact and direct outside services, as required, to respond to spill	(951) 849-3273 or Cell (951) 232-9236
Public Works Director	• Authorize City or contractors to respond to the spill • Communicate with City Manager, Regulatory Agencies, and public information officer	(951) 922-3134 Cell (951) 232-7288
Industrial Pretreatment	• Determine required sampling for spill and initiate investigation, as indicated, regarding potential sources of the cause of the SSO.	G&G (951) 683-3538 Cell (951) 858-1542

Table 5-1 Spills Response Duties & Contacts

5.2 First Responder Duties and Responsibilities

The first City Employee who arrives at the site of a SSO has the primary responsibility of taking immediate actions to protect the health and safety of the public. Secondly, the first responder must ensure that proper notifications are made to the Wastewater Department to initiate a timely and effective response needed to minimize the risks associated with the SSO.

Should the first responder determine that the SSO falls outside the City's jurisdiction (e.g., private lateral spill), yet an imminent danger to public health, property, or to the waterways of the United States is evident, prudent emergency actions are warranted until the responsible party provides action to mitigate the SSO. Upon arrival at a SSO, the first responder will:

- Determine the cause of the SSO, e.g. sewer line blockage, pipeline break, pump station mechanical or electrical failure;
- Call emergency services as required;
- Notify Spill Response Supervisor;
- Control public access to spill area; and
- If possible, take immediate steps to stop the overflow.

5.3 Spill Response Supervisor

The Spill Response Field Supervisor assumes primary management and coordination of all emergency activities and communicates with the Wastewater Reclamation Manager or Director. The supervisor will be responsible for the official spill volume estimate, coordinating spill control and cleanup efforts, and notifying the proper state, county and local regulatory agencies. The Spill Response Field Supervisor, or a designated City alternate, will fill out the Sewer Overflow Report Form (see Appendix A-1).

5.4 Water & Wastewater Superintendent

The Water & Wastewater Superintendent has the authority to approve the allocation of emergency response resources and liaises with the City's Public Utilities Director. If necessary, supplementary external resources are engaged to aid in the SSO response. Contact details for these additional external resources can be located in Section 6.4 of the SSMP.

5.5 Industrial Pretreatment

The City's Industrial Pretreatment team will assess the necessary sampling protocols during the evaluation and cleanup of the spill. The Coordinator will then commence an investigation into the origin and factors contributing to the SSO.

Industrial Pretreatment will assist as directed regarding regulatory reporting of the SSO event.

6. Notification Procedures

The Sewer Overflow Response Procedure presents a strategy to mobilize labor, materials, tools and equipment to rectify or address any condition that could potentially result in an unauthorized discharge. Overflows may be detected by City employees or members of the public (including businesses, residents, etc.), who may also report suspicious circumstances such as unusual odors or flooding, which could suggest the possibility of an overflow. The general flow of information is depicted in Appendix A-4.

During regular business hours, incoming calls received by the water/wastewater receptionist follow the routing outlined in Appendix A-4. However, calls received after business hours and on weekends are typically directed to the City police dispatch. The City police dispatch then relays the SSO information to the designated on-call wastewater staff. Subsequent information flow aligns with the process outlined in the flowchart in Appendix A-4.

Should the spill extend beyond the boundaries of the City's jurisdiction, efforts to contain and remediate the spill will persist. Nonetheless, the relevant agency will be promptly informed of the spill to ensure appropriate notifications are made and necessary actions are taken.

6.1 Notification to the California Office of Emergency Services

This notification requirement applies specifically to individual spills of **1,000 gallons or more** originating from City-owned and/or operated laterals that discharge into a water of the State.

Upon discovery of a spill that discharges into or onto any waters of the State or is deposited where it may enter any waters of the State, the City must promptly notify the California Office of Emergency Services (COES) and obtain a California Office of Emergency Services Control

Number. Notification must occur as soon as possible **but no later than two (2) hours** after the Enrollee becomes aware of the spill, provided that such notification does not significantly hinder cleanup efforts or other emergency measures.

The details necessary for COES notification align with the data to be entered into the SSO Report Form (AppendixA-1). Filling out this form will help outline the specifics needed as per the General Order

Following the initial notification to COES and until such time that the City certifies the spill report in the online CIWQS Sanitary Sewer System Database, the City will provide updates to COES regarding substantial changes to:

- Estimates spill volume (increase or decrease in gallons initially estimated);
- Estimated discharge volume discharged directly into waters of the State or indirectly into a conveyance system (increase or decrease in gallons initially estimated); and
- Additional impact(s) to the receiving water(s) and beneficial uses.

Appendix A-3 provides summary of notification, monitoring and reporting requirements per the General Order.

6.2 Emergency Call Out Lists

The City maintains a Confidential Contact List that includes key personnel within the City as well as vendors that may be called on to assist in the SSO Response. The following list delineates key responders:

CITY OF BANNING CONFIDENTIAL CONTACT LIST

Contractors

Merlin Johnson Construction, Inc.
Pipeline, Grading
Jake Johnson
P.O. Box 777
Mentone, CA 92359
Business: (909) 794-7702
Cell: (909) 322-6044

Legacy Excavating, Inc.
Pipeline
Christian Augusto
32425 Dunlap Blvd.
Yucaipa, CA 92399
Business (909) 795-0531
Cell: (909) 230-0921

Weaver Grading, Inc.
Grading
Mark Weaver
1177 Beaumont Ave.
Beaumont, CA 92223
Business: (951) 845-1222
Cell: (909) 578-8029

Center Electric Services, Inc.
Electric
Mike Munksgaard
3679 Van Buren Blvd.
Riverside, CA 92503
Business: (951) 688-6865
Cell: (951) 830-7411

Pump Rental

Xylem Water Solutions USA, Inc.
Jim Ruffing
11161 Harrel Street
Mira Loma, CA 91752
Business: (951) 332-3668
Cell: (562) 572-4738

Rain for Rent
Art Hunter
6400 Fisher Road
Riverside, CA 92507
Business: (951) 653-2171
Cell: (909) 772-1073

Sewer Line Inspections

Morr-is Tested
Jeff Cravens
19469 Via Del Caballo
Yorba Linda, CA 92886
Business: (714) 979-1573
Cell: (714) 713-3211

Environmental Compliance

G&G Environmental Compliance
Gary Ethridge
5053 La Mart Dr., Unit 203
Riverside, CA 92507
Business: (951) 683-3538
Cell: 858-1542

7. Assessment, Containment, Traffic Control and Clean-up

City employees are responsible for minimizing the effects of any SSO. The following sections provide guidance for the first responder and/or the SSO response supervisor in the event of a SSO.

7.1 Preliminary Assessment of Damage to Private/Public Property

The first person at the scene gathers pertinent information and determines if the spill is an SSO. Next, the SSO classification (i.e., Category 1, 2, 3, 4 or private lateral) is determined. Regardless of the classification, all SSOs are managed uniformly. The primary objective is to promptly contain and remediate the area before the spill reaches a storm drain. Subsequently, documentation and reporting of the SSO become priorities. Alongside comprehensive reports, photographs are captured to document the spill and the containment and cleanup procedures employed. Upon receipt of a Sanitary Sewer Overflow (SSO) Report form, field notes are transcribed onto the form for official documentation.

7.2 Containment

After the initial assessment, all reasonable efforts will be made to contain the SSO (e.g., install plugs, sandbags, sand/rock, etc.)

7.3 Traffic and Crowd Control

The traffic and crowd control measures employed during SSO incidents can be summarized as follows:

Spills (less than 1,000 gallons)

A. Setup traffic cones to direct traffic from spill area.
B. Use staff personnel to control traffic and pedestrians.

Spills (1,000 to 10,000 gallons)

A. Contact Mutual Aid Contract cities as needed.
B. Perform lane closures as needed.
C. Close any affected entrances or exits from all public and private facilities.
D. Place proper signage for any lane closures including contaminated area signs.
E. Use caution tape and barricades to protect pedestrians from contaminated area.

Spills (> 10,000 gallons)

A. Assess spill situation.
B. Contact Mutual Aid contract cities as needed.
C. Inform local police and sheriff's department of any law enforcement needed road closures and traffic control.
D. Delegate the responsibilities to Mutual Aid team members to inform public of hazards also use signage to inform public of potential hazards to public health and safety.
E. Block public access to hazard using barricades, cones and caution tape.

8. Initial Estimates of Flow Volume

Initial assessments of flow volumes are conducted through onsite observations, relying on professional expertise and utilizing guidelines provided by reputable engineering firms and municipal agencies. The Best Practices Guidelines outlined in Appendix A-2 serve as a reference for making initial estimates of overflow volumes. Final figures are verified during cleanup and recovery operations, taking into account volumes returned to the sewer and estimations of unrecovered volumes.

9. Additional Measures for Prolonged SSO Conditions

For prolonged SSO conditions, a potable by-pass pump operation is established to circumvent any issues or obstructions, with contractors potentially enlisted if deemed necessary. Continuous or periodic monitoring of the by-pass pumping operation is implemented as needed.

10. Clean-up

Following an SSO event, thorough cleaning of the site(s) is required to remove any visible spill residue without causing unintended harm to the beneficial uses of receiving waters. The City's SSO clean up procedure is outlined below:

- Where feasible, the area undergoes comprehensive flushing and cleansing to remove any sewerage, employing high-pressure water hoses or Combination trucks. Solids and debris are flushed, collected, and transported away for disposal, while all flush water is contained and gathered for appropriate disposal. It is imperative that wash water does not enter storm drains, further contaminating the storm drain system.
- The SSO site is secured to prevent contact by members of the public until the site has been thoroughly cleaned. If necessary, signs regarding public health and safety are posted in accordance with Section 6.18.1 of the SSMP.
- The SSO site is disinfected using liquid bleach (sodium hypochlorite). Caution must be used to ensure that the disinfection chemicals used do not lead to or

cause violations of other NPDES Permit requirements concerning chlorine levels in waterways.

- To ensure proper disinfection, adequate contact time is implemented.
- In instances where spilled sewage creates standing water (ponding), the sewage is pumped out and all remaining residues removed.
- If sewage has discharged into a body of water that may contain fish or other aquatic life, disinfection is not performed, and the appropriate agencies are contacted for further instructions.

11. Monitoring Procedures

The following subsections contain monitoring procedures in accordance with the General Order. Appendix A-3 provides summary of notification, monitoring and reporting requirements per the General Order.

11.1 Receiving Water Visual Observations

Through visual observations and use of best available spill volume-estimating techniques and field calculation techniques, the City will gather and document the following information for spills discharging to surface waters:

- Estimated spill travel time to the receiving water;
- For spills entering a drainage conveyance system, estimated spill travel time from the point of entry into the drainage conveyance system to the point of discharge into the receiving water;
- Estimated spill volume entering the receiving water; and
- Photography of:
  - Waterbody bank erosion,
  - Floating matter,
  - Water surface sheen (potentially from oil and grease),
  - Discoloration of receiving water, and
  - Impact to the receiving water.

11.2 Receiving Water – Water Quality Sampling and Analysis

For sewage spills in which an estimated 50,000 gallons or greater are discharged into a surface water, the Enrollee shall conduct the following water quality sampling no later than 18 hours after the Enrollee's knowledge of a potential discharge to a surface water:

- Collect one water sample, each day of the duration of the spill, at:
  - The DSC-001 location as described in section 11.3 (Receiving Water Sampling Locations), if sewage discharges to a surface water via a drainage conveyance system; and/or
  - Each of the three receiving water sampling locations in section 11.3 (Receiving Water Sampling Locations);

- If the receiving water has no flow during the duration of the spill, the City must report "No Sampling Due To No Flow" for its receiving water sampling locations.

The City shall analyze the collect receiving water samples for the following constituents per section 2.3.3 (Water Quality analysis Specifications) of Attachment E1 to General Order 2022-0103-DWQ:

- Ammonia, and
- Appropriate bacterial indicator(s) per the applicable Basin Plan water quality objectives, including one or more of the following, unless directed otherwise by the Regional Water Board:
  - Total Coliform Bacteria
  - Fecal Coliform Bacteria
  - E-coli
  - Enterococcus

  Dependent on the receiving water(s), sampling of bacterial indicators shall be sufficient to determine post-spill compliance with the water quality objectives and bacterial standards of the California Ocean Plan or the California Inland Surface Water Enclosed Bays, and Estuaries Plan, including the frequency and/or number of post-spill receiving water samples as may be specified in the applicable plans.

11.3 Receiving Water Sampling Locations

The City shall collect receiving water samples at the following locations:

Sampling of Flow in Drainage Conveyance System (DCS) Prior to Discharge

Sampling Location	Sampling Location Description
DSC-001	A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Receiving Surface Water Sampling (RSW)[1]

Sampling Location	Sampling Location Description
RSW-001 Point of Discharge	A point in the receiving water where sewage initially enters the receiving water.
RSW-001U: Upstream of Point of Discharge	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.
RSW-001D: Downstream of Point of Discharge	A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

[1] The City must use its best professional judgment to determine the upstream and downstream distances based on receiving water flow, accessibility to upstream/downstream waterbody banks, and size of visible sewage plume.

11.4 Ground (Non-Surface Water) SSO

SSOs to the ground that do not reach surface waters are monitored in accordance with any requirements stipulated by the RWQCB.

12. Private Property SSOs

The City will respond to all SSOs within their service area. If determined that a SSO originated from a sewer lateral or septic system on private property, the City will assist in the control and containment to ensure that the wastewater does not enter into storm drains, spillways, etc. The property owner will be informed of the blockage. The City will provide a copy of the Private Lateral Sewer Policy and notified of their responsibility to remove the blockage. If the SSO was a result of the sewer trunkline, the response crew will correct the problem. In each case, the City will report the spill in accordance with Section 6.8 of the SSMP.

13. Reporting Procedures

All reporting will be submitted electronically to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov), unless specified otherwise in the General Order. Electronic reporting will solely be conducted by a Legally Responsible Official or Data Submitter(s) previously designated by the Legally Responsible Official, as required in section 5.8 (Designation of Data Submitters) of the General Order.

Appendix A-3 contains a summary of notification, monitoring and reporting requirements per the General Order.

13.1 Reporting of Individual Category 1 Spills

Within three (3) business days of the City's knowledge of a Category 1 spill, the City will submit a **Draft Spill Report** to the online CIWQS Sanitary Sewer System Database. The Draft Spill Report will include the items outlined in section 3.1.1 of Attachment E-1 to the General order.

Within 15 calendar days of the spill end date, the City will submit a **Certified Spill Report for Category 1 spill**, to the online CIWQS Sanitary Sewer System Database. Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number. The Certified Spill Report will include the items outlined in section 3.1.2 of Attachment E-1 to the General order.

For any spill in which **50,000 gallons or greater** discharged into a surface water, **within 45 calendar days** of the spill end date, the City will submit a **Spill Technical Report** to the online CIWQS Sanitary Sewer System Database. The Spill Technical Report will include the information stipulated in section 3.1.3 of Attachment E-1 to the General order.

13.2 Reporting of Individual Category 2 Spills

Within three (3) business days of the City's knowledge of a Category 2 spill, the City will submit a **Draft Spill Report** to the online CIWQS Sanitary Sewer System Database. The Draft Spill Report will include the items outlined in section 3.2.1 of Attachment E-1 to the General order.

Within 15 calendar days of the spill end date, the City will submit a **Certified Spill Report for Category 2 spill**, to the online CIWQS Sanitary Sewer System Database. Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number. The Certified Spill Report will include the items outlined in section 3.2.2 of Attachment E-1 to the General order.

13.3 Reporting for Category 3 Spills

The City will report and certify all Category 3 spills to the online CIWQS Sanitary Sewer System Database **within 30 calendar days** after the end of the month in which the spills occurred. (For example, all Category 3 spills occurring in the month of February shall be reported and certified by March 30th). After the Legally Responsible Official certifies the spills, the online CIWQS Sanitary Sewer System Database will issue a spill event identification number for each spill. The monthly reporting of all Category 3 spills must include the items outlined in section 3.3 of Attachment E-1 to the General order.

13.4 Reporting for Category 4 Spills

The City will report and certify the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, **within 30 calendar days** after the end of the month in which the spills occurred.

For all Category 4 spills and spills from its owned and/or operated laterals that are caused by a failure or blockage in the lateral and that do not discharge to a surface water, the Enrollee will:

- Maintain records per section 4.4. of Attachment E-1 to the General Order; and
- **Annually** upload and certify a report, in an appropriate digital format, of all recordkeeping of spills to the online CIWQS Sanitary Sewer System Database, by **February 1st** after the end of the calendar year in which the spills occurred.

13.5 Amended Certified Spill Reports

Should The City need to amend a Certified Spill Report for **Spill Categories 1-3**, the City will do so within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The City will certify the amended report.

Should The City need to amend a Certified Spill Report **after 90 calendar days** of the spill end date, the City will contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official will submit justification for why the additional information was not reported within the Amended Spill Report due date.

14. Electronic Reporting Procedures

Sanitary Sewer Overflows (SSOs) are reported electronically to the State Water Resources Control Board. Spill reports must be entered into the California Integrated Water Quality System (CIWQS), which can be found at https://ciwqs.waterboards.ca.gov/.

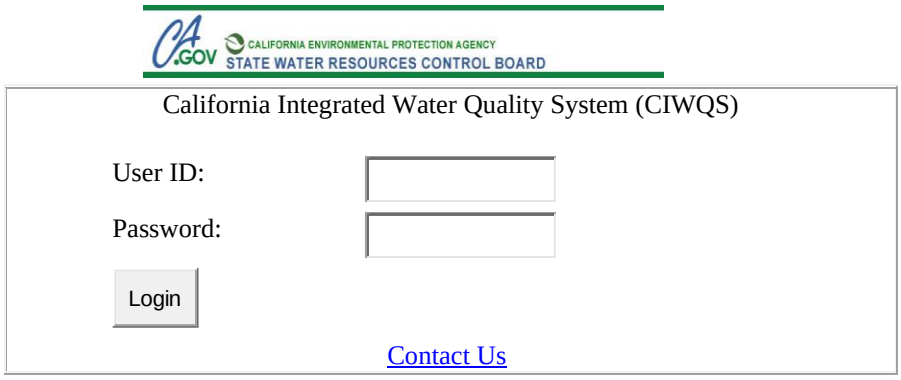


Figure 17-1 CIWQS Log-in Screen Shot

Sign in using the login name and password that has been set up and assigned to identified wastewater plant management and staff. Once signed in, the next screen will look like Figure 14-2.

- Collection System Questionnaire ?

  Pertinent information regarding your collection system.
- Sewer System Management Plan (SSMP) Certification ?

  Certify SSMP completion/compliance
- Reporting New SSO ?

  Report new SSO.
- Modifying Existing SSO ?

  View/Modify existing SSO Report.
- View No Spill Certification ?

  View no spill certification.

Figure 17-2 SSO Electronic Reporting CIWQS Menu Screen

From this menu, select "Modify Existing SSO". The next screen will prompt the user to create either a new SSO report or Search for an existing SSO Report. Select Search and a Report similar to the one shown on the next page will be generated. The CIWQS System will generate a listing of all reported SSOs with the SSO Event ID. The Event ID can be used to collect detailed information from each event.

15. Spill Report Debriefing

After the sewer spill has been mitigated and no more than one week after the incident, a spill-debriefing meeting should be held to discuss any problems encountered during each phase of the spill response procedure. All personnel involved with the incident are to attend and ensure the spill debriefing meeting presents an opportunity to correct any noted deficiencies and to better prepare for and respond to future SSOs.

16. Collection System Mapping

The City maintains maps of the collection systems and the storm drains as either a sewer atlas, updated on a regular basis, or electronically in the form of Geographic Information System (GIS). Utility maps are available via the City intranet.

Sewer Atlas maps are located at the Water & Wastewater Superintendent's office and a copy is placed in each sewer collection vehicle.

17. Training

The Wastewater Collection staff will participate in an annual training session scheduled with appropriate staff in one of the three distinct types of training which would demonstrate the strengths/weaknesses of the SSO. The three distinct types of training exercises that the agencies will participate include:

Orientation Exercise: Exercise consisting of brief lecture; overview of the requirements; and past experiences. It will serve as a session to instruct employees on plan and required documentation.

Tabletop Exercise: SSO is simulated, without actual deployment of equipment or resources. Participants play through discussion and the use of a facilitator. Exercise effectiveness is determined by the feedback from participants and impact on revisions to plans, procedures and systems.

Functional Full Scale Exercise: A spill event is simulated during the exercise. Controllers monitor the play, and observers record the player's actions. The exercise will provide opportunity to evaluate the plan's objectives. It will also test equipment, response time, training, resource, and work force capabilities.

Records of training and event participation will be recorded and maintained. At this time, no certification requirements are required, but may be imposed later by the RWQCB.

18. Public Advisory Procedure

All media inquiries will be directed to the City's Public Information Officer or the position designated for this purpose by the City Manager.

18.1 Temporary Signage

In public accessed areas, signage and barriers must be in place for the duration of the cleanup and disinfection process. Signs warning the public of a sewage release should be posted in the affected area. Signs should include, at a minimum, the wording of "raw sewage" (See Figure 20-1). Warning signs should remain posted until the Department of Environmental Health Division of Riverside County or RWQCB staff authorizes their removal, or until receiving water sample results indicate background levels (levels determined by upstream samples) have been attained.



Figure 20-1 Sewage Spill Sign

19. SERP Maintenance

19.1 Submittal and Availability of the SERP

The SERP does not have to be submitted to the State or Regional Board. The SERP must, however, be available for their review during routine inspections. As such, the SERP will be available at the City's Utility Department in both hard copy and electronic versions.

19.2 Review and Update of SERP

The SERP is a dynamic document and will be reviewed and revised to reflect current policies and procedures as needed. The SERP will be reviewed each year. The annual review of the plan will also ensure all provisions of the plan are being met and implemented. Any SERP deficiencies and updates will be identified and corrected. Any proposed changes to the SERP will be adequately communicated and reviewed. Changes become final when approved by the Director of Water and Wastewater.

20. Tracking SSOs

Sanitary Sewer Overflows (SSOs) are tracked using the same system that is used for electronic reporting (CIWQS) to the State Water Resources Control Board. (https://ciwqs.waterboards.ca.gov/).

Sign in using the login name and password that has been set up and assigned to identified wastewater plant management and staff.

The Summary Report is an excellent tool for looking at spill history at a glance that shows how many spills occurred during certain time frames; the volume of each spill; the location; and other important information that helps the city identify causes and history patterns that may serve as indictors for SSMP improvement opportunities. The following Report can be generated by going to the State Water Resources Control Board SSO Public Report web page at: https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_overview.

Select SSO Report. Next, fill out the City or Zip Code and the time-period of interest.

Most tables on the CIWQS website can be saved as Excel Spreadsheets for further data analysis if necessary. The City will use the Reports for identifying deficiencies in the current program and for evaluating the best methods for improving the effectiveness of the SSMP.

Additionally, a “No-Spill Certification” Report can be generated that indicates all months where no SSO occurred. A sample copy of the No Spill Report Certification is shown in Figure 20-1.

No Spill Certification:

I certify under penalty of law that no spills occurred for the month specified below. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of a fine or imprisonment, for knowing violations. Clicking the "Certify" button below indicates my certification of this report and my understanding of the above conditions.

Month/Year Without Spills:* - Select Month - - Select Year -

Confirmation Number	No Spill Certificate for the Month of	Entered Date/Time	Certified By
482685	Jan-07	2007-2-20.11.17. 53. 0	Perry Gerdes
803283	Oct-08	2008-11-12.10.28. 18. 0	Perry Gerdes
801718	Sep-08	2008-10-29.14.7. 26. 0	Perry Gerdes
762177	Apr-07	2008-6-12.8.17. 56. 0	Perry Gerdes

Previously Submitted Months with "No Spill Certification"

Figure 22-1 No Spill Certification Report

APPENDICES

A-1 SSO Report Form

A-2 SSO Volume & Rate Estimate Calculations

A-3 Summary of Notification, Monitoring and Reporting Requirements

A-4 Sewer Overflow Response Plan Flow Chart

Appendix A-1
Sanitary Sewer Overflow (SSO) Report Form

Use this form to enter sanitary sewer overflow data for submittal into the State Water Resources Control Board CIWQS SSO Online Database (https://ciwqs.waterboards.ca.gov)

GENERAL INFORMATION

Name *(person completing this form)*: _____Phone: _____

Spill location description (address, cross streets, or GPD coordinates): _____

_____

SSO DETAILS & CLASSIFICATION

Spill was first discovered or reported to the City at: Date: ___Time: _____:_____am/pm

Identify the SSO spill type (See State Order WQ 2022-0103-DWQ Section 5.13.1) and enter below:

☐ **Category 1 SSO** – Spills of any volume that reach surface water or a *drainage conveyance system* when the sewage is not fully captured and returned to the sanitary sewer system

☐ **Category 2 SSO** – Spills > than or = to 1,000 gallons that do not reach surface water

☐ **Category 3 SSO** – Spills > than 50 gallons but < than 1,000 gallons that do not reach surface water

☐ **Category 4 SSO** – Spills less than 50 gallons that do not reach surface water

☐ **Private Sewer Lateral (PSL) SSO** – (See State Order WQ 2022-0103-DWQ Section 5.15 and 5.16)

Did any obstacles impede your response or assessment of the reported spill? ☐Yes ☐No
(If yes, please describe (e.g., weather, traffic, communications, etc.) _____

_____

SSO DETAILS & CLASSIFICATION (Continued)

Estimated spill start date/time: Date: _____Time:_____:_____am/pm
Estimated operator arrival date/time: Date: _____Time: _____:_____am/pm
Estimated spill end date/time: Date: _____Time: _____:_____am/pm

☐Building/Structure ☐Street Curb/Gutter ☐Paved Surface ☐Unpaved Surface

☐Storm Drain ☐Surface Water ☐Drainage Channel

☐Storm Water Infiltration/Retention Structure/Field

☐ Other *(specify)*: _____

Final spill destination *(Check all that apply and attach photos of all areas checked)*:

Did the spill discharge to land? (Includes discharges directly to land, and discharges to a storm drain system or drainage channel that flows to a storm water infiltration/retention structure, field, or other non-surface water location) ☐Yes ☐No (Include photos as needed)

- If Yes, estimated spill volume discharged to land:_____gallons
- Estimated spill volume recovered from discharge to land: *(Do not include water used for clean- up):* _____Gallons Did the spill reach the storm drain? ☐Yes ☐No
- If Yes, estimated spill volume that reached storm drain : _____gallons
- Estimated spill volume recovered from storm drain: _____gallons

Did the spill reach drainage channel? ☐Yes ☐No

- If Yes, estimated spill volume that reached discharge channel: _____gallons
- Estimated spill volume recovered from drainage channel: _____gallons

Did the spill reach surface waters? ☐Yes ☐No

- If Yes, estimated spill volume and the rate at which the spill reached surface waters: gallons, _____gallons per minute

Methods used to estimate spill volumes *(Check all that apply. Use Volume Estimation Forms to document spill dimensions, shapes, and other volume estimation information)*:

☐Eyeball Method ☐Calculations from Spill Dimensions ☐Duration and Flow Rate

☐Open Channel Spill Estimation ☐Drop Bucket Method ☐Calculations Based on Pipe Size ☐Flow from Vent or Pick Holes ☐Flow around Manhole Cover ☐Flow from Manhole w/o a Cover Spill estimated flow rate: _____gallons per minute

Spill appearance point *(Check all that apply)*:

☐Gravity Mainline ☐Inside Building or Structure ☐Manhole

☐Other Sewer System Structure *(specify)*: _____

Spill cause *(Check all that apply)*

☐Debris - General ☐Debris – Rags ☐Root Intrusion ☐Debris from Construction

SSO DETAILS & CLASSIFICATION (Continued)

☐Construction Diversion Failure ☐Collection System Maintenance Caused Spill/Damage ☐Damage by Others Not Related to Collection System

☐ Other (specify) _____

Where did failure occur? *(Check all that apply)*:

☐Gravity Mainline ☐Manhole ☐Inside Building or Structure

☐Other *(specify)*: _____

Was this spill associated with a storm event? ☐Yes ☐No

Diameter of sewer pipe at the point of blockage or failure: _____inches

SSO ACTIONS & NOTIFICATIONS

Spill response activities *(Check all that apply)*:

☐Cleaned-up ☐Contained All or Portion of Spill ☐Mitigated Effects of Spill ☐Restored Flow ☐Returned All of Spill to Sanitary Sewer System ☐Other Enforcement Agency Notified ☐Other *(specify):* _____

_____

Spill Response Completion Date: _____

Spill corrective action taken: *(Check all that apply):*

☐Added Sewer to Preventive Maintenance Program

☐Adjusted Schedule/Method of Preventive Maintenance

☐Inspected Sewer Using CCTV to Determine Cause

☐Plan Rehabilitation or Replacement of Sewer

☐Repaired Facilities or Replaced Defect

☐Other *(specify)* _____

Cal OES NOTIFICATION REQUIREMENTS (As soon as possible but no later than 2 hours after knowledge of spill; and notification can be provided without impeding cleanup or emergency measures)

Cal OES Control Number *(required for Spills > than or = 1,000 gallons)*: _____

Cal OES Called Date/Time *(required for Spills > than or = 1,000 gallons):*_____

Date: _____Time:_____:____am/pm

Phone Numbers:

- Cal OES – (800) 852-7550 Fax: (916)845-8511
- Colorado River Basin Regional Water Quality Control Board - (760) 346-7491, FAX (760) 341-6820
- Riverside County Public Health Department - (888) 722-4234
- City of Banning (Director of Public Utilities) – (951) 922-3266

A-2
Spill Volume and Rate Estimate Calculations

Collection System Collaborative Benchmarking Group
Best Practices for Sanitary Sewer Overflow (SSO) Prevention and Response Plan

Sample Templates for SSO Volume Estimation

TABLE 'A'

ESTIMATED SSO FLOW OUT OF M/H WITH COVER IN PLACE

24" COVER

Height of spout above M/H rim H in inches	S S O FLOW Q		Min. Sewer size in which these flows are possible
	in gpm	in MGD	
1/4	1	0.001	
1/2	3	0.004	
3/4	6	0.008	
1	9	0.013	
1 1/4	12	0.018	
1 1/2	16	0.024	
1 3/4	21	0.030	
2	25	0.037	
2 1/4	31	0.045	
2 1/2	38	0.054	
2 3/4	45	0.065	
3	54	0.077	
3 1/4	64	0.092	
3 1/2	75	0.107	
3 3/4	87	0.125	
4	100	0.145	
4 1/4	115	0.166	
4 1/2	131	0.189	
4 3/4	148	0.214	
5	166	0.240	
5 1/4	185	0.266	
5 1/2	204	0.294	
5 3/4	224	0.322	6"
6	244	0.352	
6 1/4	265	0.382	
6 1/2	286	0.412	
6 3/4	308	0.444	
7	331	0.476	
7 1/4	354	0.509	
7 1/2	377	0.543	
7 3/4	401	0.578	8"
8	426	0.613	
8 1/4	451	0.649	
8 1/2	476	0.686	
8 3/4	502	0.723	
9	529	0.761	

36" COVER

Height of spout above M/H rim H in inches	S S O FLOW Q		Min. Sewer size in which these flows are possible
	in gpm	in MGD	
1/4	1	0.002	
1/2	4	0.006	
3/4	8	0.012	
1	13	0.019	
1 1/4	18	0.026	
1 1/2	24	0.035	
1 3/4	31	0.044	
2	37	0.054	
2 1/4	45	0.065	
2 1/2	55	0.079	
2 3/4	66	0.095	
3	78	0.113	
3 1/4	93	0.134	
3 1/2	109	0.157	
3 3/4	127	0.183	
4	147	0.211	
4 1/4	169	0.243	
4 1/2	192	0.276	
4 3/4	217	0.312	6"
5	243	0.350	
5 1/4	270	0.389	
5 1/2	299	0.430	
5 3/4	327	0.471	
6	357	0.514	
6 1/4	387	0.558	8"
6 1/2	419	0.603	
6 3/4	451	0.649	
7	483	0.696	
7 1/4	517	0.744	
7 1/2	551	0.794	
7 3/4	587	0.845	10"
8	622	0.896	
8 1/4	659	0.949	
8 1/2	697	1.003	
8 3/4	734	1.057	
9	773	1.113	

Disclaimer:
This sanitary sewer overflow table was developed by Ed Euyen, Civil Engineer, P.E. No. 33955, California, for County Sanitation District 1. This table is provided as an example. Other Agencies may want to develop their own estimating tables.

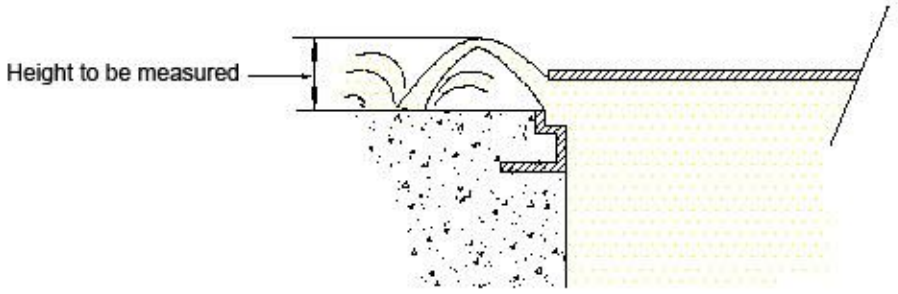
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The formula used to develop Table A measures the maximum height of the water coming out of the maintenance hole above the rim. The formula was taken from hydraulics and its application by A.H. Gibson (Constable & Co. Limited).

Example Overflow Estimation:

The maintenance hole cover is unseated and slightly elevated on a 24" casting. The maximum height of the discharge above the rim is 5 ¼ inches. According to Table A, these conditions would yield an SSO of 185 gallons per minute.

FLOW OUT OF M/H WITH COVER IN PLACE



This sanitary sewer overflow drawing was developed by Debbie Myers, Principal Engineering Technician, for Ed Euyen, Civil Engineer, P.E. No. 33955, California, of County Sanitation District 1.

Collection System Collaborative Benchmarking Group
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TABLE 'B'

ESTIMATED SSO FLOW OUT OF M/H WITH COVER REMOVED

24" FRAME

Water Height above M/H frame H in inches	S S O FLOW Q		Min. Sewer size in which these flows are possible
	In gpm	In MGD	
1/8	28	0.04	
1/4	62	0.09	
3/8	111	0.16	
1/2	160	0.23	
5/8	215	0.31	6"
3/4	354	0.51	8"
7/8	569	0.82	10"
1	799	1.15	12"
1 1/8	1,035	1.49	
1 1/4	1,340	1.93	15"
1 3/8	1,660	2.39	
1 1/2	1,986	2.86	
1 5/8	2,396	3.45	18"
1 3/4	2,799	4.03	
1 7/8	3,132	4.51	
2	3,444	4.96	21"
2 1/8	3,750	5.4	
2 1/4	3,986	5.74	
2 3/8	4,215	6.07	
2 1/2	4,437	6.39	
2 5/8	4,569	6.58	24"
2 3/4	4,687	6.75	
2 7/8	4,799	6.91	
3	4,910	7.07	

36" FRAME

Water Height above M/H frame H in inches	S S O FLOW Q		Min. Sewer size in which these flows are possible
	In gpm	In MGD	
1/8	49	0.07	
1/4	111	0.16	
3/8	187	0.27	6"
1/2	271	0.39	
5/8	361	0.52	8"
3/4	458	0.66	
7/8	556	0.8	10"
1	660	0.95	12"
1 1/8	1,035	1.49	
1 1/4	1,486	2.14	15"
1 3/8	1,951	2.81	
1 1/2	2,424	3.49	18"
1 5/8	2,903	4.18	
1 3/4	3,382	4.87	
1 7/8	3,917	5.64	21"
2	4,458	6.42	
2 1/8	5,000	7.2	24"
2 1/4	5,556	8	
2 3/8	6,118	8.81	
2 1/2	6,764	9.74	
2 5/8	7,403	10.66	
2 3/4	7,972	11.48	30"
2 7/8	8,521	12.27	
3	9,062	13.05	
3 1/8	9,604	13.83	
3 1/4	10,139	14.6	
3 3/8	10,625	15.3	36"
3 1/2	11,097	15.98	
3 5/8	11,569	16.66	
3 3/4	12,035	17.33	
3 7/8	12,486	17.98	
4	12,861	18.52	
4 1/8	13,076	18.83	
4 1/4	13,285	19.13	
4 3/8	13,486	19.42	

Disclaimer:
This sanitary sewer overflow table was developed by Ed Euyen, Civil Engineer, P.E. No. 33955, California, for County Sanitation District 1. This table is provided as an example. Other Agencies may want to develop their own estimating tables.

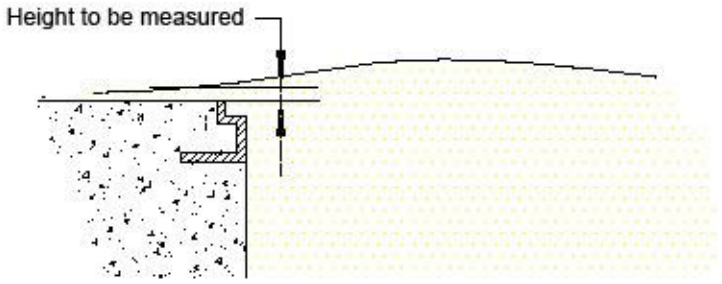
Collection System Collaborative Benchmarking Group
Best Practices for Sanitary Sewer Overflow (SSO) Prevention and Response Plan

The formula used to develop Table B for estimating SSO's out of maintenance holes without covers is based on discharge over curved weir -- bell mouth spillways for 2" to 12" diameter pipes. The formula was taken from hydraulics and its application by A.H. Gibson (Constable & Co. Limited).

Example Overflow Estimation:

The maintenance hole cover is off and the flow coming out of a 36" frame maintenance hole at one inch (1") height will be approximately 660 gallons per minute.

FLOW OUT OF M/H WITH COVER REMOVED (TABLE "B")



This sanitary sewer overflow drawing was developed by Debbie Myers, Principal Engineering Technician, for Ed Euyen, Civil Engineer, P.E. No. 33955, California, of County Sanitation District 1.

Collection System Collaborative Benchmarking Group
Best Practices for Sanitary Sewer Overflow (SSO) Prevention and Response Plan

TABLE 'C'

ESTIMATED SSO FLOW OUT OF M/H PICK HOLE

Height of spout above M/H cover H in Inches	SSO FLOW Q in gpm	Height of spout above M/H cover H in Inches	SSO FLOW Q in gpm	
1/8	1.0	5 1/8	6.2	
1/4	1.4	5 1/4	6.3	
3/8	1.7	5 3/8	6.3	
1/2	1.9	5 1/2	6.4	
5/8	2.2	5 5/8	6.5	
3/4	2.4	5 3/4	6.6	
7/8	2.6	5 7/8	6.6	
1	2.7	6	6.7	
1 1/8	2.9	6 1/8	6.8	
1 1/4	3.1	6 1/4	6.8	
1 3/8	3.2	6 3/8	6.9	
1 1/2	3.4	6 1/2	7.0	Unrestrained M/H cover will start to lift
1 5/8	3.5	6 5/8	7.0	
1 3/4	3.6	6 3/4	7.1	
1 7/8	3.7	6 7/8	7.2	
2	3.9	7	7.2	
2 1/8	4.0	7 1/8	7.3	
2 1/4	4.1	7 1/4	7.4	
2 3/8	4.2	7 3/8	7.4	
2 1/2	4.3	7 1/2	7.5	
2 5/8	4.4	7 5/8	7.6	
2 3/4	4.5	7 3/4	7.6	
2 7/8	4.6	7 7/8	7.7	
3	4.7	8	7.7	
3 1/8	4.8	8 1/8	7.8	
3 1/4	4.9	8 1/4	7.9	
3 3/8	5.0	8 3/8	7.9	
3 1/2	5.1	8 1/2	8.0	
3 5/8	5.2	8 5/8	8.0	
3 3/4	5.3	8 3/4	8.1	
3 7/8	5.4	8 7/8	8.1	
4	5.5	9	8.2	
4 1/8	5.6	9 1/8	8.3	
4 1/4	5.6	9 1/4	8.3	
4 3/8	5.7	9 3/8	8.4	
4 1/2	5.8	9 1/2	8.4	
4 5/8	5.9	9 5/8	8.5	
4 3/4	6.0	9 3/4	8.5	
4 7/8	6.0	9 7/8	8.6	
5	6.1	10	8.7	

Note: This chart is based on a 7/8 inch diameter pick hole

Disclaimer: This sanitary sewer overflow table was developed by Ed Euyen, Civil Engineer, P.E. No. 33955, California, for County Sanitation District 1. This table is provided as an example. Other Agencies may want to develop their own estimating tables.

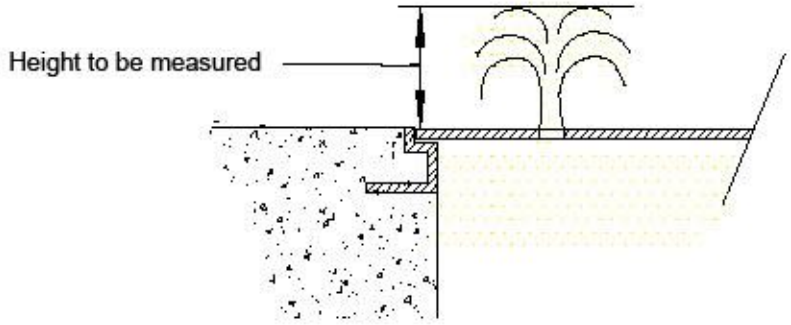
Collection System Collaborative Benchmarking Group
Best Practices for Sanitary Sewer Overflow (SSO) Prevention and Response Plan

The formula used to develop Table C is Q=CcVA, where Q is equal to the quantity of the flow in gallons per minute, Cc is equal to the coefficient of contraction (.63), V is equal to the velocity of the overflow, and A is equal to the area of the pick hole.[2] If all units are in feet, the quantity will be calculated in cubic feet per second, which when multiplied by 448.8 will give the answer in gallons per minute. (One cubic foot per second is equal to 448.8 gallons per minute, hence this conversion method).

Example Overflow Estimation:

The maintenance hole cover is in place and the height of water coming out of the pick hole seven-eighths of an inch in diameter (7/8") is 3 inches (3"). This will produce an SSO flow of approximately 4.7 gallons per minute.

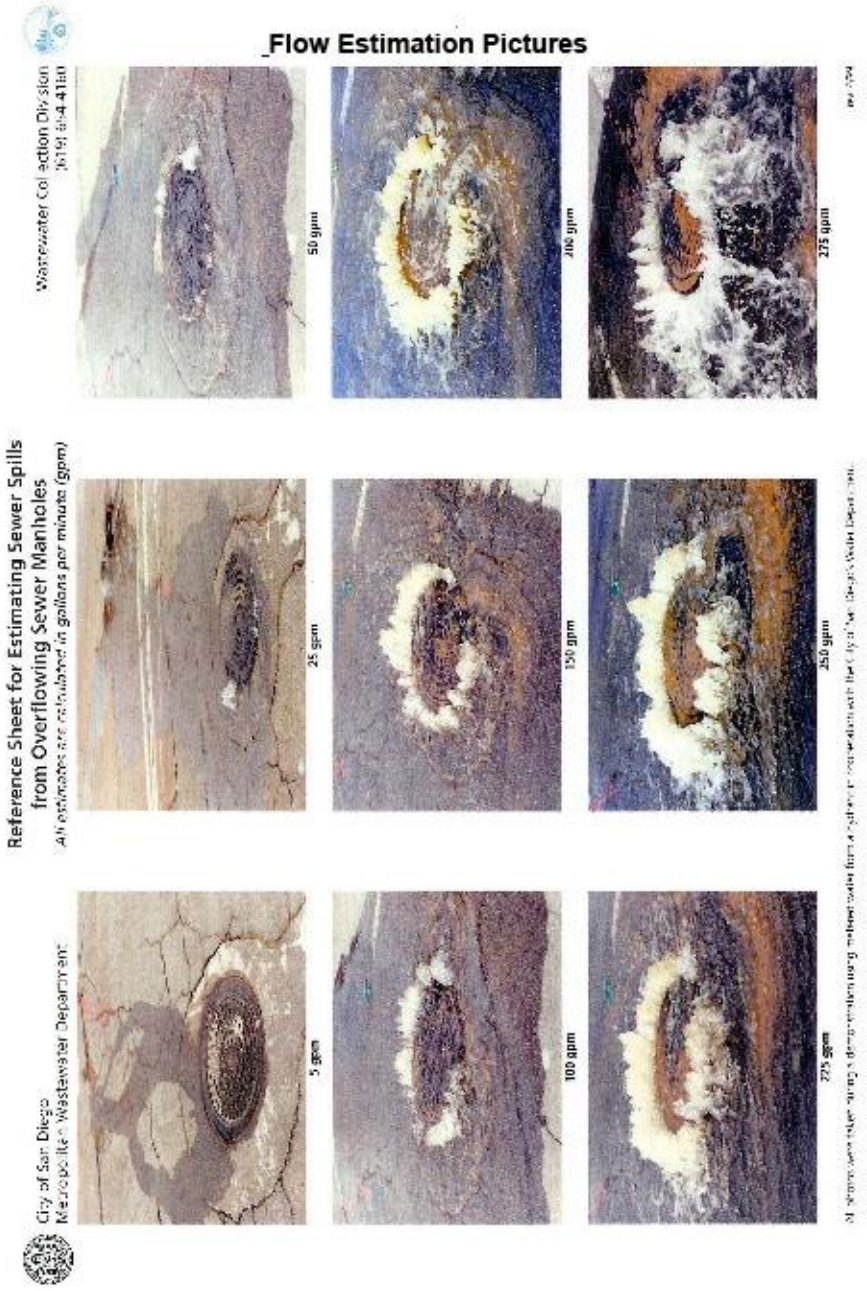
FLOW OUT OF VENT OR PICK HOLE (TABLE "C")



This sanitary sewer overflow drawing was developed by Debbie Myers, Principal Engineering Technician, for Ed Euyen, Civil Engineer, P.E. No. 33955, California, of County Sanitation District 1.

[2] Velocity for the purposes of this formula is calculated by using the formula h = v squared / 2G, where h is equal to the height of the overflow, v is equal to velocity, and G is equal to the acceleration of gravity.

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Best Practices for Sanitary Sewer Overflow (SSO) Prevention and Response Plan



APPENDIX A-3 – Summary of Notification, Monitoring and Reporting Requirements

Table A-3-1
Spill Category 1: Spills to Surface Waters

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 1 spill of 1,000 gallons or greater, discharging or threatening to discharge to surface waters: Notify the California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services: (800) 852-7550
Monitoring	• Conduct spill-specific monitoring; • Conduct water quality sampling of the receiving water within **18 hours** of initial knowledge of spill of 50,000 gallons or greater to surface waters.	(Section 2 of Attachment E-1 to the General Order)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; • Submit Technical Report **within 45 calendar days** after the spill end date for a Category 1 spill in which **50,000 gallons or greater** discharged to surface waters; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.1 of Attachment E1 to the General Order)

Table A-3-2
Spill Category 2: Spills of 1,000 Gallons or Greater That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 2 spill of 1,000 gallons or greater, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services: (800) 852-7550
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E-1 to the General Order)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.2 of Attachment E1 to the General Order)

Table A-3-3
Spill Category 3: Spills of Equal or Greater than 50 Gallons and Less than 1,000 Gallons That Does Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E-1 to the General Order)
Reporting	• Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database within **30 calendars days** after the end of the month in which the spills occur; and • Submit Amended Spill Reports **within 90 calendar days** after the Certified Spill Report due date.	(Section 3.3 and 3.5 of Attachment E1 to the General Order)

Table A-3-4
Spill Category 4: Spills Less Than 50 Gallons That Do Not Discharge to Surface Waters

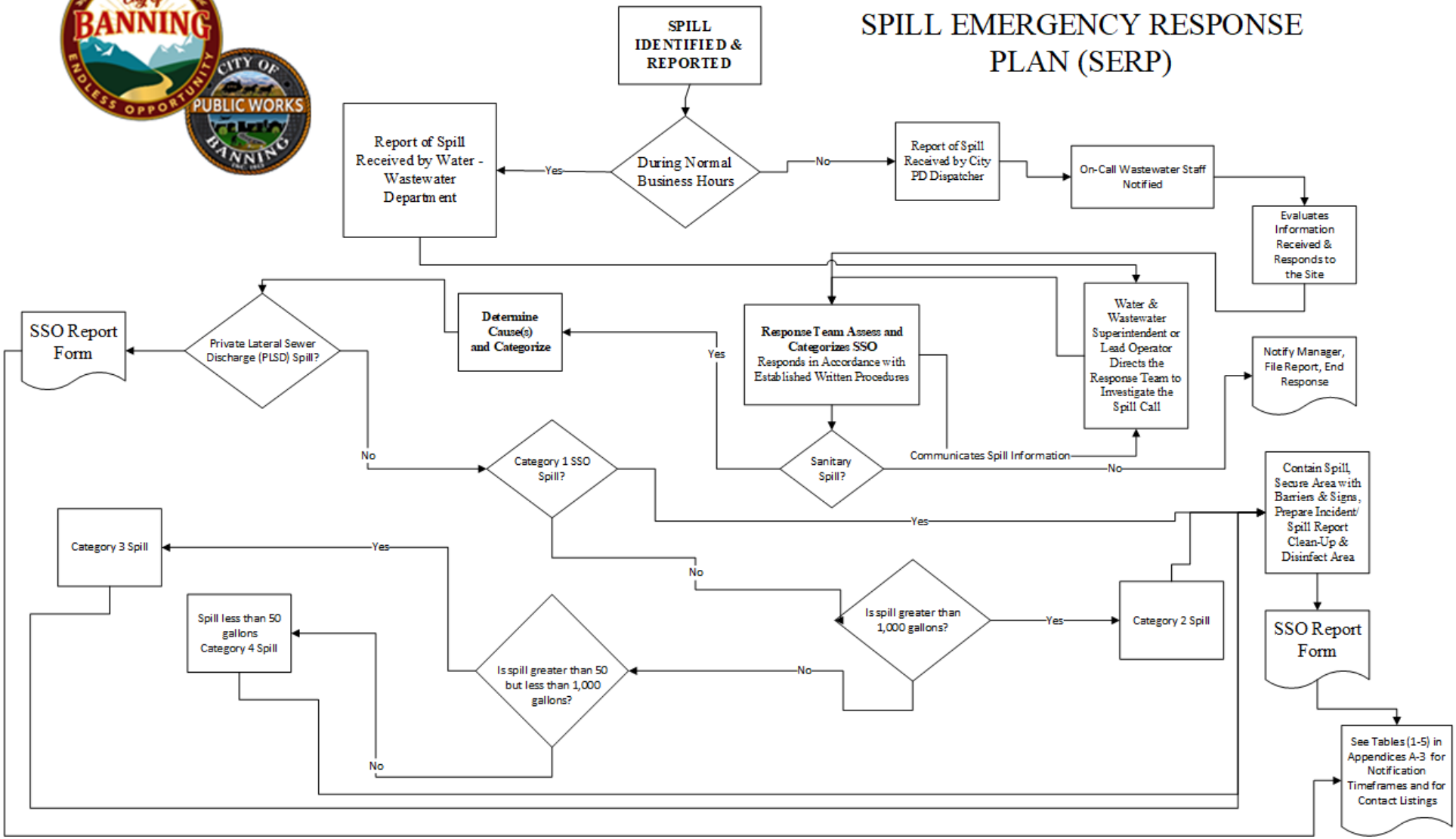
Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E-1 to the General Order)
Reporting	• If, during any calendar month, Category 4 spills occur, certify monthly, the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database, within 30 days after the end of the calendar month in which the spills occurred. • Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur.	(Section 3.4, 3.6, 3.7 and 4.4 of Attachment E1 to the General Order)

Table A-3-5
Enrollee Owned and/or Operated Lateral Spills That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a spill of 1,000 gallons or greater, from an enrollee-owned and/or operated lateral, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number. Not applicable to a spill of less than 1,000 gallons	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1to the General Order)
Monitoring	Conduct visual monitoring.	(Section 2 of Attachment E-1 to the General Order)
Reporting	• Upload and certify a report, in an acceptable digital format, of all lateral spills (that do not discharge to a surface water) to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur. • Report a lateral spill of any volume that discharges to a surface water as a Category 1 spill.	(Section 3.6, 3.7 and 4.4 of Attachment E1 to the General Order)

APPENDIX A-4 – Spill Emergency Response Plan Flow Diagram

SPILL EMERGENCY RESPONSE PLAN (SERP)



APPENDIX A-5 – General Order Attachment E-1

ATTACHMENT E1 – NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

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ATTACHMENT E1– NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

The Notification Requirements (section 1), Spill-specific Monitoring Requirements (section 2), Reporting Requirements (section 3) and Recordkeeping Requirements (section 4) in this Attachment are pursuant to Water Code section 13267 and section 13383, and are an enforceable component of this General Order. For the purpose of this General Order, the term:

- Notification means the notifying of appropriate parties of a spill event or other activity.
- Spill-specific Monitoring means the gathering of information and data for a specific spill event to be reported or kept as records.
- Reporting means the reporting of information and data into the online California Integrated Water Quality System (CIWQS) Sanitary Sewer System Database.
- Recordkeeping means the maintaining of information and data in an official records storage system.

Failure to comply with the notification, monitoring, reporting and recordkeeping requirements in this General Order may subject the Enrollee to civil liabilities of up to $10,000 a day per violation pursuant to Water Code section 13385; up to $1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement.

Water Code section 13193 et seq. requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Resources Control Board (State Water Board) to collect sanitary sewer spill information for each spill event and make this information available to the public. Sanitary sewer spill information for each spill event includes but is not limited to: Enrollee contact information for each spill event, spill cause, estimated spill volume and factors used for estimation, location, date, time, duration, amount discharged to waters of the State, response and corrective action(s) taken.

1. NOTIFICATION REQUIREMENTS

1.1. *Notification of Spills of 1,000 Gallons or Greater to the California Office of Emergency Services*

Per Water Code section 13271, for a spill that discharges in or on any waters of the State, or discharges or is deposited where it is, or probably will be, discharged in or on any waters of the State, the Enrollee shall notify the California Office of Emergency Services and obtain a California Office of Emergency Services Control Number as soon as possible **but no later than two (2) hours** after:

- The Enrollee has knowledge of the spill; and
- Notification can be provided without substantially impeding cleanup or other emergency measures.

The notification requirements in this section apply to individual spills of 1,000 gallons or greater, from an Enrollee-owned and/or operated laterals, to a water of the State.

1.2. *Spill Notification Information*

The Enrollee shall provide the following spill information to the California Office of Emergency Services before receiving a Control Number, as applicable:

- Name and phone number of the person notifying the California Office of Emergency Services;
- Estimated spill volume (gallons);
- Estimated spill rate from the system (gallons per minute);
- Estimated discharge rate (gallons per minute) directly into waters of the State or indirectly into a drainage conveyance system;
- Spill incident description:
    - Brief narrative of the spill event, and
    - Spill incident location (address, city, and zip code) and closest cross streets and/or landmarks;
- Name and phone number of contact person on-scene;
- Date and time the Enrollee was informed of the spill event;
- Name of sanitary sewer system causing the spill;
- Spill cause or suspected cause (if known);
- Amount of spill contained;
- Name of receiving water body receiving or potentially receiving discharge; and
- Description of water body impact and/ or potential impact to beneficial uses.

1.3. *Notification of Spill Report Updates*

Following the initial notification to the California Office of Emergency Services and until such time that the Enrollee certifies the spill report in the online CIWQS Sanitary Sewer System Database, the Enrollee shall provide updates to the California Office of Emergency Services regarding substantial changes to:

- Estimated spill volume (increase or decrease in gallons initially estimated);
- Estimated discharge volume discharged directly into waters of the State or indirectly into a drainage conveyance system (increase or decrease in gallons initially estimated); and
- Additional impact(s) to the receiving water(s) and beneficial uses.

2. SPILL-SPECIFIC MONITORING REQUIREMENTS

2.1 *Spill Location and Spread*

The Enrollee shall visually assess the spill location(s) and spread using photography, global positioning system (GPS), and other best available tools. The Enrollee shall document the critical spill locations, including:

- Photography and GPS coordinates for:
  - The system location where spill originated.

    For multiple appearance points of a single spill event, the points closest to the spill origin.
- Photography for:
  - Drainage conveyance system entry locations,
  - The location(s) of discharge into surface waters, as applicable,
  - Extent of spill spread, and
  - The location(s) of clean up.

2.2 *Spill Volume Estimation*

To assess the approximate spill magnitude and spread, the Enrollee shall estimate the total spill volume using updated volume estimation techniques, calculations, and documentation for electronic reporting. The Enrollee shall update its notification and reporting of estimated spill volume (which includes spill volume recovered) as further information is gathered during and after a spill event.

2.3. *Receiving Water Monitoring*

2.3.1. Receiving Water Visual Observations

Through visual observations and use of best available spill volume-estimating techniques and field calculation techniques, the Enrollee shall gather and document the following information for spills discharging to surface waters:

- Estimated spill travel time to the receiving water;
- For spills entering a drainage conveyance system, estimated spill travel time from the point of entry into the drainage conveyance system to the point of discharge into the receiving water;
- Estimated spill volume entering the receiving water; and
- Photography of:
  - Waterbody bank erosion,
  - Floating matter,
  - Water surface sheen (potentially from oil and grease),

- Discoloration of receiving water, and
- Impact to the receiving water.

2.3.2. *Receiving Water – Water Quality Sampling and Analysis*

For sewage spills in which an estimated 50,000 gallons or greater are discharged into a surface water, the Enrollee shall conduct the following water quality sampling no later than **18 hours** after the Enrollee's knowledge of a potential discharge to a surface water:

- Collect one water sample, each day of the duration of the spill, at:
  - The DCS-001 location as described in section 2.3.4 (Receiving Water Sampling Locations) of this Attachment, if sewage discharges to a surface water via a drainage conveyance system; and/or
  - Each of the three receiving water sampling locations in section 2.3.4 (Receiving Water Sampling Locations) of this Attachment;

    If the receiving water has no flow during the duration of the spill, the Enrollee must report "No Sampling Due To No Flow" for its receiving water sampling locations.

The Enrollee shall analyze the collected receiving water samples for the following constituents per section 2.3.3 (Water Quality Analysis Specifications) of this Attachment:

- Ammonia, and
- Appropriate bacterial indicator(s) per the applicable Basin Plan water quality objectives, including one or more of the following, unless directed otherwise by the Regional Water Board:
  - Total Coliform Bacteria
  - Fecal Coliform Bacteria
  - *E-coli*
  - Enterococcus

Dependent on the receiving water(s), sampling of bacterial indicators shall be sufficient to determine post-spill (after the spill) compliance with the water quality objectives and bacterial standards of the California Ocean Plan or the California Inland Surface Water Enclosed Bays, and Estuaries Plan, including the frequency and/or number of post-spill receiving water samples as may be specified in the applicable plans.

The Enrollee shall collect and analyze additional samples as required by the applicable Regional Water Board Executive Officer or designee.

2.3.3. *Water Quality Analysis Specifications*

Spill monitoring must be representative of the monitored activity (40 Code of Federal Regulations section 122.41(j)(1)).

Sufficiently Sensitive Methods

Sample analysis must be conducted according to sufficiently sensitive test methods approved under 40 Code of Federal Regulations Part 136 for the sample analysis of pollutants. For the purposes of this General Order, a method is sufficiently sensitive when the minimum level of the analytical method approved under 40 Code of Federal Regulations Part 136 is at or below the receiving water pollutant criteria.

Environmental Laboratory Accreditation Program-Accredited Laboratories

The analysis of water quality samples required per this General Order must be performed by a laboratory that has accreditation pursuant to Article 3 (commencing with section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. (Water Code section 13176(a).) The State Water Board accredits laboratories through its Environmental Laboratory Accreditation Program (ELAP).

2.3.4. *Receiving Water Sampling Locations*

The Enrollee shall collect receiving water samples at the following locations.

20.1 *Sampling of Flow in Drainage Conveyance System (DCS) Prior to Discharge*

Sampling Location	Sampling Location Description
DCS-001	A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Receiving Surface Water Sampling (RSW)[1]

Sampling Location	Sampling Location Description
RSW-001 Point of Discharge	A point in the receiving water where sewage initially enters the receiving water.
RSW-001U: Upstream of Point of Discharge	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.

Sampling Location	Sampling Location Description
RSW-001D: Downstream of Point of Discharge	A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

[1] The Enrollee must use its best professional judgment to determine the upstream and downstream distances based on receiving water flow, accessibility to upstream/downstream waterbody banks, and size of visible sewage plume.

2.4. *Safety and Access Exceptions*

If the Enrollee encounters access restrictions or unsafe conditions that prevents its compliance with spill response requirements or monitoring requirements in this General Order, the Enrollee shall provide documentation of access restrictions and/or safety hazards in the corresponding required report.

3. REPORTING REQUIREMENTS

All reporting required in this General Order must be submitted electronically to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov), unless specified otherwise in this General Order. Electronic reporting may solely be conducted by a Legally Responsible Official or Data Submitter(s) previously designated by the Legally Responsible Official, as required in section 5.8 (Designation of Data Submitters) of this General Order.

The Enrollee shall report any information that is protected by the Homeland Security Act, by email to SanitarySewer@waterboards.ca.gov, with a brief explanation of the protection provided by the Homeland Security Act for the subject report to be protected from unauthorized disclosure and/or public access, and for official Water Board regulatory purposes only.

3.1. *Reporting Requirements for Individual Category 1 Spill Reporting*

3.1.1. Draft Spill Report for Category 1 Spills

Within three (3) business days of the Enrollee's knowledge of a Category 1 spill, the Enrollee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;

5. Estimated spill start date and time;
6. Date and time the Enrollee notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated;
    - If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry location(s);
    - Estimated spill volume fully recovered from the drainage conveyance system;
    - Estimated spill volume remaining within the drainage conveyance system;
11. Description and photographs of all discharge point(s) into the surface water;
12. Estimated spill volume that discharged to surface waters; and
13. Estimated total spill volume recovered.

3.1.2. *Certified Spill Report for Category 1 Spills*

Within 15 calendar days of the spill end date, the Enrollee shall submit a Certified Spill Report for Category 1 spills, to the online CIWQS Sanitary Sewer System Database. Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report per section 3.1.1 (Draft Spill Report for Category 1 Spills) above:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
    - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;

4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, lateral, pump station, etc.);
6. Description of the pipe material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion;
14. Name and type of receiving water body(s);
15. Description of the water body(s), including but not limited to:
    - Observed impacts on aquatic life,
    - Public closure, restricted public access, temporary restricted use, and/or posted health warnings due to spill,
    - Responsible entity for closing/restricting use of water body, and
    - Number of days closed/restricted as a result of the spill.
16. Whether or not the spill was located within 1,000 feet of a municipal surface water intake; and
17. If water quality samples were collected, identify sample locations and the parameters the water quality samples were analyzed for. If no samples were taken, Not Applicable shall be selected.

3.1.3. *Spill Technical Report for Individual Category 1 Spill in which 50,000 Gallons or Greater Discharged into a Surface Water*

For any spill in which 50,000 gallons or greater discharged into a surface water, **within 45 calendar days** of the spill end date, the Enrollee shall submit a Spill Technical Report to the online CIWQS Sanitary Sewer System Database. The Spill Technical Report, at minimum, must include the following information:

1. Spill causes and circumstances, including at minimum:
    - Complete and detailed explanation of how and when the spill was discovered;

- Photographs illustrating the spill origin, the extent and reach of the spill, drainage conveyance system entrance and exit, receiving water, and post-cleanup site conditions;
- Diagram showing the spill failure point, appearance point(s), the spill flow path, and ultimate destinations;
- Detailed description of the methodology employed, and available data used to calculate the discharge volume and, if applicable, the recovered spill volume;
- Detailed description of the spill cause(s);
- Description of the pipe material, and estimated age of the pipe material, at the failure location;
- Description of the impact of the spill;
- Copy of original field crew records used to document the spill; and
- Historical maintenance records for the failure location.

2. Enrollee's response to the spill:
   - Chronological narrative description of all actions taken by the Enrollee to terminate the spill;
   - Explanation of how the Sewer System Management Plan Spill Emergency Response Plan was implemented to respond to and mitigate the spill; and
   - Final corrective action(s) completed and a schedule for planned corrective actions, including:
     - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable,
     - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences, and
     - Necessary modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the spill.
3. Water Quality Monitoring, including at minimum:
   - Description of all water quality sampling activities conducted;
   - List of pollutant and parameters monitored, sampled and analyzed; as required in section 2.3 (Receiving Water Monitoring) of this Attachment;
   - Laboratory results, including laboratory reports;
   - Detailed location map illustrating all water quality sampling points; and
   - Other regulatory agencies receiving sample results (if applicable).

4. Evaluation of spill impact(s), including a description of short-term and long-term impact(s) to beneficial uses of the surface water.

3.1.4. *Amended Certified Spill Reports for Individual Category 1 Spills*

The Enrollee shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After **90 calendar days**, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

3.2. *Reporting Requirements for Individual Category 2 Spill Reporting*

3.2.1. Draft Spill Report for Category 2 Spills

Within three (3) business days of the Enrollee's knowledge of a Category 2 spill, the Enrollee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Date and time the Enrollee notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated;

   If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry location(s);
    - Estimated spill volume fully recovered from the drainage conveyance system;
    - Estimated spill volume remaining within the drainage conveyance system;

- Estimated spill volume discharged to a groundwater infiltration basin or facility, if applicable; and

11. Estimated total spill volume recovered.

3.2.2. *Certified Spill Report for Category 2 Spills*

Within 15 calendar days of the spill end date, the Enrollee shall submit a Certified Spill Report for the Category 2 spill, to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov). Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report per section 3.2.1 (Draft Spill Report for Category 2 Spills) above:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
    - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, pump station, etc.);
6. Description of the pipe/infrastructure material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion; and

14. Whether or not the spill was located within 1,000 feet of a municipal surface water intake.

3.2.3. *Amended Certified Spill Reports for Individual Category 2 Spills*

The Enrollee shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After **90 calendar days**, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

3.3. *Monthly Certified Spill Reporting for Category 3 Spills*

The Enrollee shall report and certify all Category 3 spills to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occurred. (For example, all Category 3 spills occurring in the month of February shall be reported and certified by March 30th). After the Legally Responsible Official certifies the spills, the online CIWQS Sanitary Sewer System Database will issue a spill event identification number for each spill.

The monthly reporting of all Category 3 spills must include the following items for each spill:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Description, photographs, and GPS coordinates where the spill originated:
    - If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
7. Estimated total spill volume exiting the system;
8. Description and photographs of the extent of the spill and spill boundaries;
9. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry locations(s);
    - Estimated spill volume fully recovered from the drainage conveyance system; and

- Estimated spill volume discharged to a groundwater infiltration basis or facility, if applicable.

10. Estimated total spill volume recovered;
11. Description of the spill event destination(s), including GPS coordinates, if available, that represent the full spread and reaches of the spill;
12. Spill end date and time;
13. Description of how the spill volume estimations were calculated, including, at minimum:
    - The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology and type of data relied upon to estimate the spill start time, on-going spill rate at time of arrival (if applicable), and the spill end time;
14. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
15. System failure location (for example, main, pump station, etc.);
16. Description of the pipe/infrastructure material, and estimated age of the pipe/infrastructure material, at the failure location;
17. Description of the impact of the spill;
18. Whether or not the spill was associated with a storm event;
19. Description of spill response activities including description of immediate spill containment and cleanup efforts;
20. Description of spill corrective actions, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of the major milestones for those steps; including, at minimum:
    - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable, and
    - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences at the same spill event location, including:
        - Adjusted schedule/method of preventive maintenance,
        - Planned rehabilitation or replacement of sanitary sewer asset,
        - Inspected, repaired asset(s), or replaced defective asset(s),
        - Capital improvements,
        - Documentation verifying immediately implemented system modifications and operating/maintenance modifications,
        - Description of spill response activities,

- Spill response completion date, and
- Ongoing investigation efforts, and expected completion date of investigation to determine the full cause of spill;

21. Detailed narrative of investigation and investigation findings of cause of spill.

3.4. *Monthly Certified Spill Reporting for Category 4 Spills*

The Enrollee shall report and certify the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, within 30 calendar days after the end of the month in which the spills occurred.

3.5. *Amended Certified Spill Reports for Category 3 Spills*

Within 90 calendar days of the certified Spill Report due date, the Enrollee may update or add additional information to a certified Spill Report by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After 90 calendar days, the Legally Responsible Official shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a certified Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the 90-day timeframe for amending the certified Spill Report, as provided above.

3.6. *Annual Certified Spill Reporting of Category 4 and/or Lateral Spills*

For all Category 4 spills and spills from its owned and/or operated laterals that are caused by a failure or blockage in the lateral and that do not discharge to a surface water, the Enrollee shall:

- Maintain records per section 4.4. of this Attachment;

  The Enrollee shall provide records upon request by State Water Board or Regional Water Board staff.

- Annually upload and certify a report, in an appropriate digital format, of all recordkeeping of spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occurred.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

3.7. *Monthly Certification of "No-Spills" or "Category 4 Spills" and/or "Non-Category 1 Lateral Spills"*

If either (1) no spills occur during a calendar month or (2) only Category 4, and/or Enrollee-owned and/or operated lateral spills (that do not discharge to a surface water) occur during a calendar month, the Enrollee shall certify, within 30 calendar days after

the end of each calendar month, either a “No-Spill” certification statement, or a “Category 4 Spills” and/or “Non-Category 1 Lateral Spills” certification statement, in the online CIWQS Sanitary Sewer System Database, certifying that there were either no spills, or Category 4 and/or Non-Category 1 Lateral Spills that will be reported annually (per section 3.6 of this Attachment) for the designated month.

If a spill starts in one calendar month and ends in a subsequent calendar month, and the Enrollee has no further spills of any category, in the subsequent calendar month, the Enrollee shall certify “no-spills” for the subsequent calendar month.

If the Enrollee has no spills from its systems during a calendar month, but the Enrollee voluntarily reported a spill from a private lateral or a private system, the Enrollee shall certify “no-spills” for that calendar month.

If the Enrollees has spills from its owned and/or operated laterals during a calendar month, the Enrollee shall not certify “no spills” for that calendar month.

3.8. *Electronic Sanitary Sewer System Service Area Boundary Map*

The Legally Responsible Official shall submit, to the State Water Board, an up-to-date electronic spatial map of its sewer system service area boundaries. The map must be in accordance with section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) of this General Order and the specification provided on the statewide Sanitary Sewer Systems program website. The map must include the location of wastewater treatment facility(ies) that treats the sewer system waste, if in the same sewer service boundary.

By the Effective Date of this General Order, specifications for the electronic sanitary sewer service area boundary map format will be provided on the statewide Sanitary Sewer Systems Order program website.

3.9. *Annual Report (Previously termed as Collection System Questionnaire in General Order 2006-0003-DWQ)*

A new Enrollee shall complete and submit its first certified Annual Report into the online CIWQS Sanitary Sewer System Database, **within 30 days of obtaining a CIWQS account**; Subsequent Annual Reports are due by April 1 of each year.

All enrollees shall update their previous year’s Annual Report, **by April 1 of each year after the Effective Date of this General Order,** for each calendar year (January 1 through December 31)**.**

The Annual Report must be entered directly into the online CIWQS Sanitary Sewer System Database. The Enrollee’s Legally Responsible Official shall certify the Annual Report as instructed in CIWQS;

The Annual Report must address, and update as applicable, the following items:

- Population served;Updated sewer system service area boundary map, if service area boundary has changed from original map submitted per section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) of this General Order;
- Number of system operation and maintenance staff:
    - Entry level (less than two years of experience),
    - Journey level (greater than two years of experience),
    - Supervisory level, and
    - Managerial level;
- Number of operation and maintenance staff certified as a certified collection system operator by the California Water Environmental Association (CWEA), with:
    - Corresponding number of certified collection system operator grade levels (Grade I, II, III, IV, and V);
- System information:
    - Miles of system gravity and force mains,
    - Number of upper and lower service laterals connected to system,
    - Estimated number of upper and lower laterals owned and/or operated by the Enrollee,
    - Portion of laterals that is Enrollee's responsibility,
    - Average age the major components of system infrastructure,
    - Number and age of pump stations, and
    - Estimated total miles of the system pipeline not accessible for maintenance;
- Name and location of the treatment plant(s) receiving sanitary sewer system's waste;
- Name of satellite sewer system tributaries;
- Number of system's gravity sewer above or underground crossings of water bodies throughout system;
- Number of force main (pressurized pipe) above or underground crossings of water bodies throughout system;
- Number of siphons used to convey waste throughout the sewer system;
- Miles of sewer system cleaned;
- Miles of sewer system video inspected, or comparable (i.e., video closed-circuit television or alternative inspection methods);
- System Performance Evaluation as specified in section 5.11 (System Performance Analysis) of this General Order;
- Major spill causes (for example, root intrusion, grease deposition);

- System infrastructure failure points (for example, main, pump station, lateral, etc.);
- Ongoing spill investigations; and
- Actions taken to address system deficiencies.

3.10. *Sewer System Management Plan Audit Reporting Requirements*

The Enrollee shall submit its Sewer System Management Plan Audit and other pertinent audit information, in accordance with section 5.4 (Sewer System Management Plan Audits) of this General Order, to the online CIWQS Sanitary Sewer System Database **by six (6) months after the end of the 3-year audit period**.

If a Sewer System Management Plan Audit is not conducted as required: the Enrollee shall:

- Update the online CIWQS Sanitary Sewer System Database and select the justification for not conducting the Audit; and
- Notify its corresponding Regional Water Board (see Attachment F (Regional Water Quality Control Board Contact Information)) of the justification for the lapsed requirements.

The Enrollee's reporting of a justification for not conducting a timely Audit does not justify non-compliance with this General Order. The Enrollee shall:

- Submit the late Audit as required in this General Order; and
- Comply with subsequent Audit requirements and due dates corresponding with the original audit cycle.

3.11. *Sewer System Management Plan Reporting Requirements*

For an Existing Enrollee previously regulated by Order 2006-0003-DWQ: **Within every six (6) years after the required due date of its last Plan Update**, the Legally Responsible Official shall upload and certify a local governing entity-approved Sewer System Management Plan Update to the online CIWQS Sanitary Sewer System Database. If the electronic document format or size capacity prevents the electronic upload of the Plan, the Legally Responsible Official shall report an electronic link to its updated Sewer System Management Plan posted on its own website.

Order 2006-0003-DWQ required each enrollee to develop its initial Sewer System Management Plan per the following schedule, with required Plan updates at a frequency of 5-years thereafter:

Systems serving populations: Greater than 100,000: May 2, 2009

Between 100,000 and 10,000: August 2, 2009

Between 10,000 and 2,500: May 2, 2010

Less than 2,500: August 2, 2010

This Order carries forth the previously-required Plan Update schedule per Order 2006-0003-DWQ. Per the six-year Plan Update frequency required in this Order, the Enrollee shall upload and certify its first Plan Update, to the online CIWQS Sanitary Sewer System Database by the following due dates, with subsequent Plan Updates at the frequency of six years thereafter:

Systems serving populations: Greater than 100,000: May 2, 2025

Between 100,000 and 10,000: August 2, 2025

Between 10,000 and 2,500: May 2, 2026

Less than 2,500: August 2, 2026

For a New Enrollee: **Within twelve (12) months of its Application for Enrollment Approval date**, the Legally Responsible Official of a new Enrollee shall upload and certify a local governing entity-approved Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database. If electronic document format or size capacity prevents the electronic upload of the Plan, the Legally Responsible Official shall report an electronic link to its Sewer System Management Plan posted on its own website. The due date for subsequent 6-year Plan updates, is six (6) years from the submittal due date of the new Enrollee's first Sewer System Management Plan.

4. RECORDKEEPING REQUIREMENTS

The Enrollee shall maintain records to document compliance with the provisions of this General Order, and previous General Order 2006-0003-DWQ as applicable, for each sanitary sewer system owned, including any required records generated by an Enrollee's contractor(s).

4.1. *Recordkeeping Time Period*

The Enrollee shall maintain records of documents required in this Attachment, including records collected for compliance with this General Order, and records collected in accordance with previous General Order 2006-0003-DWQ, for five (5) years.

4.2. *Availability of Documents*

The Enrollee shall make the records required in this General Order readily available, either electronic or hard copies, for review by Water Board staff during onsite inspections or through an information request.

4.3. *Spill Reports*

The Enrollee shall maintain records for each of the following spill-related events and activities:

- Spill event complaint, including but not limited to records documenting how the Enrollee responded to notifications of spills. Each complaint record must, at a minimum, include the following information:
    - Date, time, and method of notification,

- Date and time the complainant first noticed the spill, if available,
- Narrative description of the complaint, including any information the caller provided regarding whether the spill has reached surface waters or a drainage conveyance system, if available,
- Complainant's contact information, if available, and
- Final resolution of the complaint;

- Records documenting the steps and/or remedial action(s) undertaken by the Enrollee, using all available information, to comply with this General Order, and previous General Order 2006-0003-DWQ as applicable;
- Records documenting how estimate(s) of volume(s) and, if applicable, volume(s) of spill recovered were calculated;
- All California Office of Emergency Services notification records, as applicable; and
- Records, in accordance with the Monitoring Requirements in this Attachment.

4.4. *Recordkeeping of Category 4 Spills and Non-Category 1 Lateral Spills*

An Enrollee must maintain the following records for each individual Category 4 spill and for each individual non-Category 1 Enrollee-owned and/or operated lateral spill, and report in accordance to section 3.6 (Annual Certified Spill Reporting of Category 4 and/or Lateral Spills) of this Attachment.

Recordkeeping of Individual Category 4 Spill Information:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Description and GPS coordinates for the system location where the spill originated;
4. Did the spill reach a drainage conveyance system? If Yes:
   - Description of drainage conveyance system location,
   - Estimated spill volume fully recovered within the drainage conveyance system, and
   - Estimated spill volume remaining within the drainage conveyance system;
5. Estimated total spill volume exiting the sanitary sewer system;
6. Spill date and start time;
7. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
8. System failure location (for example, main, pump station, etc.);
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of how the volume estimation was calculated, including, at minimum:

- The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
- The methodology and type of data relied upon to estimate the spill start time, on- going spill rate at time of arrival (if applicable), and the spill end time;

11. Description of implemented system modifications and operating/maintenance modifications.

Recordkeeping of Individual Lateral Spill Information:

1. Date and time the Enrollee was notified of, or self-discovered, the spill;
2. Location of individual spill;
3. Estimated individual spill volume;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.); and
5. Description of how the volume estimations were calculated.

Total Annual Spill Information:

1. Estimated total annual spill volume;
2. Description of spill corrective actions, including at minimum:
   - Local regulatory enforcement action taken against the sewer lateral owner in response to a spill, as applicable, and
   - System operation, maintenance and program modifications implemented to prevent repeated spill occurrences at the same spill location.

4.5. *Sewer System Telemetry Records*

The Enrollee shall maintain the following sewer system telemetry records if used to document compliance with this General Order, and previous General Order 2006-0003-DWQ as applicable, including spill volume estimates:

- Supervisory control and data acquisition (SCADA) system(s);
- Alarm system(s);
- Flow monitoring device(s) or other instrument(s) used to estimate sewage flow rates, and/or volumes;
- Computerized maintenance management system records; and
- Asset management-related records.

4.6. *Sewer System Management Plan Implementation Records*

The Enrollee shall maintain records documenting the Enrollee's implementation of its Sewer System Management Plan, including documents supporting its Sewer System Management Plan audits, corrections, modifications, and updates to the Sewer System Management Plan Audit Records

The Enrollee shall maintain, at minimum, the following records pertaining to its Sewer System Management Plan audits, and other internal audits:

- Completed audit documents and findings;
- Name and contact information of staff and/or consultants that conducted or involved in the audit; and
- Follow-up actions based on audit findings.

4.7. *Equipment Records*

The Enrollee shall maintain a log of all owned and leased sewer system cleaning, operational, maintenance, construction, and rehabilitation equipment.

4.8. *Work Orders*

The Enrollee shall maintain record of work orders for operations and maintenance projects.

ATTACHMENT E2 – SUMMARY OF NOTIFICATION, MONITORING AND REPORTING REQUIREMENTS

This Attachment provides a summary of notification, monitoring and reporting requirements, by spill category, and for Enrollee-owned and/or operated laterals as required in Attachment E1 of this General Order, for quick reference purposes only.

Table E2-1
Spill Category 1: Spills to Surface Waters

Spill Requirement	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 1 spill of 1,000 gallons or greater, discharging or threatening to discharge to surface waters: Notify the California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	• Conduct spill-specific monitoring; • Conduct water quality sampling of the receiving water within **18 hours** of initial knowledge of spill of 50,000 gallons or greater to surface waters.	(Section 2 of Attachment E1)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; • Submit Technical Report **within 45 calendar days** after the spill end date for a Category 1 spill in which **50,000 gallons or greater** discharged to surface waters; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.1 of Attachment E1)

Table E2-2

Spill Category 2: Spills of 1,000 Gallons or Greater That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 2 spill of 1,000 gallons or greater, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.2 of Attachment E1)

Table E2-3
Spill Category 3: Spills of Equal or Greater than 50 Gallons and Less than 1,000 Gallons That Does Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database within **30 calendars days** after the end of the month in which the spills occur; and • Submit Amended Spill Reports **within 90 calendar days** after the Certified Spill Report due date.	(Section 3.3 and 3.5 of Attachment E1)

Table E2-4
Spill Category 4: Spills Less Than 50 Gallons That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• If, during any calendar month, Category 4 spills occur, certify monthly, the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database, within 30 days after the end of the calendar month in which the spills occurred. • Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur.	(Section 3.4, 3.6, 3.7 and 4.4 of Attachment E1)

Appendix F

SSMP Change Log

Change Number	Date	Section	Description of Change	Reason for Change	Approved By	Date Approved
001	5/14/2024	6.0	Updated Spill Emergency Response Plan (SERP)	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/2/24
002	5/20/2024	1.0	Update Goal and Introduction	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
003	6/14/24	2.0	Update Organization	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
004	6/14/24	3.0	Update Legal Authority	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
005	6/14/24	7.0	Update Sewer Pipe Blockage Control Program	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
006	6/14/24	9.0	Update Monitoring, Measurement and Program Modifications	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
007	6/14/24	10.0	Update Internal Audits	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
008	6/14/24	11.0	Update Communication Program	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
009	6/26/24	4.0	Updated Operation and Maintenance Program	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/1/24
010	7/2/24	5.0	Updated Communication Program	Reflect Order No. 2022-0103-DWQ requirements	Perry Gerdes	7/2/24
011	7/2/24	8.0	Updated System Evaluation, Capacity	Reflect Order No. 2022-0103-	Perry Gerdes	7/2/4/24

			Assurance and Capital Improvements	DWQ requirements		

STATE WATER RESOURCES CONTROL BOARD
1001 I Street, Sacramento, California 95814
ORDER WQ 2022-0103-DWQ

STATEWIDE WASTE DISCHARGE REQUIREMENTS

GENERAL ORDER FOR SANITARY SEWER SYSTEMS

This Order was adopted by the State Water Resources Control Board on December 6, 2022.
This Order shall become effective **180 days after the Adoption Date of this General Order,** on June 5, 2023. The Enrollee shall comply with the requirements of this Order upon the Effective Date of this General Order.

This General Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, protect the Enrollee from liability under federal, state, or local laws, nor create a vested right for the Enrollee to continue the discharge of waste.

CERTIFICATION

I, Jeanine Townsend, Clerk to the Board, do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the State Water Board on December 6, 2022.

AYE:	Chair E. Joaquin Esquivel Vice Chair Dorene D'Adamo Board Member Sean Maguire Board Member Laurel Firestone Board Member Nichole Morgan
NAY:	None
ABSENT:	None
ABSTAIN:	None

Courtney Tyler for
Jeanine Townsend
Clerk to the Board

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1. INTRODUCTION

This General Order regulates sanitary sewer systems designed to convey sewage. For the purpose of this Order, a sanitary sewer system includes, but is not limited to, pipes, valves, pump stations, manholes, siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks. A sanitary sewer system includes:

- Laterals owned and/or operated by the Enrollee;
- Satellite sewer systems; and/or
- Temporary conveyance and storage facilities, including but not limited to temporary piping, vaults, construction trenches, wet wells, impoundments, tanks and diversion structures.

Sewage is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge), and any mixture of these wastes with inflow or infiltration of stormwater or groundwater, conveyed in a sanitary sewer system. Sewage contains high levels of suspended solids, non-digested organic waste, pathogenic bacteria, viruses, toxic pollutants, nutrients, oxygen-demanding organic compounds, oils, grease, pharmaceuticals, and other harmful pollutants.

For the purpose of this General Order, a spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure. Sewage and its associated wastewater spilled from a sanitary sewer system may threaten public health, beneficial uses of waters of the State, and the environment.

This General Order serves as statewide waste discharge requirements and supersedes the previous State Water Resources Control Board (State Water Board) Order 2006-0003-DWQ and amendments thereafter. All sections and attachments of this General Order are enforceable by the State Water Board and Regional Water Quality Control Boards (Regional Water Boards). Through this General Order, the State Water Board requires an Enrollee to:

- Comply with federal and state prohibitions of discharge of sewage to waters of the State, including federal waters of the United States;
- Comply with specifications, and notification, monitoring, reporting and recordkeeping requirements in this General Order that implement the federal Clean Water Act, the California Water Code (Water Code), water quality control plans (including Regional Water Board Basin Plans) and policies;
- Proactively operate and maintain resilient sanitary sewer systems to prevent spills;
- Eliminate discharges of sewage to waters of the State through effective implementation of a Sewer System Management Plan;
- Monitor, track, and analyze spills for ongoing system-specific performance improvements; and
- Report noncompliance with this General Order per reporting requirements.

An Enrollee is a public, private, or other non-governmental entity that has obtained approval for regulatory coverage under this General Order, including:

- A state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:
  - greater than one (1) mile in length (each individual sanitary sewer system);
  - one (1) mile or less in length where the State Water Board or a Regional Water Board requires regulatory coverage under this Order; or
- A federal agency, private company, or other non-governmental entity that owns and/or operates a sanitary sewer system of any size where the State Water Board or a Regional Water Board requires regulatory coverage under this Order in response to a history of spills, proximity to surface water, or other factors supporting regulatory coverage.

For the purpose of this Order, a sanitary sewer system includes only systems owned and/or operated by the Enrollee.

2. REGULATORY COVERAGE AND APPLICATION REQUIREMENTS

2.1. Requirements for Continuation of Existing Regulatory Coverage

To continue regulatory coverage from previous Order 2006-0003-DWQ under this General Order, **within the 60-days-prior-to the Effective Date of this General Order**, the Legally Responsible Official of an existing Enrollee shall electronically certify the Continuation of Existing Regulatory Coverage form in the online California Integrated Water Quality System (CIWQS) Sanitary Sewer System Database. The Legally Responsible Official will receive an automated CIWQS-issued Notice of Applicability email, confirming continuation of regulatory coverage under this General Order. All regulatory coverage under previous Order 2006-0003-DWQ will cease on the Effective Date of this Order.

An Enrollee continuing existing regulatory coverage is not required to submit a new application package or pay an application fee for enrollment under this General Order. The annual fee due date for continued regulatory coverage from previous Order 2006-0003-DWQ to this General Order remains unchanged.

A previous Enrollee of Order 2006-0003-DWQ that fails to certify the Continuation of Existing Regulatory Coverage form in the online CIWQS database by the Effective Date of this Order is considered a New Applicant, and will not have regulatory coverage for its sanitary sewer system(s) until:

- A new application package for system(s) enrollment is submitted per section 2.2 (Requirements for New Regulatory Coverage) below; and
- The new application package is approved per section 2.2.2 (Approval of Application Package (For New Applicants Only)).

2.2. Requirements for New Regulatory Coverage

No later than 60 days prior to commencing and/or assuming operation and maintenance responsibilities of a sanitary sewer system, a duly authorized representative that

maintains legal authority over the public or private sanitary sewer system is required to enroll under this General Order by submitting a complete application package as specified below and as provided in Attachment B (Application for Enrollment Form) of this General Order.

Unless required by a Regional Water Board, a public agency that owns a combined sewer system subject to the Combined Sewer Overflow Control Policy (33 U.S. Code § 1342(q)), is not required to enroll, under this Order, the portions of its sanitary sewer system(s) that collects combined sanitary wastewater and stormwater.

2.2.1. Application Package Requirements

The Application for Enrollment package for new applicants must include the following items:

- **Application for Enrollment Form**. The form in Attachment B of this General Order must be completed, signed, and certified by a Legally Responsible Official, in accordance with section 5.1 (Designation of a Legally Responsible Official) of this General Order. If an electronic Application for Enrollment form is available at the time of application, a new applicant shall submit its application form electronically; and
- **Application Fee**. A fee payable to the "State Water Resources Control Board" in accordance with the Fee Schedule in the California Code of Regulations, Title 23, section 2200, or subsequent fee regulations updates.

  The application fee for this General Order is based on the sanitary sewer system's threat to water quality and complexity designations of category 2C or 3C, which is assigned based on the population served by the system. The current Fee Schedule for sanitary sewer systems is listed under subdivision (a)(2) at the following website: Fee Schedule (https://www.waterboards.ca.gov/resources/fees/water_quality/).

2.2.2. Approval of Application Package (For New Applicants Only)

The Deputy Director of the State Water Board, Division of Water Quality (Deputy Director) will consider approval of each complete Application for Enrollment package. The Deputy Director will issue a Notice of Applicability letter which serves as approved regulatory coverage for the new Enrollee.

If the submitted application package is not complete in accordance with section 2.2.1 (Application Package Requirements) of this General Order, the Deputy Director will send a response letter to the applicant outlining the application deficiencies. The applicant will have 60 days from the date of the response letter to correct the application deficiencies and submit the identified items necessary to complete the application package to the State Water Board.

2.2.3. Electronic Reporting Account for New Enrollee

Within 30 days after the date of the Approval of Complete Application Package for System Enrollment, a duly authorized representative for the Enrollee shall obtain a CIWQS Sanitary Sewer System Database user account by clicking the "User Registration" button and following the directions on the CIWQS Login Page

(https://ciwqs.waterboards.ca.gov). If additional assistance is needed to establish an online CIWQS user account, contact State Water Board staff by email at CIWQS@waterboards.ca.gov. The online user account will provide the Enrollee secure access to the online CIWQS database for electronic reporting.

2.3. Regulatory Coverage Transfer

Regulatory coverage under this General Order is not transferable to any person or party except after an existing Enrollee submits a written request for a regulatory coverage transfer to the Deputy Director, at least 60 days in advance of any proposed system ownership transfer. The written request must include a written agreement between the existing Enrollee and the new Enrollee containing:

- Acknowledgement that the transfer of ownership is solely of an existing system with an existing waste discharge identification (WDID) number;
- The specific ownership transfer date in which the responsibility and regulatory coverage transfer between the existing Enrollee and the new Enrollee becomes effective; and
- Acknowledgement that the existing Enrollee is liable for violations occurring up to the ownership transfer date and that the new Enrollee is liable for violations occurring on and after the ownership transfer date.

The Deputy Director will consider approval of the written request. If approved, the Deputy Director will issue a Notice of Applicability letter which serves as an approved transfer of regulatory coverage to the new Enrollee.

3. FINDINGS

3.1. Legal Authorities

3.1.1. Federal and State Regulatory Authority

The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States (33 U.S.C. 1251). The Water Code authorizes the State Water Board to implement the Clean Water Act in the State and to protect the quality of all waters of the State (Water Code sections 13000 and 13160).

3.1.2. Discharge of Sewage

A discharge of untreated or partially treated sewage is a discharge of waste as defined in Water Code section 13050(d) that could affect the quality of waters of the State and is subject to regulation by waste discharge requirements issued pursuant to Water Code section 13263 and Chapter 9, Division 3, Title 23 of the California Code of Regulations. A discharge of sewage may pollute and alter the quality of the waters of the State to a degree that unreasonably affects the beneficial uses of the receiving water body or facilities that serve those beneficial uses (Water Code section 13050(l)(1)).

3.1.3 Water Boards Authority to Require Technical Reports, Monitoring, and Reporting

Water Code sections 13267 and 13383 authorize the Regional Water Boards and the State Water Board to establish monitoring, inspection, entry, reporting, and recordkeeping requirements. Water Code section 13267(b), authorizes the Regional Water Boards to "require any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region… or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of water within its region shall furnish, under penalty of perjury, technical or monitoring reports which the regional board requires…In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports and shall identify the evidence that supports requiring that person to provide the reports." Water Code section 13267(f) authorizes the State Water Board to require this information if it consults with the Regional Water Boards and determines that it will not duplicate the efforts of the Regional Water Boards. The State Water Board has consulted with the Regional Water Boards and made this determination.

The technical and monitoring reports required by this General Order and Attachment E (Notification, Monitoring, Reporting and Recordkeeping Requirements) are necessary to evaluate and ensure compliance with this General Order. The effort to develop required technical reports will vary depending on the system size and complexity and the needs of the specific technical report. The burden and cost of these reports are reasonable and consistent with the interest of the state in protecting water quality, which is the primary purpose of requiring the reports.

Water Code section 13383(a) authorizes the Water Boards to "establish monitoring, inspection, entry, reporting, and recordkeeping requirements… for any person who discharges, or proposes to discharge, to navigable waters, any person who introduces pollutants into a publicly owned treatment works, any person who owns or operates, or proposes to own or operate, a publicly owned treatment works or other treatment works treating domestic sewage, or any person who uses or disposes, or proposes to use or dispose, of sewage sludge." Section 13383(b) continues, "the state board or the regional boards may require any person subject to this section to establish and maintain monitoring equipment or methods, including, where appropriate, biological monitoring methods, sample effluent as prescribed, and provide other information as may be reasonably required."

Reporting of spills from privately owned sewer laterals and systems pursuant to section 5.15 (Voluntary Reporting of Spills from Privately-Owned Sewer Laterals and/or Private Sanitary Sewer Systems) of this General Order is authorized by Water Code section 13225(c) and encouraged by the State Water Board, wherein a local agency may investigate and report on any technical factors involved in water quality control provided the burden including costs of such reports bears a reasonable relationship to the need for the report and the benefits to be obtained therefrom. The burden of reporting private spills under section 5.15 (Voluntary Reporting of Spills from Privately-Owned Sewer Laterals and/or Private Sanitary Sewer Systems) is minimal and is outweighed by the benefit of providing Regional Water Boards an opportunity to respond to these spills

when an Enrollee, which in many cases has a contractual relationship with the owner of the private system, has knowledge of the spills.

3.1.4. Water Board Authority to Prescribe General Waste Discharge Requirements

Water Code section 13263(i) provides that the State Water Board may prescribe general waste discharge requirements for a category of discharges if the State Water Board finds or determines that:

- The discharges are produced by the same or similar operations;
- The discharges involve the same or similar types of waste;
- The discharges require the same or similar treatment standards; and
- The discharges are more appropriately regulated under general waste discharge requirements than individual waste discharge requirements.

Since 2006, the State Water Board has been regulating over 1,100 publicly owned sanitary sewer systems (See section 3.1.5 (Previous Statewide General Waste Discharge Requirements) of this General Order). California also has a large unknown number of unregulated privately owned sanitary sewer systems. All waste conveyed in publicly owned and privately owned sanitary sewer systems (as defined in this General Order) is comprised of untreated or partially treated domestic waste and/or industrial waste. Generally, sanitary sewer systems are designed and operated to convey waste by gravity or under pressure; system-specific design elements and system-specific operations do not change the common nature of the waste, the common threat to public health, or the common impacts on water quality. Spills of waste from a sanitary sewer system prior to reaching the ultimate downstream treatment facility are unauthorized and enforceable by the State Water Board and/or a Regional Water Board. Therefore, spills from sanitary sewer systems are more appropriately regulated under general waste discharge requirements.

As specified in Water Code sections 13263(a) and 13241, the implementation of requirements set forth in this Order is for the reasonable protection of past, present, and probable future beneficial uses of water and the prevention of nuisance. The requirements implement the water quality control plans (Basin Plans) for each Regional Water Board and take into account the environmental characteristics of sewer service areas and hydrographic units within the state. Additionally, the State Water Board has considered water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality, costs associated with compliance with these requirements, the need for developing housing within California, and the need to protect sources of drinking water and other water supplies.

3.1.5. Previous Statewide General Waste Discharge Requirements

On May 2, 2006, the State Water Board adopted Order 2006-0003-DWQ serving as Waste Discharge Requirements pursuant to Article 4, Chapter 4, Division 7 of the Water Code (commencing with section 13260) for inadvertent discharges to waters of the State. Order 2006-0003-DWQ prohibited discharges of untreated or partially treated sewage. Order 2006-0003-DWQ also required system-specific management, operation, and maintenance of publicly owned sewer systems greater than one mile in length.

To decrease the impacts on human health and the environment caused by sewage spills, the previous Order required enrollees to develop a rehabilitation and replacement plan that identifies system deficiencies and prioritizes short-term and long-term rehabilitation actions. The previous Order also required enrollees to:

1. Maintain information that can be used to establish and prioritize appropriate Sewer System Management Plan activities; and
2. Implement a proactive approach to reduce spills.

The previous Order required Sewer System Management Plan elements for "the proper and efficient management, operation, and maintenance of sanitary sewer systems, while taking into consideration risk management."

On July 30, 2013, the State Water Board amended General Order 2006-0003-DWQ with Order WQ 2013-0058-EXEC, Amending Monitoring and Reporting Program for Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

Many enrollees of Order 2006-0003-DWQ have already implemented proactive measures to reduce sewage spills. Other enrollees, however, still need technical assistance and funding to improve sanitary sewer system operation and maintenance for the reduction of sewage spills.

3.1.6. Existing Memorandum of Agreement with California Water Environment Association

The California Water Environment Association is a nonprofit organization dedicated to providing water industry certifications, training, and networking opportunities. The Association's Technical Certification Program provides accredited sanitary sewer system operator certification for collection system operators and maintenance workers.

On February 10, 2016, the State Water Board entered into a collaborative agreement with the Association titled *Memorandum of Agreement Between the California State Water Resources Control Board and the California Water Environment Association - Training Regarding Requirements Set Forth in Statewide General Waste Discharge Requirements for Sanitary Sewer Systems*. The Memorandum sets forth collaborative training necessary for regulated sanitary sewer system personnel to operate and maintain a well operating system and ensure full compliance with statewide sewer system regulations.

On March 15, 2018, the State Water Board and the California Water Environment Association amended the existing Memorandum of Agreement to include collaborative outreach and expand training needs associated with further updates to Water Board regulations for sanitary sewer systems. The State Water Board encourages further Agreement updates as necessary to support improved sewer system operations and the professionalism of collection system operators.

3.2. General

3.2.1. Waters of the State

Waters of the State include any surface water or groundwater, including saline waters, within the boundaries of the state as defined in Water Code section 13050(e), and are inclusive of waters of the United States.

3.2.2. Sanitary Sewer System Spill Threats to Public Health and Beneficial Uses

Sewage contains high levels of suspended solids, pathogenic organisms, toxic pollutants, nutrients, oxygen-demanding organic compounds, oil and grease and other pollutants. Sewage spills may cause a public nuisance, particularly when sewage is discharged to areas with high public exposure such as streets and surface waters used for drinking, irrigation, fishing, recreation, or other public consumption or contact uses.

More specifically, sanitary sewer spills may:

- Adversely affect aquatic life and/or threaten water quality when reaching receiving waters;
- Inadvertently release trash, including plastics;
- Impair the recreational use and aesthetic enjoyment of surface waters by polluting surface water or groundwater;
- Threaten public health through direct public exposure to bacteria, viruses, intestinal parasites, and other microorganisms that can cause serious illness such as gastroenteritis, hepatitis, cryptosporidiosis, and giardiasis;
- Negatively impact ecological receptors and biota within surface waters; and
- Cause nuisance including odors, closure of beaches and recreational areas, and property damage.

Sanitary sewer system spills may pollute receiving waters and threaten beneficial uses of surface water and groundwater. Potentially threatened beneficial uses include, but are not limited to the following (with associated acronym representations as included in statewide water quality control plans and Regional Water Boards' Basin Plans):

- Municipal and Domestic Supply (MUN)
- Water Contact Recreation (REC-1) and Non-Contact Water Recreation (REC-2)
- Cold Freshwater Habitat (COLD)
- Warm Freshwater Habitat (WARM)
- Native American Culture (CUL)
- Wildlife Habitat (WILD)
- Rare, Threatened, or Endangered Species (RARE)
- Spawning, Reproduction, and/or Early Development (SPWN)
- Wetland Habitat (WET)
- Agricultural Supply (AGR)
- Estuarine Habitat (EST)

- Commercial and Sport Fishing (COMM)
- Subsistence Fishing (SUB)
- Tribal Tradition and Culture (CUL)
- Tribal Subsistence Fishing (T-SUB)
- Aquaculture (AQUA)
- Marine Habitat (MAR)
- Preservation of Biological Habitats of Special Significance (BIOL)
- Migration of Aquatic Organisms (MIGR)
- Shellfish Harvesting (SHELL)
- Industrial Process Supply (PROC)
- Industrial Service Supply (IND)
- Hydropower Generation (POW)
- Navigation (NAV)
- Flood Peak Attenuation/Flood Water Storage (FLD)
- Water Quality Enhancement (WQE)
- Fresh Water Replenishment (FRSH)
- Groundwater Recharge (GWR)
- Inland Saline Water Habitat (SAL)

3.2.3. Proactive Sanitary Sewer System Management to Eliminate Spill Causes

Finding 3 of the previous Order, 2006-0003-DWQ, states: “Sanitary sewer systems experience periodic failures resulting in discharges that may affect waters of the state. There are many factors (including factors related to geology, design, construction methods and materials, age of the system, population growth, and system operation and maintenance), which affect the likelihood of an SSO [sanitary sewer overflow]. A proactive approach that requires Enrollees to ensure a system-wide operation, maintenance, and management plan is in place will reduce the number and frequency of SSOs within the state. This approach will in turn decrease the risk to human health and the environment caused by SSOs.”

Many spills are preventable through proactive attention on sanitary sewer system management using the best practices and technologies available to address major causes of spills, including but not limited to:

- Blockages from sources including but not limited to:
  - Fats, oils and grease;
  - Tree roots;
  - Rags, wipes and other paper, cloth and plastic products; and
  - Sediment and debris.
- Sewer system damage and exceedance of sewer system hydraulic capacity from identified system-specific environmental, and climate-change impacts, including but not limited to:

- Sea level rise impacts including flooding, coastal erosion, seawater intrusion, tidal inundation and submerged lands;
- Increased surface water flows due to higher intensity rain events;
- Flooding;
- Wildfires and wildfire induced impacts;
- Earthquake induced damage;
- Landslides; and
- Subsidence.

- Infrastructure deficiencies and failures, including but not limited to:
  - Pump station mechanical failures;
  - System age;
  - Construction material failures;
  - Manhole cover failures;
  - Structural failures; and
  - Lack of proper operation and maintenance.
- Insufficient system capacity (temporary or sustained), due to factors including but not limited to:
  - Excessive and/or increased storm or groundwater inflow/infiltration;
  - Insufficient capacity due to population increase and/or new connections from industrial, commercial and other system users; and
  - Stormwater capture projects utilizing a sanitary sewer system to convey stormwater to treatment facilities for reuse.
- Community impacts, including but not limited to:
  - Power outages;
  - Vandalism; and
  - Contractor-caused or other third party-caused damages.

3.2.4. Underground Sanitary Sewer System Leakage

Portions of some sanitary sewer systems may leak, causing underground exfiltration (exiting) of sewage from the system. Exfiltrated sewage that remains in the underground infrastructure trench and/or the soil matrix, and that does not discharge into waters of the State (surface water or groundwater) may not threaten beneficial uses.

Underground exfiltrated sewage may threaten beneficial uses if discharged to waters of the State. Exfiltrated sewage that discharges to groundwater may impact beneficial uses of groundwater and pollute groundwater supply. Additionally, if in close proximity, exfiltrated sewage may enter into a compromised underground drainage conveyance system that discharges into a water of the United States, or into groundwater that is hydrologically connected to (feeds into) a water of the United States, thus potentially causing: (1) a Clean Water Act violation, (2) threat and impact to beneficial uses, and/or (3) surface water pollution.

3.2.5. Proactive Sanitary Sewer System Management to Reduce Inflow and Infiltration

Excessive inflow (stormwater entering) and infiltration (groundwater seepage entering) to sanitary sewer systems is preventable through proactive sewer system management using the best practices and technologies available. The efficiency of the downstream wastewater treatment processes is dependent on the performance of the sanitary sewer system. When the structural integrity of a sanitary sewer system deteriorates, high volumes of inflow and infiltration can enter the sewer system. High levels of inflow and infiltration increase the hydraulic load on the downstream treatment plant, which can reduce treatment efficiency, lead to bypassing a portion of the treatment process, cause illegal discharge of partially treated effluent, or in extreme situations make biological treatment facilities inoperable (e.g., wash out the biological organisms that treat the waste).

3.3. Water Quality Control Plans, Policies and Resolutions

The nine Regional Water Boards have adopted region-specific water quality control plans (commonly referred to as Basin Plans) that designate beneficial uses, establish water quality objectives, and contain implementation programs and policies to achieve those objectives. The State Water Board has adopted statewide water quality control plans, policies and resolutions establishing statewide water quality objectives, implementation programs and initiatives.

3.3.1. State Water Board Antidegradation Policy

On October 28, 1968, the State Water Board adopted Resolution 68-16, titled Statement of Policy with Respect to Maintaining High Quality of Waters in California, which incorporates the federal antidegradation policy. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings.

The continued prohibition of sewage discharges from sanitary sewer systems into waters of the State aligns with Resolution 68-16. A sewage discharge from sanitary sewers to waters of the State is prohibited by this Order. Therefore, this Order does not allow degradation of waters of the State. In addition, this Order: (1) further expands the existing prohibition of sewage discharges to include waters of the State, in addition to waters of the United States as provided in previous Order 2006-0003-DWQ, and (2) enhances the ability for Water Board enforcement of violations of the established prohibitions.

3.3.2. State Water Board Sources of Drinking Water Policy

On May 19,1988, the State Water Board adopted Resolution 88-63 (amended on February 1, 2006), titled Sources of Drinking Water, establishing state policy that all waters of the State, with certain exceptions, are suitable or potentially suitable for municipal or domestic supply.

3.3.3. State Water Board Cost of Compliance Resolution

On September 24, 2013, the State Water Board adopted Resolution 2013-0029, titled Directing Actions in Response to Efforts by Stakeholders on Reducing Costs of

Compliance While Maintaining Water Quality Protection. Through this resolution, the State Water Board committed to continued stakeholder engagement in identifying and implementing measures to reduce costs of compliance with regulatory orders while maintaining water quality protection and improving regulatory program outcomes.

3.3.4. State Water Board Human Right to Water Resolution

On February 16, 2016, the State Water Board adopted Resolution 2016-0010, titled Adopting the Human Right to Water as a Core Value and Directing its Implementation in Water Board Programs and Activities, addressing the human right to water as a core value and directing Water Board programs to implement requirements to support safe drinking water for all Californians.

On November 16, 2021, the State Water Board adopted Resolution 2021-0050 titled Condemning Racism, Xenophobia, Bigotry, and Racial Injustice, and Strengthening Commitment to Racial Equity, Diversity, Inclusion, Access, and Anti-racism. Among other actions, through Resolution 2021-0050, the State Water Board, in summary as corresponding to this General Order, reaffirms its commitment to its Human Right to Water resolution, upholding that every human being in California deserves safe, clean, affordable, and accessible water for human consumption, cooking, and sanitation purposes. Resolution 2021-0050 provides the State Water Board commitment to:

- Protect public health and beneficial uses of waterbodies in all communities, including communities disproportionately burdened by wastes discharge of waste to land and surface water;
- Restore impaired surface waterbodies and degraded aquifers; and
- Promote multi-benefit water quality projects.

Through Resolution 2021-0050, the State Water Board also commits to expanding implementation of its Climate Change Resolution to address the disproportionate effects of extreme hydrologic conditions and sea-level rise on Black, Indigenous, and people of color communities, prioritizing:

- The right to safe, clean, affordable, and accessible drinking water and sanitation;
- Sustainable management and protection of local groundwater resources;
- Healthy watersheds; and
- Access to surface waterbodies that support subsistence fishing.

On June 7, 2022, the State Water Board adopted a Resolution, titled Authorizing the Executive Director or Designee to Enter into One or More Multi-Year Contracts Up to a Combined Sum of $4,000,000 for a Statewide Wastewater Needs Assessment, supporting the equitable access to sanitation for all Californians and implementation of Resolutions 2016-0010 and 2021-0050.

This General Order supports the State Water Board priority in collecting a comprehensive set of data for California's wastewater systems, including sanitary sewer systems. Data reported per the requirements of this Order will be used with data from other Water Boards' programs, to further develop criteria and create a statewide risk

framework to prioritize critical funding and infrastructure investments for California's most vulnerable populations, including disadvantaged or severely disadvantaged communities with inadequate or failing sanitation systems and threatened access to healthy drinking water supplies.

3.3.5. State Water Board Open Data Resolution

On July 10, 2018, the State Water Board adopted Resolution 2018-0032, titled Adopting Principles of Open Data as a Core Value and Directing Programs and Activities to Implement Strategic Actions to Improve Data Accessibility and Associated Innovation, directing regulatory programs to assure all monitoring and reporting requirements support the State Water Boards' Open Data Initiative.

3.3.6. State Water Board Response to Climate Change

On March 7, 2017, the State Water Board adopted Resolution 2017-0012, titled Comprehensive Response to Climate Change, requiring a proactive response to climate change in all California Water Board actions, with the intent to embed climate change consideration into all programs and activities.

3.4. California Environmental Quality Act

The adoption of this Order is an action to reissue general waste discharge requirements that is exempt from the California Environmental Quality Act (Public Resources Code section 21000 et seq.) because it is an action taken by a regulatory agency to assure the protection of the environment and the regulatory process involves procedures for protection of the environment (Cal. Code Regs., Title 14, section 15308). In addition, the action to adopt this Order is exempt from CEQA pursuant to Cal. Code Regs., Title 14, section 15301, to the extent that it applies to existing sanitary sewer collection systems that constitute "existing facilities" as that term is used in sections 15301 and 15302, to the extent that it results in the repair or replacement of existing systems involving negligible or no expansion of capacity.

3.5. State Water Board Funding Assistance for Compliance with Water Board Water Quality Orders

The State Water Board, Division of Financial Assistance administers the implementation of the State Water Board financial assistance programs, per Board-adopted funding policies. Among other funding areas, the Division administers loan and grant funding for the planning and construction of wastewater and water recycling facilities per funding program-specific policies and guidelines. Applicants may apply for Clean Water State Revolving Fund low-interest loan, Small Community Wastewater grant funding assistance, and other funding available at the time of application, for some of the costs associated with complying with this General Order.

Funding applicants may obtain further information regarding current funding opportunities, and Division of Financial Assistance staff contact information at the following website: Financial Assistance Funding - Grants and Loans | California State Water Resources Control Board.
(https://www.waterboards.ca.gov/water_issues/programs/grants_loans/)

Section 13477.6 of the Water Code authorizes the Small Community Grant Fund. The Small Community Grant Fund allows the State Water Board to provide grant funding assistance to small, disadvantaged communities and small severely disadvantaged communities that may not otherwise be able to afford a loan or similar financing for projects to comply with requirements of this General Order. The State Water Board also considers loan forgiveness on a disadvantaged community-specific basis.

For disadvantaged communities' wastewater needs, the State Water Board places priority on the funding of projects that address:

- Public health;
- Violations of waste discharge requirements and National Pollutant Discharge Elimination System (NPDES) permits;
- Providing sewer system service to existing septic tank owners; and
- High priority public health and water quality concerns identified by a Regional Water Board.

3.6. Notification to Interested Parties

On January 31, 2022, the State Water Board notified interested parties and persons of its intent to reissue Sanitary Sewer Systems General Order 2006-0003-DWQ by issuing a draft General Order for a 60-day public comment period. State Water Board staff conducted extensive stakeholder outreach and encouraged public participation in the adoption process for this General Order. On March 15, 2022, the State Water Board held a public meeting to hear and consider oral public comments. The State Water Board considered all public comments prior to adopting this General Order.

THEREFORE, IT IS HEREBY ORDERED, that pursuant to Water Code sections 13263, 13267, and 13383 this General Order supersedes Order 2006-0003-DWQ, Order WQ 2013-0058-EXEC, and any amendments made to these Orders thereafter, except for enforcement purposes and to meet the provisions contained in Division 7 of the Water Code (commencing with section 13000) and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, the Enrollee shall comply with the requirements in this Order.

4. PROHIBITIONS

4.1 Discharge of Sewage from a Sanitary Sewer System

Any discharge from a sanitary sewer system that has the potential to discharge to surface waters of the State is prohibited unless it is promptly cleaned up and reported as required in this General Order.

4.2. Discharge of Sewage to Waters of the State

Any discharge from a sanitary sewer system, discharged directly or indirectly through a drainage conveyance system or other route, to waters of the State is prohibited.

4.3. Discharge of Sewage Creating a Nuisance

Any discharge from a sanitary sewer system that creates a nuisance or condition of pollution as defined in Water Code section 13050(m) is prohibited.

5. SPECIFICATIONS

5.1. Designation of a Legally Responsible Official

The Enrollee shall designate a Legally Responsible Official that has authority to ensure the enrolled sanitary sewer system(s) complies with this Order, and is authorized to serve as a duly authorized representative. The Legally Responsible Official must have responsibility over management of the Enrollee's entire sanitary sewer system, and must be authorized to make managerial decisions that govern the operation of the sanitary sewer system, including having the explicit or implicit duty of making major capital improvement recommendations to ensure long-term environmental compliance. The Legally Responsible Official must have or have direct authority over individuals that:

- Possess a recognized degree or certificate related to operations and maintenance of sanitary sewer systems, and/or
- Have professional training and experience related to the management of sanitary sewer systems, demonstrated through extensive knowledge, training and experience.

For example, a sewer system superintendent or manager, an operations manager, a public utilities manager or director, or a district engineer may be designated as a Legally Responsible Official.

The Legally Responsible Official shall complete the electronic CIWQS "User Registration" form (https://ciwqs.waterboards.ca.gov/ciwqs/newUser.jsp). A Legally Responsible Official that represents multiple enrolled systems shall complete the electronic CIWQS "User Registration" form for each system.

The Enrollee shall submit any change to its Legally Responsible Official, and/or change in contact information, to the State Water Board within 30 calendar days of the change by emailing ciwqs@waterboards.ca.gov and copying the appropriate Regional Water Board as provided in Attachment F (Regional Water Quality Control Board Contact Information) of this General Order.

5.2. Sewer System Management Plan Development and Implementation

To facilitate adequate local funding and management of its sanitary sewer system(s), the Enrollee shall develop and implement an updated Sewer System Management Plan. The scale and complexity of the Sewer System Management Plan, and specific elements of the Plan, must match the size, scale and complexity of the Enrollee's sanitary sewer system(s). The Sewer System Management Plan must address, at minimum, the required Plan elements in Attachment D (Sewer System Management Plan – Required Elements) of this General Order. To be effective, the Sewer System Management Plan must include procedures for the management, operation, and maintenance of the sanitary sewer system(s). The procedures must: (1) incorporate the

prioritization of system repairs and maintenance to proactively prevent spills, and (2) address the implementation of current standard industry practices through available equipment, technologies, and strategies.

For an existing Enrollee under Order 2006-0003-DWQ that has certified its Continuation of Existing Regulatory Coverage, per section 2.1 (Requirements for Continuation of Existing Regulatory Coverage) of this General Order:

Within six (6) months of the Adoption Date of this General Order:

- The Legally Responsible Official shall upload the Enrollee's existing Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database.

For a new Enrollee:

Within twelve (12) months of the Application for Enrollment approval date:

- The governing entity of the new Enrollee shall approve its Sewer System Management Plan; and
- The Legally Responsible Official shall certify and upload its Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database.

5.3. Certification of Sewer System Management Plan and Plan Updates

The Legally Responsible Official shall certify and upload its Sewer System Management Plan and all subsequent updates to the online CIWQS Sanitary Sewer System Database.

5.4. Sewer System Management Plan Audits

The Enrollee shall conduct an internal audit of its Sewer System Management Plan, and implementation of its Plan, at a minimum frequency of once every three years. The audit must be conducted for the period after the end of the Enrollee's last required audit period. **Within six months after the end of the required 3-year audit period**, the Legally Responsible Official shall submit an audit report into the online CIWQS Sanitary Sewer System Database per the requirements in section 3.10 (Sewer System Management Plan Audit Reporting Requirements) of Attachment E1 of this General Order.

Audit reports submitted to the CIWQS Sanitary Sewer System Database will be viewable only to Water Boards staff.

The internal audit shall be appropriately scaled to the size of the system(s) and the number of spills. The Enrollee's sewer system operators must be involved in completing the audit. At minimum, the audit must:

- Evaluate the implementation and effectiveness of the Enrollee's Sewer System Management Plan in preventing spills;
- Evaluate the Enrollee's compliance with this General Order;
- Identify Sewer System Management Plan deficiencies in addressing ongoing spills and discharges to waters of the State; and

- Identify necessary modifications to the Sewer System Management Plan to correct deficiencies.

The Enrollee shall submit a complete audit report that includes:

- Audit findings and recommended corrective actions;
- A statement that sewer system operators' input on the audit findings has been considered; and
- A proposed schedule for the Enrollee to address the identified deficiencies.

A new Enrollee of this General Order (that did not have a sanitary sewer system enrolled in the previous State Water Board Order 2006-0003-DWQ) shall conduct its first internal Sewer System Management Plan audit for the time period between the date of submittal of its certified Sewer System Management Plan and the third subsequent December 31st date. The audit report must be submitted into the online CIWQS Sanitary Sewer System Database **by July 1 of the following calendar year**.

See the following tables for clarification:

Initial Audit Period and Audit Due Date for New Enrollees

	Audit Period	Audit Due Date
New Enrollee	Certified Sewer System Management Plan Submittal Date through the third subsequent December 31st date	July 1st date after audit period
Example	*Certified Sewer System Management Plan Submittal Date of August 2, 2025* *Audit Period of August 2, 2025 through December 31, 2027*	*July 1, 2028*

Initial Audit Period for Transition from 2-Year Audit Required in Previous Order 2006-0003-DWQ to 3-Year Audit Required in this General Order

	Audit Period	Audit Due Date
An Enrollee previously regulated by Order 2006-003-DWQ	A 3-year period starting from the end of last required 2-year Audit Period	Within six months after end of 3-year Audit Period
Example	*Last required Audit Period start date of August 2, 2021;* *Audit Period of August 2, 2021 through August 1, 2024*	*February 1, 2025*

Three-Year Ongoing Audit Period

	Audit Period	Audit Due Date
Each Enrollee	A 3-year period starting from the end of last required Audit Period	Within six months after end of 3-year Audit Period

5.5. Six-Year Sewer System Management Plan Update

At a minimum, the Enrollee shall update its Sewer System Management Plan every six (6) years after the date of its last Plan Update due date. (For an Enrollee previously regulated by Order 2006-0003-DWQ, the six-year period shall commence on the due date identified in section 3.11 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this Order. The Updated Sewer System Management Plan must include:

- Elements required in Attachment D (Sewer System Management Plan – Required Elements) of this Order;
- Summary of revisions included in the Plan update based on internal audit findings; and
- Other sewer system management-related changes.

The Enrollee's governing entity shall approve the updated Plan. The Legally Responsible Official shall upload and certify the approved updated Plan in the online CIWQS Sanitary Sewer System Database in accordance with section 3.11 (Sewer System Management Plan Reporting Requirements) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order. During the time period in between Plan updates, the Enrollee shall continuously document changes to its Sewer System Management Plan in a change log attached to the Plan.

5.6. System Resilience

The Enrollee shall include and implement system-specific procedures in its Sewer System Management Plan to proactively prioritize: (1) operation and maintenance, (2) condition assessments, and (3) repair and rehabilitation, to address ongoing system resilience, as specified in Attachment D (Sewer System Management Plan – Required Elements) of this General Order.

5.7. Allocation of Resources

The Enrollee shall:

- Establish and maintain a means to manage all necessary revenues and expenditures related to the sanitary sewer system; and
- Allocate the necessary resources to its sewer system management program for:
  - Compliance with this General Order,
  - Full implementation of its updated Sewer System Management Plan,
  - System operation, maintenance, and repair, and
  - Spill responses.

5.8. Designation of Data Submitters

The Legally Responsible Official may designate one or more individuals as a Data Submitter for reporting of spill data. The Legally Responsible Official shall authorize the designation of Data Submitter(s) through the online CIWQS database (https://ciwqs.waterboards.ca.gov) prior to the individuals establishing a CIWQS user account (https://ciwqs.waterboards.ca.gov/ciwqs/newUser.jsp) and entering spill data into the online CIWQS Sanitary Sewer System Database.

The Legally Responsible Official shall submit any change to its Data Submitter(s), and/or change in Data Submitter contact information, to the State Water Board within 30 calendar days of the change, by emailing ciwqs@waterboards.ca.gov and copying the appropriate Regional Water Board as provided in Attachment F (Regional Water Quality Control Board Contact Information) of this General Order.

5.9. Reporting Certification

The Legally Responsible Official shall electronically certify, on the Enrollee's behalf, all applications, reports, the Sewer System Management Plan(s) and corresponding updates, and other information submitted electronically into the online CIWQS Sanitary Sewer System Database, as follows:

"I certify under penalty of perjury under the laws of the State of California that the electronically submitted information was prepared under my direction or supervision. Based on my inquiry of the person(s) directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is true, accurate, and complete, and complies with the Statewide Sanitary Sewer Systems General Order. I am aware that there are significant penalties for submitting false information."

Hardcopy submittals to the State Water Board must be accompanied by the above certification statement.

5.10. System Capacity

The Enrollee shall maintain the system capacity necessary to convey: (1) base flows during dry weather conditions, and (2) wet weather peak flows consistent with designated local historic storms. Design storms must take into account system-specific stormwater contributions via inflow and infiltration, and location-specific depth of groundwater and storm frequencies. The Enrollee shall implement capital improvements to provide adequate hydraulic capacity to:

- Meet or exceed the design criteria as defined in the Enrollee's System Evaluation and Capacity Assurance element of its Sewer System Management Plan; and
- Prevent system capacity-related spills, and adverse impacts to the treatment efficiency of downstream wastewater treatment facilities.

5.11. System Performance Analysis

The Enrollee shall include a running 10-year system performance analysis in its Annual Report. The analysis must include two CIWQS-generated graphs presenting the following information:

Graph 1 – Total Spill Volume per Year:

X axis: A 10-year period which includes the current calendar year and the nine previous calendar years;

Y axis: The total spill volume, per Spill Category, for each calendar year.

Graph 2 – Total Number of Spills per Year:

X axis: A 10-year period which includes the current calendar year and the nine previous calendar years;

Y axis: The total number of spills, per Spill Category, for each calendar year.

The current calendar year is the calendar year covered in the Annual Report.

The Enrollee shall generate the graphs in CIWQS, using the existing data in the online CIWQS Sanitary Sewer System Database at the following graph generation link: (https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/PublicReportSSOServlet?reportAction=criteria&reportId=sso_operation_report).

5.12. Spill Emergency Response Plan and Remedial Actions

For Existing Enrollees (with regulatory coverage under Order 2006-0003-DWQ):

Within six (6) months of the Adoption Date of this General Order, the Enrollee shall update and implement its Spill Emergency Response Plan, per Attachment D, section 6 (Spill Emergency Response Plan) of this General Order.

For New Enrollees:

Within six (6) months of the Application for Enrollment approval date, the Enrollee shall develop and implement a Spill Emergency Response Plan, per Attachment D, section 6 (Spill Emergency Response Plan) of this General Order.

The Enrollee shall certify, in its Annual Report, that its Spill Emergency Response Plan is up to date.

The Spill Emergency Response Plan shall include measures to protect public health and the environment. The Enrollee shall respond to spills from its system(s) in a timely manner that minimizes water quality impacts and nuisance by:

- Immediately stopping the spill and preventing/minimizing a discharge to waters of the State;
- Intercepting sewage flows to prevent/minimize spill volume discharged into waters of the State;
- Thoroughly recovering, cleaning up and disposing of sewage and wash down water; and
- Cleaning publicly accessible areas while preventing toxic discharges to waters of the State.

5.13. Notification, Monitoring, Reporting and Recordkeeping Requirements

The Enrollee shall comply with notification, monitoring, reporting, and recordkeeping requirements in Attachment E1 of this General Order.

5.13.1. Spill Categories

Individual spill notification, monitoring and reporting must be in accordance with the following spill categories:

- **Category 1 Spill**

  A Category 1 spill is a spill of any volume of sewage from or caused by a sanitary sewer system regulated under this General Order that results in a discharge to:

  - A surface water, including a surface water body that contains no flow or volume of water; or
  - A drainage conveyance system that discharges to surface waters when the sewage is not fully captured and returned to the sanitary sewer system or disposed of properly.

    Any spill volume not recovered from a drainage conveyance system is considered a discharge to surface water, unless the drainage conveyance system discharges to a dedicated stormwater infiltration basin or facility.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

- **Category 2 Spill**

  A Category 2 spill is a spill of 1,000 gallons or greater, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

  A spill of 1,000 gallons or greater that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system, is a Category 2 spill.

- **Category 3 Spill**

  A Category 3 spill is a spill of equal to or greater than 50 gallons and less than 1,000 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

  A spill of equal to or greater than 50 gallons and less than 1,000 gallons, that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 3 spill.

- **Category 4 Spill**

  A Category 4 spill is a spill of less than 50 gallons, from or caused by a sanitary sewer system regulated under this General Order that does not discharge to a surface water.

  A spill of less than 50 gallons that spills out of a lateral and is caused by a failure or blockage in the sanitary sewer system is a Category 4 spill.

5.13.2. Annual Report

The Enrollee shall submit an Annual Report (previously termed as Collection System Questionnaire in Order 2006-0003-DWQ) as specified in section 3.9 (Annual Report) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

For new Enrollees: Within 30 days of obtaining a CIWQS account, a new Enrollee shall submit its initial Annual Report, as specified in section 3.9 (Annual Report) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

5.14. Electronic Sanitary Sewer System Service Area Boundary Map

For continuing enrollees, starting on July 1, 2025, and no later than December 31, 2025:

For new enrollees – no earlier than July 1, 2025, or within 12 months of the Application for Enrollment approval date, whichever date is later:

The Legally Responsible Official shall submit, to the State Water Board, geospatial data detailing the locations of the Enrollee's sanitary sewer system service area boundary, per the required content and specifications in section 3.8 (Electronic Sanitary Sewer System Service Area Boundary Map) of Attachment E1 of this General Order, for each system identified by a WDID number.

An Enrollee of a disadvantaged community that may need assistance developing an electronic map to comply with this requirement, may contact State Water Board staff for assistance at SanitarySewer@waterboards.ca.gov.

5.15. Voluntary Reporting of Spills from Privately-Owned Sewer Laterals and/or Private Sanitary Sewer Systems

Within 24 hours of becoming aware of a spill (as described below) from a private sewer lateral or private sanitary sewer system that is not owned/operated by the Enrollee, the Enrollee is encouraged to report the following observations to the online CIWQS Sanitary Sewer System Database at the following link: https://ciwqs.waterboards.ca.gov:

- A spill equal or greater than 1,000 gallons that discharges (or has a potential to discharge) to a water of the State, or a drainage conveyance system that discharges to waters of the State; **or**
- Any volume of sewage that discharges (or has a potential to discharge) to surface waters.

In the CIWQS module, the Enrollee is encouraged to identify:

- Time of observation;
- Description of general spill location (for example, street name and cross street names);
- Estimated volume of spill;
- If known, general description of spill destination (for example, flowing into drainage channel, flowing directly into a creek, etc.); and
- If known, name of private system owner/operator.

The CIWQS database will make the name and contact information of the entity voluntarily reporting a private spill, accessible to State and Regional Water Board staff only. The CIWQS database will only make information regarding the actual spill, accessible to the public.

5.16. Voluntary Notification of Spills from Privately-Owned Laterals and/or Systems to the California Office of Emergency Services

Upon observing or acquiring knowledge of any of the following from a private sewer lateral or private sanitary sewer system that is not owned/operated by the Enrollee, the Enrollee is encouraged to notify the California Office of Emergency Services (as provided by Health and Safety Code section 5410 et. seq. and Water Code section 13271), or inform the responsible party that State law requires such notification to the Office of Emergency Services by any person that causes or allows a sewage discharge to waters of the State:

- A spill equal to 1,000 gallons or more that discharges (or has a potential to discharge) to waters of the State, or a drainage conveyance system that discharges to waters of the State; or
- A spill of any volume to surface waters.

5.17. Unintended Failure to Report

If an Enrollee becomes aware that they unintentionally failed to submit relevant facts in any report required in this General Order, the Enrollee shall promptly notify Regional Water Board and State Water Board staff. Regional Water Board contact information is included in Attachment F of this Order. State Water Board staff shall be contacted by email at SanitarySewer@waterboards.ca.gov for assistance in formally amending the corresponding report(s) in the online CIWQS Sanitary Sewer System Database.

5.18. Duty to Report to Water Boards

In accordance with Water Code section 13267 and/or section 13383, upon request by the State Water Board Executive Director (or designee) or a Regional Water Board Executive Officer (or designee), the Enrollee shall provide the requested information which the State or Regional Water Board deems necessary to determine compliance with this General Order.

5.19. Operation and Maintenance

To prevent discharges to the environment, the Enrollee shall maintain in good working order, and operate as designed, any facility or treatment and control system designed to contain sewage and convey it to a treatment plant.

6. PROVISIONS

6.1. Enforcement Provisions

The following enforcement provisions are based on existing federal and state regulations, laws and policies, including the federal Clean Water Act, the state Water Code and the State Water Board Enforcement Policy.

6.1.1. Enforceability of Clean Water Act and Water Code Violations

Noncompliance with requirements of this General Order or discharging sewage without enrolling in this General Order constitutes a violation of the Water Code and a potential

violation of the Clean Water Act and is grounds for an enforcement action by the State Water Board or the applicable Regional Water Board. Failure to comply with the notification, monitoring, inspection, entry, reporting, and recordkeeping requirements may subject the Enrollee to administrative civil liabilities of up to $10,000 a day per violation pursuant to Water Code section 13385; up to $1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement. Discharging waste not in compliance with the requirements of this General Order or the Clean Water Act may subject the Enrollee to administrative civil liabilities up to $10,000 a day per violation and additional liability up to $10 per gallon of discharge not cleaned up after the first 1,000 gallons of discharge; up to $5,000 a day per violation pursuant to Water Code section 13350 or up to $20 per gallon of waste discharged; or referral to the Attorney General for judicial civil enforcement.

6.1.2. Monetary Penalties

The Water Code provides the State and Regional Water Boards the authority to pursue formal enforcement actions, including imposing administrative liability and civil monetary penalties, for non-compliance with the requirements of this General Order and violations of the Clean Water Act.

6.1.3. Falsifying or Failure to Report

The Water Code provides that any person failing or refusing to furnish technical or monitoring program reports, as required under this General Order, or falsifying any information provided in the technical or monitoring reports is subject to administrative liability and civil monetary penalties. Any person who knowingly fails or refuses to furnish technical or monitoring program reports or falsifies any information provided in reports required by this General Order is subject to criminal penalties.

6.1.4. Severability of General Order

The provisions of this General Order are severable; if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.

6.1.5. Indirect Discharges

In the event that a spill enters into a drainage conveyance system, the Enrollee shall take all feasible steps to prevent discharge of sewage into waters of the State by blocking or redirecting the flow in the drainage conveyance system, removing the sewage from the drainage conveyance system, and cleaning the system in a manner that does not inadvertently impact beneficial uses of the receiving water body.

6.1.6. Water Boards' Considerations for Discretionary Enforcement

Consistent with the State Water Board Enforcement Policy, when considering Water Code section 13327 factors, the State Water Board or a Regional Water Board may consider the Enrollee's efforts to contain, control, clean up, and mitigate spills. In assessing the factors, the State Water Board or the applicable Regional Water Board will consider:

- The Enrollee's compliance with this General Order with a focus on compliance with reporting requirements;
- The Enrollee's provision of adequate funding to implement the requirements of this General Order;
- The Enrollee's compliance with providing a complete and updated Sewer System Management Plan;
- The Enrollee's compliance with implementing its Sewer System Management Plan;
- The overall effectiveness of the Enrollee's Sewer System Management Plan with respect to:
    - System management, operation, and maintenance,
    - Adequate treatment facilities, sanitary sewer system facilities, and/or components with an appropriate design capacity, to reasonably prevent spills (e.g. adequately enlarging treatment or collection facilities to accommodate growth, infiltration and inflow, etc.),
    - Preventive maintenance (including cleaning, root grinding, and fats, oils, and grease control) and source control measures,
    - Implementation of backup equipment,
    - Inflow and infiltration prevention and control,
    - Appropriate sanitary sewer system capacity to prevent spills, and
    - The Enrollee's responsiveness to stop and mitigate the impact of the discharge;
- The Enrollee's compliance with identifying the cause of the spill;
- The Enrollee's use of available information and observations to accurately estimate the spill volume and identify the affected or potentially affected receiving waters;
- The Enrollee's thoroughness of cleaning up sewage in drainage conveyance systems after the spill(s);
- The Enrollee's use of water quality and biological monitoring and assessment to determine the short-term and long-term impacts to beneficial uses and the environment;
- The Enrollee's follow up actions to improve system performance;
- The Enrollee's implementation of feasible alternatives to prevent spills, such as:
    - Use of temporary storage or waste retention,
    - Reduction of system inflow and infiltration,
    - Collection and hauling of waste to a treatment facility,
    - Prevention of and/ or containment of spills due to a design storm event identified in the Enrollee's Sewer System Management Plan,

- Implementation of available equipment, technologies, strategies, and recommended industry practices for maintaining and managing sewer systems to prevent spills, and contain and eliminate discharges to waters of the State; and

- The spill duration and factors beyond the reasonable control of the Enrollee causing the event.

6.1.7. Enforcement Discretion Based on Reporting Compliance

Consistent with the State Water Board Enforcement Policy, the State Water Board or a Regional Water Board may consider the Enrollee's efforts to comply with spill reporting requirements when determining compliance with Water Code section 13267 and section 13383. When assessing Water Code section 13227 factors, the State Water Board or the applicable Regional Water Board will consider:

- The Enrollee's diligence to comply with all reporting requirements in this General Order;
- The use of best available information for the Enrollee's reporting of spill start date and start time in which the release of sewage from the sanitary sewer system initiated;
- The Enrollee's reporting of spill end date, and end time to be the date and time in which the release of sewage from the sanitary sewer system was stopped;
- The Enrollee's diligence to accurately estimate and report spill volumes;
- The Enrollee's subsequent verification and/or updates to initial Draft Spill Reports in accordance with this General Order; and
- The Enrollee's timely certification of required spill reports.

Consistent with Water Code section 13267 and section 13383, the State Water Board or a Regional Water Board may require an Enrollee to report the results of a condition assessment of a specified portion of the Enrollee's sanitary sewer system.

6.2. Other Regional Water Board Orders

It is the intent of the State Water Board that sanitary sewer systems be regulated in a manner consistent with federal and state regulations. This Order will not be interpreted or applied:

- In a manner inconsistent with the federal Clean Water Act;
- To authorize a spill or discharge that is illegal under either the Clean Water Act, the Water Code, and/or an applicable Basin Plan prohibition or water quality standard;
- To prohibit a Regional Water Board from issuing an individual National Pollutant Discharge Elimination System (NPDES) permit or individual waste discharge requirements superseding an Enrollee's regulatory coverage under this General Order for a sanitary sewer system authorized under the Clean Water Act or Water Code;

- To supersede any more specific or more stringent waste discharge requirements or enforcement orders issued by a Regional Water Board; or
- To supersede any more specific or more stringent state or federal requirements in existing regulation, an administrative/judicial order, or Consent Decree.

6.3. Sewer System Management Plan Availability

The Enrollee's updated Sewer System Management Plan must be maintained for public inspection at the Enrollee's offices and facilities and must be available to the public through CIWQS and/or on the Enrollee's website, in accordance with section 3.8 (Sewer System Management Plan Reporting Requirements) of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

6.4. Entry and Inspection

6.4.1. Entry and Availability of Information

The Enrollee shall allow State and Regional Water Board staff, upon presentation of credentials and other documents as may be required by law, to:

- Enter upon the Enrollee's premises where a regulated facility or activity is located or conducted, or where records are kept under the requirements of this General Order;
- Have access to and reproduce any records required to be maintained by this General Order;
- Inspect any facility and/or equipment (including monitoring and control equipment), practices, or operations required in this General Order; and
- Sample or monitor substances or parameters for assuring compliance with this General Order, or as otherwise authorized by the Water Code.

6.4.2. Pre-Inspection Questionnaire

The Enrollee shall provide pre-inspection information to State and Regional Water Board staff through the completion of a Pre-Inspection Questionnaire provided by Water Board staff.

ATTACHMENT A - DEFINITIONS

Annual Report

An Annual Report (previously termed as Collection System Questionnaire in Order 2006-0003-DWQ) is a mandatory report in which the Enrollee provides a calendar-year update of its efforts to prevent spills.

Basin Plan

A Basin Plan is a water quality control plan specific to a Regional Water Quality Control Board (Regional Water Board), that serves as regulations to: (1) define and designate beneficial uses of surface and groundwaters, (2) establish water quality objectives for protection of beneficial uses, and (3) provide implementation measures.

Beneficial Uses

The term “Beneficial Uses” is a Water Code term, defined as the uses of the waters of the State that may be protected against water quality degradation. Examples of beneficial uses include but are not limited to, municipal, domestic, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves.

California Integrated Water Quality System (CIWQS)

CIWQS is the statewide database that provides for mandatory electronic reporting as required in State and Regional Water Board-issued waste discharge requirements.

Data Submitter

A Data Submitter is an individual designated and authorized by the Enrollee’s Legally Responsible Official to enter spill data into the online CIWQS Sanitary Sewer System Database. A Data Submitter does not have the authority of a Legally Responsible Official to certify reporting entered into the online CIWQS Sanitary Sewer System Database.

Disadvantaged Community

A disadvantaged community is a community with a median household income of less than eighty percent (80%) of the statewide annual median household income.

For the purpose of this General Order, there is no differentiation between a small and large disadvantaged community.

Drainage Conveyance System

A drainage conveyance system is a publicly- or privately-owned separate storm sewer system, including but not limited to drainage canals, channels, pipelines, pump stations, detention basins, infiltration basins/facilities, or other facilities constructed to transport stormwater and non-stormwater flows.

Enrollee

An Enrollee is a public, private, or other non-governmental entity that has obtained approval for regulatory coverage under this General Order, including:

- A state agency, municipality, special district, or other public entity that owns and/or operates one or more sanitary sewer systems:
  - greater than one (1) mile in length (each individual sanitary sewer system);
  - one mile or less in length where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this Order, or
- A federal agency, private company, or other non-governmental entity that owns and/or operates a sanitary sewer system of any size where the State Water Resources Control Board or a Regional Water Quality Control Board requires regulatory coverage under this Order in response to a history of spills, proximity to surface water, or other factors supporting regulatory coverage.

Environmentally Sensitive Area

An environmentally sensitive area is a designated agricultural and/or wildlife area identified to need special natural landscape protection due to its wildlife or historical value.

Exfiltration

Exfiltration is the underground exiting of sewage from a sanitary sewer system through cracks, offset or separated joints, or failed infrastructure due to corrosion or other factors.

Flood Control Channel

A flood control channel is a channel used to convey stormwater and non-stormwater flows through and from areas for flood management purposes.

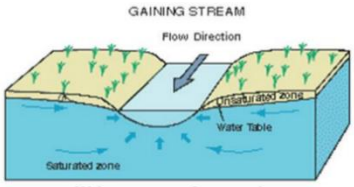
Governing Entity

A governing entity includes but is not limited to the following:

- A publicly elected governing board, council, or commission of a municipal agency;
- A Department or Division director of a federal or state agency that is not governed by a board;
- A governing board or commission of an organization or association; and
- A private system owner/manager that is not governed by a board.

Hydrologically Connected

Two waterbodies are hydrologically connected when one waterbody flows, or has the potential to flow, into the other waterbody. For the purpose of this General Order, groundwater is hydrologically connected to a surface water when the groundwater feeds into the surface water. (The surface waterbody in this example is termed a gaining stream as it gains flow from surrounding groundwater.)



Lateral (including Lower and Upper Lateral)

A lateral is an underground segment of smaller diameter pipe that transports sewage from a customer's building or property (residential, commercial, or industrial) to the Enrollee's main sewer line in a street or easement. Upper and lower lateral boundary definitions are subject to local jurisdictional codes and ordinances, or private system ownership.

A lower lateral is the portion of the lateral located between the sanitary sewer system main, and either the property line, sewer clean out, curb line, established utility easement boundary, or other jurisdictional locations.

An upper lateral is the portion of the lateral from the property line, sewer clean out, curb line, established utility easement boundary, or other jurisdictional locations, to the building or property.

Legally Responsible Official

A Legally Responsible Official is an official representative, designated by the Enrollee, with authority to sign and certify submitted information and documents required by this General Order.

Nuisance

For the purpose of this General Order, a nuisance, as defined in Water Code section 13050(m), is anything that meets all of the following requirements:

- Is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property;
- Affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal; and
- Occurs during, or as a result of, the treatment or disposal of wastes.

Private Sewer Lateral

A private sewer lateral is the privately-owned lateral that transports sewage from private property(ies) into a sanitary sewer system.

Private Sanitary Sewer System

A private sanitary sewer system is a sanitary sewer system of any size that is owned and/or operated by a private individual, company, corporation, or organization. A private sanitary sewer system may or may not connect into a publicly owned sanitary sewer system.

Potential to Discharge, Potential Discharge

Potential to Discharge, or Potential Discharge, means any exiting of sewage from a sanitary sewer system which can reasonably be expected to discharge into a water of the State based on the size of the sewage spill, proximity to a drainage conveyance system, and the nature of the surrounding environment.

Receiving Water

A receiving water is a water of the State that receives a discharge of waste.

Resilience

Resilience is the ability to recover from or adjust to adversity or change, and grow from disruptions. Resilience can be built through planning, preparing for, mitigating, and adapting to changing conditions.

Sanitary Sewer System

A sanitary sewer system is a system that is designed to convey sewage, including but not limited to, pipes, manholes, pump stations, siphons, wet wells, diversion structures and/or other pertinent infrastructure, upstream of a wastewater treatment plant headworks, including:

- Laterals owned and/or operated by the Enrollee;
- Satellite sewer systems; and/or
- Temporary conveyance and storage facilities, including but not limited to temporary piping, vaults, construction trenches, wet wells, impoundments, tanks and diversion structures.

For purpose of this Order, sanitary sewer systems include only systems owned and/or operated by the Enrollee.

Satellite Sewer System

A satellite sewer system is a portion of a sanitary sewer system owned or operated by a different owner than the owner of the downstream wastewater treatment facility ultimately treating the sewage.

Sewer System Management Plan

A sewer system management plan is a living document an Enrollee develops and implements to effectively manage its sanitary sewer system(s) in accordance with this General Order.

Sewage

Sewage, and its associated wastewater, is untreated or partially treated domestic, municipal, commercial and/or industrial waste (including sewage sludge), and any mixture of these wastes with inflow or infiltration of stormwater or groundwater, conveyed in a sanitary sewer system.

Spill

A spill is a discharge of sewage from any portion of a sanitary sewer system due to a sanitary sewer system overflow, operational failure, and/or infrastructure failure. Exfiltration of sewage is not considered to be a spill under this General Order if the exfiltrated sewage remains in the subsurface and does not reach a surface water of the State.

Training

Training is in-house or external education and guidance needed that provides the knowledge, skills, and abilities to comply with this General Order.

Wash Down Water

Wash down water is water used to clean a spill area.

Waste

Waste, as defined in Water Code section 13050(d), includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation, including waste placed within containers of whatever nature prior to, and for purposes of, disposal.

Waste Discharge Identification Number (WDID)

A waste discharge identification number (WDID) identifies each individual sanitary sewer system enrolled under this General Order. A WDID number is assigned to each enrolled system upon an Enrollee's approved regulatory coverage.

Waters of the State

Waters of the State are surface waters or groundwater within boundaries of the state as defined in Water Code section 13050(e), in which the State and Regional Water Boards have authority to protect beneficial uses. Waters of the State include, but are not limited to, groundwater aquifers, surface waters, saline waters, natural washes and pools, wetlands, sloughs, and estuaries, regardless of flow or whether water exists during dry conditions. Waters of the State include waters of the United States.

Waters of the United States

Waters of the United States are surface waters or waterbodies that are subject to federal jurisdiction in accordance with the Clean Water Act.

Water Quality Objective

A water quality objective is the limit or maximum amount of pollutant, waste constituent or characteristic, or parameter level established in statewide water quality control plans and Regional Water Boards' Basin Plans, for the reasonable protection of beneficial uses of surface waters and groundwater and the prevention of nuisance.

ATTACHMENT B – APPLICATION FOR ENROLLMENT

1. Enrollment Status: (Mark only one item)

☐ New Enrollee

☐ New Enrollee with previous regulatory coverage under Order 2006-0003-DWQ
(that failed to certify continuation of coverage in CIWQS per Order 2022-XXXX-DWQ)
Existing WDID Number: _____

2. Applicant Information:

Legally Responsible Official Submitting Application

First and Last Name: _____

Title: _____

Phone: _____

Email: _____

System Owner/Operator Name: _____

Mailing Address:_____

City, State, Zip:_____

County:_____

Sanitary Sewer System Name: _____

Regional Water Quality Control Board(s): _____

Signature and Date: _____

3. Applicant Type (Check one):

☐ City ☐ County ☐ State ☐ Federal ☐ Special District

☐ Government Combination ☐ Private ☐ Other Non-governmental Entity

4. Wastewater Treatment Plant Receiving Sanitary Sewer System Waste:

Wastewater Treatment Plant Permittee:_____

WDID No.: _____

5. Billing Information

Billing Address: _____

City, State, Zip: _____

Billing Contact Person and Title: _____

Phone and Email Address: _____

6. Application Fee:

The application fee, as required by Water Code section 13260, is based on the daily population served by the sanitary sewer system. See updated Fee Schedule. (https://www.waterboards.ca.gov/resources/fees/water_quality/)

Check one of the following and enter fee amount:

☐ Population Served < 50,000 – Total Fee submitted: $ _____

☐ Population Served ≥ 50,000 – Total Fee submitted: $ _____

Make the fee payment payable to the State Water Resources Control Board and mail the complete application package to:

State Water Resources Control Board, Accounting Office
P. O. Box 1888
Sacramento, CA 95812-1888

Attention: Statewide Sanitary Sewer System Program

7. Application Submittal Certification

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge and belief, the information in the submitted application package is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

Print Name: _____

Title: _____

Signature: _____Date: _____

ATTACHMENT C - NOTICE OF TERMINATION

1. Enrollee Information

Enrollee Name: _____

WDID No:_____

Legally Responsible Official Requesting Termination of Coverage: _____

First and Last Name: _____

Title: _____

Phone: _____

Email: _____

Mailing Address: _____

City, State, Zip: _____

County: _____

Sanitary Sewer System Name(s) or Unique Identifier(s): _____

Regional Water Quality Control Board(s): _____

Signature and Date:_____

2. Basis of Termination

Explanation of termination, including subsequent regulatory coverage and subsequent owner/operator of enrolled sanitary sewer system, as applicable:

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

3. Regulatory Coverage Termination Certification

I certify under penalty of perjury under the laws of the State of California that to the best of my knowledge: 1) the sanitary sewer system I officially represent is not required to be regulated under the Statewide Waste Discharge Requirements for Sanitary Sewer Systems Order 2022-XXXX-DWQ, and 2) the information submitted in this Notice of Termination is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. Additionally, I understand that the submittal of this Notice of Termination does not release sanitary sewer system agencies from liability for any violations of the Clean Water Act.

Print Name: _____

Title: _____

Signature: _____Date: _____

For State Water Board Use Only

☐ Approved for Termination ☐ Denied and Returned to Enrollee

Deputy Director of Water Quality Signature: _____

Date: _____Notice of Termination Effective Date: _____

ATTACHMENT D – SEWER SYSTEM MANAGEMENT PLAN – REQUIRED ELEMENTS

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ATTACHMENT D – SEWER SYSTEM MANAGEMENT PLAN – REQUIRED ELEMENTS

A Sewer System Management Plan (Plan) is a living planning document that documents ongoing local sewer system management program activities, procedures, and decision-making – at the scale necessary to address the size and complexity of the subject sanitary sewer system(s). This Plan may incorporate other programs and other plans by reference, to address short-term and long-term system resilience through:

- Proactive planning and decision-making;
- Local government ordinances;
- Updated operations and maintenance activities and procedures;
- Implementation of capital improvements;
- Sufficient local budget to support staff resources, contractors, equipment, and training; and
- Updated training of staff and contractors.

The Enrollee's development, update, and implementation of a Sewer System Management Plan addressing the requirements of this Attachment is an enforceable component of this General Order. As specified in Provision 6.1 (Enforcement Provisions) of this General Order, consistent with the Water Code and the State Water Board Enforcement Policy, the State Water Board or a Regional Water Board may consider the Enrollee's efforts in implementing an effective Sewer System Management Plan to prevent, contain, control, and mitigate spills when considering Water Code section 13327 factors to determine necessary enforcement of this General Order.

This Attachment includes the following required elements that the Enrollee shall address in its Plan and subsequent updates. The Enrollee shall identify any requirement in this Attachment that is not applicable to the Enrollee's sewer system and shall explain in its Plan why the requirement is not applicable.

1. SEWER SYSTEM MANAGEMENT PLAN GOAL AND INTRODUCTION

The goal of the Sewer System Management Plan (Plan) is to provide a plan and schedule to: (1) properly manage, operate, and maintain all parts of the Enrollee's sanitary sewer system(s), (2) reduce and prevent spills, and (3) contain and mitigate spills that do occur.

The Plan must include a narrative Introduction section that discusses the following items:

1.1. Regulatory Context

The Plan Introduction section must provide a general description of the local sewer system management program and discuss Plan implementation and updates.

1.2. Sewer System Management Plan Update Schedule

The Plan Introduction section must include a schedule for the Enrollee to update the Plan, including the schedule for conducting internal audits. The schedule must include milestones for incorporation of activities addressing prevention of sewer spills.

1.3. Sewer System Asset Overview

The Plan Introduction section must provide a description of the Enrollee-owned assets and service area, including but not limited to:

- Location, including county(ies);
- Service area boundary;
- Population and community served;
- System size, including total length in miles, length of gravity mainlines, length of pressurized (force) mains, and number of pump stations and siphons;
- Structures diverting stormwater to the sewer system;
- Data management systems;
- Sewer system ownership and operation responsibilities between Enrollee and private entities for upper and lower sewer laterals;
- Estimated number or percent of residential, commercial, and industrial service connections; and
- Unique service boundary conditions and challenge(s).

Additionally, the Plan Introduction section must provide reference to the Enrollee's up-to-date map of its sanitary sewer system, as required in section 4.1 (Updated Map of Sanitary Sewer System) of this Attachment.

2. ORGANIZATION

The Plan must identify organizational staffing responsible and integral for implementing the local Sewer System Management Plan through an organization chart or similar narrative documentation that includes:

- The name of the Legally Responsible Official as required in section 5.1 (Designation of a Legally Responsible Official) of this General Order;
- The position titles, telephone numbers, and email addresses for management, administrative, and maintenance positions responsible for implementing specific Sewer System Management Plan elements;
- Organizational lines of authority; and
- Chain of communication for reporting spills from receipt of complaint or other information, including the person responsible for reporting spills to the State and Regional Water Boards and other agencies, as applicable. (For example, county

health officer, county environmental health agency, and State Office of Emergency Services.)

3. LEGAL AUTHORITY

The Plan must include copies or an electronic link to the Enrollee's current sewer system use ordinances, service agreements and/or other legally binding procedures to demonstrate the Enrollee possesses the necessary legal authority to:

- Prevent illicit discharges into its sanitary sewer system from inflow and infiltration (I&I); unauthorized stormwater; chemical dumping; unauthorized debris; roots; fats, oils, and grease; and trash, including rags and other debris that may cause blockages;
- Collaborate with storm sewer agencies to coordinate emergency spill responses, ensure access to storm sewer systems during spill events, and prevent unintentional cross connections of sanitary sewer infrastructure to storm sewer infrastructure;
- Require that sewer system components and connections be properly designed and constructed;
- Ensure access for maintenance, inspection, and/or repairs for portions of the service lateral owned and/or operated by the Enrollee;
- Enforce any violation of its sewer ordinances, service agreements, or other legally binding procedures; and
- Obtain easement accessibility agreements for locations requiring sewer system operations and maintenance, as applicable.

4. OPERATION AND MAINTENANCE PROGRAM

The Plan must include the items listed below that are appropriate and applicable to the Enrollee's system.

4.1. Updated Map of Sanitary Sewer System

An up-to-date map(s) of the sanitary sewer system, and procedures for maintaining and providing State and Regional Water Board staff access to the map(s). The map(s) must show gravity line segments and manholes, pumping facilities, pressure pipes and valves, and applicable stormwater conveyance facilities within the sewer system service area boundaries.

4.2. Preventive Operation and Maintenance Activities

A scheduling system and a data collection system for preventive operation and maintenance activities conducted by staff and contractors.

The scheduling system must include:

- Inspection and maintenance activities;

- Higher-frequency inspections and maintenance of known problem areas, including areas with tree root problems;
- Regular visual and closed-circuit television (CCTV) inspections of manholes and sewer pipes.

The data collection system must document data from system inspection and maintenance activities, including system areas/components prone to root-intrusion potentially resulting in system backup and/or failure.

4.3. Training

In-house and external training provided on a regular basis for sanitary sewer system operations and maintenance staff and contractors. The training must cover:

- The requirements of this General Order;
- The Enrollee's Spill Emergency Response Plan procedures and practice drills;
- Skilled estimation of spill volume for field operators; and
- Electronic CIWQS reporting procedures for staff submitting data.

4.4. Equipment Inventory

An inventory of sewer system equipment, including the identification of critical replacement and spare parts.

5. DESIGN AND PERFORMANCE PROVISIONS

The Plan must include the following items as appropriate and applicable to the Enrollee's system:

5.1. Updated Design Criteria and Construction Standards and Specifications

Updated design criteria, and construction standards and specifications, for the construction, installation, repair, and rehabilitation of existing and proposed system infrastructure components, including but not limited to pipelines, pump stations, and other system appurtenances. If existing design criteria and construction standards are deficient to address the necessary component-specific hydraulic capacity as specified in section 8 (System Evaluation, Capacity Assurance and Capital Improvements) of this Attachment, the procedures must include component-specific evaluation of the design criteria.

5.2. Procedures and Standards

Procedures, and standards for the inspection and testing of newly constructed, newly installed, repaired, and rehabilitated system pipelines, pumps, and other equipment and appurtenances.

6. SPILL EMERGENCY RESPONSE PLAN

The Plan must include an up to date Spill Emergency Response Plan to ensure prompt detection and response to spills to reduce spill volumes and collect information for prevention of future spills. The Spill Emergency Response Plan must include procedures to:

- Notify primary responders, appropriate local officials, and appropriate regulatory agencies of a spill in a timely manner;
- Notify other potentially affected entities (for example, health agencies, water suppliers, etc.) of spills that potentially affect public health or reach waters of the State;
- Comply with the notification, monitoring and reporting requirements of this General Order, State law and regulations, and applicable Regional Water Board Orders;
- Ensure that appropriate staff and contractors implement the Spill Emergency Response Plan and are appropriately trained;
- Address emergency system operations, traffic control and other necessary response activities;
- Contain a spill and prevent/minimize discharge to waters of the State or any drainage conveyance system;
- Minimize and remediate public health impacts and adverse impacts on beneficial uses of waters of the State;
- Remove sewage from the drainage conveyance system;
- Clean the spill area and drainage conveyance system in a manner that does not inadvertently impact beneficial uses in the receiving waters;
- Implement technologies, practices, equipment, and interagency coordination to expedite spill containment and recovery;
- Implement pre-planned coordination and collaboration with storm drain agencies and other utility agencies/departments prior, during, and after a spill event;
- Conduct post-spill assessments of spill response activities;
- Document and report spill events as required in this General Order; and
- Annually, review and assess effectiveness of the Spill Emergency Response Plan, and update the Plan as needed.

7. SEWER PIPE BLOCKAGE CONTROL PROGRAM

The Sewer System Management Plan must include procedures for the evaluation of the Enrollee's service area to determine whether a sewer pipe blockage control program is needed to control fats, oils, grease, rags and debris. If the Enrollee determines that a program is not needed, the Enrollee shall provide justification in its Plan for why a program is not needed.

The procedures must include, at minimum:

- An implementation plan and schedule for a public education and outreach program that promotes proper disposal of pipe-blocking substances;
- A plan and schedule for the disposal of pipe-blocking substances generated within the sanitary sewer system service area. This may include a list of acceptable disposal facilities and/or additional facilities needed to adequately dispose of substances generated within a sanitary sewer system service area;
- The legal authority to prohibit discharges to the system and identify measures to prevent spills and blockages;
- Requirements to install grease removal devices (such as traps or interceptors), design standards for the removal devices, maintenance requirements, best management practices requirements, recordkeeping and reporting requirements;
- Authority to inspect grease producing facilities, enforcement authorities, and whether the Enrollee has sufficient staff to inspect and enforce the fats, oils, and grease ordinance;
- An identification of sanitary sewer system sections subject to fats, oils, and grease blockages and establishment of a cleaning schedule for each section; and
- Implementation of source control measures for all sources of fats, oils, and grease reaching the sanitary sewer system for each section identified above.

8. SYSTEM EVALUATION, CAPACITY ASSURANCE AND CAPITAL IMPROVEMENTS

The Plan must include procedures and activities for:

- Routine evaluation and assessment of system conditions;
- Capacity assessment and design criteria;
- Prioritization of corrective actions; and
- A capital improvement plan.

8.1 System Evaluation and Condition Assessment

The Plan must include procedures to:

- Evaluate the sanitary sewer system assets utilizing the best practices and technologies available;

- Identify and justify the amount (percentage) of its system for its condition to be assessed each year;
- Prioritize the condition assessment of system areas that:
  - Hold a high level of environmental consequences if vulnerable to collapse, failure, blockage, capacity issues, or other system deficiencies;
  - Are located in or within the vicinity of surface waters, steep terrain, high groundwater elevations, and environmentally sensitive areas;
  - Are within the vicinity of a receiving water with a bacterial-related impairment on the most current Clean Water Act section 303(d) List;
- Assess the system conditions using visual observations, video surveillance and/or other comparable system inspection methods;
- Utilize observations/evidence of system conditions that may contribute to exiting of sewage from the system which can reasonably be expected to discharge into a water of the State;
- Maintain documents and recordkeeping of system evaluation and condition assessment inspections and activities; and
- Identify system assets vulnerable to direct and indirect impacts of climate change, including but not limited to: sea level rise; flooding and/or erosion due to increased storm volumes, frequency, and/or intensity; wildfires; and increased power disruptions.

8.2. Capacity Assessment and Design Criteria

The Plan must include procedures to identify system components that are experiencing or contributing to spills caused by hydraulic deficiency and/or limited capacity, including procedures to identify the appropriate hydraulic capacity of key system elements for:

- Dry-weather peak flow conditions that cause or contributes to spill events;
- The appropriate design storm(s) or wet weather events that causes or contributes to spill events;
- The capacity of key system components; and
- Identify the major sources that contribute to the peak flows associated with sewer spills.

The capacity assessment must consider:

- Data from existing system condition assessments, system inspections, system audits, spill history, and other available information;
- Capacity of flood-prone systems subject to increased infiltration and inflow, under normal local and regional storm conditions;

- Capacity of systems subject to increased infiltration and inflow due to larger and/or higher-intensity storm events as a result of climate change;
- Increases of erosive forces in canyons and streams near underground and above-ground system components due to larger and/or higher-intensity storm events;
- Capacity of major system elements to accommodate dry weather peak flow conditions, and updated design storm and wet weather events; and
- Necessary redundancy in pumping and storage capacities.

8.3. Prioritization of Corrective Action

The findings of the condition assessments and capacity assessments must be used to prioritize corrective actions. Prioritization must consider the severity of the consequences of potential spills.

8.4. Capital Improvement Plan

The capital improvement plan must include the following items:

- Project schedules including completion dates for all portions of the capital improvement program;
- Internal and external project funding sources for each project; and
- Joint coordination between operation and maintenance staff, and engineering staff/consultants during planning, design, and construction of capital improvement projects; and Interagency coordination with other impacted utility agencies.

9. MONITORING, MEASUREMENT AND PROGRAM MODIFICATIONS

The Plan must include an Adaptive Management section that addresses Plan-implementation effectiveness and the steps for necessary Plan improvement, including:

- Maintaining relevant information, including audit findings, to establish and prioritize appropriate Plan activities;
- Monitoring the implementation and measuring the effectiveness of each Plan Element;
- Assessing the success of the preventive operation and maintenance activities;
- Updating Plan procedures and activities, as appropriate, based on results of monitoring and performance evaluations; and
- Identifying and illustrating spill trends, including spill frequency, locations and estimated volumes.

10. INTERNAL AUDITS

The Plan shall include internal audit procedures, appropriate to the size and performance of the system, for the Enrollee to comply with section 5.4 (Sewer System Management Plan Audits) of this General Order.

11. COMMUNICATION PROGRAM

The Plan must include procedures for the Enrollee to communicate with:

- The public for:
  - Spills and discharges resulting in closures of public areas, or that enter a source of drinking water, and
  - The development, implementation, and update of its Plan, including opportunities for public input to Plan implementation and updates.
- Owners/operators of systems that connect into the Enrollee's system, including satellite systems, for:
  - System operation, maintenance, and capital improvement-related activities.

ATTACHMENT E1 – NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

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ATTACHMENT E1– NOTIFICATION, MONITORING, REPORTING AND RECORDKEEPING REQUIREMENTS

The Notification Requirements (section 1), Spill-specific Monitoring Requirements (section 2), Reporting Requirements (section 3) and Recordkeeping Requirements (section 4) in this Attachment are pursuant to Water Code section 13267 and section 13383, and are an enforceable component of this General Order. For the purpose of this General Order, the term:

- Notification means the notifying of appropriate parties of a spill event or other activity.
- Spill-specific Monitoring means the gathering of information and data for a specific spill event to be reported or kept as records.
- Reporting means the reporting of information and data into the online California Integrated Water Quality System (CIWQS) Sanitary Sewer System Database.
- Recordkeeping means the maintaining of information and data in an official records storage system.

Failure to comply with the notification, monitoring, reporting and recordkeeping requirements in this General Order may subject the Enrollee to civil liabilities of up to $10,000 a day per violation pursuant to Water Code section 13385; up to $1,000 a day per violation pursuant to Water Code section 13268; or referral to the Attorney General for judicial civil enforcement.

Water Code section 13193 et seq. requires the Regional Water Quality Control Boards (Regional Water Boards) and the State Water Resources Control Board (State Water Board) to collect sanitary sewer spill information for each spill event and make this information available to the public. Sanitary sewer spill information for each spill event includes but is not limited to: Enrollee contact information for each spill event, spill cause, estimated spill volume and factors used for estimation, location, date, time, duration, amount discharged to waters of the State, response and corrective action(s) taken.

1. NOTIFICATION REQUIREMENTS

1.1. Notification of Spills of 1,000 Gallons or Greater to the California Office of Emergency Services

Per Water Code section 13271, for a spill that discharges in or on any waters of the State, or discharges or is deposited where it is, or probably will be, discharged in or on any waters of the State, the Enrollee shall notify the California Office of Emergency Services and obtain a California Office of Emergency Services Control Number as soon as possible **but no later than two (2) hours** after:

- The Enrollee has knowledge of the spill; and
- Notification can be provided without substantially impeding cleanup or other emergency measures.

The notification requirements in this section apply to individual spills of 1,000 gallons or greater, from an Enrollee-owned and/or operated laterals, to a water of the State.

1.2. Spill Notification Information

The Enrollee shall provide the following spill information to the California Office of Emergency Services before receiving a Control Number, as applicable:

- Name and phone number of the person notifying the California Office of Emergency Services;
- Estimated spill volume (gallons);
- Estimated spill rate from the system (gallons per minute);
- Estimated discharge rate (gallons per minute) directly into waters of the State or indirectly into a drainage conveyance system;
- Spill incident description:
  - Brief narrative of the spill event, and
  - Spill incident location (address, city, and zip code) and closest cross streets and/or landmarks;
- Name and phone number of contact person on-scene;
- Date and time the Enrollee was informed of the spill event;
- Name of sanitary sewer system causing the spill;
- Spill cause or suspected cause (if known);
- Amount of spill contained;
- Name of receiving water body receiving or potentially receiving discharge; and
- Description of water body impact and/ or potential impact to beneficial uses.

1.3. Notification of Spill Report Updates

Following the initial notification to the California Office of Emergency Services and until such time that the Enrollee certifies the spill report in the online CIWQS Sanitary Sewer System Database, the Enrollee shall provide updates to the California Office of Emergency Services regarding substantial changes to:

- Estimated spill volume (increase or decrease in gallons initially estimated);
- Estimated discharge volume discharged directly into waters of the State or indirectly into a drainage conveyance system (increase or decrease in gallons initially estimated); and
- Additional impact(s) to the receiving water(s) and beneficial uses.

2. SPILL-SPECIFIC MONITORING REQUIREMENTS

2.1 Spill Location and Spread

The Enrollee shall visually assess the spill location(s) and spread using photography, global positioning system (GPS), and other best available tools. The Enrollee shall document the critical spill locations, including:

- Photography and GPS coordinates for:
  - The system location where spill originated.

    For multiple appearance points of a single spill event, the points closest to the spill origin.
- Photography for:
  - Drainage conveyance system entry locations,
  - The location(s) of discharge into surface waters, as applicable,
  - Extent of spill spread, and
  - The location(s) of clean up.

2.2 Spill Volume Estimation

To assess the approximate spill magnitude and spread, the Enrollee shall estimate the total spill volume using updated volume estimation techniques, calculations, and documentation for electronic reporting. The Enrollee shall update its notification and reporting of estimated spill volume (which includes spill volume recovered) as further information is gathered during and after a spill event.

2.3. Receiving Water Monitoring

2.3.1. Receiving Water Visual Observations

Through visual observations and use of best available spill volume-estimating techniques and field calculation techniques, the Enrollee shall gather and document the following information for spills discharging to surface waters:

- Estimated spill travel time to the receiving water;
- For spills entering a drainage conveyance system, estimated spill travel time from the point of entry into the drainage conveyance system to the point of discharge into the receiving water;
- Estimated spill volume entering the receiving water; and
- Photography of:
  - Waterbody bank erosion,
  - Floating matter,
  - Water surface sheen (potentially from oil and grease),

- Discoloration of receiving water, and
- Impact to the receiving water.

2.3.2. Receiving Water – Water Quality Sampling and Analysis

For sewage spills in which an estimated 50,000 gallons or greater are discharged into a surface water, the Enrollee shall conduct the following water quality sampling no later than **18 hours** after the Enrollee's knowledge of a potential discharge to a surface water:

- Collect one water sample, each day of the duration of the spill, at:
  - The DCS-001 location as described in section 2.3.4 (Receiving Water Sampling Locations) of this Attachment, if sewage discharges to a surface water via a drainage conveyance system; and/or
  - Each of the three receiving water sampling locations in section 2.3.4 (Receiving Water Sampling Locations) of this Attachment;

    If the receiving water has no flow during the duration of the spill, the Enrollee must report "No Sampling Due To No Flow" for its receiving water sampling locations.

The Enrollee shall analyze the collected receiving water samples for the following constituents per section 2.3.3 (Water Quality Analysis Specifications) of this Attachment:

- Ammonia, and
- Appropriate bacterial indicator(s) per the applicable Basin Plan water quality objectives, including one or more of the following, unless directed otherwise by the Regional Water Board:
  - Total Coliform Bacteria
  - Fecal Coliform Bacteria
  - *E-coli*
  - Enterococcus

  Dependent on the receiving water(s), sampling of bacterial indicators shall be sufficient to determine post-spill (after the spill) compliance with the water quality objectives and bacterial standards of the California Ocean Plan or the California Inland Surface Water Enclosed Bays, and Estuaries Plan, including the frequency and/or number of post-spill receiving water samples as may be specified in the applicable plans.

The Enrollee shall collect and analyze additional samples as required by the applicable Regional Water Board Executive Officer or designee.

2.3.3. Water Quality Analysis Specifications

Spill monitoring must be representative of the monitored activity (40 Code of Federal Regulations section 122.41(j)(1)).

Sufficiently Sensitive Methods

Sample analysis must be conducted according to sufficiently sensitive test methods approved under 40 Code of Federal Regulations Part 136 for the sample analysis of pollutants. For the purposes of this General Order, a method is sufficiently sensitive when the minimum level of the analytical method approved under 40 Code of Federal Regulations Part 136 is at or below the receiving water pollutant criteria.

Environmental Laboratory Accreditation Program-Accredited Laboratories

The analysis of water quality samples required per this General Order must be performed by a laboratory that has accreditation pursuant to Article 3 (commencing with section 100825) of Chapter 4 of Part 1 of Division 101 of the Health and Safety Code. (Water Code section 13176(a).) The State Water Board accredits laboratories through its Environmental Laboratory Accreditation Program (ELAP).

2.3.4. Receiving Water Sampling Locations

The Enrollee shall collect receiving water samples at the following locations.

Sampling of Flow in Drainage Conveyance System (DCS) Prior to Discharge

Sampling Location	Sampling Location Description
DCS-001	A point in a drainage conveyance system before the drainage conveyance system flow discharges into a receiving water.

Receiving Surface Water Sampling (RSW)[1]

Sampling Location	Sampling Location Description
RSW-001 Point of Discharge	A point in the receiving water where sewage initially enters the receiving water.
RSW-001U: Upstream of Point of Discharge	A point in the receiving water, upstream of the point of sewage discharge, to capture ambient conditions absent of sewage discharge impacts.

Sampling Location	Sampling Location Description
RSW-001D: Downstream of Point of Discharge	A point in the receiving water, downstream of the point of sewage discharge, where the spill material is fully mixed with the receiving water.

[1] The Enrollee must use its best professional judgment to determine the upstream and downstream distances based on receiving water flow, accessibility to upstream/downstream waterbody banks, and size of visible sewage plume.

2.4. Safety and Access Exceptions

If the Enrollee encounters access restrictions or unsafe conditions that prevents its compliance with spill response requirements or monitoring requirements in this General Order, the Enrollee shall provide documentation of access restrictions and/or safety hazards in the corresponding required report.

3. REPORTING REQUIREMENTS

All reporting required in this General Order must be submitted electronically to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov), unless specified otherwise in this General Order. Electronic reporting may solely be conducted by a Legally Responsible Official or Data Submitter(s) previously designated by the Legally Responsible Official, as required in section 5.8 (Designation of Data Submitters) of this General Order.

The Enrollee shall report any information that is protected by the Homeland Security Act, by email to SanitarySewer@waterboards.ca.gov, with a brief explanation of the protection provided by the Homeland Security Act for the subject report to be protected from unauthorized disclosure and/or public access, and for official Water Board regulatory purposes only.

3.1. Reporting Requirements for Individual Category 1 Spill Reporting

3.1.1. Draft Spill Report for Category 1 Spills

Within three (3) business days of the Enrollee's knowledge of a Category 1 spill, the Enrollee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;

5. Estimated spill start date and time;
6. Date and time the Enrollee notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated;
    - If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry location(s);
    - Estimated spill volume fully recovered from the drainage conveyance system;
    - Estimated spill volume remaining within the drainage conveyance system;
11. Description and photographs of all discharge point(s) into the surface water;
12. Estimated spill volume that discharged to surface waters; and
13. Estimated total spill volume recovered.

3.1.2. Certified Spill Report for Category 1 Spills

Within 15 calendar days of the spill end date, the Enrollee shall submit a Certified Spill Report for Category 1 spills, to the online CIWQS Sanitary Sewer System Database. Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report per section 3.1.1 (Draft Spill Report for Category 1 Spills) above:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
    - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;

4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, lateral, pump station, etc.);
6. Description of the pipe material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion;
14. Name and type of receiving water body(s);
15. Description of the water body(s), including but not limited to:
    - Observed impacts on aquatic life,
    - Public closure, restricted public access, temporary restricted use, and/or posted health warnings due to spill,
    - Responsible entity for closing/restricting use of water body, and
    - Number of days closed/restricted as a result of the spill.
16. Whether or not the spill was located within 1,000 feet of a municipal surface water intake; and
17. If water quality samples were collected, identify sample locations and the parameters the water quality samples were analyzed for. If no samples were taken, Not Applicable shall be selected.

3.1.3. Spill Technical Report for Individual Category 1 Spill in which 50,000 Gallons or Greater Discharged into a Surface Water

For any spill in which 50,000 gallons or greater discharged into a surface water, **within 45 calendar days** of the spill end date, the Enrollee shall submit a Spill Technical Report to the online CIWQS Sanitary Sewer System Database. The Spill Technical Report, at minimum, must include the following information:

1. Spill causes and circumstances, including at minimum:
    - Complete and detailed explanation of how and when the spill was discovered;

- Photographs illustrating the spill origin, the extent and reach of the spill, drainage conveyance system entrance and exit, receiving water, and post-cleanup site conditions;
- Diagram showing the spill failure point, appearance point(s), the spill flow path, and ultimate destinations;
- Detailed description of the methodology employed, and available data used to calculate the discharge volume and, if applicable, the recovered spill volume;
- Detailed description of the spill cause(s);
- Description of the pipe material, and estimated age of the pipe material, at the failure location;
- Description of the impact of the spill;
- Copy of original field crew records used to document the spill; and
- Historical maintenance records for the failure location.

2. Enrollee's response to the spill:
   - Chronological narrative description of all actions taken by the Enrollee to terminate the spill;
   - Explanation of how the Sewer System Management Plan Spill Emergency Response Plan was implemented to respond to and mitigate the spill; and
   - Final corrective action(s) completed and a schedule for planned corrective actions, including:
     - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable,
     - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences, and
     - Necessary modifications to the Emergency Spill Response Plan to incorporate lessons learned in responding to and mitigating the spill.
3. Water Quality Monitoring, including at minimum:
   - Description of all water quality sampling activities conducted;
   - List of pollutant and parameters monitored, sampled and analyzed; as required in section 2.3 (Receiving Water Monitoring) of this Attachment;
   - Laboratory results, including laboratory reports;
   - Detailed location map illustrating all water quality sampling points; and
   - Other regulatory agencies receiving sample results (if applicable).
4. Evaluation of spill impact(s), including a description of short-term and long-term impact(s) to beneficial uses of the surface water.

3.1.4. Amended Certified Spill Reports for Individual Category 1 Spills

The Enrollee shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After **90 calendar days**, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

3.2. Reporting Requirements for Individual Category 2 Spill Reporting

3.2.1. Draft Spill Report for Category 2 Spills

Within three (3) business days of the Enrollee's knowledge of a Category 2 spill, the Enrollee shall submit a Draft Spill Report to the online CIWQS Sanitary Sewer System Database.

The Draft Spill Report must, at minimum, include the following items:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Date and time the Enrollee notified the California Office of Emergency Services, and the assigned control number;
7. Description, photographs, and GPS coordinates of the system location where the spill originated;

   If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
8. Estimated total spill volume exiting the system;
9. Description and photographs of the extent of the spill and spill boundaries;
10. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry location(s);
    - Estimated spill volume fully recovered from the drainage conveyance system;
    - Estimated spill volume remaining within the drainage conveyance system;

- Estimated spill volume discharged to a groundwater infiltration basin or facility, if applicable; and

11. Estimated total spill volume recovered.

3.2.2. Certified Spill Report for Category 2 Spills

Within 15 calendar days of the spill end date, the Enrollee shall submit a Certified Spill Report for the Category 2 spill, to the online CIWQS Sanitary Sewer System Database (https://ciwqs.waterboards.ca.gov). Upon completion of the Certified Spill Report, the online CIWQS Sanitary Sewer System Database will issue a final spill event identification number.

The Certified Spill Report must, at minimum, include the following mandatory information in addition to all information in the Draft Spill Report per section 3.2.1 (Draft Spill Report for Category 2 Spills) above:

1. Description of the spill event destination(s), including GPS coordinates if available, that represent the full spread and reach of the spill;
2. Spill end date and time;
3. Description of how the spill volume estimations were calculated, including at a minimum:
   - The methodology, assumptions and type of data relied upon, such as supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
   - The methodology(ies), assumptions and type of data relied upon for estimations of the spill start time and the spill end time;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
5. System failure location (for example, main, pump station, etc.);
6. Description of the pipe/infrastructure material, and estimated age of the pipe material, at the failure location;
7. Description of the impact of the spill;
8. Whether or not the spill was associated with a storm event;
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of spill corrective action, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of major milestones for those steps;
11. Spill response completion date;
12. Detailed narrative of investigation and investigation findings of cause of spill;
13. Reasons for an ongoing investigation (as applicable) and the expected date of completion; and

14. Whether or not the spill was located within 1,000 feet of a municipal surface water intake.

3.2.3. Amended Certified Spill Reports for Individual Category 2 Spills

The Enrollee shall update or add additional information to a Certified Spill Report within **90 calendar days** of the spill end date by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After **90 calendar days**, the Enrollee shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the Amended Spill Report due date.

3.3. Monthly Certified Spill Reporting for Category 3 Spills

The Enrollee shall report and certify all Category 3 spills to the online CIWQS Sanitary Sewer System Database within 30 calendar days after the end of the month in which the spills occurred. (For example, all Category 3 spills occurring in the month of February shall be reported and certified by March 30th). After the Legally Responsible Official certifies the spills, the online CIWQS Sanitary Sewer System Database will issue a spill event identification number for each spill.

The monthly reporting of all Category 3 spills must include the following items for each spill:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Date and time the Enrollee was notified of, or self-discovered, the spill;
4. Operator arrival time;
5. Estimated spill start date and time;
6. Description, photographs, and GPS coordinates where the spill originated:
    - If a single spill event results in multiple appearance points, provide GPS coordinates for the appearance point closest to the failure point and describe each additional appearance point in the spill appearance point explanation field;
7. Estimated total spill volume exiting the system;
8. Description and photographs of the extent of the spill and spill boundaries;
9. Did the spill reach a drainage conveyance system? If Yes:
    - Description of the drainage conveyance system transporting the spill;
    - Photographs of the drainage conveyance system entry locations(s);
    - Estimated spill volume fully recovered from the drainage conveyance system; and

- Estimated spill volume discharged to a groundwater infiltration basis or facility, if applicable.

10. Estimated total spill volume recovered;
11. Description of the spill event destination(s), including GPS coordinates, if available, that represent the full spread and reaches of the spill;
12. Spill end date and time;
13. Description of how the spill volume estimations were calculated, including, at minimum:
    - The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
    - The methodology and type of data relied upon to estimate the spill start time, on-going spill rate at time of arrival (if applicable), and the spill end time;
14. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
15. System failure location (for example, main, pump station, etc.);
16. Description of the pipe/infrastructure material, and estimated age of the pipe/infrastructure material, at the failure location;
17. Description of the impact of the spill;
18. Whether or not the spill was associated with a storm event;
19. Description of spill response activities including description of immediate spill containment and cleanup efforts;
20. Description of spill corrective actions, including steps planned or taken to reduce, eliminate, and prevent reoccurrence of the spill, and a schedule of the major milestones for those steps; including, at minimum:
    - Local regulatory enforcement action taken against an illicit discharge in response to this spill, as applicable, and
    - Identifiable system modifications, and operation and maintenance program modifications needed to prevent repeated spill occurrences at the same spill event location, including:
      - Adjusted schedule/method of preventive maintenance,
      - Planned rehabilitation or replacement of sanitary sewer asset,
      - Inspected, repaired asset(s), or replaced defective asset(s),
      - Capital improvements,
      - Documentation verifying immediately implemented system modifications and operating/maintenance modifications,
      - Description of spill response activities,

- Spill response completion date, and
- Ongoing investigation efforts, and expected completion date of investigation to determine the full cause of spill;

21. Detailed narrative of investigation and investigation findings of cause of spill.

3.4. Monthly Certified Spill Reporting for Category 4 Spills

The Enrollee shall report and certify the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, within 30 calendar days after the end of the month in which the spills occurred.

3.5. Amended Certified Spill Reports for Category 3 Spills

Within 90 calendar days of the certified Spill Report due date, the Enrollee may update or add additional information to a certified Spill Report by amending the report or by adding an attachment to the Spill Report in the online CIWQS Sanitary Sewer System Database. The Enrollee shall certify the amended report.

After 90 calendar days, the Legally Responsible Official shall contact the State Water Board at SanitarySewer@waterboards.ca.gov to request to amend a certified Spill Report. The Legally Responsible Official shall submit justification for why the additional information was not reported within the 90-day timeframe for amending the certified Spill Report, as provided above.

3.6. Annual Certified Spill Reporting of Category 4 and/or Lateral Spills

For all Category 4 spills and spills from its owned and/or operated laterals that are caused by a failure or blockage in the lateral and that do not discharge to a surface water, the Enrollee shall:

- Maintain records per section 4.4. of this Attachment;

  The Enrollee shall provide records upon request by State Water Board or Regional Water Board staff.

- Annually upload and certify a report, in an appropriate digital format, of all recordkeeping of spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occurred.

A spill from an Enrollee-owned and/or operated lateral that discharges to a surface water is a Category 1 spill; the Enrollee shall report all Category 1 spills per section 3.1 of Attachment E1 (Notification, Monitoring, Reporting and Recordkeeping Requirements) of this General Order.

3.7. Monthly Certification of "No-Spills" or "Category 4 Spills" and/or "Non-Category 1 Lateral Spills"

If either (1) no spills occur during a calendar month or (2) only Category 4, and/or Enrollee-owned and/or operated lateral spills (that do not discharge to a surface water) occur during a calendar month, the Enrollee shall certify, within 30 calendar days after

the end of each calendar month, either a “No-Spill” certification statement, or a “Category 4 Spills” and/or “Non-Category 1 Lateral Spills” certification statement, in the online CIWQS Sanitary Sewer System Database, certifying that there were either no spills, or Category 4 and/or Non-Category 1 Lateral Spills that will be reported annually (per section 3.6 of this Attachment) for the designated month.

If a spill starts in one calendar month and ends in a subsequent calendar month, and the Enrollee has no further spills of any category, in the subsequent calendar month, the Enrollee shall certify “no-spills” for the subsequent calendar month.

If the Enrollee has no spills from its systems during a calendar month, but the Enrollee voluntarily reported a spill from a private lateral or a private system, the Enrollee shall certify “no-spills” for that calendar month.

If the Enrollees has spills from its owned and/or operated laterals during a calendar month, the Enrollee shall not certify “no spills” for that calendar month.

3.8. Electronic Sanitary Sewer System Service Area Boundary Map

The Legally Responsible Official shall submit, to the State Water Board, an up-to-date electronic spatial map of its sewer system service area boundaries. The map must be in accordance with section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) of this General Order and the specification provided on the statewide Sanitary Sewer Systems program website. The map must include the location of wastewater treatment facility(ies) that treats the sewer system waste, if in the same sewer service boundary.

By the Effective Date of this General Order, specifications for the electronic sanitary sewer service area boundary map format will be provided on the statewide Sanitary Sewer Systems Order program website.

3.9. Annual Report (Previously termed as Collection System Questionnaire in General Order 2006-0003-DWQ)

A new Enrollee shall complete and submit its first certified Annual Report into the online CIWQS Sanitary Sewer System Database, **within 30 days of obtaining a CIWQS account**; Subsequent Annual Reports are due by April 1 of each year.

All enrollees shall update their previous year’s Annual Report, **by April 1 of each year after the Effective Date of this General Order,** for each calendar year (January 1 through December 31)**.**

The Annual Report must be entered directly into the online CIWQS Sanitary Sewer System Database. The Enrollee’s Legally Responsible Official shall certify the Annual Report as instructed in CIWQS;

The Annual Report must address, and update as applicable, the following items:

- Population served;

- Updated sewer system service area boundary map, if service area boundary has changed from original map submitted per section 5.14 (Electronic Sanitary Sewer System Service Area Boundary Map) of this General Order;
- Number of system operation and maintenance staff:
  - Entry level (less than two years of experience),
  - Journey level (greater than two years of experience),
  - Supervisory level, and
  - Managerial level;
- Number of operation and maintenance staff certified as a certified collection system operator by the California Water Environmental Association (CWEA), with:
  - Corresponding number of certified collection system operator grade levels (Grade I, II, III, IV, and V);
- System information:
  - Miles of system gravity and force mains,
  - Number of upper and lower service laterals connected to system,
  - Estimated number of upper and lower laterals owned and/or operated by the Enrollee,
  - Portion of laterals that is Enrollee's responsibility,
  - Average age the major components of system infrastructure,
  - Number and age of pump stations, and
  - Estimated total miles of the system pipeline not accessible for maintenance;
- Name and location of the treatment plant(s) receiving sanitary sewer system's waste;
- Name of satellite sewer system tributaries;
- Number of system's gravity sewer above or underground crossings of water bodies throughout system;
- Number of force main (pressurized pipe) above or underground crossings of water bodies throughout system;
- Number of siphons used to convey waste throughout the sewer system;
- Miles of sewer system cleaned;
- Miles of sewer system video inspected, or comparable (i.e., video closed-circuit television or alternative inspection methods);
- System Performance Evaluation as specified in section 5.11 (System Performance Analysis) of this General Order;
- Major spill causes (for example, root intrusion, grease deposition);

- System infrastructure failure points (for example, main, pump station, lateral, etc.);
- Ongoing spill investigations; and
- Actions taken to address system deficiencies.

3.10. Sewer System Management Plan Audit Reporting Requirements

The Enrollee shall submit its Sewer System Management Plan Audit and other pertinent audit information, in accordance with section 5.4 (Sewer System Management Plan Audits) of this General Order, to the online CIWQS Sanitary Sewer System Database **by six (6) months after the end of the 3-year audit period**.

If a Sewer System Management Plan Audit is not conducted as required: the Enrollee shall:

- Update the online CIWQS Sanitary Sewer System Database and select the justification for not conducting the Audit; and
- Notify its corresponding Regional Water Board (see Attachment F (Regional Water Quality Control Board Contact Information)) of the justification for the lapsed requirements.

The Enrollee's reporting of a justification for not conducting a timely Audit does not justify non-compliance with this General Order. The Enrollee shall:

- Submit the late Audit as required in this General Order; and
- Comply with subsequent Audit requirements and due dates corresponding with the original audit cycle.

3.11. Sewer System Management Plan Reporting Requirements

For an Existing Enrollee previously regulated by Order 2006-0003-DWQ: **Within every six (6) years after the required due date of its last Plan Update**, the Legally Responsible Official shall upload and certify a local governing entity-approved Sewer System Management Plan Update to the online CIWQS Sanitary Sewer System Database. If the electronic document format or size capacity prevents the electronic upload of the Plan, the Legally Responsible Official shall report an electronic link to its updated Sewer System Management Plan posted on its own website.

Order 2006-0003-DWQ required each enrollee to develop its initial Sewer System Management Plan per the following schedule, with required Plan updates at a frequency of 5-years thereafter:

Systems serving populations: Greater than 100,000: May 2, 2009

Between 100,000 and 10,000: August 2, 2009

Between 10,000 and 2,500: May 2, 2010

Less than 2,500: August 2, 2010

This Order carries forth the previously-required Plan Update schedule per Order 2006-0003-DWQ. Per the six-year Plan Update frequency required in this Order, the Enrollee shall upload and certify its first Plan Update, to the online CIWQS Sanitary Sewer System Database by the following due dates, with subsequent Plan Updates at the frequency of six years thereafter:

Systems serving populations: Greater than 100,000: May 2, 2025

Between 100,000 and 10,000: August 2, 2025

Between 10,000 and 2,500: May 2, 2026

Less than 2,500: August 2, 2026

For a New Enrollee: **Within twelve (12) months of its Application for Enrollment Approval date**, the Legally Responsible Official of a new Enrollee shall upload and certify a local governing entity-approved Sewer System Management Plan to the online CIWQS Sanitary Sewer System Database. If electronic document format or size capacity prevents the electronic upload of the Plan, the Legally Responsible Official shall report an electronic link to its Sewer System Management Plan posted on its own website. The due date for subsequent 6-year Plan updates, is six (6) years from the submittal due date of the new Enrollee's first Sewer System Management Plan.

4. RECORDKEEPING REQUIREMENTS

The Enrollee shall maintain records to document compliance with the provisions of this General Order, and previous General Order 2006-0003-DWQ as applicable, for each sanitary sewer system owned, including any required records generated by an Enrollee's contractor(s).

4.1. Recordkeeping Time Period

The Enrollee shall maintain records of documents required in this Attachment, including records collected for compliance with this General Order, and records collected in accordance with previous General Order 2006-0003-DWQ, for five (5) years.

4.2. Availability of Documents

The Enrollee shall make the records required in this General Order readily available, either electronic or hard copies, for review by Water Board staff during onsite inspections or through an information request.

4.3. Spill Reports

The Enrollee shall maintain records for each of the following spill-related events and activities:

- Spill event complaint, including but not limited to records documenting how the Enrollee responded to notifications of spills. Each complaint record must, at a minimum, include the following information:
    - Date, time, and method of notification,

- Date and time the complainant first noticed the spill, if available,
- Narrative description of the complaint, including any information the caller provided regarding whether the spill has reached surface waters or a drainage conveyance system, if available,
- Complainant's contact information, if available, and
- Final resolution of the complaint;

- Records documenting the steps and/or remedial action(s) undertaken by the Enrollee, using all available information, to comply with this General Order, and previous General Order 2006-0003-DWQ as applicable;
- Records documenting how estimate(s) of volume(s) and, if applicable, volume(s) of spill recovered were calculated;
- All California Office of Emergency Services notification records, as applicable; and
- Records, in accordance with the Monitoring Requirements in this Attachment.

4.4. Recordkeeping of Category 4 Spills and Non-Category 1 Lateral Spills

An Enrollee must maintain the following records for each individual Category 4 spill and for each individual non-Category 1 Enrollee-owned and/or operated lateral spill, and report in accordance to section 3.6 (Annual Certified Spill Reporting of Category 4 and/or Lateral Spills) of this Attachment.

Recordkeeping of Individual Category 4 Spill Information:

1. Contact information: Name and telephone number of Enrollee contact person to respond to spill-specific questions;
2. Spill location name;
3. Description and GPS coordinates for the system location where the spill originated;
4. Did the spill reach a drainage conveyance system? If Yes:
   - Description of drainage conveyance system location,
   - Estimated spill volume fully recovered within the drainage conveyance system, and
   - Estimated spill volume remaining within the drainage conveyance system;
5. Estimated total spill volume exiting the sanitary sewer system;
6. Spill date and start time;
7. Spill cause(s) (for example, root intrusion, grease deposition, etc.);
8. System failure location (for example, main, pump station, etc.);
9. Description of spill response activities including description of immediate spill containment and cleanup efforts;
10. Description of how the volume estimation was calculated, including, at minimum:

- The methodology and type of data relied upon, including supervisory control and data acquisition (SCADA) records, flow monitoring or other telemetry information used to estimate the volume of the spill discharged, and the volume of the spill recovered (if any volume of the spill was recovered), and
- The methodology and type of data relied upon to estimate the spill start time, on-going spill rate at time of arrival (if applicable), and the spill end time;

11. Description of implemented system modifications and operating/maintenance modifications.

Recordkeeping of Individual Lateral Spill Information:

1. Date and time the Enrollee was notified of, or self-discovered, the spill;
2. Location of individual spill;
3. Estimated individual spill volume;
4. Spill cause(s) (for example, root intrusion, grease deposition, etc.); and
5. Description of how the volume estimations were calculated.

Total Annual Spill Information:

1. Estimated total annual spill volume;
2. Description of spill corrective actions, including at minimum:
   - Local regulatory enforcement action taken against the sewer lateral owner in response to a spill, as applicable, and
   - System operation, maintenance and program modifications implemented to prevent repeated spill occurrences at the same spill location.

4.5. Sewer System Telemetry Records

The Enrollee shall maintain the following sewer system telemetry records if used to document compliance with this General Order, and previous General Order 2006-0003-DWQ as applicable, including spill volume estimates:

- Supervisory control and data acquisition (SCADA) system(s);
- Alarm system(s);
- Flow monitoring device(s) or other instrument(s) used to estimate sewage flow rates, and/or volumes;
- Computerized maintenance management system records; and
- Asset management-related records.

4.6. Sewer System Management Plan Implementation Records

The Enrollee shall maintain records documenting the Enrollee's implementation of its Sewer System Management Plan, including documents supporting its Sewer System Management Plan audits, corrections, modifications, and updates to the Sewer System Management Plan.

4.7. Audit Records

The Enrollee shall maintain, at minimum, the following records pertaining to its Sewer System Management Plan audits, and other internal audits:

- Completed audit documents and findings;
- Name and contact information of staff and/or consultants that conducted or involved in the audit; and
- Follow-up actions based on audit findings.

4.8. Equipment Records

The Enrollee shall maintain a log of all owned and leased sewer system cleaning, operational, maintenance, construction, and rehabilitation equipment.

4.9. Work Orders

The Enrollee shall maintain record of work orders for operations and maintenance projects.

ATTACHMENT E2 – SUMMARY OF NOTIFICATION, MONITORING AND REPORTING REQUIREMENTS

This Attachment provides a summary of notification, monitoring and reporting requirements, by spill category, and for Enrollee-owned and/or operated laterals as required in Attachment E1 of this General Order, for quick reference purposes only.

Table E2-1

Spill Category 1: Spills to Surface Waters

Spill Requirement	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 1 spill of 1,000 gallons or greater, discharging or threatening to discharge to surface waters: Notify the California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	• Conduct spill-specific monitoring; • Conduct water quality sampling of the receiving water within **18 hours** of initial knowledge of spill of 50,000 gallons or greater to surface waters.	(Section 2 of Attachment E1)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; • Submit Technical Report **within 45 calendar days** after the spill end date for a Category 1 spill in which **50,000 gallons or greater** discharged to surface waters; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.1 of Attachment E1)

Table E2-2
Spill Category 2: **Spills of 1,000 Gallons or Greater That Do Not Discharge to Surface Waters**

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a Category 2 spill of 1,000 gallons or greater, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• Submit Draft Spill Report **within three (3) business days** of the Enrollee's knowledge of the spill; • Submit Certified Spill Report **within 15 calendar days** of the spill end date; and • Submit Amended Spill Report **within 90 calendar days** after the spill end date.	(Section 3.2 of Attachment E1)

Table E2-3
Spill Category 3: Spills of Equal or Greater than 50 Gallons and Less than 1,000 Gallons That Does Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• Submit monthly Certified Spill Report to the online CIWQS Sanitary Sewer System Database within **30 calendars days** after the end of the month in which the spills occur; and • Submit Amended Spill Reports **within 90 calendar days** after the Certified Spill Report due date.	(Section 3.3 and 3.5 of Attachment E1)

Table E2-4
Spill Category 4: Spills Less Than 50 Gallons That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	Not Applicable	Not Applicable
Monitoring	Conduct spill-specific monitoring.	(Section 2 of Attachment E1)
Reporting	• If, during any calendar month, Category 4 spills occur, certify monthly, the estimated total spill volume exiting the sanitary sewer system, and the total number of all Category 4 spills into the online CIWQS Sanitary Sewer System Database, within 30 days after the end of the calendar month in which the spills occurred. • Upload and certify a report, in an acceptable digital format, of all Category 4 spills to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur.	(Section 3.4, 3.6, 3.7 and 4.4 of Attachment E1)

Table E2-5
Enrollee Owned and/or Operated Lateral Spills That Do Not Discharge to Surface Waters

Spill Requirements	Due	Method
Notification	**Within two (2) hours** of the Enrollee's knowledge of a spill of 1,000 gallons or greater, from an enrollee-owned and/or operated lateral, discharging or threatening to discharge to waters of the State: Notify California Office of Emergency Services and obtain a notification control number. Not applicable to a spill of less than 1,000 gallons.	California Office of Emergency Services at: (800) 852-7550 (Section 1 of Attachment E1)
Monitoring	Conduct visual monitoring.	(Section 2 of Attachment E1)
Reporting	• Upload and certify a report, in an acceptable digital format, of all lateral spills (that do not discharge to a surface water) to the online CIWQS Sanitary Sewer System Database, by February 1st after the end of the calendar year in which the spills occur. • Report a lateral spill of any volume that discharges to a surface water as a Category 1 spill.	(Sections 3.6, 3.7 and 4.4 of Attachment E1)

ATTACHMENT F – REGIONAL WATER QUALITY CONTROL BOARD CONTACT INFORMATION

This Attachment provides a map, list of counties, and contact information to assist the Enrollee in identifying the corresponding Regional Water Quality Control Board office, for all Regional Water Board notification requirements in this General Order.



Region 1 -- North Coast Regional Water Quality Control Board:
Del Norte, Glenn, Humboldt, Lake, Marin, Mendocino, Modoc, Siskiyou, Sonoma, and Trinity counties.

RB1SpillReporting@waterboards.ca.gov or (707) 576-2220

Region 2 -- San Francisco Bay Regional Water Quality Control Board:
Alameda, Contra Costa, San Francisco, Santa Clara (Northern most part of Morgan Hill), San Mateo, Marin, Sonoma, Napa, Solano counties.

RB2SpillReports@waterboards.ca.gov or (510) 622-2369

Region 3 -- Central Coast Regional Water Quality Control Board:
Santa Clara (most of Morgan Hill), San Mateo (Southern portion), Santa Cruz, San Benito, Monterey, Kern (small portions), San Luis Obispo, Santa Barbara, Ventura (Northern portion) counties.

CentralCoast@waterboards.ca.gov or (805) 549-3147

Region 4 -- Los Angeles Regional Water Quality Control Board:
Los Angeles, Ventura counties (small portions of Kern and Santa Barbara counties).

rb4-ssswdr@waterboards.ca.gov or (213) 576-6600

Region 5 -- Central Valley Regional Water Quality Control Board:

Rancho Cordova (Sacramento) Office: Colusa, Lake, Sutter, Yuba, Sierra, Nevada, Placer, Yolo, Napa, (North East), Solano (West), Sacramento, El Dorado, Amador, Calaveras, San Joaquin, Contra Costa (East), Stanislaus, Tuolumne counties.

RB5sSpillReporting@waterboards.ca.gov or (916) 464-3291

Fresno Office: Fresno, Kern, Kings, Madera, Mariposa, Merced, and Tulare counties, and small portions of San Benito and San Luis Obispo counties.

RB5fSpillReporting@waterboards.ca.gov or (559) 445-5116

Redding Office: Butte, Glen, Lassen, Modoc, Plumas, Shasta, Siskiyou, and Tehama counties.

RB5rSpillReporting@waterboards.ca.gov or (530) 224-4845

Region 6 -- Lahontan Regional Water Quality Control Board:
Lake Tahoe Office: Alpine, Modoc (East), Lassen (East side and Eagle Lake), Sierra, Nevada, Placer, El Dorado counties.

RB6sSpillReporting@waterboards.ca.gov or (530) 542-5400

Victorville Office: Mono, Inyo, Kern (East), San Bernardino, Los Angeles (North East corner) counties.

RB6vSpillReporting@waterboards.ca.gov or (760) 241-6583

Region 7 -- Colorado River Basin Regional Water Quality Control Board:
Imperial county and portions of San Bernardino, Riverside, San Diego counties.

RB7SpillReporting@waterboards.ca.gov or (760) 346-7491

Region 8 -- Santa Ana Regional Water Quality Control Board:
Orange, Riverside, San Bernardino counties.

RB8SpillReporting@waterboards.ca.gov or (951) 782-4130

Region 9 -- San Diego Regional Water Quality Control Board:
San Diego county and portions of Orange and Riverside counties.

RB9Spill_Report@waterboards.ca.gov or (619) 516-1990

End of Order 2022-0103-DWQ

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Second Reading and Adoption of Ordinance 1605, Amending Table 17.08.020 of Section 17.08.020 of Article I of Chapter 17.08 of Division II of Title 17 of the City of Banning Municipal Code to Clarify that Affordable Housing Uses are Permitted by Right and are not Subject to Discretionary Action in Specified Zoning Districts as Required by State Law; and Making a Determination of Exemption from the California Environmental Quality Act**

RECOMMENDATION:

Conduct second reading and adopt Ordinance 1605.

BACKGROUND:

The 6th Cycle Housing Element Update, which spans the time period from 2021 through 2029, was adopted by the City Council on November 9, 2021 and was submitted to the California Department of Housing and Community Development (HCD) for certification review on November 18, 2021. At the conclusion of a 90-Day Review Period, HCD rescinded their previous conditional certification of the Housing Element and required revisions to an Ordinance previously approved by a former HCD reviewer. These revisions were detailed in the HCD comment letter dated February 21, 2022.

A revised 6th Cycle Housing Element Update was prepared, which addressed comments received from HCD and was reviewed by the Planning Commission on December 6, 2023, and was then reviewed and adopted by the City Council on January 9, 2024. The readopted 6th Cycle Housing Element was transmitted to HCD for Certification review. To be considered for Certification by HCD, the proposed Zoning Text Amendments contained in Ordinance 1600 were integral to implementing the Housing Element Programs. The adopted Ordinance 1600 was transmitted to HCD prior to the conclusion of HCD's 60-day review on March 14, 2024. A letter from HCD dated March 29, 2024, stated that although the City of Banning 6th Cycle Housing Element complied with the statutory requirements of State Housing Element law, the Housing Element was found to not be in substantial compliance due to the wording of a line item in Table 17.08.020, and the wording of footnote number 7 of the same table. Staff worked directly with HCD to garner tentative agreement of proposed amendments to Table 17.08.020, and footnote number 7, as shown in the attached Ordinance 1605.

On June 25, 2024, the City Council conducted first reading of and introduced Ordinance 1605, as read by title only. The zoning text amendments will become effective upon the 31st day after the City Council's of Ordinance 1605. Pursuant to an email conversation with HCD staff on May 17, 2024 (attached), the proposed Zoning Text Amendment/Ordinance 1605, when adopted, and an executed copy of which is transmitted to HCD, will garner certification of the 6th Cycle Housing Element. Until the 6th Cycle Housing Element is Certified by HCD, the City is not eligible to compete for federal, state, or

local grant money. If HCD continues to find that the City has a noncompliant Housing Element, the City can lose the ability to receive Community Development Block Grants as well as other negative incentives such as fines and increases to the City's Regional Housing Needs Assessment.

JUSTIFICATION:

Adoption of Ordinance 1605 will implement Zoning Text Amendment (ZTA 24-0050), a proposal to amend Table 17.08.020 in Banning Municipal Code ("BMC") Section 17.08.020, Residential Zoning Districts (Chapter 17.08, Article I, Division II); amending Permitted and Conditionally Permitted Uses by moving the line item for "Affordable Housing" to just below "Multi-Family Housing" in the Table; and amending footnote number 7 to Table 17.08.020 of the BMC from: "7 Housing developments in the VHDR district are permitted at a minimum density of twenty-four dwelling units to 30 dwelling units per acre, without a Public Hearing required. Applies only to affordable housing projects pursuant to Government Code Section 65583." to the following: "7 Affordable housing developments pursuant to Government Code Section 65583.2 and located within the multi-family housing zoning districts are permitted by right without a public hearing or discretionary action and, in the VHDR district, are permitted at a minimum density of 24 dwelling units to 30 dwelling units per acre."

FINDINGS:

Finding A: The proposed Amendment is consistent with the goals and policies of the General Plan.
Findings of Fact: The proposed amendment to Title 17 (Zoning) is consistent with the following goals and policies of the General Plan:

Community Development Element:
Goal. A balanced, well planned community including businesses which provides a functional pattern of land uses and enhances the quality of life for all Banning residents.

- Policy 1. The City maintain a land use map which assures a balance of residential, commercial, industrial open space and public lands.
- Policy 2. The Planning, Public Works and Economic Development staff shall be closely coordinated, to assure [sic] efficient and cost effective processing of applications.
- Policy 3. Development in all land use categories shall be of the highest quality.
- Policy 4. Specific Plans shall be required to for projects proposing one or more of the following: More than one residential land use designation; A combination of residential, commercial and/or industrial land use designation; or Extension of infrastructure (water, sewer and roadways) into an area where these do not exist.
- Policy 5. All land use proposals shall be consistent with the goals, policies and programs of this General Plan, and with the Zoning Ordinance.
- Policy 6. The City shall implement a program for art in public places.

Housing Element (6th Cycle Housing Element Update):
Goal. Promote the maintenance and preservation of the City's existing housing stock.

- Policy 1.1 Encourage the revitalization of the existing housing stock through rehabilitation programs.
- Policy 1.2 Continue to establish and enforce property maintenance regulations that promote the sound maintenance of property and enhance the livability and appearance of residential areas.
- Policy 1.3 Promote the development of attractive and safe housing to meet community needs.

Finding B. The proposed Amendment is consistent with the goals and policies of Title 17 of the Municipal Code (Zoning Ordinance).
Findings of Fact: The proposed amendment to Title 17 (Zoning) is internally consistent with the rest of Title 17. This proposed amendment will create opportunities for attractive and safe residential housing for all current and future City of Banning residents from all socio-economic groups. The Project will also

implement Housing Element Policy 2.2 by supporting the development of housing affordable to all income groups by utilizing a variety of public and private efforts.

Finding C: That the Planning Commission has independently reviewed and considered the requirements of CEQA.
Findings of Fact: As stated in Section 1 of this Resolution, Planning Division staff find and determine that the proposed amendments to Title 17 (Zoning), as set forth in Exhibit B to this Resolution, is not subject to CEQA pursuant to State CEQA Guidelines Section 15061(b)(3); the Planning Commission has reviewed staff's determinations of exemption from CEQA, and recommends that the City Council, based on its own independent judgement, concur with staff's determination of exemption and direct the Community Development Director to file the Notice of Exemption attached as Exhibit A to this Resolution. Environmental Determination Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, the Project is exempt from the California Environmental Quality Act (CEQA) subject to Section 15061(b)(3), because it can be seen with certainty there is no possibility these amendments may have a significant effect on the environment. Subject to Section 15061(b)(3) (Review For Exemptions) of the CEQA Guidelines, no further analysis is required and a Notice of Exemption has been prepared for the Project. Future projects subject to proposed amendments to Title 17 (Zoning) will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA.

Public Communication: The proposed Ordinance 1605 (Zoning Text Amendment 24-0050) to achieve certification of the City of Banning 6th Cycle Housing Element was advertised in the Record Gazette newspaper on May 17, 2024 for the May 29, 2024 Planning Commission meeting; and on June 14, 2024, for the June 25, 2024 City Council public hearing. As of the date of this report, staff has not received any written comments on the project. On May 29, 2024, the Planning Commission voted unanimously to adopt PC Resolution 2024-11, recommending that the City Council adopt Ordinance 1605 and find that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

FISCAL IMPACT:

Other than staff time, there are no anticipated fiscal impacts if the City Council adopts Ordinance 1605; but there are potentially severe sanctions if the Housing Element is not Certified by HCD. Submittal of future residential or mixed-use development applications pursuant to adopted Housing Element Programs, goals, and policies, will increase Community Development Department revenues and collection of Development Impact Fees.

ALTERNATIVES:

1. Conduct second reading of and adopt Ordinance 1605
2. Do not adopt Ordinance 1605 and provide alternative direction to staff.

ATTACHMENTS:

1. Ordinance 1605.docx

ORDINANCE 1605

AN ORDINANCE OF THE CITY OF BANNING, CALIFORNIA, AMENDING TABLE 17.08.020 OF SECTION 17.08.020 OF ARTICLE I OF CHAPTER 17.08 OF DIVISION II OF TITLE 17 OF THE CITY OF BANNING MUNICIPAL CODE TO CLARIFY THAT AFFORDABLE HOUSING USES ARE PERMITTED BY RIGHT AND ARE NOT SUBJECT TO DISCRETIONARY ACTION IN SPECIFIED ZONING DISTRICTS AS REQUIRED BY STATE LAW; AND MAKING A DETERMINATION OF EXEMPTION FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council of the City of Banning does hereby ordain as follows:

SECTION 1. Findings and Purpose.

A. On January 9, 2024, the City of Banning adopted a revised Housing Element update for the 6th Cycle based on comments received from the State of California Department of Housing and Community Development (HCD) and the public.

B. The City has submitted its revised Housing Element update to HCD for review and certification. HCD has 60 days to act, during which time the City must adopt certain zoning text amendments described in the Housing Element; including: (1) establishing residential density at 30 dwelling units per acre (DU/AC); (2) establishing a zone or zones that authorizes certain Multi-Family Residential (MFR)/High Density Residential) (HDR) housing projects or as a ministerial action (e.g., "by right"); (3) adopting objective residential development standards decreases the barriers to entry as related to Multi-Family Residential and High Density Residential development; and (4) establishing reasonable regulations for Multi-Family Residential and High Density Residential development, is necessary as a means of documenting and preserving these properties. City staff prepared Zoning Text Amendment 23-97503, as set forth in Ordinance 1600, which amended BMC Title 17 for the purpose of fulfilling the City's obligations under its Housing Element.

C. On January 10, 2024, the Planning Commission held a duly noticed public hearing on Zoning Text Amendment 23-97503, during which all interested persons were allowed to comment on the matter. After considering all of the evidence and testimony presented at that hearing, the Planning Commission adopted Resolution 2024-02, recommending that the City Council adopt Ordinance 1600 approving Zoning Text Amendment 23-97503.

D. On February 13, 2024, the City Council held a duly noticed public hearing on Zoning Text Amendment 23-97503, during which all interested persons were allowed to comment on the matter, and introduced Ordinance 1600. On February 27, 2024, the City Council adopted Ordinance 1600.

E. On March 14, 2024, City staff forwarded a certified copy of Ordinance 1600 to HCD as proof of rezones required to garner HCD Certification of the City of Banning 6th Cycle Housing Element. By letter dated March 29, 2024, HCD informed the City that Zoning Text Amendment 23-97503, as adopted by Ordinance 1600, did not fully comply with the requirements under Government Code Sections 65583.2(c), (h), or (i). Specifically, HCD stated that with respect to affordable housing uses, the City's amendments to the Zoning Ordinance must clearly state such uses are permitted "by right" and are not subject to discretionary review within the Medium Density Residential ("MDR"), High Density Residential ("HDR"), Mobile Home Park ("MHP"), and Very High-Density Residential ("VHDR") Zoning Districts consistent with the requirements under Government Code Section 65583.2.

F. In response to HCD's March 29, 2024 letter, City staff has prepared Zoning Text Amendment 24-0050, as set forth in this Ordinance, to amend Table 17.08.020 of Section 17.08.020 of Article 1 of Chapter 17.08 of Division II of Title 17 of the Banning Municipal Code to

clarify that affordable housing uses are permitted by right and are not subject to discretionary action, as required under State law, in the MDR, HDR, MHP, and VHDR Zoning Districts when 20 percent (20%) or more of the total unit count is reserved for lower-income households.

G. On May 17, 2024, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public hearing before the Planning Commission at which the proposed amendments to Title 17 (Zoning) would be considered.

H. On May 29, 2024, the Planning Commission of the City of Banning held a duly noticed public hearing on Zoning Text Amendment 24-0050, during which all interested persons were allowed to comment on the matter.

I. Based on all of the evidence and testimony presented at that hearing, and the entirety of the administrative record in this matter, the Planning Commission recommended that the City Council adopt Ordinance 1605.

J. On June 11, 2024, the City gave public notice by advertising in the Record Gazette, a newspaper of general circulation within the City of Banning, of the holding of a public hearing before the City Council at which the proposed amendments to Title 17 (Zoning) would be considered.

K. On June 25, 2024, the City Council of the City of Banning held a duly noticed public hearing on Zoning Text Amendment 24-0050, during which all interested persons were allowed to comment on the matter.

L. Based on all of the evidence and testimony presented at both hearings, and the entirety of the administrative record in this matter, the City Council finds as follows:

a. All facts and findings set forth above in this Section 1 of the Ordinance are true and correct.

b. This Ordinance is consistent with the goals and policies of the City's revised Housing Element update and the City's General Plan as a whole.

c. This Ordinance is internally consistent with the Banning Municipal Code.

d. The proposed Zoning Text Amendment 24-0050 is exempt from the requirements of the California Environmental Quality Act ("CEQA") and the CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendment, clarifying that affordable housing uses (where permitted in the City's Zoning Districts) are permitted by right and are not subject to discretionary action as required under State law, will have a significant effect on the environment. The proposed amendment is an administrative process of the City that will not result in direct or indirect physical changes in in the environment. The City Council has independently reviewed the administrative record concerning the proposed Zoning Text Amendment 24-0050 and the proposed CEQA determination, and based on its own independent judgement, finds that the amendment set forth in this Ordinance is not subject to, or exempt from, the requirements of CEQA and the State CEQA Guidelines pursuant to CEQA Guidelines Section 15061(b)(3).

M. All legal prerequisites to adoption of this Ordinance have occurred.

SECTION 2. Table 17.08.020 (Permitted, Conditional and Prohibited Uses) of Section 17.08.020 (Permitted, Conditional and Prohibited Uses) of Article I (General Provisions) of Chapter 17.08 (Residential Districts) of Division II (Land Use Districts) of Title 17 (Zoning) of the Banning Municipal Code is hereby amended as indicated by the following additions and deletions:

"Table 17.08.020

Permitted, Conditional and Prohibited Residential Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP	VHDR
Residential Uses										
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P

"Table 17.08.020
Permitted, Conditional and Prohibited Residential Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP	VHDR
Cannabis Commercial Indoor Cultivation	X	X	X	X	X	X	X	X	X	X
Cannabis Manufacturing Level 1	X	X	X	X	X	X	X	X	X	X
Cannabis Distribution Facility	X	X	X	X	X	X	X	X	X	X
Cannabis Microbusiness	X	X	X	X	X	X	X	X	X	X
Cannabis Personal Cultivation[6]	P	P	P	P	P	P	P	P	P	P
Cannabis Retailer	X	X	X	X	X	X	X	X	X	X
Cannabis Testing Laboratory	X	X	X	X	X	X	X	X	X	X
Other Cannabis Uses	X	X	X	X	X	X	X	X	X	X
Commercial cargo/storage container	P	P	P	P	P	X	X	X	X	X
Community Gardens	P	P	P	P	P	P	P	P	P	P
Condominiums and Townhomes	X	X	X	X	C	C	P	P	X	P
Congregate Care Facility	X	X	X	X	X	P	P	P	X	P
Day Care Center	P	P	X	X	X	C	C	C	C	C
Day Care Home, Small[1]	P	P	P	P	P	P	P	P	P	P
Day Care Home, Large[2]	C	C	C	C	C	C	C	C	C	C
Dormitory	X	X	X	X	X	C	C	C	X	C
Farmworker Housing	P	P	P	P	X	X	X	X	X	X
Homeless Shelter	X	X	X	X	X	X	X	C	C	C
Mobile Home Parks or Subdivisions	X	X	X	X	X	X	C	C	P	X
Multi-Family Residential Dwelling	X	X	X	X	X	C	P	P	X	P
Multiple-Family Affordable Housing (min. 20% lower income, by non-discretionary action)[7]	**X**	**X**	**X**	**X**	**X**	**C**	**P**	**P**	**P**	**P**
Planned Unit Development	X	X	X	P	P	P	P	P	X	P
Residential Care Facility/Group Home, Large	X	X	X	X	X	X	C	C	X	C
Residential Care Facility/Group Home, Small, Licensed	P	P	P	P	P	P	P	P	P	P
Residential Care Facility/Group Home, Small, Unlicensed	X	X	X	X	X	X	C	C	X	C

"Table 17.08.020
Permitted, Conditional and Prohibited Residential Uses

Zone	R/A	R/A/H	RR	RR/H	VLDR	LDR	MDR	HDR*	MHP	VHDR
Second Dwelling Unit	P	P	P	P	P	P	P	P	X	P
Single Family Dwelling	P	P	P	P	P	P	P	C	X	X
Single Room Occupancy	X	X	X	X	X	X	X	C	X	P
Supportive/Transitional Housing	X	X	X	X	X	X	P	P	X	P
Equestrian Uses										
Stables, Private	P	P	P	P	P	X	X	X	X	X
Stables, Commercial	P	C	P	C	C	X	X	X	X	X
Tack and Feed Stores	C	C	C	X	X	X	X	X	X	X
Veterinary Offices and Hospitals	C	X	C	X	C	X	X	X	X	X
Agricultural Uses										
Grazing of Animals	P	P	P	P	P	P	X	X	X	X
Kennels and Catteries, commercial	C	C	C	C	C	C	X	X	X	X
Locally Adaptive Farming	P[5]	P[5]	C	C	X	X	X	X	X	X
Factory Farms with Genetic Monocultures	X	X	X	X	X	X	X	X	X	X
Ranching	P	P	C	C	X	X	X	X	X	X
Recreational Uses										
Clubhouses	C	X	C	X	C	C	C	C	C	X
Golf Courses and Related Facilities	C	X	C	X	C	C	C	C	C	X
Swimming Pool/Sports Club	X	X	X	X	C	C	C	C	C	X
Sports Courts and Fields	C	X	C	X	C	C	C	C	X	X
Accessory Uses										
Telecommunications Antennae	C	X	X	X	X	X	X	X	X	X
Garages (for storage of vehicles only, in excess to that required under Chapter 17.28 (Parking Regulations)	C	X	C	X	C	C	X	X	X	X
Other Uses										
Bed and Breakfast	C	C	C	C	C	C	C	X	X	X
Boarding House	X	X	X	X	X	X	X	X	X	C
Cemeteries	C	X	C	X	C	C	X	X	X	X
Churches	C	X	C	X	C	C	C	C	C	X
Utility Facilities	C	C	C	C	C	C	C	C	C	X
Private Schools	C	C	C	C	C	C	C	C	C	X
Neighborhood Oriented Retail Stores[3]	X	X	X	X	X	X	C	X	X	X
Temporary Uses[4]	T	T	T	T	T	T	T	T	T	T

[1] Small family day care homes are permitted by right in single-family residences located in any residential zone. Small family day care homes are not permitted in multiple-family residences.
[2] Large family day care homes are conditionally permitted in single-family residences located in any residential zone. Large family day care homes are not permitted in multiple-family residences.
[3] Neighborhood-oriented retail stores, as defined in the General Plan, consist of "corner store" type development such as convenience stores, grocery or green grocer, video rental, drug stores, sit down restaurants, coffee shops or coffee bars or similar uses, less than five thousand square feet in total square footage.
[4] Temporary uses require temporary use permit. See Chapter 17.108 for provisions.
[5] Agricultural employee housing allowed with up to twelve units or thirty-six persons, and/or up to six workers as a single-family use.
[6] Cannabis Personal Cultivation must comply with the provisions of Chapter 5.34.

[7] **Affordable housing developments pursuant to Government Code Section 65583.2 and located within the multi-family housing zoning districts are permitted by right without a public hearing or discretionary action and, in the VHDR district, are permitted at a minimum density of 24 dwelling units to 30 dwelling units per acre.**

SECTION 3. If any section, subsection, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining section or portions of this Ordinance or any part thereof. The Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, irrespective of any one or more sections, subsections, subdivisions, paragraphs, sentence, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Banning's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 5. This Ordinance will become effective on the thirty-first (31st) day following its passage and adoption.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that Ordinance 1605 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 25th day of June 2024, and was duly adopted at a regular meeting of said City Council on the 9th day of July 2024, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Kevin Sin, Senior Civil Engineer** **Art Vela, Director of Public Works**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Accept as Complete Various Improvements Related to the Atwell Specific Plan Development and Authorize the 90% Bond Exoneration**

RECOMMENDATION:

City Council accept as complete various improvements related to the Atwell Specific Plan Development and authorize the 90% bond exoneration.

BACKGROUND:

On September 8, 2020, City Council adopted Resolution 2020-114 approving Final Tract Map Nos. 37390, 37390-1, 37390-2 and 37390-F (Phase 1B - PA 6, PA 7 and PA 8), releasing the maps for recordation; authorizing staff to sign the subdivision improvement agreements and final tract maps; and accepting various Performance and Labor and Material Bonds for public improvements.

As conditions of approval for the Atwell Specific Plan development, Tri Pointe Homes was required to sign subdivision improvement agreements and to submit bonds to assure the City that the required public improvements are constructed according to City standards and specifications.
These public improvements included street, water and sewer for Tract 37390-1 (PA 6) and the Meadowline Water Interconnect Facility (mechanical and civil) for Tract 37298-1 of the Atwell Specific Plan Development.

JUSTIFICATION:

Staff has verified through inspections that the required public improvements were completed per City standards and specifications and recommends that City Council accept the improvements as complete and authorize the 90% bond exoneration for the following bonds:

Bond #	Bond Amount	Improvements
CMS0339958	$551,310.00	Tract 37390-1 (PA 6) Sewer
CMS0339959	$1,196,959.68	Tract 37390-1 (PA 6) Street
CMS0339960	$592,940.00	Tract 37390-1 (PA 6) Water

The remaining 10% of the bond amounts will remain for a period of 12 months (maintenance period) at which point the 10% balance will be released and the improvements will become City owned and maintained improvements.

FISCAL IMPACT:

Not applicable

ALTERNATIVES:

Do not accept staff's recommendation and provide staff with additional direction.

ATTACHMENTS:

1. Atwell - TR 37390-1 (PA 6) SIA and Bonds.pdf
2. TR 37390-1 SEWER PLAN.pdf
3. TR 37390-1 STREET ON-SITE PLAN.pdf
4. TR 37390-1 WATER ON-SITE PLAN.pdf

CITY OF BANNING

SUBDIVISION IMPROVEMENT AGREEMENT

* * * * * * SUBDIVISION REFERENCE DATA * * * * * *

[ ] FINAL TRACT MAP NO. 37390-1 ("Final Map" herein)

[ ] PARCEL MAP NO. _____("Parcel Map" herein)

NAME OR TRACT NUMBER OF SUBDIVISION ("Subdivision" herein):	ATWELL - 37390-1
NAME AND ADDRESS OF SUBDIVIDER(S):	PARDEE HOMES 1250 CORONA POINTE CT, #600 CORONA, CA 92881
CITY COUNCIL RESOLUTION OF APPROVAL NO.	_____ ("Resolution of Approval" herein)

DATE(S) THAT IMPROVEMENT PLANS WERE APPROVED BY THE CITY ENGINEER: _____

IMPROVEMENT/PLAN NO.:	Sewer Improvement Plans -Approved 3/12/2020 Street Improvement Plans -Approved 5/12/2020 Water Improvement Plans -Approved 5/04/2020 Monumentation Plans -Approved 8/19/2020	
ESTIMATED TOTAL COSTS:	IMPROVEMENTS	$ 2,341,209.68
	GRADING	$_____
	MONUMENTATION	$ 29,957.50
	TOTAL:	$ 2,371,167.18
FORM OF IMPROVEMENT SECURITY:	[ ] AAA Corporate surety bonds [ ] Deposit of money	
NAME AND ADDRESS OF CORPORATE SURETY (if applicable):	RLI Insurance Company (Name of Corporate Entity) 6303 Owensmouth Ave, 10th Floor (Street Address) Woodland Hills, CA 91367	

SURETY BOND NUMBERS (if applicable):

- PA 6 Monumentation Bond #CMS0339957
- PA 6 Sewer Improvements Bond#CMS0339958
- PA 6 Street Improvements Bond#CMS0339959
- PA 6 Water Improvements Bond#CMS0339960

EFFECTIVE DATE OF AGREEMENT: _____ (to be inserted by City)

COMPLETION PERIOD: All improvements of Tract _____ (including the complete water and sewer system in _____ Street) with the exception of the roadway (street) improvements on _____ Street, shall be completed within two years from the Effective Date of the Agreement. _____ Street roadway (street) construction (so that _____ Street is a continuous route from _____ to _____) shall be constructed prior to the Certificate of Occupancy for development of lots ____and ____ of Tract _____.

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SUBDIVISION IMPROVEMENT AGREEMENT

THIS SUBDIVISION IMPROVEMENT AGREEMENT ("Agreement") is made and entered into by and between the City of Banning, a municipal corporation ("City"), and the Subdivider whose name and address is set forth above in the Subdivision Reference Data.

RECITALS

A. Subdivider has presented to the City for approval and recordation a Final Map, identified above in the Subdivision Reference Data, of a proposed subdivision pursuant to the Subdivision Map Act of the State of California and the City's ordinances and regulations as such ordinances and regulations are vested under the development agreement recorded in the official records of the County of Riverside on July 17, 2012 as Document No. 2012-0332888 ("Development Agreement") relating to the filing, approval and recordation of subdivision maps (collectively referred to herein as the "Subdivision Laws").

B. A tentative map of the Subdivision was previously approved by City, subject to the Subdivision Laws and to the City's standard requirements as vested under the Development Agreement and conditions of approval contained in the City Council's Resolution of Approval, a copy of which is on file in the Office of the City Clerk and which is incorporated herein by this reference.

C. The Subdivision Laws establish, as a condition precedent to the approval of a Final Map, that the Subdivider comply with the City Council's Resolution of Approval and either (i) complete, in compliance with applicable City standards, all of the improvements and land development work required by the Subdivision Laws and the City Council's Resolution of Approval; or (ii) enter into a secured agreement with the City to complete the improvements and land development work within a period of time specified by the City.

D. In consideration of approval of the Final Map for the Subdivision by the City Council, Subdivider desires to enter into this Agreement whereby Subdivider promises to install and complete, at its sole expense, except as otherwise provided in a credit/reimbursement agreement as provided for in the Development Agreement, all public improvement work required by the City as set forth on the Improvement Plans (as defined below) for the proposed Subdivision. Subdivider has secured this Agreement by improvement security required by the Subdivision Laws and approved by the City. In any conflict between the terms in this Agreement and the Development Agreement, the Development Agreement shall be the controlling document.

E. Improvement Plans, and related specifications, numbered as designated above in the Subdivision Reference Data, for the construction, installation and completion of the Improvements identified in Schedule A hereto, have been prepared by the Subdivider, approved by the City Engineer, and are on file in the office of the City Engineer. Said Improvement Plans, and related specifications, subsequently modified by

the mutual written agreement of the parties, are hereby referred to as the "Improvement Plans" and are incorporated herein by this reference. Any improvement to be constructed pursuant to the Improvement Plan is hereby referred to individually as an "**Improvement"** and collectively as the "**Improvements"**.

NOW, THEREFORE, in consideration of the approval and recordation by the City Council of the Final Map of the Subdivision, Subdivider and City agree as follows:

1. SUBDIVIDER'S OBLIGATION TO CONSTRUCT IMPROVEMENTS

A. Subdivider shall, at its sole expense, unless otherwise provided in a credit/reimbursement agreement as provided for in the Development Agreement, and in compliance with the provisions of the Subdivision Laws, the Improvement Plans, conditions of approval of the Tentative Map, and all applicable City standards and fees, and in a good and workmanlike fashion, furnish, construct, install and guarantee (as set forth in Section 3) the Improvements, Grading, and Monumentation described on the tentative map and in the City Council's Resolution of Approval relating thereto (collectively, the "Improvements").

B. To the extent necessary to construct the Improvements, as determined by the City Engineer, the Subdivider shall acquire and dedicate, or pay the reasonable, documented cost of acquisition by City of, all rights-of-way, easements and other interests in real property for the construction or installation of the Improvements, free and clear of all liens and encumbrances. If the Subdivider is unable to acquire such rights-of-way, easements and other interests in real property by negotiation, then Subdivider shall, within 120 days of Final Map approval, enter into a condemnation agreement with City pursuant to Government Code Section 66462.5, by which the City will commence the process for the acquisition of the rights-of-way, easements or other real property.

C. Subject to any time extensions granted in accordance with Section 4, Subdivider shall complete all Improvements within its respective "Completion Period" specified in the Subdivision Reference Data; provided, however, that if the City Engineer reasonably determines in good faith that accelerated construction of the Improvements is essential in order to protect the public health, welfare and safety, the City Engineer shall give Subdivider not less than fifteen (15) business days' prior written notice to commence or accelerate installation and construction of such Improvements, or any portion thereof. The notice shall be in writing, and shall describe the work to be done by Subdivider, the time within which the work will commence, the period within which the work will be completed and identify the reasons that such early commencement is essential in order to protect the public health, welfare and safety. All or any portions of said Improvements may be required to be constructed or completed at a specified time, providing the foregoing criteria is met. If the Subdivider objects to the commencement or acceleration of the Improvements as specified by the City Engineer, Subdivider may appeal the decision of the City Engineer to the City Council. Any such appeal shall be filed with the City Clerk within 10 days after receipt by Subdivider of the written notice from the City Engineer.

D. If the Improvements to be constructed by Subdivider include monumentation, such monumentation shall be installed not later than thirty (30) days after the City's acceptance of all other Improvements pursuant to Section 2. As used herein, "monumentation" shall mean the setting of survey monuments and tie points in accordance with the Subdivision Laws, and the delivery to the City Engineer of tie notes for said points.

E. Subdivider shall , at its sole expense, unless otherwise provided in a credit/reimbursement agreement as provided for in the Development Agreement, replace or repair all public improvements, public utility facilities, and surveying or subdivision monuments which are destroyed or damaged as a result of any work performed by Subdivider under this Agreement during or after the Completion Period. Any such replacement or repair shall be subject to the approval of the City Engineer.

F. In addition to, and separate from, the indemnity obligations contained in Section 9 of this Agreement, and without limiting the City's remedies under general construction defect law, Subdivider shall be responsible for the care, repair and maintenance of the applicable portion of the Improvements until the latter of the following time periods: (i) the Improvements or applicable portion thereof is accepted in writing by the City; or (ii) the expiration of the required one-year guarantee and warranty period as specified herein; or (iii) the expiration of any applicable period of time requiring the care, repair and maintenance of the applicable Improvement specified in the Development Agreement (not including the term of any Development Agreement). Neither City, nor its officers, agents and employees, shall have any liability for any accident, loss or damage to the Improvements and that may result from the construction of the Improvements prior to their completion and written acceptance by the City

G. In addition to, and separate from: (1) the indemnity obligations contained in Section 7 of this Agreement, (2) the care, repair and maintenance provisions under paragraph E of this Section 1 of this Agreement; and (3) the warranty and guarantee provisions of Section 3 of this Agreement, Subdivider shall repair and correct, or be liable to the City for any cost to repair and correct, any defect in the construction of the Improvements that is identified by City within in accordance with general construction defect law ten (10) years after City's acceptance of the Improvement, provided the City provides written notice to Subdivider of the existence of the defect within that the time period under law, and the defect is caused directly or indirectly by the design, construction, functionality, installation, assembly or workmanship of Subdivider. Nothing contained in this paragraph is intended to limit or otherwise waive any right or cause of action under applicable construction defect law that City may assert against Subdivider.

H. Subdivider shall, at its sole expense, unless otherwise provided in a credit/reimbursement agreement as provided for in the Development Agreement, obtain all necessary permits and licenses for the construction and installation of the Improvements, give all necessary notices, and pay all applicable fees required by City ordinance or resolution and all taxes required by law.

I. Not less than seven (7) days prior to commencement of work on the Improvements, Subdivider shall give written notice to the City Engineer of the date fixed for such commencement of work in order that the City Engineer shall have adequate time to schedule all necessary inspections.

J. SUBDIVIDER shall pay all applicable City fees and costs stipulated in the latest fee resolution as adopted by the City Council from time to time as required for the development of the SUBDIVISION including but not limited to the following:

1. Building Permit Fees --- to be paid at the time of building permit issuance;

2. Final Map Plan Check Fees --- to be paid at time of submittal of final map for plan check and resubmittal of revised final map for plan check;

3. Final Map Moratorium Fees --- to be paid from cash deposit established at time of filing final map;

4. Plan Check and Review Fees --- to be paid from cash deposit established at time of filing improvement plans for plan check;

5. Encroachment Permit Fees --- to be paid at time of application for encroachment permit;

6. Inspection Fees --- to be paid from cash deposit established at time of construction permit issuance; and

7. Grading Permit Fee --- to be paid from cash deposit established at time of grading permit issuance.

K. Subdivider shall provide City with final Record Drawings of all plans developed for the Subdivision, showing all changes and as built conditions as specified in the Tentative Tract Map Conditions of Approval, and shall provide electronic image files of those final Record Drawings consistent with electronic image file size and type specifications of the City prior to the acceptance of improvements and release of bonds or other security.

2. <u>INSPECTION OF WORK AND FINAL ACCEPTANCE</u>

A. Subdivider shall at all times maintain proper facilities and safe access for inspection of the Improvements by the City Engineer and other City personnel and inspection consultants.

B. Upon completion of the work on all or any category of the Improvements, the Subdivider may request a final inspection by the City Engineer. Within forty-five (45) days of receipt of the written letter request, the City Engineer shall

inspect the Improvements and provide written notice to Subdivider of the list of items which have been found to be incomplete and the list of items which have been found to be complete. If the City Engineer determines that all or any specified category of the Improvements have been completed in accordance with this Agreement and in compliance with the Improvement Plans and all applicable City standards, then the City Engineer shall acknowledge that determination in a report to the City Council. If the Improvements that are completed are to be dedicated to or owned by the City (Improvements within City right of way and property for public use), the City Engineer's determination shall be submitted to the City Council for final acceptance by the City, unless such power to accept has been delegated by the City Council to the City Engineer or some other officer of the City, in which case the final acceptance shall be subject to the approval of that specified official. If the Improvements that are completed are to be dedicated to or owned by a public entity other than the City, the Subdivider's written request shall be submitted to the applicable public entity or other owner, for final acceptance. Subdivider shall bear all costs of inspection and determination of completeness in accordance with City's formally adopted and applicable fees and rates.

C. Acceptance of all or any specified category of the Improvements by the City Council shall be made upon recommendation and certification of the City Engineer following inspection of said Improvements pursuant to subparagraph B above. The City Council shall act upon the City Engineer's recommendation that such public Improvements have been completed unless such power to accept has been delegated by the City Council to the City Engineer or some other officer of the City, in which case the final acceptance shall be subject to the approval of that specified official. Acceptance by the City or by the governing body of the entity that is to accept dedication or ownership of the public improvements shall not constitute a waiver by the City or such other public entity of any defects in the public Improvements.

3. GUARANTEE AND WARRANTY OF THE IMPROVEMENTS

A. If, within a period of one year following acceptance by the City of the applicable Improvements specified in Schedule A, any Improvements or part of any Improvements specified in Section A furnished, installed or constructed by the Subdivider, or any of the work performed under this Agreement by Subdivider, fails to comply with any requirements of this Agreement, or the Subdivision Laws, or the Improvement Plans and related specifications, the Subdivider shall, without delay and without cost to the City, repair, replace or reconstruct any defective or otherwise unsatisfactory part or parts of the Improvements. Subdivider's obligations hereunder shall include the repair, replacement or reconstruction of all irrigation systems and all trees, shrubs, ground cover and landscaping for such one year.

B. Should the Subdivider fail or refuse to act promptly or in accordance with subparagraph A above, or should the exigencies of the situation require repair, replacement, or reconstruction to be undertaken before the Subdivider can be notified and can perform the necessary work, then the City may, in its discretion, make the necessary repairs or replacements or perform the necessary reconstruction and draw upon the Subdivider's improvement security to reimburse itself for the costs incurred. If

the Subdivider's improvement security does not cover the total cost of such repair, replacement, or reconstruction, the Subdivider shall reimburse the City for any excess costs incurred.

C. The security furnished for the faithful performance of the Subdivider's obligation to construct and install the Improvements described herein shall include the Subdivider's liability and obligation hereunder to provide the one-year guarantee and warranty of the Improvements.

4. TIME EXTENSIONS

A. Upon a showing by the Subdivider of good cause therefor, the duration of the Completion Period for the Improvements (or any of them) may be extended by the City Engineer in writing. As used herein, "good cause" may include, without limitation, delay resulting from, arising out of or relating to an act of the City; acts of God or force majeure, strikes, boycotts or similar job actions by employees or labor organizations which prevent the conduct of the work; findings made by a governmental entity that the site of a particular Improvement is of archeological significance or requires further permitting and approval; and/or actions or failure to act of native American monitor(s); and, the order of any court.

B. A time extension may be granted without notice to any surety or sureties of the Subdivider and shall not affect the validity of this Agreement nor release the surety or sureties on any bond given as an improvement security pursuant to this Agreement.

C. As a condition of any time extension provided for herein, the City Engineer, may require the Subdivider to furnish new or modified improvement security guaranteeing performance of this Agreement, as extended, in an increased amount as necessary to compensate for any projected increase in the Estimated Total Cost of Improvements, as determined by the City Engineer.

5. IMPROVEMENT SECURITY

A. Prior to City's execution of this Agreement, Subdivider shall provide as security to the City:

1. For Performance and Guarantee: Security in an amount equal to one hundred percent (100%) of the Estimated Total Cost of the Improvements, excluding Grading, as set forth above in the Subdivision Reference Data. The security shall be issued by a bonding company licensed to issue bonds in the State of California and having a Best rating of AAA or better. With this security, the form of which shall be subject to City Attorney's prior approval, the Subdivider assures faithful performance under this Agreement and guarantees the Improvements for one year after the completion and acceptance of the applicable portion of such Improvements, against any defective workmanship or materials or any unsatisfactory performance, pursuant to Section 3 hereof.

2. For Payment: Security in an amount equal to one hundred percent (100%) of the Estimated Total Cost of the Improvements, excluding Grading, as set forth above in the Subdivision Reference Data. The security shall be issued by a bonding company licensed to issue bonds in the State of California and having a Best rating of AAA or better. With this security, the form of which shall be subject to City Attorney's prior approval, the Subdivider guarantees payment to contractors, subcontractors, and persons renting equipment or furnishing labor or materials to them or to the Subdivider.

B. If the improvement security is a corporate surety bond and, in the opinion of the City, any surety or sureties thereon become insufficient, because (i) the surety becomes insolvent; (ii) the surety's bond rating is downgraded; (iii) the surety declares bankruptcy; or (iv) the surety is no longer deemed to be an admitted surety in California by the California Department of Insurance, or (v) the form of the surety or the amount is found by City to be in error or materially insufficient, the Subdivider shall renew or replace any such surety bond with good and sufficient surety or sureties within thirty (30) days after receiving from City written demand therefor.

C. The amount of security for performance, payment and warranty obligations provided by this section shall not include the cost of monumentation, as required by Government Code Section 66497 so long as a separate cash deposit or security acceptable to the City Engineer for the estimated cost of monumentation has been submitted to the City.

D. Improvement security consisting of corporate surety bonds, in a form accepted by the City Attorney, shall be filed with the City Engineer and then kept on file with the City Clerk. If a corporate surety bond is replaced by another approved bond, the replacement shall be submitted to the City Engineer and, upon filing with the City Clerk, shall be deemed to have been made a part of and incorporated into this Agreement. Upon submission to the City Engineer and then filing with the City Clerk of a replacement bond, the former improvement security shall be released following written approval of the City Engineer.

E. Modifications of the Improvement Plans and related specifications, and modifications of the Improvements, not exceeding ten percent (10%) of the original Estimated Total Cost of the Improvements, shall not relieve or release any improvement security furnished by Subdivider pursuant to this Agreement. If any such modifications exceed ten percent (10%) of the Estimated Total Cost of the Improvements, Subdivider shall furnish additional improvement security for performance and guarantee, and for payment, as required by subparagraph A above, for one hundred percent (100%) of the revised Estimated Total Cost of the Improvements.

F. Subject to any time extensions granted in accordance with Section 4 herein, the Subdivider shall be in default if the Subdivider has not completed all improvements within two years from the Execution Date of the Agreement and has not repaired any defects in the completed Improvements within the one-year guarantee and warranty period.

Alternatively, in the event of a default by the Subdivider pursuant to Section 10, and after written notice to Subdivider and reasonable opportunity to cure, City, at its sole option, shall have the right, without limiting any other rights and/or remedies available to City at law or in equity, to draw upon or utilize the improvement security furnished herewith to construct and install the Improvements itself. If City exercises this right, the release of any unused portion of such improvement security shall be in accordance with the procedures outlined in Section 6 herein, including any retention necessary for the one-year guarantee period.

6. REDUCTION OR RELEASE OF IMPROVEMENT SECURITY

A. All public Improvements (Improvements that are to be owned or dedicated to the City or other public entity as distinguished from those owned by a private community association) shall be first completed, deemed completed by the City Engineer and then accepted as complete by the City prior to release of sureties. All private Improvements (Improvements that are to be owned by a private community association and not dedicated or owned by the City or other public entity) shall be first completed and then accepted as complete in writing by the City Engineer.

B. Partial releases or reductions in the Subdivider's improvement (performance) security may be authorized prior to the City's acceptance of all Improvements required hereunder, as follows:

1. At the time that the Subdivider believes that the obligation to perform the work for which security was required is complete, the Subdivider may notify the City in writing of the completed work, including a list of work completed. Upon receipt of the written notice, the City shall review and comment or approve the completion of the required work within forty-five (45) days. If the City does not agree that all work has been completed in accordance with the plans and specifications for the Improvements, it shall supply a list of all remaining work to be completed within this 45-day period.

2. Within forty-five (45) days of receipt of the list of remaining work from the local agency, the Subdivider may then provide cost estimates for all remaining work for review and approval by the City. Upon receipt of the cost estimates, the City shall then have forty-five (45) days to review, comment, and approve, modify, or disapprove those cost estimates. The City shall not be required to engage in this process of partial release more than once between the start of work and completion and acceptance of all work; however, nothing in this section prohibits the City from allowing for multiple and phased partial releases as it otherwise deems appropriate.

3. If the City approves the cost estimate, the City shall release all performance security except for security in an amount up to two hundred percent (200%) of the cost estimate of the remaining work. The process allowing for a partial release of performance security shall occur when the cost estimate of the remaining work does not exceed twenty percent (20%) of the total original

performance security unless the City allows for a release at an earlier time. Substitute bonds or other security may be used as a replacement for the performance security, subject to the approval of the City. If substitute bonds or other security is used as a replacement for the performance security released, the release shall not be effective unless and until the City receives and approves that form of replacement security. A reduction in the performance security, authorized under this section, is not, and shall not be deemed to be, an acceptance by the City of the completed improvements in and of itself, and the risk of loss or damage to the Improvements and the obligation to maintain the Improvements shall remain the sole responsibility of the Subdivider until the applicable required public Improvements have been accepted by the City in writing and all other required improvements have been fully completed in accordance with the plans and specifications for the improvements.

4. The Subdivider shall complete the works of Improvement until all remaining items are accepted by the City.

5. Upon the completion of the Improvements, the Subdivider, or his or her assigns, shall be notified in writing by the City within forty-five (45) days.

6. Within sixty (60) days of the issuance of the notification by the City Engineer, any remaining performance security, except ten percent (10%) of the original amount of the security to guarantee and warrant the Improvements for the one-year guarantee and warranty period, shall be released within sixty (60) days of the issuance of the written statement of completion.

C. Security securing the payment to the contractor, his or her subcontractors and to persons furnishing labor, materials or equipment shall, after passage of the time within which claims of lien are required to be recorded pursuant to Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code and after acceptance of the work, be reduced to an amount equal to the total claimed by all stop notice claimants for whom stop notices have been filed with the City, and if no claims have been filed, the security shall be released in full.

D. The partial release provisions of this Section 6 shall not apply to any required guarantee and warranty period required by Section 66499.9 for the guarantee or warranty nor to the amount of the security deemed necessary by the local agency for the guarantee and warranty period nor to costs and reasonable expenses and fees, including reasonable attorneys' fees. Security furnished to guarantee and warrant the Improvements against any defective work or labor done or defective materials furnished, shall be released within thirty (30) days after the completion of the one-year period following completion and acceptance of all Improvements.

E. If Subdivider’s obligations relating to any Improvements are subject to the approval of another governmental agency, the City shall not release the improvement (performance) security therefor until the obligations are performed to the

satisfaction of such other governmental agency. Such agency shall have sixty (60) days after receipt of written notice from the Subdivider of the Subdivider's performance of the obligation to register its satisfaction or dissatisfaction. If at the end of that period it has not registered its satisfaction or dissatisfaction, it shall be conclusively deemed that the Subdivider's performance of the obligation was done to its satisfaction, and such improvement security shall be promptly released.

F. In the event the time periods for action by the City specified in this Section conflict with a shorter or longer time period for such actions as provided in Government Code Section 66499.7, the time periods in Government Code Section 66499.7 shall control.

7. INDEMNIFICATION OF CITY BY SUBDIVIDER

A. Neither the City, nor its officers, agents and employees, shall be liable or responsible for any accident, injury, loss or damage to either property or person attributable to or arising out of the defective design, construction, functionality, installation assembly or improper maintenance including, without limitation, the use of defective methods, materials or workmanship (collectively "Subdivider's Faults") of the Improvements by Subdivider, its officers, employees and agents. Subdivider shall indemnify, hold harmless and defend the City, its officers, agents and employees, from and against any and all losses, claims, costs, expenses, liabilities, damages, actions, causes of action and judgments, including attorneys' fees, arising directly or indirectly out of or attributable to Subdivider's Faults.

B. Subdivider's obligations under this Section 7 are not conditioned or dependent upon whether the City, or its officers, agents and employees, prepared, supplied or reviewed any Improvement Plans or related specifications in connection with the Subdivision or the Improvements, or has insurance or other indemnification covering any of these matters.

C. Subdivider's obligation to indemnify, hold harmless and defend the City under this Section 7 shall extend to injuries to persons and damages to or alleged taking of property resulting from the Subdivider's Faults, and the Improvements required herein, and shall likewise extend to claims asserted by adjacent property owners based upon the diversion of waters caused by the Subdivider's defective design or defective construction of public drainage systems, streets, and other public facilities or improvements. Except for a City Directive as defined below, the City's acceptance of the Improvements shall not constitute an assumption by the City of any responsibility or liability for any damage or alleged taking of property referenced herein. City shall not be responsible or liable for the design or construction of the Subdivision or the Improvements constructed or installed pursuant to the approved Improvement Plans or the Final Map, regardless of any act or omission by the City in approving the Improvement Plans or the Final Map, unless the particular Improvement design was required by the City over the written objection of the Subdivider, which objection stated that the Improvement design was potentially dangerous or defective and set forth an alternative design (a "City Directive"). After City's acceptance of the Improvements, the

Subdivider shall remain obligated to correct or eliminate all dangerous conditions created by defects in design, construction or Subdivider's Faults (other than those required by a City Directive); provided, however, that Subdivider shall not be responsible for routine maintenance as specified in Section 1(F) of this Agreement. Subdivider's indemnity obligations hereunder shall remain in effect for ten (10) years following acceptance of the respective Improvement(s) by the City Council. Subdivider acknowledges and agrees that Subdivider shall be responsible and liable for the Subdivider's Faults with respect to the Improvements and other work done pursuant to this Agreement, unless same is due to a City Directive. City shall not be liable for any acts or omissions in approving, reviewing, checking, correcting or modifying any Improvement Plans or related specifications, or in inspecting, reviewing or approving any work or construction of Improvements, unless same is due to a City Directive. The Subdivider's improvement security shall not be required to secure the Subdivider's obligations under this subparagraph C beyond the one-year guarantee and warranty period, unless the City Engineer provides notice to Subdivider prior to the expiration of the one-year period of the existence of, or continued existence of, defects in the improvements, in which case the portion of the improvement security to guarantee and warranty the improvements against defective work shall not be released and shall remain in place until the City Engineer provides written confirmation that the defects have been cured and corrected. The indemnity shall be effective retroactively to the earliest recordation date of the Final Map.

D. Subdivider shall pay and satisfy any judgment, award or decree that may be rendered against City, its officers, officials, employees, agents, representatives and volunteers (collectively hereinafter "City and City Personnel") to the extent of the indemnity provided above, in any such suit, action, or other legal proceeding, provided City gives Subdivider prompt written notice of such claim and allows Subdivider to undertake the defense thereof, and provided further that City cooperates in any such suit, action, or other legal proceeding, but shall retain its right to reject a settlement that the City deems, in its sole and absolute discretion, to be contrary to the interests of the City.

E. Subdivider's obligation to indemnify shall not be restricted to Insurance proceeds, if any, received by the City and City Personnel.

F. Subdivider, on behalf of itself and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against City and City Personnel to the extent of the indemnity above provided.

8. INSURANCE

The following coverages will be provided by Subdivider and maintained on behalf of City and in accordance with the requirements set forth herein. If Subdivider performs construction activities through a general contractor, some or all of these insurance requirements for the period of construction may be satisfied by the general contractor's insurance coverages. In such case, Subdivider shall maintain during this same construction period, and after the construction period, the coverages shown below

as "Insurance After Construction." In addition, Subdivider may elect to obtain, for all or any portion of the Project, an "Owner-Controlled Wrap Up" insurance policy in satisfaction of the insurance requirements for general contractors and subcontractors provided it satisfies all of the insurance requirements below for general contractors and subcontractors. Throughout these specifications, the word "Subdivider" refers to the Party responsible to provide the coverages as specified and, depending on context, may refer either to Subdivider or to a separate General Contractor.

A. Insurance During Construction. Subdivider shall provide the following insurance during construction of the Improvements. Insurance requirements may be met through insurance provided by Subdivider's General Contractor:

1. Commercial General Liability Insurance. Commercial General Liability Insurance (primary) shall be provided on ISO-CGL Form No. CG 00 01 or equivalent coverage, including provisions for defense of additional insureds. Policy limits shall be no less than two million dollars ($2,000,000) per occurrence for all coverages and five million dollars ($5,000,000) general aggregate. City and its officers, employees and agents shall be added as additional insureds using ISO Form CG 20 10 11 85 or other revision of the CG 20 10 form if available from the insurer and reasonably acceptable to the City, not limiting coverage for the additional insured to "ongoing operations" or in any way excluding coverage for completed operations. Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to City or any officer, employee or agent of City. Coverage shall not be limited to the vicarious liability or supervisory role of any additional insured. Coverage shall contain no contractors' limitation or other endorsement limiting the scope of coverage for liability arising from pollution, explosion, collapse, or underground property damage.

2. Umbrella Liability Insurance. Umbrella Liability Insurance (or, at Subdivider's election, Excess Liability Insurance) (over primary) shall apply to bodily injury/property damage, personal injury/advertising injury, at a minimum. Coverage shall be at least as broad as any underlying coverage. Coverage shall be provided on a "pay on behalf" basis. There shall be no cross liability exclusion and no contractor's limitation endorsement. Policy limits shall be not less than five million dollars ($5,000,000) per occurrence and in the aggregate, including any limits required in the underlying policies. The policy shall have a starting date no later than and an ending date no earlier than those of the underlying coverages. The Named Insured (Subdivider or General Contractor as appropriate) may determine the layering of primary and excess liability insurance provided that if such layering differs from that described here, the actual coverage program meets the minimum total required limits and complies with all other requirements listed here.

3. Business Auto Coverage. Business Auto Coverage shall be written on ISO Business Auto Coverage Form CA 00 01 or the equivalent, including symbol (1) (any Auto). If Subdivider (or Contractor) does not own any

vehicles, this requirement may be satisfied by a non-owned vehicle endorsement to the general and umbrella liability policies. Limits shall be no less than one million dollars ($1,000,000) per accident. This policy shall be scheduled as underlying insurance to the umbrella policy required above for a total limit of no less than five million dollars ($5,000,000) each accident.

4. Workers' Compensation/Employer's Liability. Workers' Compensation/Employer's Liability shall provide workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than one million dollars ($1,000,000) per accident or disease. Employer's liability coverage shall be scheduled under the umbrella or excess liability policy described above. This policy shall be endorsed to waive any right of subrogation with respect to City, its officers, employees or agents.

5. Builder's Risk Insurance. Builder's Risk Insurance covering all real and personal property for "all risks" of loss or "comprehensive perils" coverage including but not limited to the perils of earth movement, including earthquake (if required by Subdivider's lender or if available at commercially reasonable rates) and flood for all Improvements.

B. Insurance After Construction. Upon completion of construction of the Improvements, and for the required one-year guarantee and warranty period for Improvements and the required 10-year indemnification period, Subdivider at Subdivider's expense shall maintain or cause to be maintained the following insurance:

1. Commercial Property Insurance. Commercial Property Insurance covering the Improvements. Coverage shall be at least as broad as the Insurance Services Offices broad causes of loss form CP 10 20, and reasonably approved of in writing by the City. Coverage shall be sufficient to insure 100% of the replacement value and there shall be no coinsurance provisions. The policy shall include an inflation guard endorsement, 100% rents coverage, contents coverage, coverage for personal property of others, ordinance or law and increased cost of construction coverage. Subdivider also agrees to provide builder's all-risk insurance using an inland marine form during the period of any major alteration or improvement, using the broadest form available.

The insurance coverage for the peril of earthquake required for this project is subject to availability on the open market at commercially reasonable premium cost, as determined by mutual agreement between Subdivider and City. If such earthquake insurance coverage should, after diligent effort by Subdivider, be unobtainable at such mutually determined commercially reasonable premium cost, then Subdivider shall obtain the maximum insurance reasonably obtainable at commercially reasonable premium cost (if any) and give notice to City of the extent of Subdivider's inability to obtain, in full, the required insurance, and in such event, Subdivider's obligation to procure and maintain such insurance may be excused, subject to City's verification of inability to obtain the required insurance. Subdivider and City agree that a premium cost of

earthquake insurance coverage of up to 150% of the premium cost paid by Subdivider for such coverage on the Effective Date (to be adjusted over time based on the Consumer Price Index,) shall constitute a commercially reasonable premium cost. Non-availability at commercially reasonable premium cost must be documented by a letter from Subdivider's insurance broker or agent indicating a good faith effort to place the required insurance and showing, at a minimum, the names of the insurance carriers and the declinations or quotations received from each.

2. Commercial General Liability Insurance. Commercial General Liability Insurance (primary) shall be provided on ISO-CGL form No. CG 00 01 or equivalent coverage, including provisions for defense of additional insureds. Policy limits shall be no less than two million dollars ($2,000,000) per occurrence for all coverages and five million dollars ($5,000,000) general aggregate. City and its officers, employees and agents shall be added as additional insureds using ISO form CG 20 10 or equivalent if available from the insurer and reasonably acceptable to the City. Coverage shall apply on a primary non-contributing basis in relation to any other insurance or self-insurance, primary or excess, available to City or any officer, employee or agent of City until the warranty period specified in this Agreement expires.

3. Umbrella Liability Insurance. Umbrella Liability Insurance (or, at Subdivider's election, Excess Liability Insurance) (over primary) shall apply to bodily injury/property damage, personal injury/advertising injury, at a minimum. Coverage shall be at least as broad as any underlying coverage. Coverage shall be provided on a "pay on behalf" basis. There shall be no cross liability exclusion. Policy limits shall be not less than five million dollars ($5,000,000) per occurrence and in the aggregate, including any limits required in the underlying policies. The policy shall have a starting date no later than and an ending date no earlier than those of the underlying coverages. Subdivider may determine the layering of primary and excess liability insurance provided that if such layering differs from that described here, the actual coverage program meets the minimum total required limits.

4. Workers Compensation Insurance. Workers' Compensation/Employer's Liability shall provide workers' compensation statutory benefits as required by law. Employer's liability limits shall be no less than one million dollars per accident or disease. Employer's liability coverage shall be scheduled under any umbrella or excess liability policy described above. Unless otherwise agreed, this policy shall be endorsed to waive any right of subrogation as respects City, its employees or agents.

5. Business Auto Coverage. Business Auto Coverage for vehicles owned, operated or maintained in any way connected with the project, shall be written on ISO Business Auto Coverage form CA 00 01 or the equivalent, including symbol (1) (any Auto). If Subdivider (or Contractor) does not own any vehicles, this requirement may be satisfied by a non-owned vehicle endorsement

20 10 11 85. Certificate(s) are to reflect that the insurer will provide 30 days' notice of any cancellation of coverage and policies are to have a "cancellation endorsement" to the same effect. Subdivider agrees to provide copies of any endorsements modifying coverage in any way upon request from City.

8. Subdivider shall provide proof that policies of insurance required herein expiring during the term of this Agreement have been renewed or replaced with other policies providing at least the same coverage.

9. Any actual or alleged failure on the part of City or any other additional insured under these requirements to obtain proof of insurance required under this Agreement in no way waives any right or remedy of City or any additional insured, in this or any other regard.

10. Subdivider agrees to require all subcontractors or other parties (but not including a general contractor) hired for this project to construct the Improvements to purchase and maintain insurance for general liability (minimum limit $1,000,000 per occurrence), automobile liability ($1,000,000 per accident) and workers' compensation (statutory benefits). Prior to the issuance of the Certificate of Completion for each Phase, Subdivider shall, upon request by City, provide the City with copies of all insurance policies, certificates and endorsements related to such Phase.

11. Subdivider agrees to monitor and review all coverage required by this Section and assumes all responsibility for ensuring that such coverage is provided as required here. Subdivider agrees to obtain certificates evidencing such coverage. Subdivider agrees that upon request, all agreements with subcontractors or others with whom Subdivider contracts with on behalf of City, and all certificates of insurance obtained in compliance with this paragraph will be submitted to City for review upon request by City. Failure of City to request copies of such documents will not impose any liability on City, or its employees.

12. Subdivider agrees to require that no contract used by any general contractor or subcontractor in connection with construction of the Improvements, or contracts Subdivider enters into on behalf of City, will reserve the right to charge back to City the cost of insurance required by this Agreement.

13. Where appropriate (such as in the case of automobile insurance coverages), coverage will not be limited to the specific location designated as the Property.

14. Subdivider agrees to provide notice to City of any claim or loss against Subdivider that includes City as a defendant promptly after Subdivider receives written notice or obtains knowledge thereof. City assumes no obligation or liability by such notice, but has the right (but not the duty) to monitor the handling of any such claim or claims if they are likely to involve City.

City agrees to provide similar notice to Subdivider of any such claims it is notified of respecting the Property.

15. Subdivider agrees not to attempt to avoid its defense and indemnity obligations to City, and its officers, employees, agents by using as a defense Subdivider's statutory immunity under workers' compensation and similar statutes.

16. Subdivider agrees to ensure that coverage provided to meet these requirements is applicable separately to each insured and that there will be no cross liability exclusions that preclude coverage for suits between Subdivider and City or between City and any other insured or Named Insured under the policy, or between City and any Party associated with City or its employees.

17. If Subdivider or any contractor or subcontractor is a Limited Liability Company, general liability coverage must apply so that the Limited Liability Company and its Managers, Members, Affiliates, and their employees are insureds.

18. Subdivider shall require General Contractor to maintain commercial general liability, and if necessary, commercial umbrella liability insurance with a limit of not less than $15,000,000 for each occurrence, until the warranty period specified in this Agreement expires.

19. Subdivider agrees to obtain and provide to City evidence of professional liability coverage for Architects, Engineers or other design professionals working on the Improvements. The limit of liability required is subject to City approval, but in no event to be less than $1,000,000 per claim and in the aggregate, and Subdivider shall use reasonable efforts to require and cause such professionals to maintain coverage with respect to each occurrence for at least three years following substantial completion of the work and, in the event Subdivider is unable to do so, Subdivider shall promptly inform the City of the scope of such efforts and the reasons that it was unable to do so. If Subdivider requests that the City approve a lower limit for any particular design professional Subdivider seeks to employ on the Improvements, City will evaluate each such request based on City's perception of liability exposure associated with the work that would be performed by that design professional.

20. To the extent a particular coverage or policy form or specification is not reasonably available from Subdivider's insurer or would result in an additional premium that is extraordinary or unreasonably disproportionate to the premium for the policy as a whole, then Subdivider shall provide substantially similar coverage reasonably acceptable to City for which the cost is not extraordinary or unreasonably disproportionate.

9. OWNERSHIP OF THE IMPROVEMENTS

A. Ownership of all or any category of the Improvements constructed and installed by the Subdivider pursuant to this Agreement and shown on the Map to be dedicated to the public shall vest, as applicable, in the City (or other specified governmental agency) upon acceptance of said Improvements by the City. The acceptance of the Improvements shall either be shown by a certificate on the Final Map or by subsequent resolution accepting the Improvements adopted by the City pursuant to Government Code Section 66477.2 and recorded with the County Recorder or by other writing.

B. The Subdivider shall at all times prior to the acceptance of the Improvements by the City, give good and adequate warning to the public of each and every dangerous and defective condition caused by the construction of the Improvements and shall take all steps reasonably necessary to protect the public from such dangerous or defective conditions. The Subdivider agrees and understands that until acceptance of the Improvements by the City in writing, each Improvement and Improvement area that is offered for dedication shall be under the charge of the Subdivider, and the Subdivider may close all or a portion of any street or area whenever necessary to protect the public during the construction of the Improvements.

10. PREPARATION AND RECORDATION OF CC&RS.

A. The Subdivider shall establish a Homeowners Association for the residential areas of the Final Map owned by Subdivider, and to pay all costs associated with the creation of the associations.

B. The Subdivider shall prepare and record Covenants, Conditions, and Restrictions (CC&Rs) which obligate each homeowners association to provide for maintenance of the shared facilities, improvements, and landscaping within the boundaries of the associations in perpetuity in accordance with the Development Agreement and conditions of approval. The CC&Rs shall describe the homeowners association and the City's responsibilities and rights, and shall be subject to the approval of the City prior to recordation.

C. The Subdivider shall implement applicable provisions of the Mitigation Monitoring and Reporting Program.

11. DEFAULT AND BREACH BY THE SUBDIVIDER AND REMEDIES OF THE CITY

A. Upon the occurrence of any of the following events, the Subdivider shall be deemed to be in default under this Agreement:

1. Subject to any time extensions granted in accordance with Section 4, failure to complete construction and installation of the Improvements or any of them by the completion date set forth above in the Subdivision Reference Data;

2. Failure to promptly correct or cure any defect in the Improvements or any of them (other than a City Directive) during the one-year guarantee and warranty period as required by Section 3.A or failure to commence correction or cure of any such defect or failure to diligently prosecute same to completion, in each instance following receipt by Subdivider of written notice that such defect exists;

3. Subject to any time extensions granted in accordance with Section 4, failure to perform substantial construction work of the Improvements or any of them, after commencement of work on same, for a period of thirty (30) days after Subdivider's receipt of written notice thereof from the City;

4. Insolvency, appointment of a receiver, or the filing of any petition in bankruptcy, whether voluntary or involuntary, and such is not cured or discharged within a period of thirty (30) days;

5. Commencement of a foreclosure action against the Subdivision or any portion thereof, or any conveyance by the Subdivider in lieu or in avoidance of foreclosure, within thirty (30) days after receipt by Subdivider of written notice thereof from the City; or

6. Failure to perform any other obligations in accordance with the terms and provisions of this Agreement within thirty (30) days after receipt by Subdivider of written notice thereof from the City.

B. City reserves to itself all remedies available to it at law or in equity for any breach of Subdivider's obligations under this Agreement. City shall have the right, without limitation of other rights or remedies, after written notice to Subdivider and a reasonable opportunity for Subdivider to cure any such alleged default, to draw upon or utilize any improvement security furnished hereunder to complete the Improvements or otherwise mitigate City's damages in the event of Subdivider's default.

C. Following Subdivider's receipt of written notice of alleged default and failure by Subdivider to promptly commence the cure of any alleged default and to diligently prosecute such cure to completion, the City may serve written notice of any such default upon the surety on any corporate surety bond furnished as improvement security hereunder, and request that said surety take over and complete the Improvements herein specified. If such surety, within thirty (30) days after service of such notice of default, does not give the City written notice of its intention to perform this Agreement, or does not commence such performance within thirty (30) days after notice to the City of such intention to perform, the City may take over the work and prosecute the same to completion, by contract or by any other method the City deems advisable, for the account and at the expense of the Subdivider and its surety.

D. Subdivider acknowledges that the Estimated Total Costs and Improvement Security amounts set forth herein may not reflect the actual cost of construction or installation of the Improvements, and, consequently, City's damages for

Subdivider's default shall be measured by the actual cost of completing the required Improvements. If the damages incurred by the City in taking over and completing the Improvements exceeds the principal amount of the improvement security, then the Subdivider shall reimburse the City in the amount of such excess damages.

E. Following Subdivider's receipt of written notice of alleged default and failure by Subdivider to promptly commence the cure of any alleged default and to diligently prosecute such cure to completion, City may, without liability for so doing, take possession of, and utilize in completing the Improvements, such materials, appliances, plant and other property belonging to Subdivider as may be on the site of the work and necessary for the performance of the work. Subdivider hereby consents to such entry by the City and its representatives, including contractors, following written notice to Subdivider upon the real property in the Subdivision owned by Subdivider and necessary for City to enter or access under this Agreement, in the event the City elects to maintain or complete the work on the Improvements following Subdivider's default.

F. Subdivider acknowledges and agrees that approval of the Final Map for the Subdivision conferred substantial rights upon the Subdivider, including the right to sell, lease or finance lots within the Subdivision, and that such approval constitutes the final act necessary to permit the division of land within the Subdivision. As a result, City will be damaged to the extent of the cost of construction or installation of the Improvements upon Subdivider's failure to perform its obligations under this Agreement, which failure is not promptly remedied by sureties or by Subdivider.

G. The City's failure to take an enforcement action with respect to a default, or to declare a default or breach, shall not be construed as a waiver of that default or breach or any subsequent default or breach of the Subdivider.

H. If City sues to compel Subdivider's performance of this Agreement, or to recover damages or costs incurred in completing or maintaining the work on the Improvements, and is the prevailing party, Subdivider agrees to pay all reasonable attorneys' fees and other costs and expenses of litigation incurred by the City in connection therewith, even if Subdivider subsequently resumes and completes the work.

12. RELATIONSHIP OF THE PARTIES

Neither Subdivider, nor any of Subdivider's contractors, employees or agents, are or shall be deemed to be, agents of the City in connection with the performance of Subdivider's obligations under this Agreement.

13. ASSIGNMENT

A. Subdivider shall not assign this Agreement, or any portion thereof without the prior written consent of the City in accordance with the Development Agreement. Any attempted or purported assignment in violation of this subparagraph A shall be null and void and shall have no force or effect.

B. The sale or other disposition of the Subdivision shall not relieve Subdivider of its obligations hereunder. If Subdivider intends to sell the Subdivision, or any portion thereof (except for the sale of individual lots with homes to individual purchasers), to any other person or entity, the Subdivider may request an assignment or novation of this Agreement and a substitution of improvement security. Upon the City's approval of the assignment or novation and substitution of improvement security, the Subdivider may request a release or reduction of the improvement security furnished pursuant to this Agreement.

14. NOTICES

All notices required or provided for in this Agreement shall be in writing and delivered in person or by mail, postage prepaid, and addressed as follows:

If to the City:	Art Vela Director of Public Works/City Engineer City of Banning 99 E. Ramsey Drive Banning, California 92220
If to the Subdivider:	To the address set forth above in the Subdivision Reference Data, or to such other address as may subsequently be designated in written notice to the City.

Notice shall be effective on the date that it is delivered in person, or, if mailed, three (3) days after the date of deposit in the United States Mail.

15. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement of the parties with respect to its subject matter. All modifications, amendments, or waivers of any terms of this Agreement shall be in writing and signed by the duly authorized representatives of the parties. In the case of the City, the duly authorized representative, unless otherwise specified herein, shall be the City Engineer.

16. SEVERABILITY

The provisions of this Agreement are severable. If any portion of this Agreement is held invalid by a court of competent jurisdiction, the remainder of the Agreement shall remain in full force and effect.

17. INCORPORATION OF SUBDIVISION REFERENCE DATA AND RECITALS

The Subdivision Reference Data and the Recitals are incorporated into this Agreement.

18. GOVERNING LAW

This Agreement shall be governed by the laws of the State of California.

19. EFFECTIVE DATE OF THE AGREEMENT

This Agreement shall be and become effective as of the date that it is executed by a duly authorized officer or employee of the City, it being the intention of the parties that the Subdivider shall first execute this Agreement and thereafter submit it to the City. The City shall insert the effective date in the Subdivision Reference Data in all counterparts of this Agreement and shall transmit a fully executed counterpart to the Subdivider.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers, thereunto duly authorized, as of the dates set forth below their respective signatures.

[Note: All signatures must be acknowledged by a notary public and the acknowledgement must be attached. If signed by a Corporation, the signatures of two Corporate officers are required, unless a resolution of the Corporation's Board of Directors is provided indicating that the signature of the one signatory is sufficient to bind the Corporation.]

SUBDIVIDER

By:_____
Print Name: Michael Taylor
Title: Division President

Date:_____

CITY

CITY OF BANNING

_____
MAYOR

ATTEST:

_____ (SEAL)
CITY CLERK

Approved as to form:

_____
CITY ATTORNEY

18. GOVERNING LAW

This Agreement shall be governed by the laws of the State of California.

19. EFFECTIVE DATE OF THE AGREEMENT

This Agreement shall be and become effective as of the date that it is executed by a duly authorized officer or employee of the City, it being the intention of the parties that the Subdivider shall first execute this Agreement and thereafter submit it to the City. The City shall insert the effective date in the Subdivision Reference Data in all counterparts of this Agreement and shall transmit a fully executed counterpart to the Subdivider.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective officers, thereunto duly authorized, as of the dates set forth below their respective signatures.

[Note: All signatures must be acknowledged by a notary public and the acknowledgement must be attached. If signed by a Corporation, the signatures of two Corporate officers are required, unless a resolution of the Corporation's Board of Directors is provided indicating that the signature of the one signatory is sufficient to bind the Corporation.]

SUBDIVIDER

By: _____
Print Name: Michael Taylor
Title: Division President
Date: 8/21/2020

CITY

CITY OF BANNING

_____
MAYOR

ATTEST:

_____ (SEAL)
CITY CLERK

Approved as to form:

_____
CITY ATTORNEY

[This page for acknowledgments.]

1378

Bond Number: CMS0339957
Premium: $120.00 Annually

CITY OF BANNING

FAITHFUL PERFORMANCE BOND

Atwell - PA6 Monumentation
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install, complete and guarantee for one year after acceptance thereof, certain designated public improvements generally identified as follows: Atwell - PA6 Monumentation; and

WHEREAS, said Agreement is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement to furnish a corporate surety bond or other approved improvement security to guarantee the faithful performance of said Agreement;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held and firmly bound unto the City in the penal sum of Twenty Nine Thousand Nine Hundred Fifty Seven and 50/100 Dollars ($ 29,957.50), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bounded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to, abide by, well and truly keep and perform the covenants, conditions and provisions in said Agreement and any modification thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City, its officers, agents and employees, as therein stipulated; then this obligation shall become void; otherwise, this obligation shall be and remain in full force and effect.

As a part of the obligation secured hereby, and in addition to the face amount specified, costs and reasonable expenses and fees shall be included, including reasonable attorneys' fees, incurred by the City in successfully enforcing the obligation, all to be taxed as costs and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement, the work to be performed thereunder, or the Improvement Plans and related specifications accompanying the Agreement shall in any manner affect its obligations on this bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Agreement, the work, or the Improvement Plans and related specifications.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills Ca 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other ____

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgents from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1383

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Barton W. Davis — Vice President

State of Illinois }
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: _____
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Jeffrey D. Fick — Corporate Secretary

1384

Bond Number: CMS0339957
Premium: Included in performance bond

CITY OF BANNING

PAYMENT BOND

Atwell - PA6 Monumentation
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California, (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install and complete certain designated public improvements generally identified as follows: Atwell - PA6 Monumentation; and

WHEREAS, said Agreement is dated _____, 20__ and is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement, before entering upon the performance of the work, to file with the City a good and sufficient payment bond, or other approved security, to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the California Civil Code and in Government Code Section 66497;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held firmly bound unto the City and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of said Agreement and referred to in the above-referenced Civil Code and Government Code in the sum of Twenty Nine Thousand* Dollars ($29,957.50), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor; that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth; and in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

*Nine Hundred Fifty Seven and 50/100

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, and under Government Code Section 66497, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said Agreement or the Improvement Plans or related specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills CA 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public,
(Here insert name and title of the officer)

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other ____

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgemts from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1389

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Barton W. Davis — Vice President

State of Illinois
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: _____
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Jeffrey D. Fick — Corporate Secretary

0415930020212

A0058D19

APPROVED BY
CITY OF BANNING
JUN 30 2020
PUBLIC WORKS DEPT

Prepared By:	MDS Consulting
Date Prepared:	6/10/2020
Approved By:	
Date Approved:	
Tract No.:	37390-1 Monumentation

City of Banning Engineering Division
Construction Cost Estimate for Bonding, Plan Check & Inspection Fees
(Subdivisions/Public Works/Commercial Projects)

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
MONUMENTATION				
2" Dia. Pipe (Tract Boundary)	Each	24	$ 100.00	$ 2,400.00
Spike & Washer	Each	170	$ 75.00	$ 12,750.00
1" Dia. Pipe (Lot Corners)	Each	109	$ 100.00	$ 10,900.00
SUBTOTAL				**$ 26,050.00**
15% Contingency				**$ 3,907.50**
TOTAL				**$ 29,957.50**
			Faithful Performance (100%)	$ 29,957.50
			Labor & Material (100%)	$ 29,957.50

Bond Number: CMS0339958
Premium: $2,205.00 Annually

1391

CITY OF BANNING

FAITHFUL PERFORMANCE BOND

Atwell PA6 Sewer Improvements
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install, complete and guarantee for one year after acceptance thereof, certain designated public improvements generally identified as follows: Atwell PA6 Sewer Improvements; and

WHEREAS, said Agreement is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement to furnish a corporate surety bond or other approved improvement security to guarantee the faithful performance of said Agreement;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held and firmly bound unto the City in the penal sum of Five Hundred Fifty One Thousand Three Hundred Ten and no/100 Dollars ($ 551,310.00), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bounded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to, abide by, well and truly keep and perform the covenants, conditions and provisions in said Agreement and any modification thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City, its officers, agents and employees, as therein stipulated; then this obligation shall become void; otherwise, this obligation shall be and remain in full force and effect.

As a part of the obligation secured hereby, and in addition to the face amount specified, costs and reasonable expenses and fees shall be included, including reasonable attorneys' fees, incurred by the City in successfully enforcing the obligation, all to be taxed as costs and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement, the work to be performed thereunder, or the Improvement Plans and related specifications accompanying the Agreement shall in any manner affect its obligations on this bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Agreement, the work, or the Improvement Plans and related specifications.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills CA 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other ____

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgents from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1396

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. D.
Barton W. Davis — Vice President

State of Illinois
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jeffrey D Fick
Jeffrey D Fick — Corporate Secretary

1397

Bond Number: CMS0339958
Premium: Included in performance bond

CITY OF BANNING

PAYMENT BOND

Atwell PA6 Sewer Improvements
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California, (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install and complete certain designated public improvements generally identified as follows: Atwell PA6 Sewer Improvements; and

WHEREAS, said Agreement is dated _____, 20__ and is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement, before entering upon the performance of the work, to file with the City a good and sufficient payment bond, or other approved security, to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the California Civil Code and in Government Code Section 66497;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held firmly bound unto the City and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of said Agreement and referred to in the above-referenced Civil Code and Government Code in the sum of Five Hundred Fifty One* Dollars ($551,310.00), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor; that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth; and in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

*Thousand Three Hundred Ten and no/100

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, and under Government Code Section 66497, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said Agreement or the Improvement Plans or related specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills CA 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____ Document Date_____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  _____
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other _____

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgemts from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1402

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. D.
Barton W. Davis — Vice President

State of Illinois
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jeffrey D Fick
Jeffrey D Fick — Corporate Secretary

APPROVED BY
CITY OF BANNNG
JUN 30 2020
PUBLIC WORKS DEPT

Prepared By:	MDS Consulting
Date Prepared:	6/10/2020
Approved By:	
Date Approved:	
Tract No.:	37390-1
	Sewer

City of Banning Engineering Division
Construction Cost Estimate for Bonding, Plan Check & Inspection Fees
(Subdivisions/Public Works/Commercial Projects)

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
SEWER IMPROVEMENTS				
8-inch Main	LF	4,410	$ 60.00	$ 264,600.00
10-inch Main	LF	116	$ 70.00	$ 8,120.00
4-inch Lateral	LF	2,872	$ 40.00	$ 114,880.00
Manhole	Each	20	$ 4,000.00	$ 80,000.00
Remove Cap & Join Main	Each	1	$ 250.00	$ 250.00
Adjust Manhole to Grade	Each	20	$ 500.00	$ 10,000.00
Adjust clean-out to Grade	Each	1	$ 300.00	$ 300.00
Remove water-tight plug and join exising pipe	Each	1	$ 250.00	$ 250.00
Clean-out	Each	1	$ 500.00	$ 500.00
Water Tight Plug	Each	1	$ 500.00	$ 500.00
TOTAL				**$ 479,400.00**
15% Contingency				**$ 71,910.00**
GRAND TOTAL				**$ 551,310.00**
			Faithful Performance (100%)	$ 551,310.00
			Labor & Material (100%)	$ 551,310.00

1404

Bond Number: CMS0339959
Premium: $4,788.00 Annually

CITY OF BANNING

FAITHFUL PERFORMANCE BOND

Atwell PA 6 Street Improvements
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install, complete and guarantee for one year after acceptance thereof, certain designated public improvements generally identified as follows: Atwell PA 6 Street Improvements; and

WHEREAS, said Agreement is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement to furnish a corporate surety bond or other approved improvement security to guarantee the faithful performance of said Agreement;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held and firmly bound unto the City in the penal sum of One Million One Hundred Ninety Six Thousand Nine Hundred Fifty Nine* Dollars ($ 1,196,959.68), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.
*and 68/100

The condition of this obligation is such that if the above-bounded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to, abide by, well and truly keep and perform the covenants, conditions and provisions in said Agreement and any modification thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City, its officers, agents and employees, as therein stipulated; then this obligation shall become void; otherwise, this obligation shall be and remain in full force and effect.

As a part of the obligation secured hereby, and in addition to the face amount specified, costs and reasonable expenses and fees shall be included, including reasonable attorneys' fees, incurred by the City in successfully enforcing the obligation, all to be taxed as costs and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement, the work to be performed thereunder, or the Improvement Plans and related specifications accompanying the Agreement shall in any manner affect its obligations on this bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Agreement, the work, or the Improvement Plans and related specifications.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/28/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Diana Karpowitz (Seal)

TGJ1 DIANA KARPOWITZ TGJ1
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Woodland Hills, Ca 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgents from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1409

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: B. W. D.
Barton W. Davis — Vice President

State of Illinois
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Catherine D. Glover
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
NOTARY PUBLIC STATE OF ILLINOIS
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: Jeffrey D Fick
Jeffrey D Fick — Corporate Secretary

0415930020212

A0058D19

1410

Bond Number: CMS339959
Premium: Included in performance bond

CITY OF BANNING

PAYMENT BOND

Atwell PA 6 Street Improvements
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California, (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install and complete certain designated public improvements generally identified as follows: Atwell PA 6 Street Improvements; and

WHEREAS, said Agreement is dated _____, 20__ and is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement, before entering upon the performance of the work, to file with the City a good and sufficient payment bond, or other approved security, to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the California Civil Code and in Government Code Section 66497;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held firmly bound unto the City and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of said Agreement and referred to in the above-referenced Civil Code and Government Code in the sum of One Million One Hundred*Dollars ($1,196,959.68), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor; that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth; and in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

*Ninety Six Thousand Nine Hundred Fifty Nine and 68/100

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, and under Government Code Section 66497, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said Agreement or the Improvement Plans or related specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills Ca 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other ____

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgents from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1415

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Barton W. Davis — Vice President

State of Illinois
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: _____
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Jeffrey D. Fick — Corporate Secretary

APPROVED BY
CITY OF BANNING
JUN 30 2020
PUBLIC WORKS DEPT

Prepared By:	MDS Consulting
Date Prepared:	6/10/2019
Approved By:	
Date Approved:	
Tract No.:	37390-1
	Onsite Street

City of Banning Engineering Division
Construction Cost Estimate for Bonding, Plan Check & Inspection Fees
(Subdivisions/Public Works/Commercial Projects)

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
STREET IMPROVEMENTS				
3" Asphalt Concete (133,375 SF)	Ton	2,401	$ 80.00	$ 192,080.00
8" Aggregate Base Class II (133,375 SF)	Ton	6,434	$ 60.00	$ 386,040.00
6-inch Wedge Curb & Gutter	LF	8,175	$ 25.00	$ 204,375.00
Concrete Cross Gutter & Spandrels	SF	4,370	$ 4.50	$ 19,665.00
Concrete Sidewalk (4-inch thick)	SF	41,287	$ 3.50	$ 144,504.50
Curb Ramp	Each	12	$ 3,000.00	$ 36,000.00
Adjust Sewer MH to Grade (2nd Adjust.)	Each	18	$ 500.00	$ 9,000.00
Adjust Water Valve to Grade (2nd Adjust.)	Each	30	$ 250.00	$ 7,500.00
Adjust SD MH to Grade (2nd Adjust.)	Each	2	$ 500.00	$ 1,000.00
LED Solar Street Light	Each	8	$ 4,000.00	$ 32,000.00
Redwood Header	LF	72	$ 6.00	$ 432.00
AC Grind & Overlay	SF	124	$ 3.00	$ 372.00
Sign Post	Each	7	$ 150.00	$ 1,050.00
Traffic Sign	Each	6	$ 400.00	$ 2,400.00
Street Name Sign	Each	8	$ 300.00	$ 2,400.00
12" Thermoplastic Traffic Stripe	LF	108	$ 2.00	$ 216.00
Traffic Markings	Each	6	$ 100.00	$ 600.00
Blue-reflective Fire Hydrant Marker	Each	12	$ 100.00	$ 1,200.00
SUBTOTAL				**$ 1,040,834.50**
15% Contingency				**$ 156,125.18**
TOTAL				**$ 1,196,959.68**
			Faithful Performance (100%)	$ 1,196,959.68
			Labor & Material (100%)	$ 1,196,959.68

1417

Bond Number: CMS0339960
Premium: $2,372.00 Annually

CITY OF BANNING

FAITHFUL PERFORMANCE BOND

Atwell PA6 Water Improvements
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install, complete and guarantee for one year after acceptance thereof, certain designated public improvements generally identified as follows: Atwell PA6 Water Improvements; and

WHEREAS, said Agreement is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement to furnish a corporate surety bond or other approved improvement security to guarantee the faithful performance of said Agreement;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held and firmly bound unto the City in the penal sum of Five Hundred Ninety Two Thousand Nine Hundred Forty and no/100 Dollars ($ 592,940.00), lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, successors, executors and administrators, jointly and severally, firmly by these presents.

The condition of this obligation is such that if the above-bounded Principal, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to, abide by, well and truly keep and perform the covenants, conditions and provisions in said Agreement and any modification thereof made as therein provided, on his or their part, to be kept and performed at the time and in the manner therein specified, and in all respects according to their true intent and meaning, and shall indemnify and save harmless the City, its officers, agents and employees, as therein stipulated; then this obligation shall become void; otherwise, this obligation shall be and remain in full force and effect.

As a part of the obligation secured hereby, and in addition to the face amount specified, costs and reasonable expenses and fees shall be included, including reasonable attorneys' fees, incurred by the City in successfully enforcing the obligation, all to be taxed as costs and included in any judgment rendered.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of the Agreement, the work to be performed thereunder, or the Improvement Plans and related specifications accompanying the Agreement shall in any manner affect its obligations on this bond. The Surety hereby waives notice of any such change, extension of time, alteration or addition to the terms of the Agreement, the work, or the Improvement Plans and related specifications.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills, Ca 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public Signature (Notary Public Seal)

M. BARRERAS
Notary Public – California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgents from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1422

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Barton W. Davis — Vice President

State of Illinois }
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: _____
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Jeffrey D. Fick — Corporate Secretary

1423

Bond Number: CMS0339960
Premium: Included in performance bond

CITY OF BANNING

PAYMENT BOND

Atwell PA6 Water Improvements
(Name or Tract Number of Subdivision)

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Pardee Homes of California, (hereinafter designated as "Principal") has executed a Subdivision Improvement Agreement ("Agreement" herein) with the City of Banning, a municipal corporation of the State of California ("City" herein), whereby Principal agrees to construct, install and complete certain designated public improvements generally identified as follows: Atwell PA6 Water Improvements; and

WHEREAS, said Agreement is dated _____, 20__ and is incorporated herein by this reference; and

WHEREAS, said Principal is required under the terms of said Agreement, before entering upon the performance of the work, to file with the City a good and sufficient payment bond, or other approved security, to secure the claims to which reference is made in Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the California Civil Code and in Government Code Section 66497;

NOW, THEREFORE, the Principal designated above, and RLI Insurance Company, as Surety, are held firmly bound unto the City and all contractors, subcontractors, laborers, materialmen and other persons employed in the performance of said Agreement and referred to in the above-referenced Civil Code and Government Code in the sum of Five Hundred Ninety Two* Dollars ($ 592,940.00), for materials furnished or labor thereon of any kind, or for amounts due under the Unemployment Insurance Act with respect to such work or labor; that said Surety will pay the same in an amount not exceeding the amount hereinabove set forth; and in case suit is brought upon this bond, will pay, in addition to the face amount thereof, costs and reasonable expenses and fees, including reasonable attorneys' fees, incurred by the City in successfully enforcing such obligation, to be awarded and fixed by the court, and to be taxed as costs and to be included in the judgment therein rendered.

* Thousand Nine Hundred Forty and no/100

It is hereby expressly stipulated and agreed that this bond shall inure to the benefit of any and all persons, companies and corporations entitled to file claims under Title 3 (commencing with Section 9000) of Part 6 of Division 4 of the Civil Code, and under Government Code Section 66497, so as to give a right of action to them or their assigns in any suit brought upon this bond.

Should the condition of this bond be fully performed, then this obligation shall become null and void, otherwise it shall be and remain in full force and effect.

The Surety hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said Agreement or the Improvement Plans or related specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any such change, extension, alteration or addition.

IN WITNESS WHEREOF, this instrument has been duly executed by the above-named Principal and Surety as of the date or dates set forth below the signatures of their authorized officers.

Note: All signatures must be acknowledged before a notary public. Attach appropriate acknowledgment.

"PRINCIPAL"

Pardee Homes of California
(Type name of Principal)

1250 Corona Pointe Court, Suite 600
(Street Address)

Corona, CA 92879
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Division President Michael C Taylor
(Title of officer)

Date: 8/24/2020

"SURETY"

RLI Insurance Company
(Type name of Surety)

6303 Owensmouth Ave 10th Floor
(Street Address)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Riverside)

On August 24th 2020 before me, Diana Karpowitz - Notary Public
(insert name and title of the officer)

personally appeared Michael C. Taylor,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

DIANA KARPOWITZ
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2199345
RIVERSIDE COUNTY
My Comm. Exp. May 28, 2021

Signature Diana Karpowitz (Seal)

Woodland Hills Ca 91367
(City) (State) (Zip)

By: _____
(Signature of authorized officer)

Janina Monroe, Attorney-In-Fact
(Title of officer)

Date: 8/20/2020

APPROVED:

_____
City Attorney

ALL- PURPOSE
CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Orange }

On AUG 20 2020 before me, M. Barreras, Notary Public
(Here insert name and title of the officer),

personally appeared Janina Monroe,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in ~~his~~/her/~~their~~ authorized capacity(~~ies~~), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

M. BARRERAS
Notary Public - California
Orange County
Commission # 2217716
My Comm. Expires Nov 5, 2021

Notary Public Signature (Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages ____ Document Date____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
- ☐ Corporate Officer
  (Title)
- ☐ Partner(s)
- ☒ Attorney-in-Fact
- ☐ Trustee(s)
- ☐ Other

2015 Version www.NotaryClasses.com 800-873-9865

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknolwedgents from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they,~~ is /~~are~~) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - Indicate title or type of attached document, number of pages and date.
  - Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

1428

POWER OF ATTORNEY

RLI Insurance Company
Contractors Bonding and Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Know All Men by These Presents:

That this Power of Attorney is not valid or in effect unless attached to the bond which it authorizes executed, but may be detached by the approving officer if desired.

That **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, each an Illinois corporation, (separately and together, the "Company") do hereby make, constitute and appoint:

Paul Boucher, Janina Monroe, Dennis Langer, Michelle Haase, Timothy Noonan, Adriana Valenzuela, Jennifer Ochs, Martha Barreras, jointly or severally

in the City of Los Angeles, State of California its true and lawful Agent(s) and Attorney(s) in Fact, with full power and authority hereby conferred, to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed **Twenty Five Million** Dollars (**$25,000,000.00**) for any single obligation.

The acknowledgment and execution of such bond by the said Attorney in Fact shall be as binding upon the Company as if such bond had been executed and acknowledged by the regularly elected officers of the Company.

RLI Insurance Company and/or **Contractors Bonding and Insurance Company**, as applicable, have each further certified that the following is a true and exact copy of a Resolution adopted by the Board of Directors of each such corporation, and is now in force, to-wit:

> "All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, as applicable, have caused these presents to be executed by its respective Vice President with its corporate seal affixed this 14th day of May, 2020.

CONTRACTORS BONDING AND INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Barton W. Davis — Vice President

State of Illinois }
County of Peoria } SS

On this 14th day of May, 2020, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: _____
Catherine D. Glover — Notary Public

CATHERINE D. GLOVER
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
March 24, 2024

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company**, do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** and/or **Contractors Bonding and Insurance Company** this 20th day of August, 2020.

RLI Insurance Company
Contractors Bonding and Insurance Company

By: _____
Jeffrey D. Fick — Corporate Secretary

APPROVED BY
CITY OF BANNING
JUN 30 2020
PUBLIC WORKS DEPT

Prepared By:	MDS Consulting
Date Prepared:	6/10/2020
Approved By:	
Date Approved:	
Tract No.:	37390-1, On-site Water

City of Banning Engineering Division
Construction Cost Estimate for Bonding, Plan Check & Inspection Fees
(Subdivisions/Public Works/Commercial Projects)

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL
WATER IMPROVEMENTS				
8-inch DIP Main w/ Poly Encasement & R.J.	LF	4,365	$ 60.00	$ 261,900.00
8-inch Gate Valve	Each	18	$ 2,000.00	$ 36,000.00
8-inch Fitting	Each	10	$ 250.00	$ 2,500.00
1" Air & Vaccum Release Valve	Each	3	$ 5,000.00	$ 15,000.00
1" Service	Each	106	$ 1,200.00	$ 127,200.00
Residential Fire Hydrant	Each	12	$ 5,000.00	$ 60,000.00
Adjust Water Valve to Grade (1st adjustment)	Each	30	$ 200.00	$ 6,000.00
Remove Blind Flange & Join Main	Each	2	$ 500.00	$ 1,000.00
Cathodic Protection	LS	1	$ 6,000.00	$ 6,000.00
SUBTOTAL				**$ 515,600.00**
15% Contingency				**$ 77,340.00**
TOTAL				**$ 592,940.00**
			Faithful Performance (100%)	$ 592,940.00
			Labor & Material (100%)	$ 592,940.00

IN THE CITY OF BANNING, STATE OF CALIFORNIA

TRACT NO. 37390-1
SEWER IMPROVEMENT PLAN

SEWER GENERAL NOTES:

1. ALL WORK SHALL COMPLY WITH THE CITY OF BANNING PUBLIC WORKS SPECIFICATIONS AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION LATEST EDITION, A.P.W.A. IN THE CASE OF CONFLICTS BETWEEN THE CITY OF BANNING PUBLIC WORKS SPECIFICATIONS AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, THE CITY OF BANNING PUBLIC WORKS SPECIFICATIONS SHALL GOVERN.
2. TYPE OF PIPE SHALL BE SDR 26 PVC.
3. SEWER MAINS MAY BE LAND THROUGH MANHOLES AND USED AS A FORM FOR THE INVERT.
4. FINAL TESTING FOR PIPELINE LEAKAGE SHALL BE MADE IN THE PRESENCE OF THE INSPECTOR FOR THE CITY, AFTER BACKFILL HAS BEEN INSPECTED AND APPROVED.
5. ALL TRENCHES SHALL BE COMPACTED TO 90% RELATIVE DENSITY.
6. THE CONTRACTOR SHALL NOTIFY THE CITY OF BANNING 48 HOURS PRIOR TO STARTING ANY WORK. PHONE: (909) 922-3142
7. THE CONTRACTOR SHALL SET UP APPOINTMENTS TO REVIEW THE PLANS IN DETAIL WITH THE CITY PRIOR TO START OF CONSTRUCTION.
8. SEPARATION BETWEEN WATERLINES AND SEWERS SHALL CONFORM TO CITY OF BANNING AND STATE OF CALIFORNIA HEALTH DEPARTMENT REQUIREMENTS.
9. IT SHALL BE THE SEWER CONTRACTOR'S RESPONSIBILITY TO SET MANHOLE COVERS TO FINISH GRADE AFTER PAVING IN ACCORDANCE WITH CITY OF BANNING STANDARDS.
10. ALL ELEVATIONS SHOWN TO BE EXISTING WERE TAKEN FROM RECENT SURVEY OF THE ENGINEER AND SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.
11. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CLEAR THE RIGHT-OF-WAY IN ACCORDANCE WITH THE PROVISIONS OF LAW AS IT AFFECTS EACH UTILITY INCLUDING IRRIGATION LINES AND APPURTENANCES AT NO COST TO THE CITY.
12. THE CONTRACTOR SHALL, AT NO EXPENSE TO THE CITY, PROVIDE ALL NECESSARY SAMPLES AND TESTS REQUIRED BY THE CITY TO ASSURE THAT THE QUALITY OF MATERIALS AND WORKMANSHIP ARE IN ACCORDANCE WITH THESE PLANS AND SAID SPECIFICATIONS.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK AND SHALL MAINTAIN ALL FACILITIES COMPLETED AND UNCOMPLETED, UNTIL ACCEPTED BY THE CITY.
14. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND NOTIFY UTILITY COMPANIES 48 HOURS IN ADVANCE OF THE BEGINNING OF CONSTRUCTION.
15. ALL SEWER LATERALS SHALL BE MARKED ON CURB WHERE THEY ENTER STREET WITH A PERMANENT "S."
16. SEWER LATERALS ARE NOT ALLOWED TO BE CONSTRUCTED UNDER/WITHIN THE DRIVEWAY APPROACHES.
17. CCTV VIDEO INSPECTION WILL BE REQUIRED, AT CONTRACTOR'S EXPENSE, AND SUBMITTED TO THE CITY FOR REVIEW PRIOR TO ACCEPTANCE, ANY AFFECTS WILL NEED TO BE REPAIRED AT NO COST TO THE CITY. CCTV INSPECTION SHALL INCLUDE VERIFICATION OF PIPE SLOPES FOR ENTIRE LENGTH OF PIPE.
18. MANDREL TESTING OF SEWER SHALL OCCUR A MINIMUM OF 60 DAYS AFTER BACKFILL OF SEWER TRENCH.
19. BENDING OF SDR 26 PVC PIPE THROUGH PIPE BARREL IS NOT PERMITTED.
20. MAXIMUM DEFLECTION OF SEWER PIPE JOINTS IS ONE DEGREE, OR PER MANUFACTURER'S RECOMMENDATIONS, WHICHEVER IS LESS.

NOTE FOR SEWER TRENCH BACKFILL:

USE CITY STANDARD NO. S-15, S-16, S-17 FOR WATER TRENCH BACKFILL

ENGINEER'S NOTICE TO CONTRACTORS

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND OR OVERHEAD UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE APPROXIMATE. THE ENGINEER ASSUMES NO LIABILITY AS TO THE EXACT LOCATION OF SAID LINES NOT FOR UTILITIES OR IRRIGATION LINES WHOSE LOCATION ARE NOT SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY AND IRRIGATION COMPANIES PRIOR TO WORK AND ACCURATELY IDENTIFY THESE LOCATIONS, WHETHER OR NOT SHOWN HEREON. AND IS RESPONSIBLE FOR ANY DAMAGE OR PROTECTION OF THESE LINES. PHASED UTILITY RELOCATIONS MAY BE NECESSARY AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY OR CLOSELY COORDINATE HIS ACTIVITIES WITH THOSE OF ALL UTILITY COMPANIES. THE CONTRACTOR SHALL CALL IN A LOCATION REQUEST TO UNDERGROUND SERVICE ALERT (U.S.A.) PHONE 1-800-227-2600 TWO (2) WORKING DAYS PRIOR TO DIGGING. NO CONSTRUCTION PERMIT ISSUED BY PUBLIC WORKS DEPARTMENT SHALL BE VALID INVOLVING UNDERGROUND FACILITIES UNLESS THE APPLICANT HAS AN INQUIRY IDENTIFICATION NUMBER ISSUED BY U.S.A.

THE ESTIMATED QUANTITY FOR EACH SPECIFIC ITEM OF THE WORK DESIGNATED ON THE PLANS SHALL BE CONSIDERED AS APPROXIMATE ONLY AND NO GUARANTEE IS MADE THAT THE QUANTITIES WHICH CAN ONLY BE DETERMINED BY COMPUTATIONS, BASED ON THE DETAILS AND DIMENSIONS SHOWN ON THE PLANS, WILL EQUAL THE ESTIMATED QUANTITIES. THE ESTIMATE OF QUANTITIES IS PROVIDED BY THE ENGINEER ONLY FOR THE CONVENIENCE OF THE OWNER. THE CONTRACTOR SHALL MAKE HIS OWN DETERMINATION AND BE RESPONSIBLE FOR HIS OWN CONSTRUCTION QUANTITIES BEFORE SUBMITTING A BID. ANY ITEM OF WORK, OR PORTION THEREOF, REQUIRED BY THESE PLANS WHICH IS NOT SPECIFICALLY LISTED IN THE ESTIMATE OF QUANTITIES SHALL BE CONSIDERED AS INCLUDED IN THE OTHER ITEMS OF WORK.

CALIFORNIA COORDINATES

CENTER LINE HIGHLAND SPRING AVE & WILSON STREET
N 2283766.54
E 6350263.54
CENTER LINE INTERSECTION HIGHLAND SPRING AVE & SUNDANCE DRIVE
N 2286406.55
E 6350271.59
CCS ZONE 6

MATH (LAKE MATHEWS)
N 2257398.558
E 6201355.292

TRAK (BOMMER CANYON)
N 2171990.406
E 6088762.992

LEGAL DESCRIPTION

PORTIONS OF LOTS 8, 10, 11 AND 19 OF TRACT MAP NO. 34330, FILED IN BOOK 429 OF MAPS, PAGES 84 THROUGH 103, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA

NOTIFICATIONS

AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION, CONTRACTOR SHALL NOTIFY:

WATER AND SEWER	CITY OF BANNING	(951) 922-3281
ELECTRIC	CITY OF BANNING	(951) 922-3260
CABLE	SPECTRUM	(866) 417-1039
TELEPHONE	FRONTIER COMMUNICATIONS	(909) 748-6649
GAS	SOUTHERN CALIFORNIA GAS COMPANY	(909) 335-7926

BENCHMARK

ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK MWD 401 1992 - A 3 ¼" STANDARD ALUMINUM MWD DISK, FLUSH, IN BANNING, 0.6 MILES SOUTH ALONG HIGHLAND SPRINGS AVENUE FROM THE INTERSECTION OF HIGHLAND SPRINGS AVENUE AND THE SOUTHERN PACIFIC RAILROAD BRIDGE, 17.5 FEET EAST OF THE CENTERLINE OF HIGHLAND SPRINGS AVENUE AT THE NORTHWEST CORNER OF CATCH BASIN AT THE TOP OF CURB, 0.5 FEET EAST OF FACE OF CURB.
ELEVATION = 772.395m = 2534.10 ft (NAVD 88).

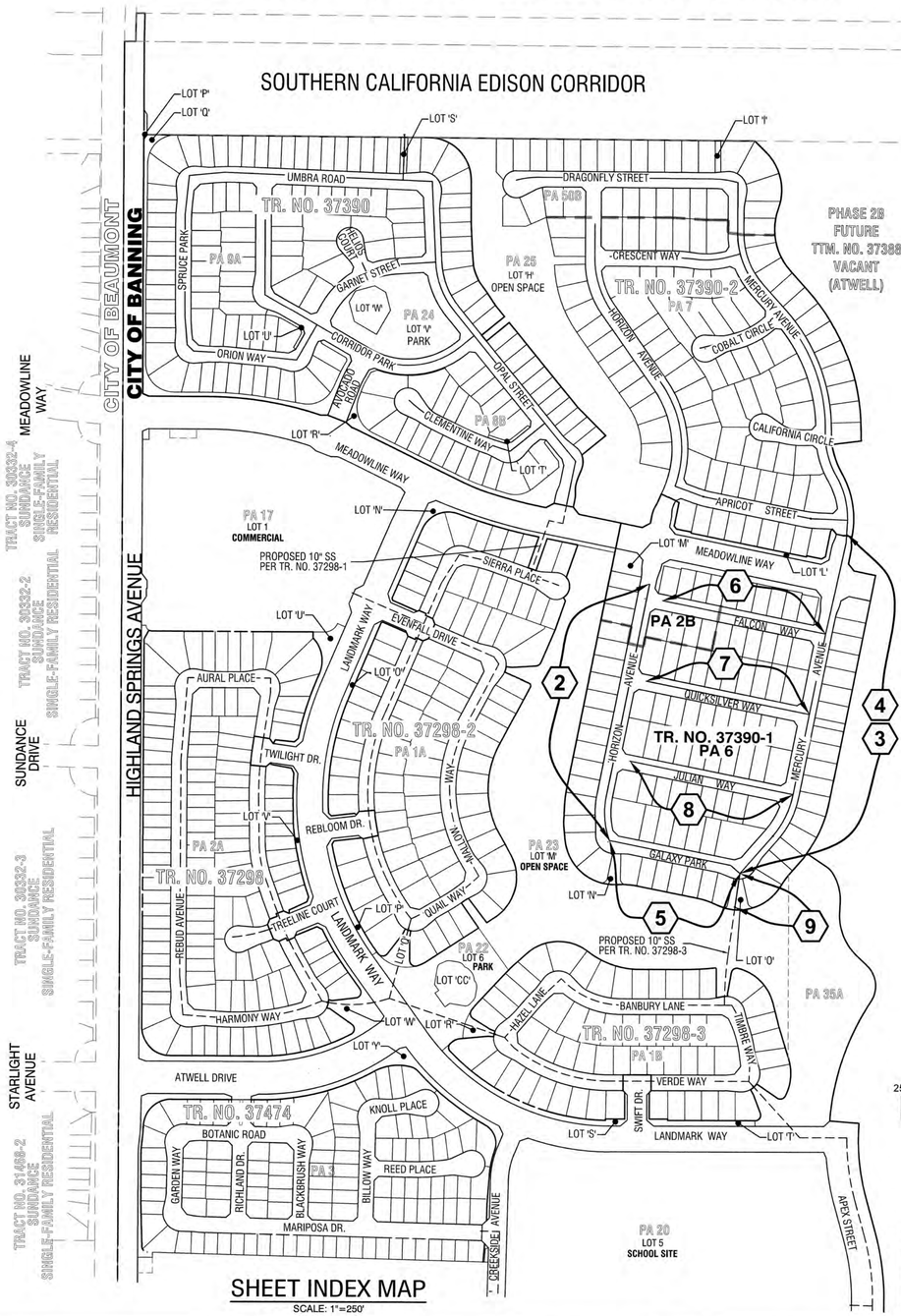
CONVERSION TO NGVD 29 CAN BE ACCOMPLISHED BY SUBTRACTING 2.66 ft FROM ALL ELEVATIONS PER VERTCON CALCULATION AT THE BENCHMARK. ELEVATION = 2531.44 ft (NGVD 29).

BASIS OF BEARINGS

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE LINE BETWEEN STATIONS "TRAK" AND "MATH" (PORTIONS PER NATIONAL GEODETIC SURVEY, NAD 83, EPOCH 1995.5), AS SHOWN ON THE MAP FILED IN BOOK 102, PAGES 50 THROUGH 65 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, BEING NORTH 52° 49' 02.84" EAST.

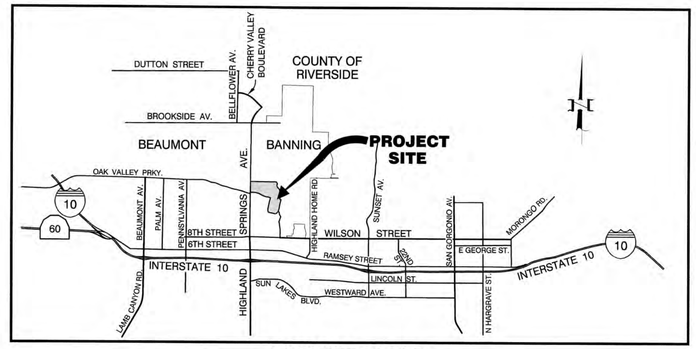
ASSESSORS PARCEL NUMBERS

PORTIONS OF 408-120-010, 408-120-012, 408-120-013 & 408-120-020



SHEET INDEX MAP

SCALE: 1"=250'



VICINITY MAP

NOT TO SCALE

SEWER LEGEND

- EX. 8" SS — EXISTING SEWER MAIN LINE OR PROPOSED BY OTHERS
- 8" SS — SEWER MAIN LINE
- SEWER MANHOLE
- SEWER LINE WITH LATERALS
- B.W — BUILDING REQUIRES BACK WATER VALVE PER CITY STD. S-24 (FINAL INSTALLATION PER PER PRECISE GRADING PLANS)

OWNER/APPLICANT/DEVELOPER

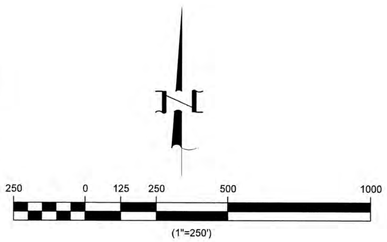
PARDEE HOMES
1250 CORONA POINTE COURT, SUITE 600
CORONA, CA 92879
(951) 428-4400
CONTACT: MICHAEL HEISHMAN

SHEET INDEX

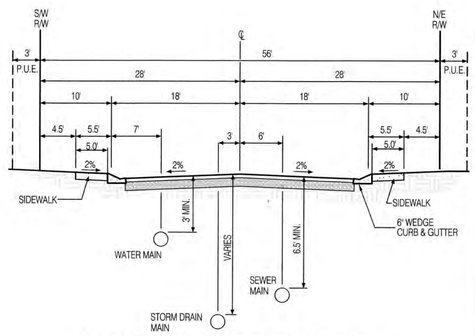
SHEET 1	TITLE SHEET AND SHEET INDEX MAP
SHEETS 2-9	SEWER PLAN AND PROFILE

CONSTRUCTION NOTES AND ESTIMATED QUANTITIES:

	SEWER IMPROVEMENT PLAN	UNIT	QUANTITY
1	INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15	LF	4,091
2	INSTALL 10" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15	LF	116
3	INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3	EA	20
4	INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9	LF	2,640
5	ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5	EA	20
6	REMOVE CAP AND JOIN 10" PVC SEWER PER TR. NO. 37298-3	EA	1
7	INSTALL 8" EXTRA STRENGTH VCP SEWER MAIN PER CITY STD. DWG. NO. S-15	LF	319
8	INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9 WITH FERNCO COUPLING TO JOIN PVC PIPE TO VCP PIPE AT WYE	LF	232
9	INSTALL TEMPORARY TERMINAL CLEAN-OUT PER CITY STD. DWG. NO. S-12	EA	1
10	INSTALL TEMPORARY WATER-TIGHT PLUG	EA	1
11	ADJUST TEMPORARY CLEAN-OUT COVER TO GRADE PER CITY STD. DWG. NO. S-5	EA	1
12	REMOVE WATER TIGHT PLUG	EA	1



RECOMMENDED FOR ACCEPTANCE BY:
STEVEN LATINO, PE.
ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.
3/19/2020



TYPICAL STREET SECTION (PUBLIC)

SCALE: HORIZ - 1"=10'
VERT - 1"=5'

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
3/2/20
DATE

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

BANNING, CA — STAGECOACH TOWN USA — Proud History • Progressive Tomorrow

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
3/31/2020 DATE

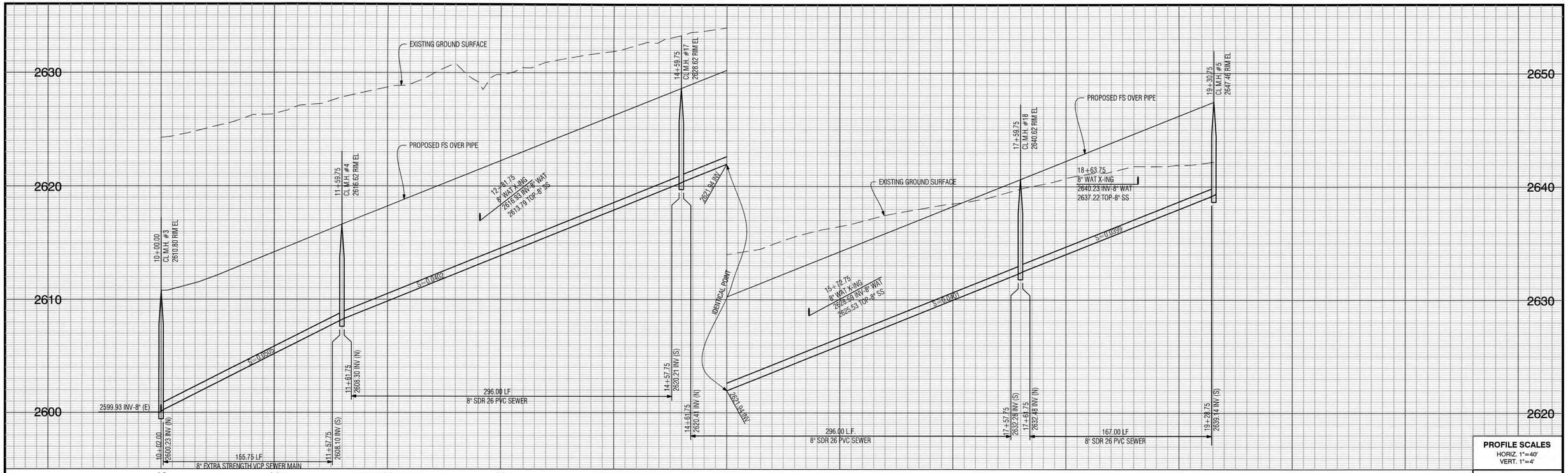
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/4/20 DATE

SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
TITLE SHEET/SHEET INDEX

W.O. No.
CIP No.
PROJECT No.
SHEET 1 OF 9

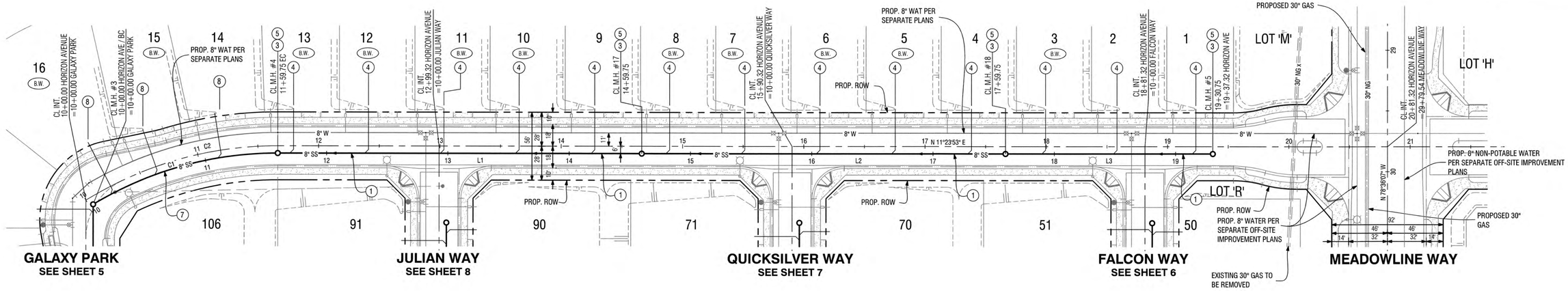
TRACT NO. 37390, SEWER IMPROVEMENT PLAN

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PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
1	2650.0	2647.46	5	
2	2647.6	2647.46	5	
3	2645.1	2647.46	5	X
4	2642.7	2640.62	18	
5	2640.2	2640.62	18	X
6	2637.7	2640.62	18	X
7	2635.2	2640.62	18	X
8	2632.7	2640.62	18	X

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
9	2630.3	2628.62	17	
10	2627.8	2628.62	17	X
11	2625.3	2628.62	17	X
12	2622.8	2628.62	17	X
13	2620.4	2628.62	17	X
14	2617.9	2616.62	4	
15	2615.6	2616.62	4	X
16	2613.8	2616.62	4	X

HORIZON AVENUE

0 20 40 80 160
1"=40' GRAPHIC SCALE

SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
5. ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5
7. INSTALL 8" EXTRA STRENGTH VCP SEWER MAIN PER CITY STD. DWG. NO. S-15
8. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9 WITH FERNCO COUPLING TO JOIN PVC PIPE TO VCP PIPE AT WYE

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 11°23'53" E	300.00'
L2	N 11°23'53" E	300.00'
L3	N 11°23'53" E	171.00'

CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	31°07'54"	294.00'	159.75'	81.90'
C2	31°34'44"	301.78'	166.33'	85.34'

Call before you Dig
Avoid cutting underground utility lines. It's costly.
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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
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MORSE SCHULTZ
17320 Redhill Avenue
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PLANNERS ENGINEERS SURVEYORS

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EDWARD J. LENTH
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3/2/20 DATE

REGISTERED PROFESSIONAL ENGINEER
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STATE OF CALIFORNIA

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SENIOR CIVIL ENGINEER
3/31/2020 DATE

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/14/20 DATE

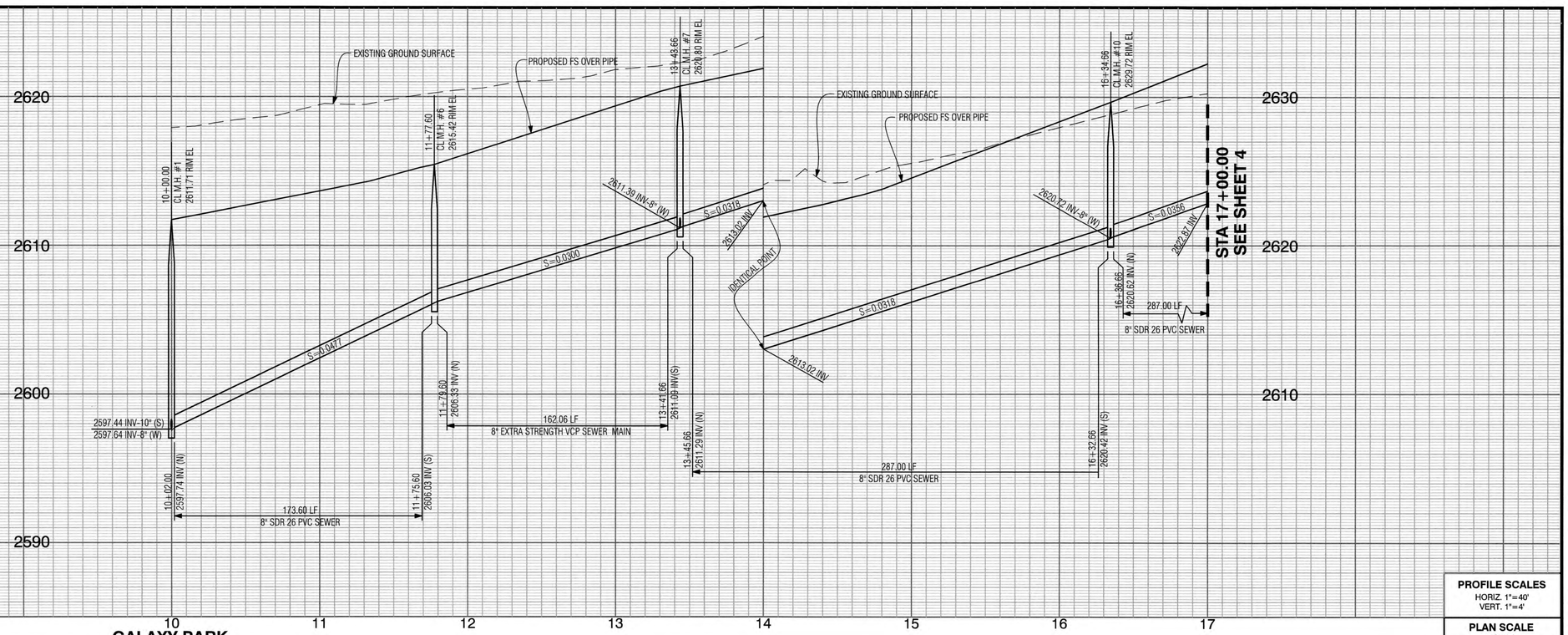
SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
HORIZON AVENUE
STA 10+00.00 TO STA 19+30.75

W.O. No.
CIP No.
PROJECT No.
SHEET 2 OF 9

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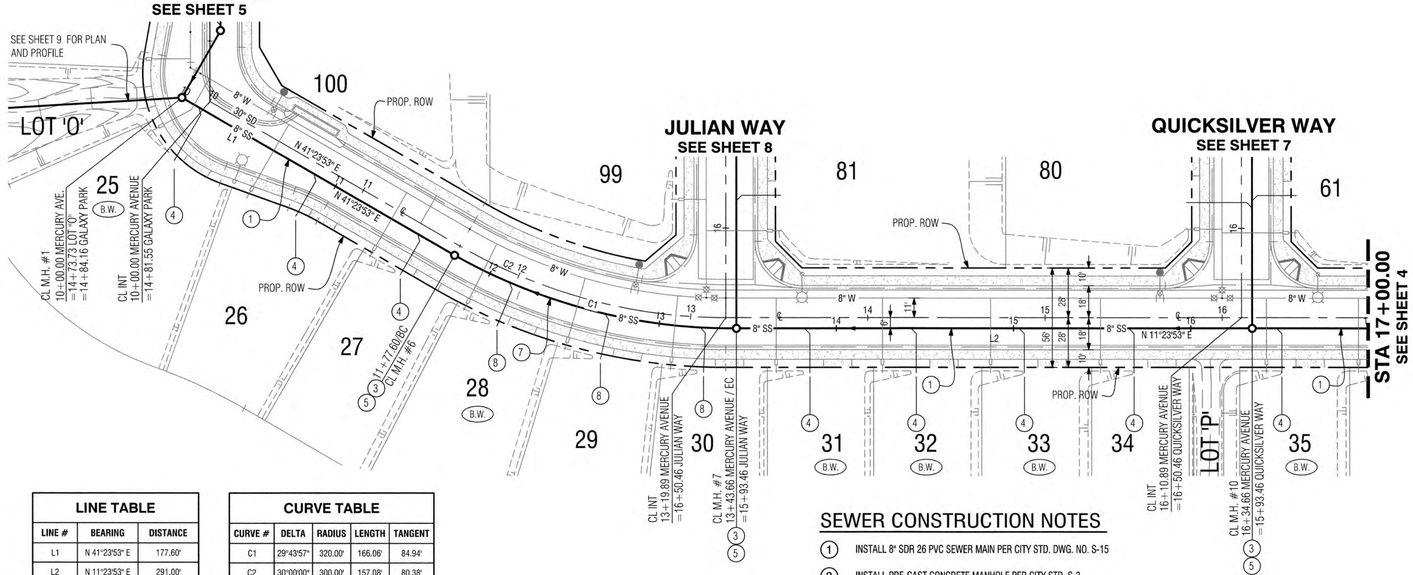
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TRACT NO. 37390, SEWER IMPROVEMENT PLAN



PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
25	2614.9	2615.42	6	X
26	2616.2	2615.42	6	
27	2617.7	2615.42	6	
28	2619.6	2620.80	7	X
29	2621.5	2620.80	7	
30	2623.1	2620.80	7	
31	2624.3	2629.72	10	X
32	2625.8	2629.72	10	X
33	2627.8	2629.72	10	X
34	2630.3	2629.72	10	
35	2633.6	2641.36	13	X

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 41°23'53" E	177.60'
L2	N 11°23'53" E	291.00'
L3	N 11°23'53" E	291.00'

CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	29°43'57"	320.00'	166.06'	84.94'
C2	30°00'00"	300.00'	157.08'	80.38'

SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
5. ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5
7. INSTALL 8" EXTRA STRENGTH VCP SEWER MAIN PER CITY STD. DWG. NO. S-15
8. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9 WITH FERNCO COUPLING TO JOIN PVC PIPE TO VCP PIPE AT WYE

MERCURY AVENUE

0 20 40 80 160
1"=40' GRAPHIC SCALE

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Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

BANNING, CA
STAGECOACH TOWN USA
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CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
DATE 3/31/2020

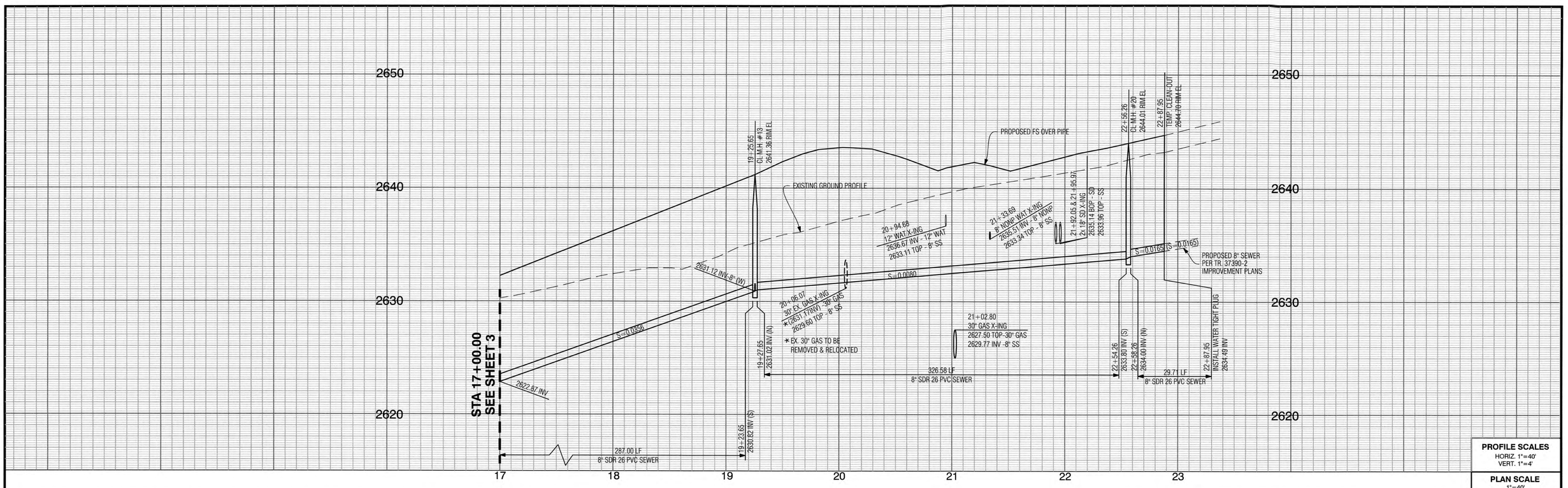
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
DATE 5/4/20

SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
MERCURY AVENUE
10+00.00 TO 17+00.00

W.O. No.
CIP No.
PROJECT No.
SHEET 3 OF 9

TRACT NO. 37390, SEWER IMPROVEMENT PLAN

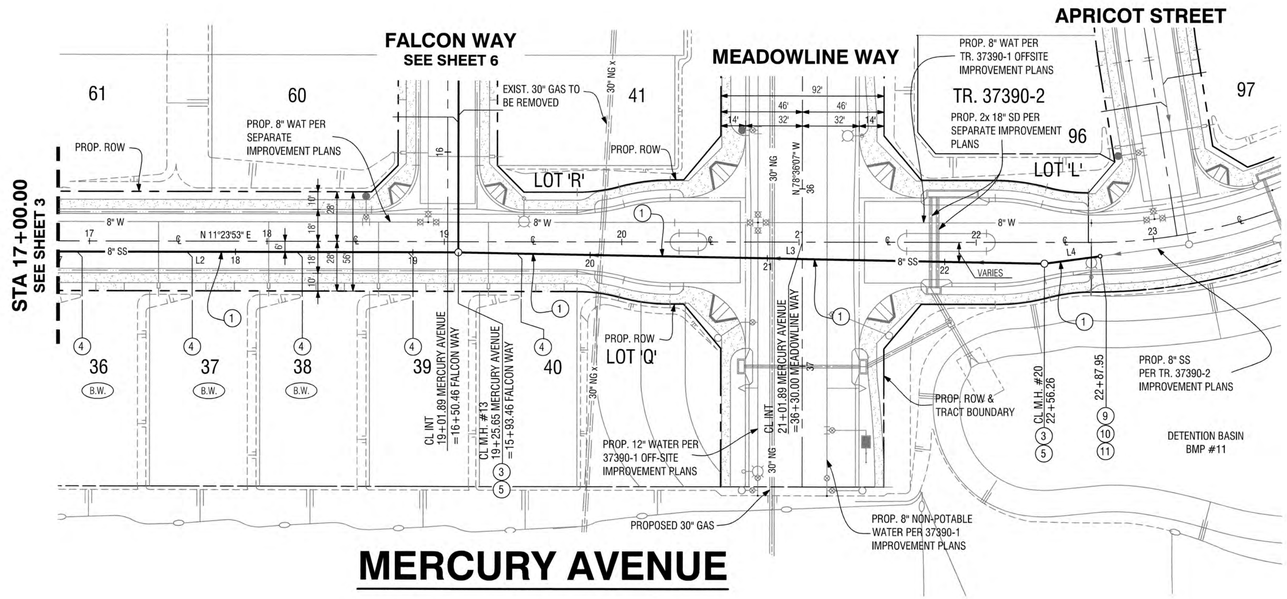
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PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
36	2636.1	2641.36	13	X
37	2638.5	2641.36	13	X
38	2641.0	2641.36	13	X
39	2643.5	2641.36	13	
40	2645.6	2644.01	20	



LINE TABLE		
LINE #	BEARING	DISTANCE
L2	N 11°23'53" E	291.00'
L3	N 12°26'17" E	330.58'
L4	N 3°42'56" E	31.71'

0 20 40 80 160
1"=40'
GRAPHIC SCALE

SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
5. ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5
7. INSTALL 8" EXTRA STRENGTH VCP SEWER MAIN PER CITY STD. DWG. NO. S-15
8. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9 WITH FERNCO COUPLING TO JOIN PVC PIPE TO VCP PIPE AT WYE
9. INSTALL TEMPORARY TERMINAL CLEAN-OUT PER CITY STD. DWG. NO. S-12
10. INSTALL TEMPORARY WATER-TIGHT PLUG
11. ADJUST TEMPORARY CLEAN-OUT COVER TO GRADE PER CITY STD. DWG. NO. S-5
12. REMOVE WATER TIGHT PLUG

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
2/2/20
DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

BANNING, CA
STAGECOACH TOWN USA
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CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
3/31/2020
DATE

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/4/20
DATE

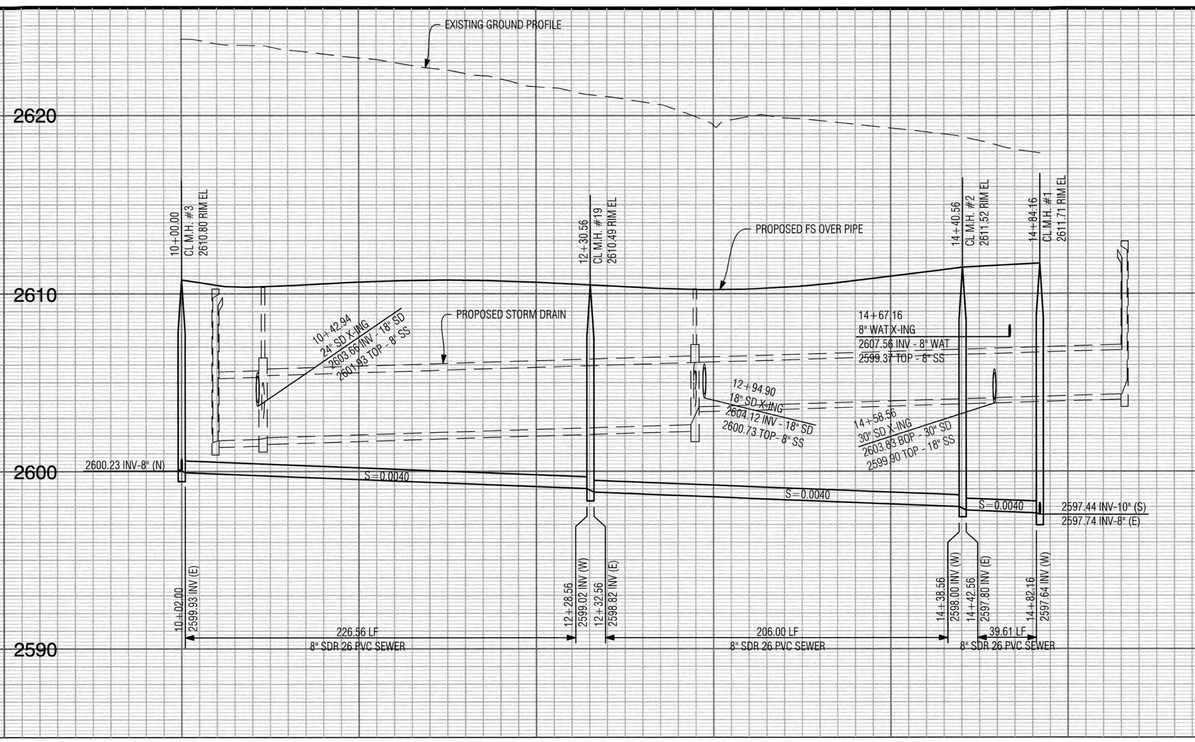
SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
MERCURY AVENUE
17+00.00 TO 22+87.95

W.O. No.
CIP No.
PROJECT No.
SHEET 4 OF 9

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TRACT NO. 37390, SEWER IMPROVEMENT PLAN



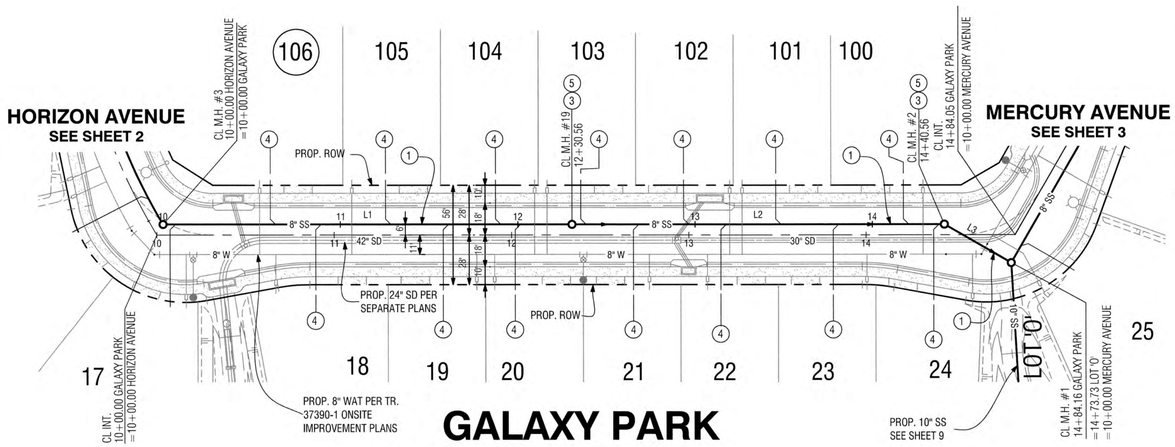
PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	230.56'
L2	N 78°36'07" W	210.00'
L3	N 48°36'07" W	43.61'

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
17	2613.2	2610.80	3	
18	2612.7	2610.80	3	
19	2612.7	2610.80	3	
20	2612.7	2610.80	3	
21	2612.4	2610.49	19	
22	2612.4	2610.49	19	
23	2613.0	2610.49	19	
24	2613.5	2610.49	19	

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
100	2613.6	2610.49	19	
101	2612.7	2610.49	19	
102	2612.4	2610.49	19	
103	2612.5	2610.49	19	
104	2612.7	2610.80	3	
105	2612.7	2610.80	3	
106	2612.6	2610.80	3	



SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
5. ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5

0 20 40 80 160
1"=40' GRAPHIC SCALE

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
3/2/20 DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

BANNING, CA
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CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LOIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
3/31/2020 DATE

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/4/20 DATE

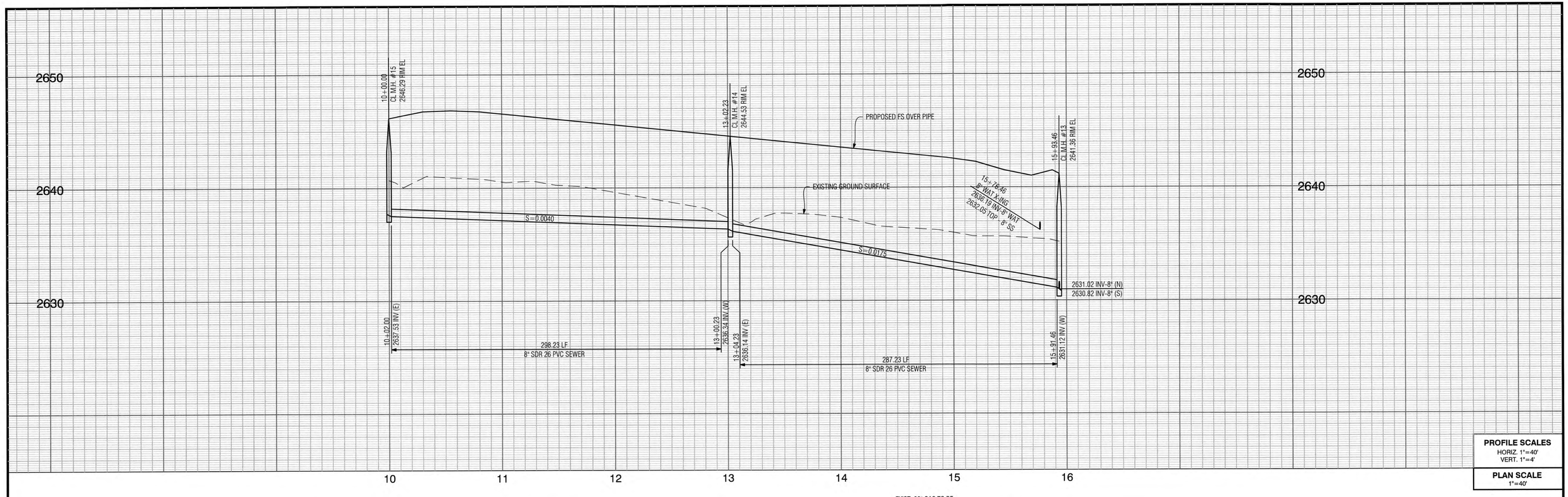
SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
GALAXY PARK
10+00.00 TO 14+84.16

W.O. No.
CIP No.
PROJECT No.
SHEET 5 OF 9

TRACT NO. 37390, SEWER IMPROVEMENT PLAN

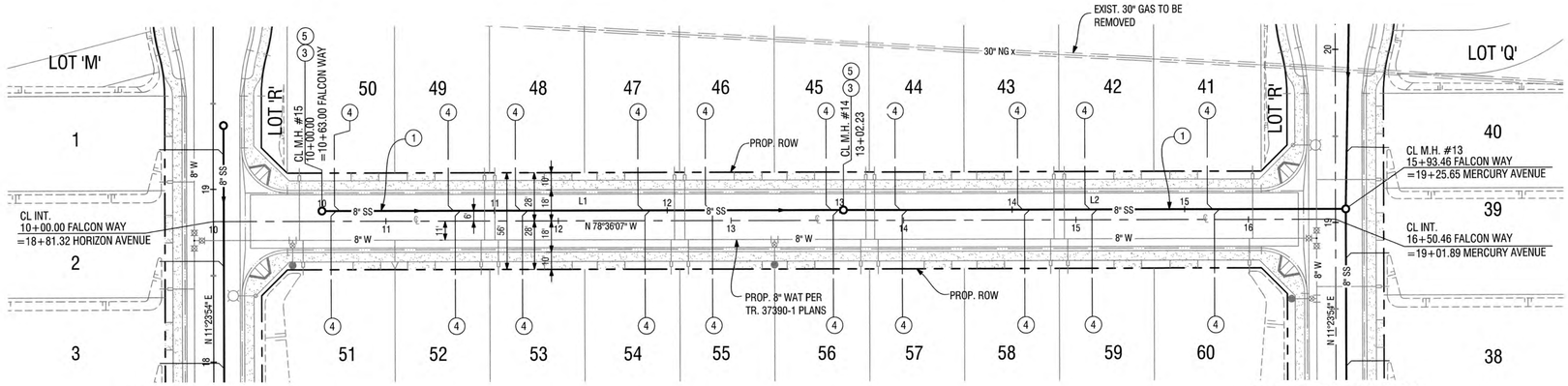
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PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



HORIZON AVENUE
SEE SHEET 2

MERCURY AVENUE
SEE SHEET 4

FALCON WAY

SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
5. ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	302.23'
L2	N 78°36'07" W	291.23'

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
41	2644.7	2644.53	14	
42	2645.2	2644.53	14	
43	2645.8	2644.53	14	
44	2646.3	2644.53	14	
45	2646.9	2646.29	15	
46	2647.4	2646.29	15	
47	2648.0	2646.29	15	
48	2648.5	2646.29	15	
49	2648.9	2646.29	15	
50	2648.9	2646.29	15	

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
51	2648.9	2646.29	15	
52	2648.9	2646.29	15	
53	2648.5	2646.29	15	
54	2648.0	2646.29	15	
55	2647.4	2646.29	15	
56	2646.9	2646.29	15	
57	2646.3	2644.53	14	
58	2645.8	2644.53	14	
59	2645.2	2644.53	14	
60	2644.7	2644.53	14	

0 20 40 80 160
1"=40'
GRAPHIC SCALE

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue Suite 350 Irvine, CA 92614 Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH RCE# 052496 EXP. 12-31-20
3/2/20 DATE

REGISTERED PROFESSIONAL ENGINEER EDWARD J. LENTH No. 052496 Exp. 12-31-20 CIVIL STATE OF CALIFORNIA

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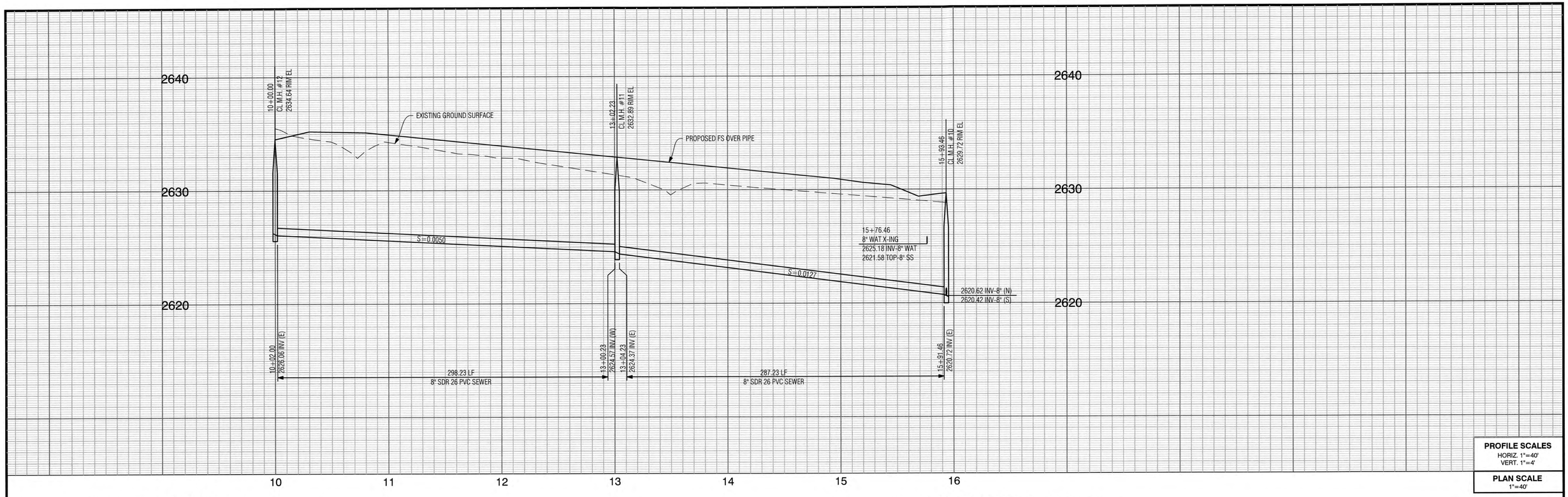
CITY OF BANNING
RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21 SENIOR CIVIL ENGINEER — 3/31/2020 DATE
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20 PUBLIC WORKS DIRECTOR/CITY ENGINEER — 5/4/20 DATE

SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
FALCON WAY
10+00.00 TO 15+93.46

W.O. No.
CIP No.
PROJECT No.
SHEET 6 OF 9

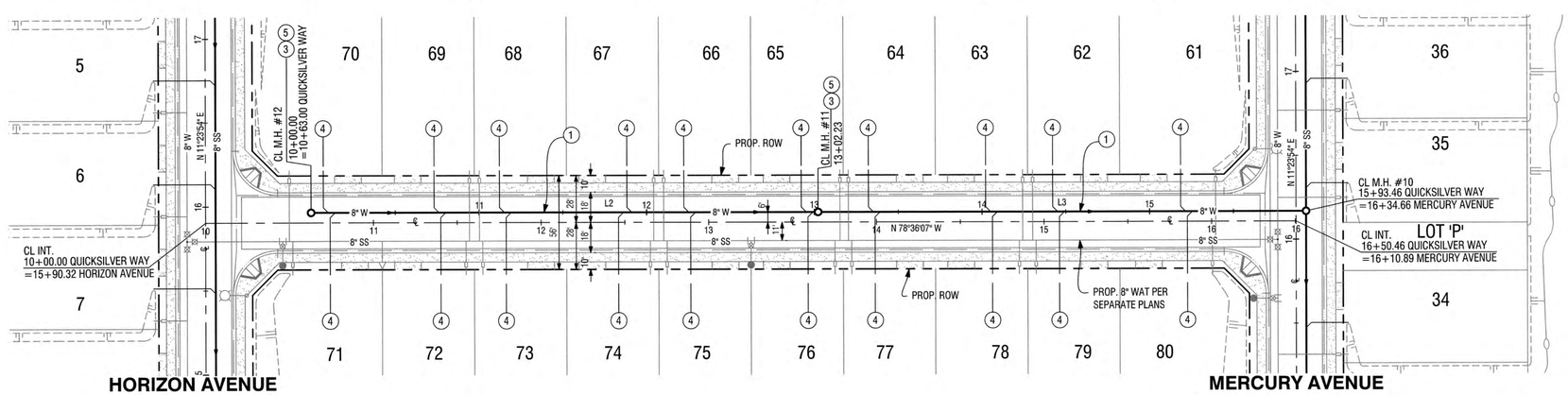
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TRACT NO. 37390, SEWER IMPROVEMENT PLAN



PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



HORIZON AVENUE
SEE SHEET 2

MERCURY AVENUE
SEE SHEET 3

SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
5. ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5

QUICKSILVER WAY

LINE TABLE		
LINE #	BEARING	DISTANCE
L2	N 78°36'07" W	302.23'
L3	N 78°36'07" W	291.23'

0 20 40 80 160
1"=40' GRAPHIC SCALE

TRACT NO. 37390-1 SEWER BACKWATER VALVES

LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
61	2633.0	2632.89	11	
62	2633.6	2632.89	11	
63	2634.1	2632.89	11	
64	2634.7	2632.89	11	
65	2635.2	2634.65	12	
66	2635.8	2634.65	12	
67	2636.3	2634.65	12	
68	2636.9	2634.65	12	
69	2637.2	2634.65	12	
70	2637.2	2634.65	12	

TRACT NO. 37390-1 SEWER BACKWATER VALVES

LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
71	2637.2	2634.65	12	
72	2637.2	2634.65	12	
73	2636.9	2634.65	12	
74	2636.3	2634.65	12	
75	2635.8	2634.65	12	
76	2635.2	2634.65	12	
77	2634.7	2632.89	11	
78	2634.1	2632.89	11	
79	2633.6	2632.89	11	
80	2633.0	2632.89	11	

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
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MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
3/2/20 DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

BANNING, CA
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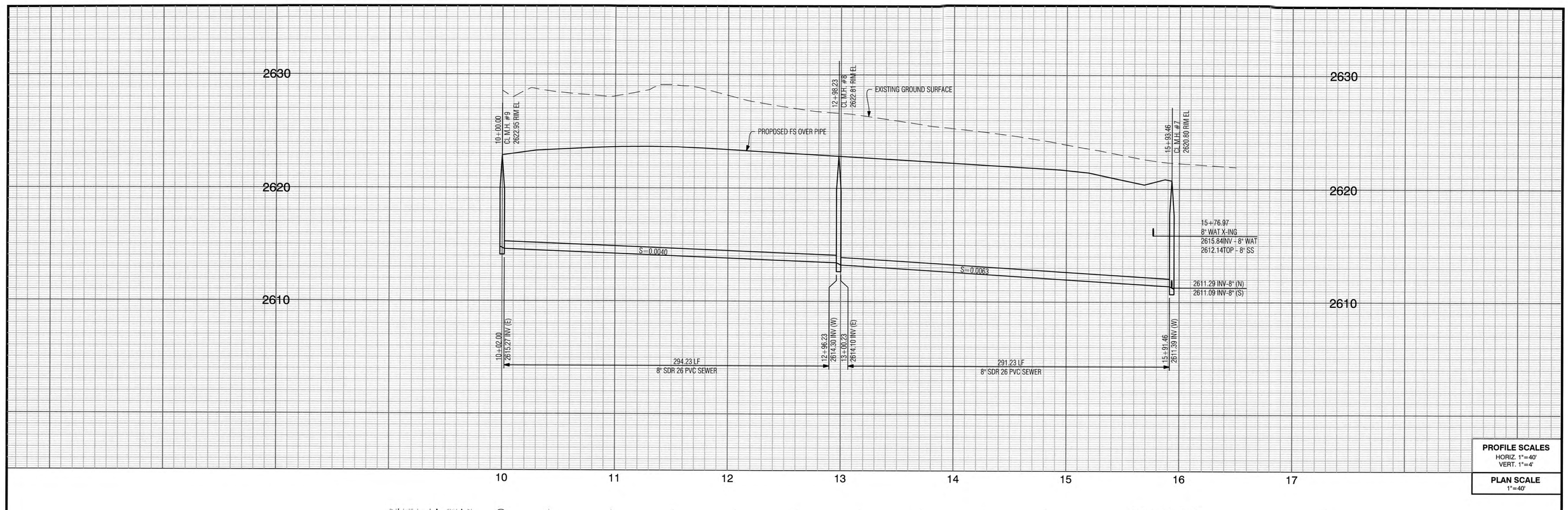
CITY OF BANNING
RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
3/31/2020 DATE
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/4/20 DATE

SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
QUICKSILVER WAY
10+00.00 TO 15+93.46

W.O. No.
CIP No.
PROJECT No.
SHEET 7 OF 9

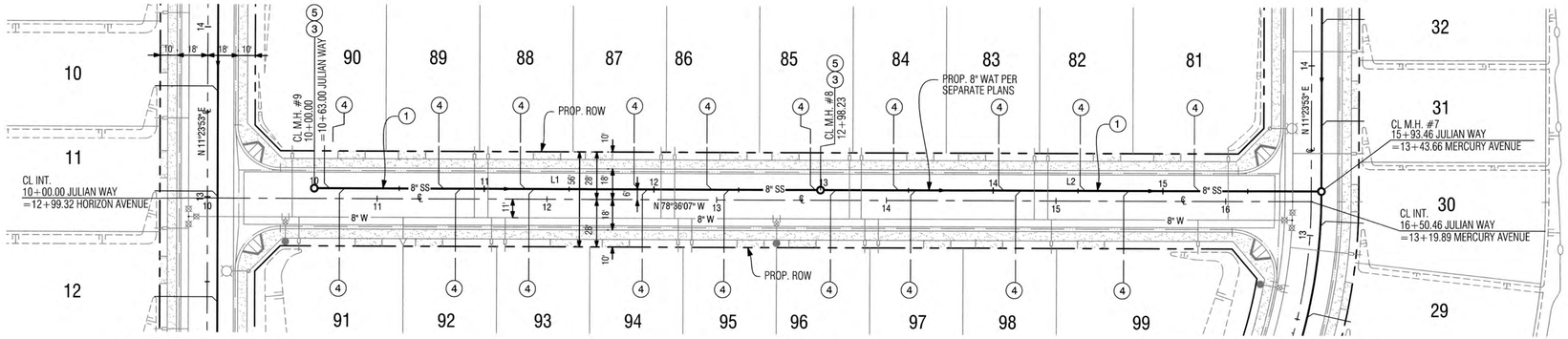
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PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



JULIAN WAY

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
81	2623.7	2622.81	8	
82	2624.0	2622.81	8	
83	2624.3	2622.81	8	
84	2624.7	2622.81	8	
85	2625.0	2622.95	9	
86	2625.3	2622.95	9	
87	2625.6	2622.95	9	
88	2625.6	2622.95	9	
89	2625.6	2622.95	9	
90	2625.3	2622.95	9	

TRACT NO. 37390-1 SEWER BACKWATER VALVES				
LOT #	PAD ELE.	UPSTREAM MH RIM ELEV.	UPSTREAM MH #	BACKWATER VALVE REQUIRED
91	2625.4	2622.95	9	
92	2625.6	2622.95	9	
93	2625.6	2622.95	9	
94	2625.5	2622.95	9	
95	2625.2	2622.95	9	
96	2624.9	2622.95	9	
97	2624.6	2622.81	8	
98	2624.3	2622.81	8	
99	2624.0	2622.81	8	

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	298.23'
L2	N 78°36'07" W	295.23'

SEWER CONSTRUCTION NOTES

1. INSTALL 8" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15
3. INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3
4. INSTALL 4" SDR 26 PVC SEWER LATERAL PER MODIFIED CITY STD. DWG. NO. S-22 AND PER DETAIL ON SHEET 9
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0 20 40 80 160
1"=40' GRAPHIC SCALE

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Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
DATE 2/7/20

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

BANNING, CA
STAGECOACH TOWN USA
Proud History • Prosperous Tomorrow

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
DATE 3/31/2020

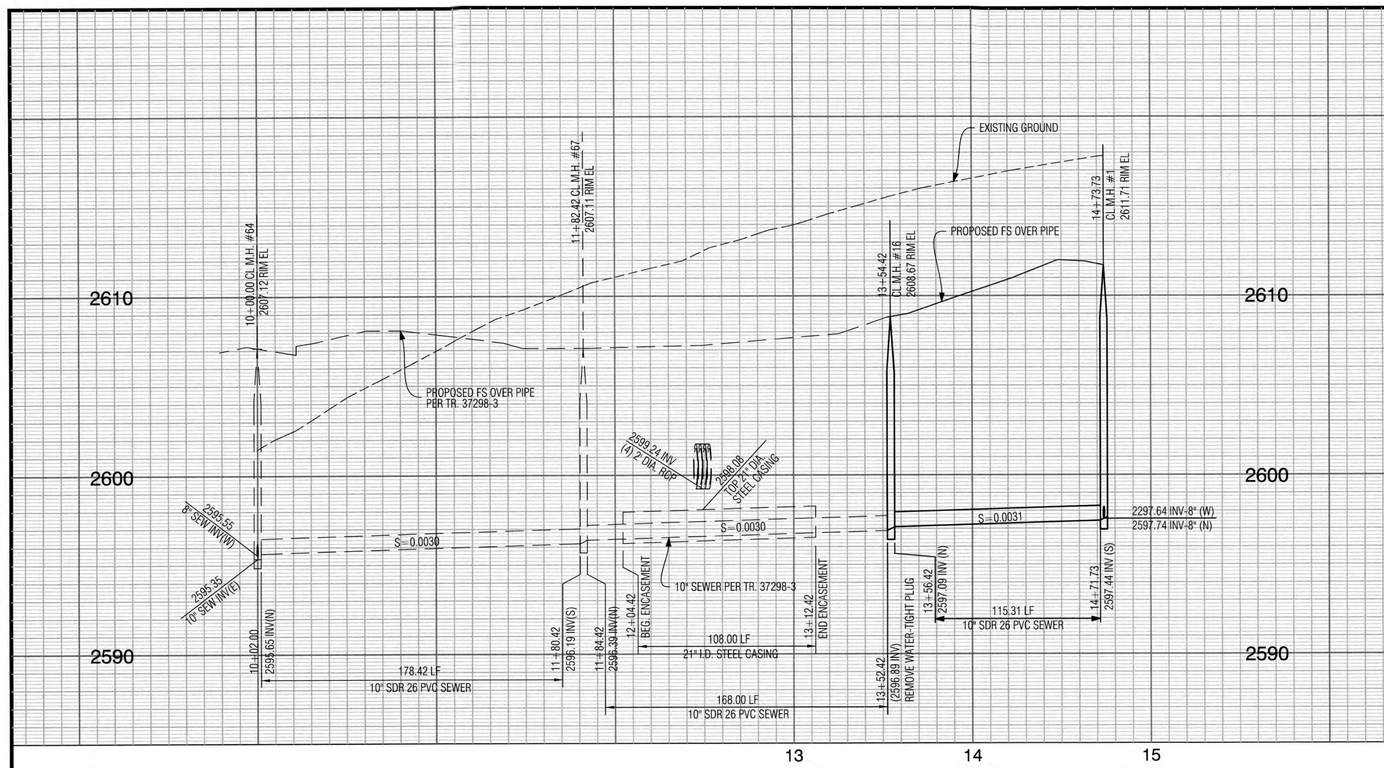
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
DATE 5/4/20

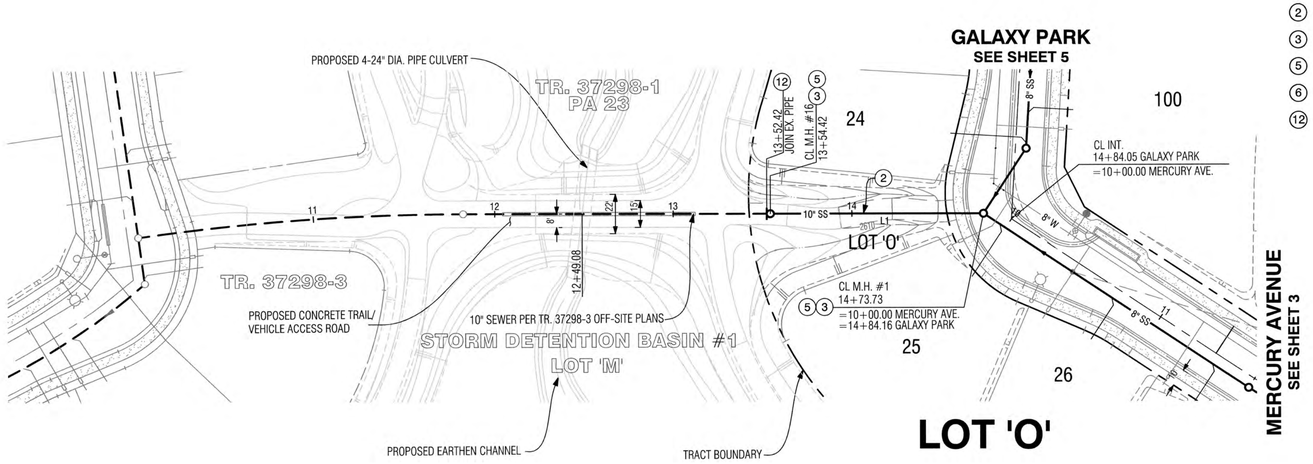
SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
JULIAN WAY
10+00.00 TO 15+93.46

W.O. No.
CIP No.
PROJECT No.
SHEET 8 OF 9

TRACT NO. 37390, SEWER IMPROVEMENT PLAN

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0 20 40 80 160
1"=40' GRAPHIC SCALE

SEWER CONSTRUCTION NOTES

(2) INSTALL 10" SDR 26 PVC SEWER MAIN PER CITY STD. DWG. NO. S-15

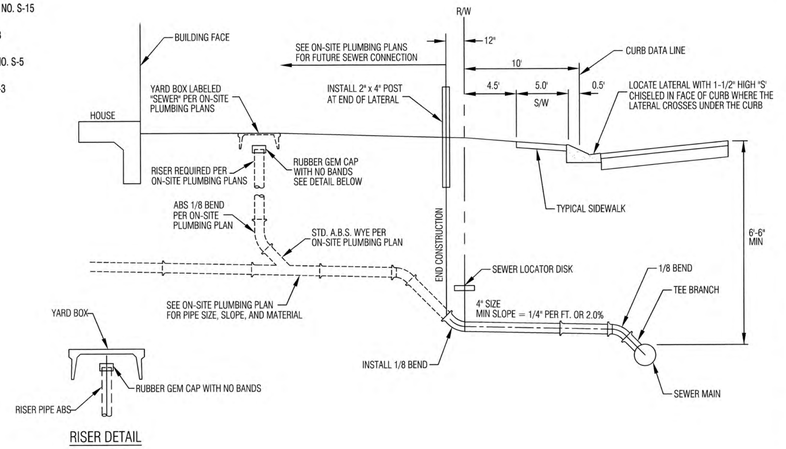
(3) INSTALL PRE-CAST CONCRETE MANHOLE PER CITY STD. S-3

(5) ADJUST MANHOLE COVER TO GRADE PER CITY STD. DWG. NO. S-5

(6) REMOVE CAP AND JOIN 10" PVC SEWER PER TR. NO. 37298-3

(12) REMOVE WATER TIGHT PLUG

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 8°02'23" E	121.31'



RISER DETAIL

(4)(7) HOUSE LATERAL
MODIFIED CITY STD. DWG. NO. S-22
N.T.S.

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP: 12-31-20
3/2/20 DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

BANNING, CA
STAGECOACH TOWN USA
Proud History • Prosperous Tomorrow

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LRS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
3/31/2020 DATE

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/4/20 DATE

SEWER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
LOT "O"
13+52.42 TO 14+71.73

W.O. No.
CIP No.
PROJECT No.
SHEET 9 OF 9

TRACT NO. 37390, SEWER IMPROVEMENT PLAN

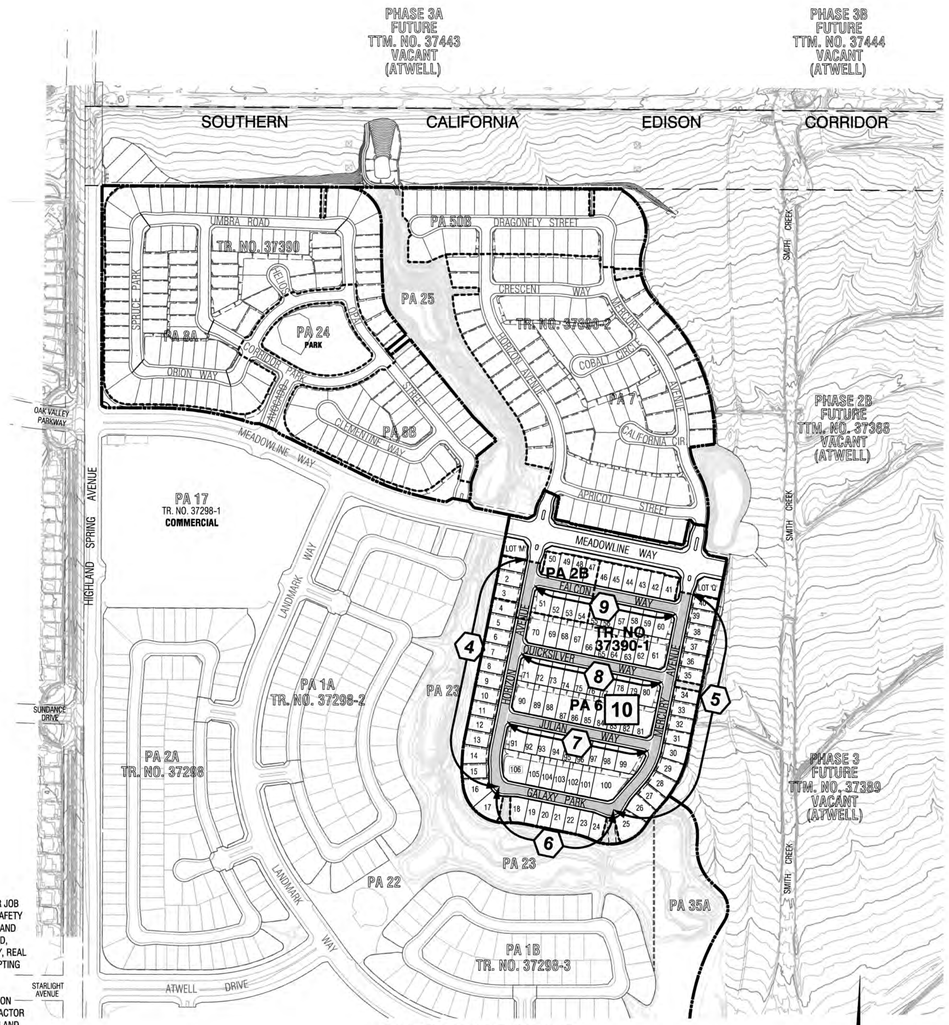
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IN THE CITY OF BANNING, STATE OF CALIFORNIA

TRACT NO. 37390-1 ATWELL
ON-SITE STREET IMPROVEMENT PLAN

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THESE PLANS, THE CITY OF BANNING STANDARD PLANS, THE CONTRACT PROVISIONS AND THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTIONS ("GREEN BOOK"). ALL REFERENCE SPECIFICATIONS AND STANDARDS SHALL BE THE LATEST EDITION UNLESS OTHERWISE NOTED.
2. WHEN A TECHNICAL CONFLICT IS FOUND TO EXIST IN THE CONTRACT DOCUMENTS THAT CAN NOT BE RESOLVED BY REFERENCE TO PRECEDENCE PROVISIONS IN THE "GREEN BOOK": THE CONTRACTORS SHALL IMMEDIATELY REPORT SAID CONFLICT TO THE CITY ENGINEERS FOR RESOLUTION.
3. ALL MATERIALS AND METHODS ARE SUBJECT TO THE APPROVAL OF THE CITY ENGINEER.
4. CONSTRUCTION PERMITS SHALL BE OBTAINED FROM THE CITY OF BANNING, ENGINEERING DEPARTMENT PRIOR TO THE START OF ANY WORK. INSPECTION COORDINATION SHALL BE REQUESTED AT LEAST TWO WORKING DAYS PRIOR TO THE START OF ANY WORK IN PUBLIC RIGHT-OF-WAY WITHIN THE CITY LIMITS.CALL {951) 922-3130 FOR AN INSPECTION REQUEST.
5. THE CONTRACTOR SHALL CONFORM TO ALL TRAFFIC CONTROL POLICIES, METHODS AND PROCEDURES DESCRIBED IN STATE OF CALIFORNIA MANUAL OF TRAFFIC CONTROLS, LATEST NON- METRIC EDITION UNLESS OTHERWISE DIRECTED BY THE CITY ENGINEER.
6. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO MAINTAIN BARRICADES, DELINEATORS OR OTHER TRAFFIC CONTROL DEVICES AT ALL TIMES.
7. THE CONTRACTORS SHALL OBTAIN A PERMIT TO PERFORM EXCAVATION OR TRENCH WORK FOR TRENCHES 5 FEET OR GREATER IN DEPTH FROM THE CALIFORNIA STATE DIVISION OF INDUSTRIAL SAFETY.
8. THE WALLS AND FACES OF ALL EXCAVATIONS GREATER THAN FIVE (5) FEET IN DEPTH SHALL BE GUARDED BY SHORING, SLOPING OF THE GROUND OR OTHER APPROVED MEANS PURSUANT TO THE REQUIREMENTS OF THE DIVISION OF INDUSTRIAL SAFETY OF THE STATE OF CALIFORNIA. TRENCHES LESS THAN FIVE (5) FEET SHALL ALSO BE GUARDED WHEN THE POTENTIAL EXISTS FOR GROUND MOVEMENT.
9. NO MATERIAL OR EQUIPMENT SHALL BE STORED IN THE PUBLIC RIGHT OF WAY WITHOUT OBTAINING A SEPARATE PERMIT FOR THAT PURPOSE.
10. THE LOCATIONS OF UTILITIES SHOWN HAVE BEEN DETERMINED FROM AVAILABLE INFORMATION, HOWEVER, IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE, IN THE FIELD, THE TRUE LOCATION AND ELEVATION OF ANY EXISTING UTILITIES, AND TO EXERCISE PROPER PRECAUTION TO AVOID DAMAGE THERETO. THE CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT AT 1-800-277-2600 TWO WORKING DAYS BEFORE EXCAVATION.
11. THE CONTRACTOR SHALL COORDINATE CONSTRUCTION WITH ALL UTILITY COMPANIES INCLUDING, BUT NOT LIMITED TO, GAS, TELEPHONE, ELECTRIC, CABLE TELEVISION, LANDSCAPING, LANDSCAPE IRRIGATION, DOMESTIC WATER, RECLAIMED WATER, SEWER, STORM DRAIN, FLOOD CONTROL AND CALTRANS. ALL UTILITY COMPANIES SHALL BE GIVEN TWO WORKING DAYS NOTICE PRIOR TO WORK AROUND THEIR FACILITIES.
12. THE CONTRACTOR SHALL NOT OPERATE ANY FIRE HYDRANT OR WATER MAIN VALVES WITHOUT APPROPRIATE AGENCY AUTHORIZATION. CONTRACTOR SHALL COORDINATE WITH THE WATER DEPARTMENT, CITY OF BANNING FOR VALVE OPERATION AND WATER REQUIREMENTS.
13. CURVE DATA REFERS TO THE FACE OF CURB, UNLESS OTHERWISE NOTED.
14. STATIONING REFERS TO THE CENTERLINE OF STREETS EXCEPT WHERE OTHERWISE NOTED.
15. ADEQUATE CONSTRUCT/ON CONTROL STAKES SHALL BE SET BY THE ENGINEER TO ENABLE THE CONTRACTOR TO CONSTRUCT THE WORK TO THE PLAN GRADE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF BENCHMARKS AND CONSTRUCT/ON CONTROL STAKING.
16. THE CONTRACTOR SHALL NOT DISTURB EXISTING SURVEY MONUMENTS, MONUMENT TIES OR BENCH MARKS WITHOUT PRIOR NOTIFICATION TO THE CITY ENGINEER.
17. REMOVAL AND REPLACEMENT OF EXISTING SURVEY CONTROL, INCLUDING SURVEY MONUMENTS, MONUMENT TIES AND BENCH MARKS, SHALL BE DONE BY A REGISTERED CIVIL ENGINEER OR LICENSED LAND SURVEYOR. SURVEY MONUMENTS THAT WILL BE DESTROYED AS A RESULT OF THIS CONSTRUCT/ON SHALL BE REPLACED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER ONE WEEK PRIOR TO CONSTRUCTION SO THAT TIES TO MONUMENTS CAN BE ESTABLISHED FOR LATER REPLACEMENT OF THE MONUMENT.
18. THE CONTRACTOR SHALL MAINTAIN ACCESS FOR LOCAL RESIDENTS AND BUSINESS AT ALL TIMES. A MINIMUM 12 FOOT LANE SHALL BE MAINTAINED AT ALL TIMES IN THE CONSTRUCT/ON AREA FOR RESIDENTS AND EMERGENCY VEHICLES.
19. THE CONTRACTOR SHALL PROVIDE AND MAINTAIN AN EFFECTIVE MEANS OF DUST CONTROL, INCLUDING ADEQUATE WATERING, AT ALL TIMES.
20. ALL GRADING OPERATIONS SHALL BE DISCONTINUED WHEN SUSTAINED WIND VELOCITIES EXCEED 25 MILES PER HOUR.
21. THE CONTRACTOR SHALL NOT CAUSE ANY EXCAVATED MATERIAL, MUD, SILT, OR DEBRIS TO BE DEPOSITED ONTO PUBLIC OR PRIVATE PROPERTY ADJACENT TO THE RIGHT OF WAY DURING CONSTRUCTION WITHOUT PRIOR WRITTEN APPROVAL.
22. NO TRENCH BACKFILL SHALL TAKE PLACE WITHOUT PRIOR APPROVAL OF THE CITY INSPECTOR.
23. A GEOTECHNICAL ENGINEER SHALL CERTIFY ALL BACKFILL COMPACTION, FAILURE TO OBTAIN THE REQUIRED DENSITY SHALL REQUIRE RE-WORKING OF THAT PORTION OF THE WORK UNTIL THE SPECIFIED DENSITY IS OBTAINED.
24. CARE SHOULD BE TAKEN TO PREVENT GRADES, DITCHES, AND SWALES FROM UNDERMINING STREET IMPROVEMENTS. UPON INSPECTION OF THE SITE, THE CITY ENGINEER MAY REQUIRE TEMPORARY NON-ERODEABLE SWALES ENTERING OR LEAVING IMPROVEMENTS.
25. THE FINAL LOCATION AND WIDTH OF DRIVEWAY APPROACH APRONS SHALL BE APPROVED AT THE TIME OF CONSTRUCTION AND SHALL CONFORM TO THE CITY OF BANNING STANDARD DETAILS.
26. ALL EXPOSED CONCRETE SURFACES SHALL CONFORM IN GRADE, COLOR AND FINISH TO MATCH EXISTING CONCRETE.
27. THE CONTRACTOR SHALL STAMP AN "S" IN THE FACE OF THE CURB AT THE LOCATION OF THE SEWER LATERAL.
28. NO CONCRETE SHALL BE PLACED UNTIL THE FORMS AND REINFORCING STEEL HAVE BEEN PLACED, INSPECTED AND APPROVED.
29. ALL UNDERGROUND UTILITIES SHALL BE INSTALLED, TESTED AND APPROVED PRIOR TO PAVING OF STREETS.
30. PAVEMENT STRUCTURAL SECTIONS SHOWN ARE MINIMUM AND SUBJECT TO REVISION AND APPROVAL OF THE CITY ENGINEER AS DETERMINED BY SOILS TESTS TAKEN AFTER COMPLETION OF ROUGH GRADING AND IN CONSIDERATION OF THE APPROPRIATE R-VALUE.
31. ACTUAL THICKNESS OF A.G. PAVEMENT AND/ OR BASE COURSE MATERIAL FOR STRUCTURAL STREET SECTIONS SHALL BE RECOMMENDED BY A GEOTECHNICAL REPORT AND SUBMITTED TO THE CITY OF BANNING FOR APPROVAL UPON COMPLETION OF ROUGH GRADING.
32. ALL MANHOLES, CLEAN OUT FRAMES, COVERS AND VALVE BOXES SHALL BE RAISED TO FINISHED GRADE BY THE PAVING CONTRACTOR UPON COMPLETION OF PAVING AND PER THE CITY OF BANNING'S REQUIREMENTS.
33. UPON COMPLETION OF CONSTRUCTION, CONTRACTOR SHALL RESTORE ALL SIGNING, STRIPING, BARRICADES, AND OTHER TRAFFIC CONTROL DEVICES TO THE SATISFACTION OF THE CITY ENGINEER.
34. CONTRACTOR SHALL RELOCATE AND/ OR REPLACE LANDSCAPING, SPRINKLERS AND SIDEWALKS AFFECTED BY THE CONSTRUCTION TO THE SATISFACTION OF THE CITY ENGINEER.
35. AS-BUILT DRAWINGS SHALL BE PROVIDED BY THE CONTRACTOR TO THE ENGINEER OF RECORD, WHO SHALL PROVIDE RECORD DRAWINGS TO THE CITY ENGINEER.
36. IF AND WHEN TRAFFIC LOOP DETECTORS ARE DISTURBED THEY SHALL BE REPLACED AS SOON AS POSSIBLE, PER THE CITY ENGINEER'S DIRECTION.
37. STREET NAME AND DIRECTIONAL SIGNS SHALL MEET ALL MUTCD AND CITY REQUIREMENTS.



SHEET INDEX MAP
SCALE: 1"=300'

NPDES GENERAL NOTES:

SEE NPDES GENERAL NOTES SHEET 2.

RECOMMENDED FOR ACCEPTANCE BY:

STEVEN LATINO, PE.
ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.

5/12/2020

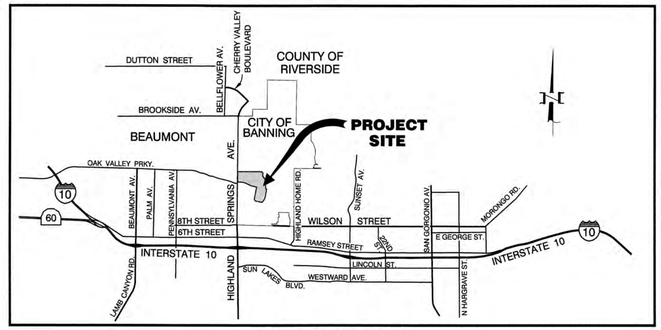
LEGEND

	TRACT BOUNDARY
℄	STREET CENTERLINE
	SIDEWALK
	PROPOSED CURB & GUTTER
55	LOT NUMBER
106	HIGHEST SINGLE-FAMILY RESIDENTIAL LOT NUMBER
SD	PROPOSED STORM DRAIN
SS	PROPOSED SANITARY SEWER
DW	PROPOSED POTABLE WATER
RCW	PROPOSED NON-POTABLE WATER
	PROPOSED RETAINING WALL
3 / 10	STREET IMPROVEMENT PLAN & PROFILE SHEET NUMBER
	SIGNING & STRIPING IMPROVEMENT PLAN SHEET NUMBER

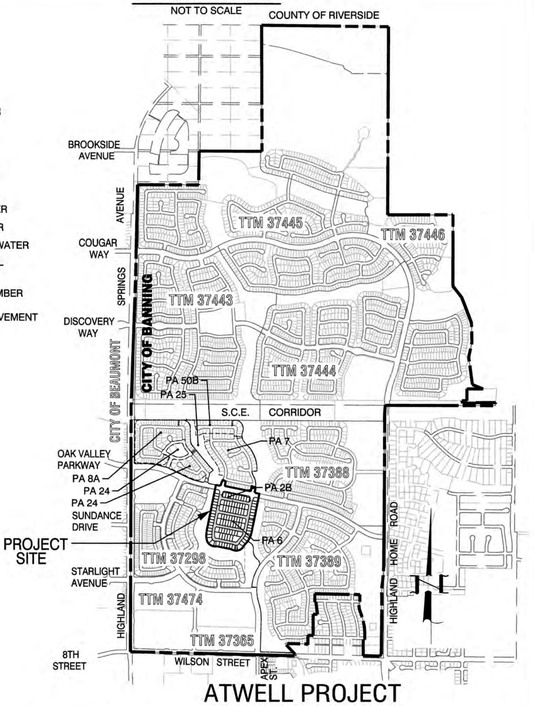
ABBREVIATIONS

HP	HIGH POINT
LP	LOW POINT
PI	POINT OF INTERSECTION
SD	STORM DRAIN
SS	SANITARY SEWER
DW	POTABLE WATER
RCW	NON-POTABLE WATER
G	GAS
NO.	NUMBER
Δ	DELTA
R	RADIUS
L	LENGTH
MIN	MINIMUM
MAX	MAXIMUM
ST	STREET
PA	PLANNING AREA
AVG.	AVERAGE
R/W	RIGHT OF WAY
TC	TOP OF CURB
GB	GRADE BREAK
FL	FLOWLINE
BVC	BEGIN VERTICAL CURVE
CVC	CENTER VERTICAL CURVE
EVC	END VERTICAL CURVE
VC	VERTICAL CURVE
EX.	EXISTING

GRAPHIC SCALE
300 0 150 300 600 1200
(IN FEET)
1 inch = 300 ft.



VICINITY MAP
NOT TO SCALE



ATWELL PROJECT KEY MAP
SCALE: 1"=1500'

WORK TO BE DONE:

THE IMPROVEMENTS CONSIST OF THE FOLLOWING WORK TO BE DONE ACCORDING TO THESE PLANS, AND THE SPECIFICATIONS AND STANDARD DRAWINGS NOTED HEREIN.

STANDARD SPECIFICATIONS DESCRIPTION:

1. CITY OF BANNING "PUBLIC WORKS STANDARD DRAWINGS", DECEMBER 12, 2012.
2. COUNTY OF RIVERSIDE TRANSPORTATION DEPARTMENT "ROAD IMPROVEMENT STANDARDS & SPECIFICATIONS", ORDINANCE NO. 461, AS AMENDED BY ORDINANCE NO. 461.10, EFFECTIVE DECEMBER 20, 2007, FOR CITY OF BEAUMONT.
3. CALIFORNIA DEPARTMENT OF TRANSPORTATION "STANDARD PLANS", 2018 EDITION.
4. CALIFORNIA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS", 2015.
5. CALIFORNIA DEPARTMENT OF TRANSPORTATION "CA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", 2014 EDITION, REVISION 4.
6. AMERICAN PUBLIC WORKS ASSOCIATION STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION (GREENBOOK), 2015 EDITION.

SHEET INDEX

SHEET	1	TITLE SHEET, GENERAL NOTES, SHEET INDEX MAP, AND VICINITY MAP
SHEET	2	TYPICAL STREET SECTION, DETAILS, CONSTRUCTION NOTES AND QTYS
SHEET	3	DETAILS
SHEET	4	HORIZON AVENUE - STREET PLAN AND PROFILE
SHEET	5	MERCURY AVENUE - STREET PLAN AND PROFILE
SHEET	6	GALAXY PARK - STREET PLAN AND PROFILE
SHEET	7	JULIAN WAY - STREET PLAN AND PROFILE
SHEET	8	QUICKSILVER WAY - STREET PLAN AND PROFILE
SHEET	9	FALCON WAY - STREET PLAN AND PROFILE
SHEET	10	SIGNING AND STRIPING PLAN

LEGAL DESCRIPTION

PORTIONS OF LOTS 8, 10, 11 & 19; OF TRACT MAP NO. 34330, FILED IN BOOK 429 OF MAPS, PAGES 84 THROUGH 103, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA.

OWNER/APPLICANT/DEVELOPER

PARDEE HOMES
1250 CORONA POINTE COURT, SUITE 600
CORONA, CA 92879
(951) 428-4400
CONTACT: MICHAEL HEISHMAN

BASIS OF BEARINGS

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE LINE BETWEEN STATIONS "TRAK" AND "MATH" (PORTIONS PER NATIONAL GEODETIC SURVEY, NAD 83, EPOCH 1995.5), AS SHOWN ON THE MAP FILED IN BOOK 102, PAGES 50 THROUGH 65 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, BEING NORTH 52° 49' 02.84" EAST.

ASSESSORS PARCEL NUMBERS

PORTIONS OF 408-120-010, 408-120-012,408-120-013 & 408-120-020

ENGINEER'S NOTES:

CONTRACTOR AGREES THAT HE SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND THAT THE CONTRACTOR SHALL DEFEND, INDEMNIFY AND HOLD THE OWNER AND THE ENGINEER HARMLESS FROM ANY ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPTING FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR ENGINEER.

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OF STRUCTURES SHOWN ON THESE PLANS ARE OBTAINED BY A DILIGENT SEARCH OF AVAILABLE RECORDS, THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN AND ANY OTHER LINES OR STRUCTURES NOT SHOWN ON THESE PLANS AND IS RESPONSIBLE FOR THE PROTECTION OF, ANY DAMAGE TO THESE LINES OR STRUCTURES. THE CONTRACTOR SHALL CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-227-2600 AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATION IN ORDER TO DETERMINE ACTUAL FIELD LOCATION OF EXISTING UTILITIES.

BENCHMARK

ELEVATIONS AS SHOWN HEREON ARE IN TERMS OF THE NATIONAL GEODETIC VERTICAL DATUM OF NAVD 88 BASED LOCALLY UPON THE FOLLOWING BENCH MARK: 3-1/4" STANDARD ALUMINUM MWD DISK, FLUSH, LOCATED IN BANNING, 0.6 MILES SOUTH ALONG HIGHLAND SPRINGS AVENUE FROM THE INTERSECTION OF HIGHLAND SPRINGS AVENUE AND THE SOUTHERN PACIFIC RAILROAD BRIDGE, 17.5 FEET EAST OF THE CENTERLINE OF HIGHLAND SPRINGS AVENUE AT THE NORTHWEST CORNER OF CATCH BASIN AT THE TOP OF CURB, 0.5 FEET EAST OF FACE OF CURBS. ELEVATION=2534.10

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811
OR
1-800-423-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:

EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
5/14/2020
DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:

KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER
5/14/20
DATE

APPROVED BY:

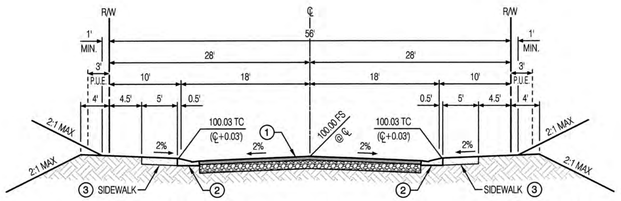
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20
DATE

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
TITLE SHEET & SHEET INDEX MAP

W.O. No.
CIP No.
PROJECT No.
SHEET 1 OF 10

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

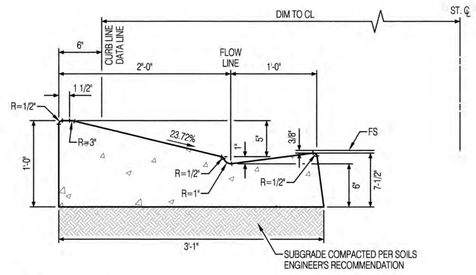
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HORIZON AVENUE, MERCURY AVENUE, GALAXY PARK, JULIAN WAY, QUICKSILVER WAY AND FALCON WAY (PUBLIC)

(MODIFIED LOCAL RESIDENTIAL STREET) TI=5.5

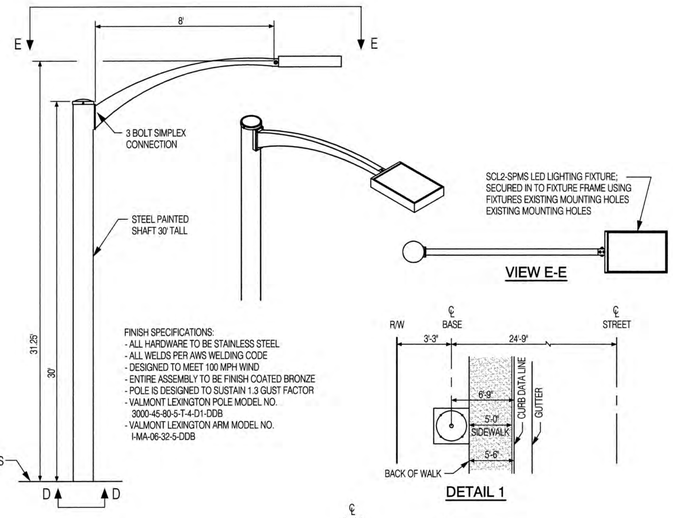
SCALE: HORIZ - 1"=10'
VERT - 1"=5'



NOTES:
1. CONCRETE SHALL BE CLASS 520-C-2500 P.C.C. CURED WITH WHITE PIGMENTED CURING COMPOUND.
2. FINISH SHALL BE FINE BROOM.
3. FLOWLINE SHALL BE STEEL TROWEL FINISH.
4. CURB SHALL HAVE WEAKENED PLANE JOINTS AT 10' INTERVAL; NO SCORE LINES ALLOWED.
5. SUBGRADE SHALL BE COMPACTED PER SOILS ENGINEER'S RECOMMENDATIONS UNDER CURB AND GUTTER.
6. WHEN CURB AND GUTTER IS PLACED BY AN EXTRUSION MACHINE, FINISH WORK SHALL PROVIDENT AN ACCEPTABLE FINISH AND WEAKENED PLANE JOINTS MAY BE SAWCUT.
7. MINIMUM GRADE = 0.40%
8. PAVEMENT SURFACE SHALL BE FLUSH WITH THE EDGE OF GUTTER (NO LIP) WHEN FRONTING THE BOTTOM OF A ACCESS RAMP.

2 6" WEDGE CURB & GUTTER CURB

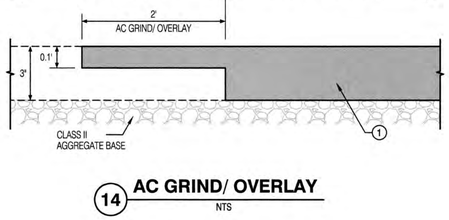
NTS



NOTES:
1. THE BOLT PATTERN TEMPLATE SHOWN IS TYPICAL FOR MANY POLES. CONTRACTOR TO OBTAIN PROPER TEMPLATE FOR THE SPECIFIC POLE USED.
2. CONTACT THE C.O.B. ELECTRIC INSPECTOR 24 HOURS PRIOR TO POURING THE CONCRETE BASE. THE CONCRETE BASE MUST SIT FOR A MINIMUM OF 3 DAYS BEFORE INSTALLING STREETLIGHT POLE.
3. THE STREETLIGHT FOUNDATION SHALL BE CONSTRUCTED IN ONE POUR OF CONCRETE CLASS 560-C-3250 WITH A MAXIMUM 4-INCH SLUMP PER REQUIREMENTS LISTED IN SECTION 201 OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. THE BOTTOM OF THE FOUNDATION SHALL REST SECURELY ON FIRM, UNDISTURBED SOIL AND SURROUNDING SOIL MUST BE COMPACTED TO AT LEAST 90%.
4. IN EXTREME SOIL CONDITIONS AND WITH WRITTEN APPROVAL BY THE C.O.B. ELECTRIC INSPECTOR, 30' OF #6 BARE COPPER SOFT-DRAWN WIRE MAY BE INSTALLED IN LIEU OF THE PREFERRED GROUND ROD. 24" OF THIS GROUND MUST BE SPOOLED ABOVE THE CONCRETE BASE INSIDE OF THE STREETLIGHT POLE AND THE EXCESS WIRE BELOW THE CONCRETE BASE MUST BE COILED NEATLY IN THE FIRMLY TAMPED SOIL.

11 LED SOLAR STREET LIGHT INSTALLATION BEHIND SIDEWALK

NTS



14 AC GRIND/ OVERLAY

NTS

CONSTRUCTION NOTES AND ESTIMATED QUANTITIES

	STREET IMPROVEMENTS	UNIT	QUANTITY
1	CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.	SF	133,375
2	CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.	LF	8,175
3	CONSTRUCT EXTENDED SIDEWALK AT CATCH BASIN PER DET. SHT. NO. 3.	SF	172
4	CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=5.0').	SF	41,115
5	CONSTRUCT MODIFIED ACCESS RAMP, TYPE I, WITH PRECAST YELLOW TRUNCATED DOMES (ADA SOLUTIONS, INC. OR APPROVED EQUAL), PER CITY OF BANNING STD. DWG. NO. 214 AND DET. SHT. NO. 3	EA	12
6	CONSTRUCT MODIFIED CROSS GUTTER AND SPANDREL PER CITY OF BANNING STD. DWG. NO. C-211 AND DET. SHT. NO. 3.	SF	4,370
7	CONSTRUCT MODIFIED LOCAL DEPRESSION PER R.C.F.C. & W.C.D. STD. DWG. NO. LD201 AND DET. SHT. 3. ALSO SEE DETAILS ON STORM DRAIN IMPROVEMENT PLAN.	EA	5
8	ADJUST WATER VALVE TO GRADE PER CITY OF BANNING STD. DWG. NO. W-20.	EA	30
9	ADJUST SEWER MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.	EA	18
10	ADJUST STORM DRAIN MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.	EA	2
11	INSTALL LED SOLAR STREET LIGHT PER DET SHT. NO. 2.	EA	8
13	REMOVE 2x4 REDWOOD HEADER.	LF	72
14	CONSTRUCT 0.10' AC GRIND & MINIMUM 0.10' AC OVERLAY PER DET. HEREON.	SF	124
	SIGNING AND STRIPING	**UNIT**	**QUANTITY**
20	INSTALL MODIFIED SIGN POST PER R.C.T.D. STD. DWG. NO. 816 AND DETAIL SHT. NO. 10.	EA	7
21	INSTALL R1-1 SIGN ("STOP") PER CA MUTCD STD. AND DET. ON SHT. NO. 10.	EA	6
22	INSTALL MODIFIED STREET NAME SIGN PER R.T.C.D. STD. DWG. NO. 816 AND DET. ON SHT. NO. 10.	EA	8
23	INSTALL "STOP" PAVEMENT MARKING PER CALTRANS STD. DWG. NO. A24D	EA	6
24	INSTALL "12" WHITE STOP BAR STRIPE PER CALTRANS STD. DWG. NO. A24E.	LF	108
25	INSTALL BLUE REFLECTIVE FIRE HYDRANT PAVEMENT MARKER PER CITY STD. DWG. NO. W-18.	EA	12

NPDES GENERAL NOTES:

1. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONTRACTOR SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE.
2. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF A REPRESENTATIVE OF THE ENGINEERING DEPARTMENT.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
4. CONTRACTOR SHALL MAINTAIN A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF BMP AS WELL AS ANY CORRECTIVE CHANGES TO THE BMPS OR EROSION AND SEDIMENT CONTROL PLAN.
5. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE COMPATIBLE DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED.
6. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING A PAVED ROAD MUST CROSS A STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
7. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEPT AT THE END OF EACH WORKING DAY OR AS NECESSARY.
8. CONTRACTOR SHALL PLACE BMPS AROUND ALL NEW DRAINAGE STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL THE CONSTRUCTION IS COMPLETED.
9. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
   A. SOLID WASTE MANAGEMENT: PROVIDE DESIGNATED WASTE COLLECTION AREAS AND CONTAINERS. ARRANGE FOR REGULAR REMOVAL AND DISPOSAL. CLEAR SITE OF TRASH INCLUDING ORGANIC DEBRIS, PACKAGING MATERIALS, SCRAP OR SURPLUS BUILDING MATERIALS AND DOMESTIC WASTE DAILY.
   B. MATERIAL DELIVERY AND STORAGE: PROVIDE A DESIGNATED MATERIAL STORAGE AREA WITH SECONDARY CONTAINMENT SUCH AS BERMING. STORE MATERIAL ON PALLETS AND PROVIDE COVERING FOR SOLUBLE MATERIALS. RELOCATE STORAGE AREA INTO BUILDING SHELL WHEN POSSIBLE. INSPECT AREA WEEKLY.
   C. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASH-OUT. DISPOSE OF HARDENED CONCRETE OFFSITE. AT NO TIME SHALL A CONCRETE TRUCK DUMP ITS WASTE AND CLEAN ITS TRUCK INTO THE CITY STORM DRAINS VIA CURB AND GUTTER. INSPECT DAILY TO CONTROL RUNOFF AND WEEKLY FOR REMOVAL OF HARDENED CONCRETE.
   D. PAINT AND PAINTING SUPPLIES: PROVIDE INSTRUCTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE, AND CLEANUP. INSPECT SITE WEEKLY FOR EVIDENCE OF IMPROPER DISPOSAL.
   E. VEHICLE FUELING, MAINTENANCE AND CLEANING: PROVIDE A DESIGNATED FUELING AREA WITH SECONDARY CONTAINMENT SUCH AS BERMING. DO NOT ALLOW MOBILE FUELING OF EQUIPMENT. PROVIDE EQUIPMENT WITH DRIP PANS. RESTRICT ONSITE MAINTENANCE AND CLEANING OF EQUIPMENT TO A MINIMUM. INSPECT AREA.
   F. HAZARDOUS MATERIALS MANAGEMENT: PREVENT THE DISCHARGE OF POLLUTANTS FROM HAZARDOUS MATERIALS TO THE DRAINAGE SYSTEM THROUGH PROPER MATERIAL USE, WASTE DISPOSAL AND TRAINING OF EMPLOYEES. HAZARDOUS WASTE PRODUCTS COMMONLY FOUND ONSITE INCLUDE, BUT ARE NOT LIMITED TO, PAINTS & SOLVENTS, PETROLEUM PRODUCTS, FERTILIZERS, HERBICIDES & PESTICIDES, SOIL STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
10. IN CASE OF EMERGENCY, CALL THE CITY ENGINEER'S OFFICE AT (951) 922-3130.
11. EQUIPMENT AND WORKS FOR EMERGENCY WORK SHALL BE MADE AVAILABLE AT ALL TIMES DURING THE RAINY SEASON BY THE CONTRACTOR. NECESSARY MATERIALS SHALL BE AVAILABLE ON THE SITE AND STOCKPILED AT CONVENIENT LOCATIONS TO FACILITATE RAPID CONSTRUCTION OF EROSION CONTROL DEVICES WHEN RAIN IS EMINENT.
12. DEVICES SHALL NOT BE MOVED OR MODIFIED WITHOUT APPROVAL OF THE DESIGN CIVIL ENGINEER.
13. ALL REMOVABLE PROTECTIVE DEVICES SHALL BE IN PLACE AT THE END OF EACH WORKING DAY WHEN THE 5-DAY RAIN PROBABILITY FORECAST EXCEEDS 40% (DURING THE RAINY SEASON).
14. AFTER A RAINSTORM, ALL SILT AND DEBRIS SHALL BE REMOVED FROM CHECK BERMS, SILT FENCES AND SILT BASINS. EACH BASIN SHALL BE PUMPED DRY.
15. GRADED AREAS AROUND THE PROJECT BOUNDARY MUST DRAIN AWAY FROM THE FACE OF THE SLOPE AT THE CONCLUSION OF EACH WORKING DAY.
16. THE LOCAL GOVERNING AGENCY RESERVES THE RIGHT TO MAKE CHANGES OR MODIFICATIONS TO THESE NOTES AS DEEMED NECESSARY.
17. AREA SHALL BE MAINTAINED IN SUCH A STATE THAT FIRE ACCESS SHALL BE MAINTAINED AT ALL TIMES (INCLUDING THE NEIGHBORING PROPERTIES).
18. GRAVEL BAGS AND SILT FENCES SHALL BE INSTALLED AROUND CATCH BASINS.
19. CURB MARKERS SHALL BE PLACED ADJACENT TO ALL INLETS FOLLOWING THE CONSTRUCTION OF STREET IMPROVEMENTS AND AT THE DIRECTION OF THE PUBLIC WORKS INSPECTOR.

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-423-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING — MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
5/6/2020
DATE

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL:
KEVIN D. SIN, RCE #71299 — EXP. 12/31/21
SENIOR CIVIL ENGINEER
5/14/20
DATE

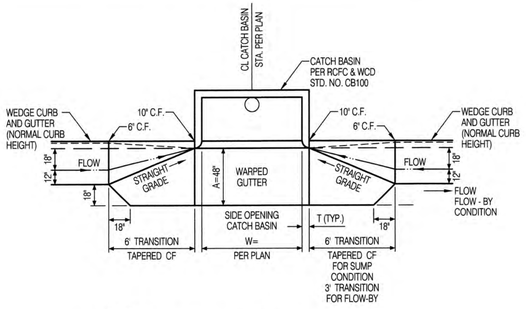
APPROVED BY:
ARTURO VELA, RCE #75696 — EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/20/20
DATE

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
STREET SECTIONS, DETAILS, CONSTRUCTION NOTES & QUANTITIES

W.O. No.
CIP No.
PROJECT No.
SHEET 2 OF 10

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

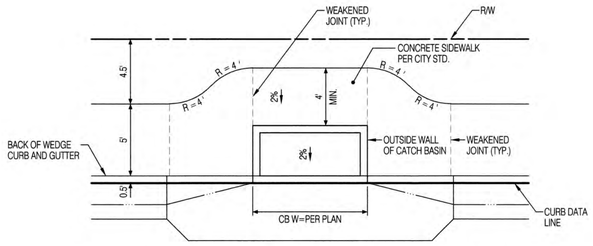
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Plot Scale: 1" = 1' Dwg Scale
Plot Date: 06.21.2017 7:32:43 AM By: Station125



NOTES:
1. ELEVATIONS OF OUTER CORNERS SHOWN ON PROJECT. IF NO ELEVATIONS ARE SPECIFIED, THE OUTER EDGE OF GUTTER DEPRESSION SHALL CONFORM TO FINISHED STREET SURFACE.
2. A=4 FEET UNLESS OTHERWISE SPECIFIED.
   T=SEE STANDARD DRAWING 300(A) DIMENSIONS.
   W=4 FEET MIN. , UNLESS OTHERWISE SPECIFIED.
3. WHERE NO CURB EXISTS, CURB SHALL BE CONSTRUCTED BETWEEN ENDS OF GUTTER DEPRESSION. CURB SECTION SHALL CONFORM TO THAT OF CONTROLLING AGENCY.
4. DEPRESSION SHALL BE CLASS "B" CONCRETE.

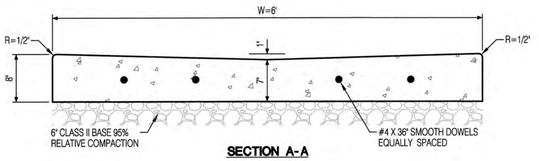
7 MODIFIED LOCAL DEPRESSION

R.C.F.C. & W.C.D. STD. DWG. NO. LD201
NTS

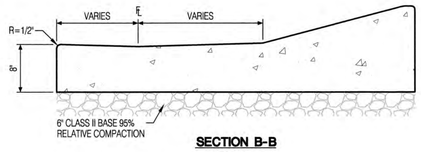


3 EXTENDED SIDEWALK AT CATCH BASIN

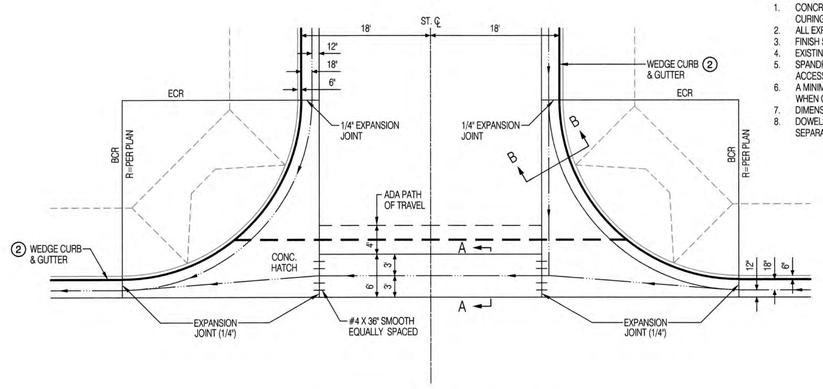
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NTS



SECTION A-A



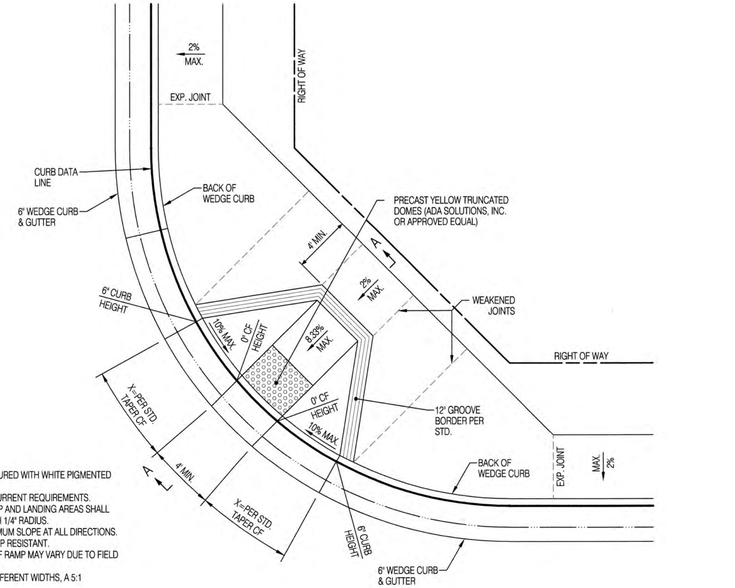
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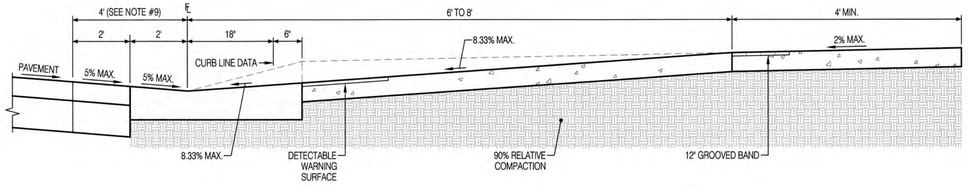
NOTES.
1. CONCRETE SHALL BE CLASS 560-C-3250 P.C.C. CURED WITH WHITE PIGMENTED CURING COMPOUND.
2. ALL EXPOSED CORNERS SHALL BE FINISHED WITH 1/2" RADIUS.
3. FINISH SHALL BE FINE BROOM.
4. EXISTING P.C.C. SHALL SAWCUT AT SCORELINE PRIOR TO REMOVAL.
5. SPANDREL WEAKENED PLANE JOINT LOCATIONS WILL BE DETERMINED BY ACCESS RAMP LOCATIONS.
6. A MINIMUM OF 1' WIDE AC PAVEMENT (FULL DEPTH) REPAIR PATCH IS REQUIRED WHEN CROSS-GUTTER IS PLACED ADJACENT TO EXISTING A.C. PAVEMENT.
7. DIMENSIONS MAY BE INCREASED DEPENDING ON DRAINAGE CONSIDERATIONS.
8. DOWELS REQUIRED WHEN CROSS-GUTTER AND SPANDREL POURED SEPARATELY.

6 MODIFIED CROSS GUTTER

CITY STD. DWG. NO. C-211
NTS



NOTES:
1. CONCRETE SHALL BE CLASS 520-C-2500 P.C.C. CURED WITH WHITE PIGMENTED CURING COMPOUND.
2. ALL ACCESS RAMPS SHALL CONFORM TO ADA CURRENT REQUIREMENTS.
3. P.C.C. THICKNESS OF 4" FROM BCR TO ECR, RAMP AND LANDING AREAS SHALL BE MONOLITHIC.JOINTS SHALL HAVE EDGES WITH 1/4" RADIUS.
4. LANDING AT TOP OF RAMP SHALL HAVE 2% MAXIMUM SLOPE AT ALL DIRECTIONS.
5. RAMP SURFACE AND FLARED SIDES SHALL BE SLIP RESISTANT.
6. DIMENSIONS SHOWN FOR SLOPING PORTIONS OF RAMP MAY VARY DUE TO FIELD CONDITIONS.
7. WHERE NEW SIDEWALK JOINS EXISTING WITH DIFFERENT WIDTHS, A 5:1 TRANSITION IS REQUIRED.
8. DETECTABLE WARNING MATERIAL TO BE APPROVED BY CITY ENGINEER.
9. MAXIMUM SLOPES OF ADJOINING GUTTERS: THE ROAD SURFACE IMMEDIATELY ADJACENT TO THE CURB RAMP AND CONTINUOUS PASSAGE TO THE CURB RAMP SHALL NOT EXCEED 5% WITHIN 4 FEET OF THE BOTTOM OF THE CURB RAMP.



SECTION A-A

5 MODIFIED ACCESS RAMP, TYPE I

CITY STD. DWG. NO. C-214
NTS

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 OR 1-800-423-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING — MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
5/4/2020 DATE

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER
5/14/20 DATE

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20 DATE

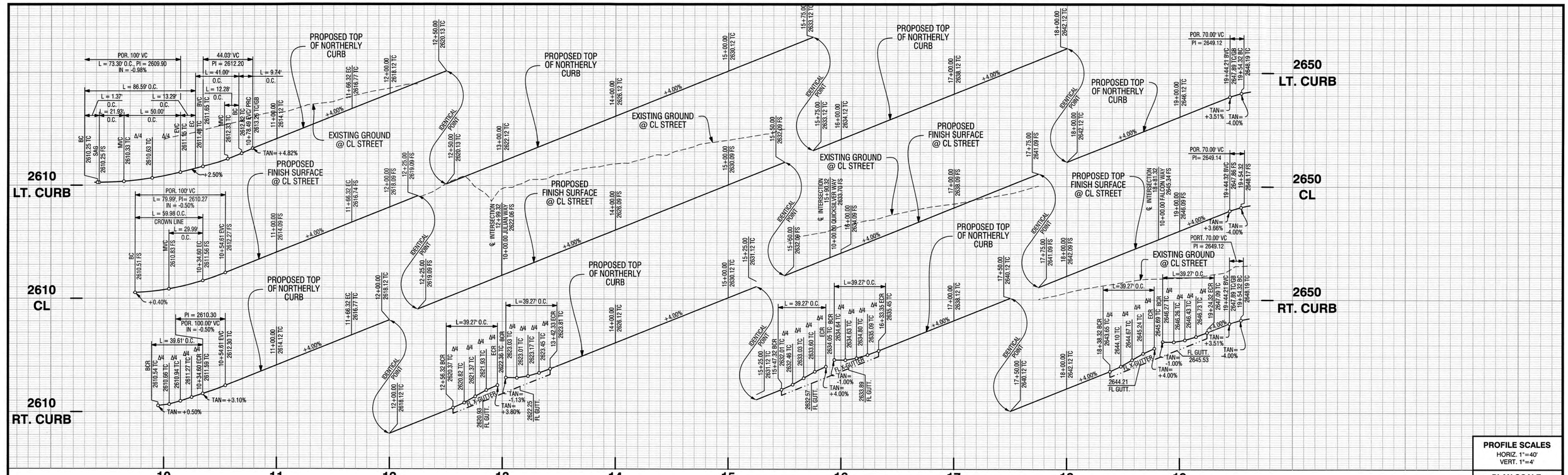
ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
DETAILS

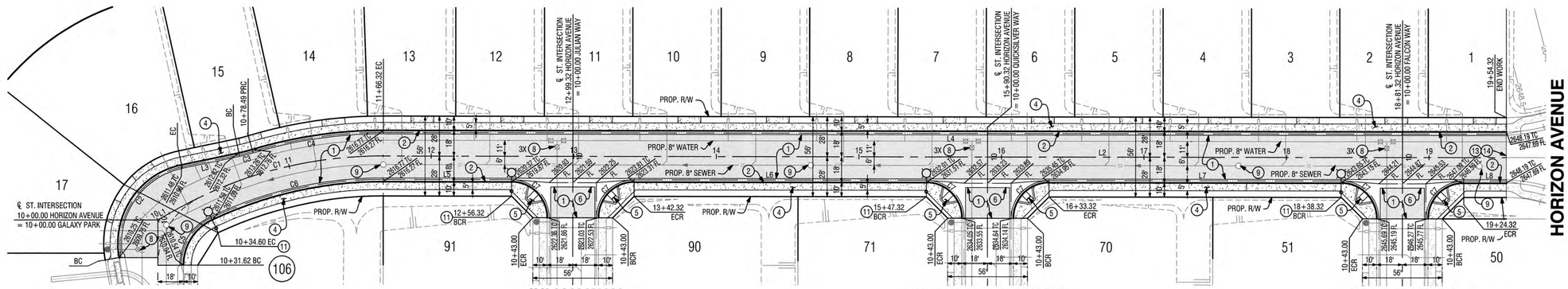
W.O. No.
CIP No.
PROJECT No.
SHEET 3 OF 10

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

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CONSTRUCTION NOTES:

1. CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.
2. CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.
4. CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=PER PLAN).
5. CONSTRUCT MODIFIED ACCESS RAMP, TYPE I, WITH PRECAST YELLOW TRUNCATED DOMES (ADA SOLUTIONS, INC. OR APPROVED EQUAL), PER CITY OF BANNING STD. DWG. NO. 214 AND DET. SHT. NO. 3.
6. CONSTRUCT MODIFIED CROSS GUTTER AND SPANDREL PER CITY OF BANNING STD. DWG. NO. C-211 AND DET. SHT. NO. 3.
8. ADJUST WATER VALVE TO GRADE PER CITY OF BANNING STD. DWG. NO. W-20.
9. ADJUST SEWER MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.
11. INSTALL LED SOLAR STREET LIGHT PER DET SHT. NO. 2.
13. REMOVE 2x4 REDWOOD HEADER.
14. CONSTRUCT 0.10' AC GRIND & MINIMUM 0.10' AC OVERLAY PER DET. SHT. NO. 2.

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	30°00'00"	300.00'	157.08'	80.38'
C2	88°35'40"	56.00'	86.59'	54.64'
C3	5°04'20"	110.00'	9.74'	4.87'
C4	16°46'28"	318.00'	93.10'	46.89'
C5	64°50'35"	35.00'	39.61'	22.23'
C6	25°09'25"	282.00'	123.82'	62.92'
C7	90°00'00"	25.00'	39.27'	25.00'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 18°36'07" W	9.24'
L2	N 11°23'53" E	1009.00'
L3	N 0°18'15" W	41.00'
L4	N 11°23'53" E	788.00'
L5	N 11°23'53" E	90.00'
L6	N 11°23'53" E	205.00'
L7	N 11°23'53" E	205.00'
L8	N 11°23'53" E	30.00'

HORIZON AVENUE

0 20 40 80 160
1"=40' GRAPHIC SCALE

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
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MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH 5/6/2020 DATE
RCE# 052496 EXP. 12-31-20

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21 — DATE 5/4/20
SENIOR CIVIL ENGINEER

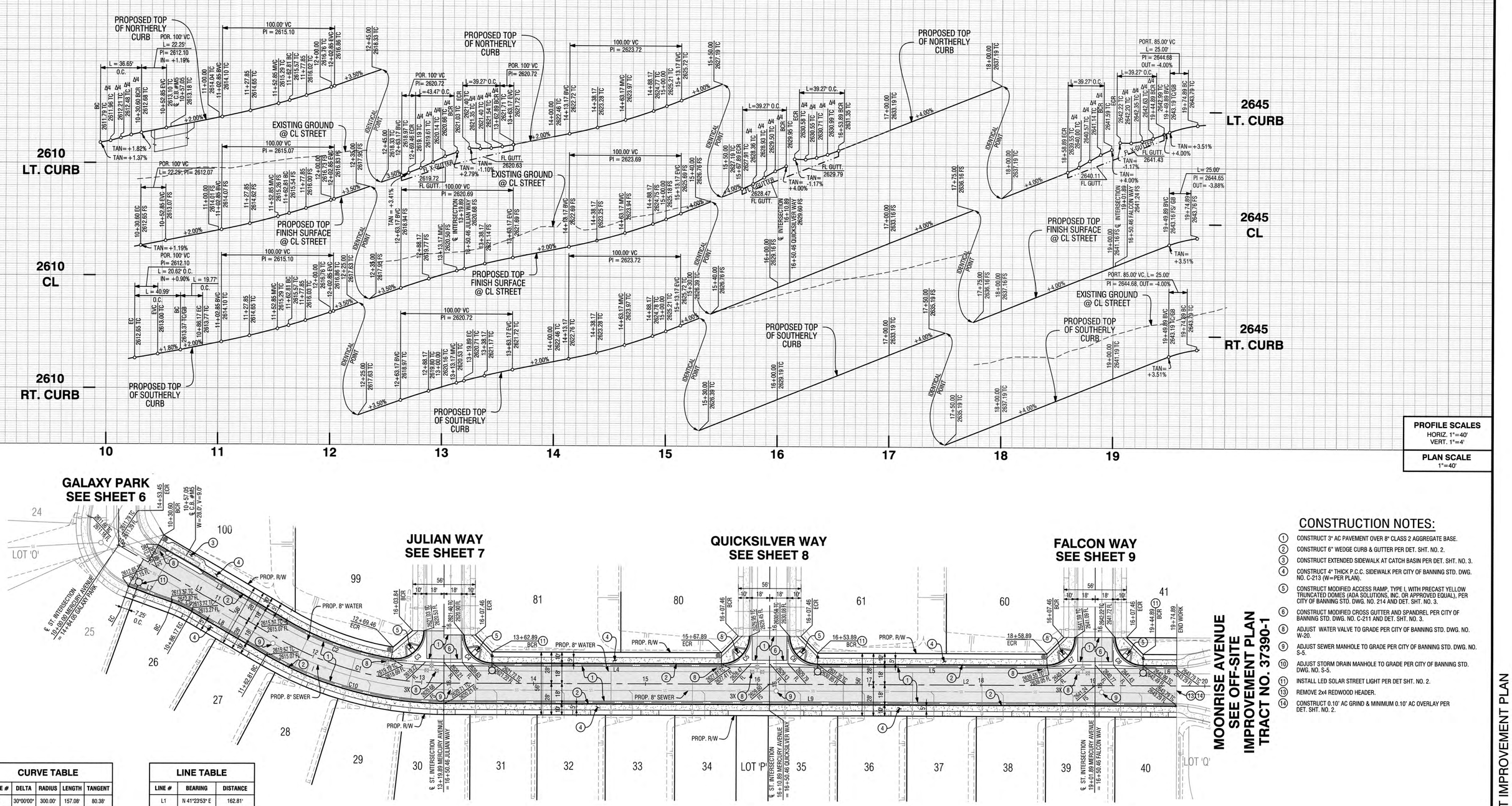
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20 — DATE 5/26/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
HORIZON AVENUE
STA.10+00.00 TO 19+54.32

W.O. No.
CIP No.
PROJECT No.
SHEET 4 OF 10

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

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PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

CONSTRUCTION NOTES:

1. CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.
2. CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.
3. CONSTRUCT EXTENDED SIDEWALK AT CATCH BASIN PER DET. SHT. NO. 3.
4. CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=PER PLAN).
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11. INSTALL LED SOLAR STREET LIGHT PER DET SHT. NO. 2.
13. REMOVE 2x4 REDWOOD HEADER.
14. CONSTRUCT 0.10' AC GRIND & MINIMUM 0.10' AC OVERLAY PER DET. SHT. NO. 2.

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	30°00'00"	300.00'	157.08'	80.38'
C2	20°22'06"	282.00'	100.25'	50.66'
C3	99°37'54"	25.00'	43.47'	29.60'
C4	90°00'00"	25.00'	39.27'	25.00'
C5	90°00'00"	25.00'	39.27'	25.00'
C6	90°00'00"	25.00'	39.27'	25.00'
C7	90°00'00"	25.00'	39.27'	25.00'
C8	90°00'00"	25.00'	39.27'	25.00'
C9	10°17'49"	110.00'	19.77'	9.91'
C10	30°00'00"	318.00'	166.50'	85.21'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 41°23'53" E	162.81'
L2	N 11°23'53" E	945.00'
L3	N 41°23'53" E	132.21'
L4	N 11°23'53" E	205.00'
L5	N 11°23'53" E	205.00'
L6	N 11°23'53" E	30.00'
L7	N 31°06'04" E	40.99'
L8	N 41°23'53" E	76.65'
L9	N 11°23'53" E	655.00'

0 20 40 80 160
1" = 40' GRAPHIC SCALE

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-423-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING — MORSE SCHULTZ
17320 Redhill Avenue, Suite 350, Irvine, CA 92614, Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH, RCE# 052496 EXP. 12-31-20
5/4/2020 DATE

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING
RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER — DATE 5/4/20
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER — DATE 5/26/20

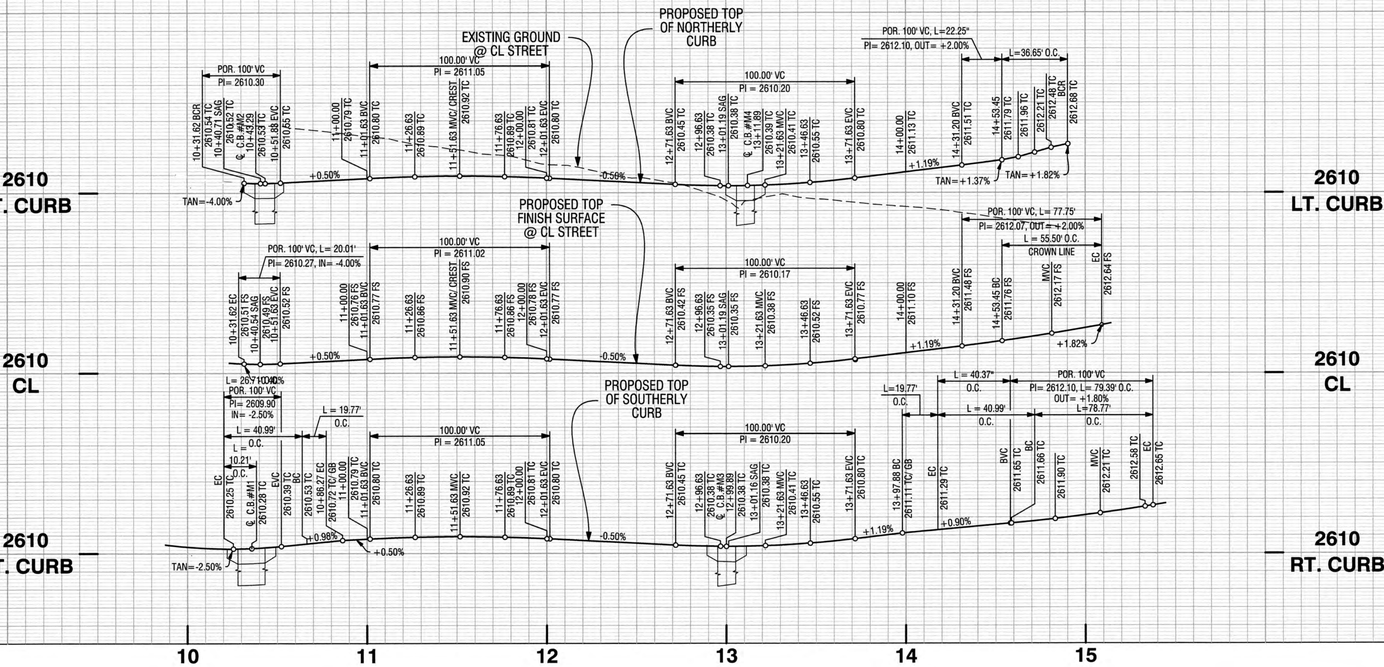
ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
MERCURY AVENUE
STA.10+00.00 TO 19+74.89

W.O. No.
CIP No.
PROJECT No.
SHEET 5 OF 10

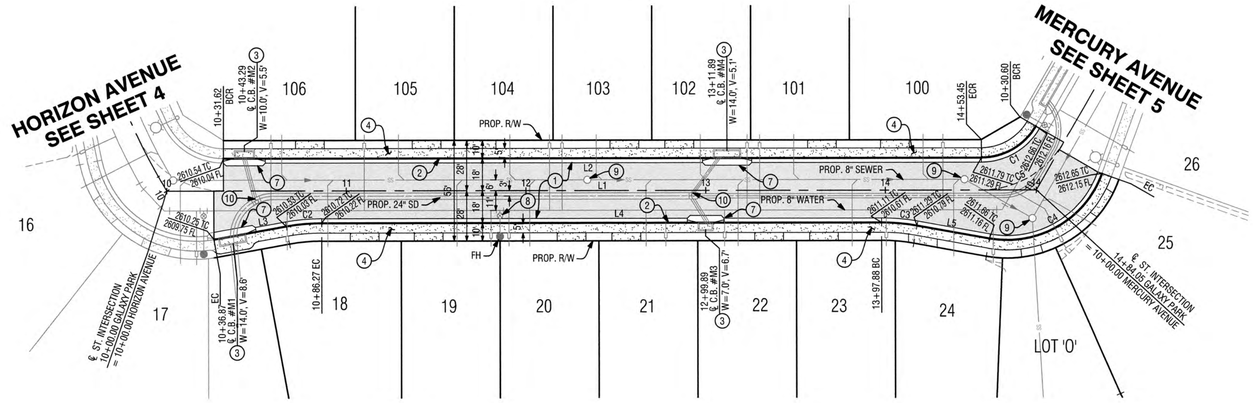
TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

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Plot Date: 05.04.2020 12:01:03 PM By: station178

1443



PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'
PLAN SCALE
1"=40'



CONSTRUCTION NOTES:

1. CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.
2. CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.
3. CONSTRUCT EXTENDED SIDEWALK AT CATCH BASIN PER DET. SHT. NO. 3.
4. CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=PER PLAN).
7. CONSTRUCT MODIFIED LOCAL DEPRESSION PER R.C.F.C. & W.C.D. STD. DWG. NO. LD201 AND DET. SHT. 3. ALSO SEE DETAILS ON STORM DRAIN IMPROVEMENT PLAN.
9. ADJUST SEWER MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.
10. ADJUST STORM DRAIN MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	60°00'00"	35.00'	36.65'	20.21'
C2	10°17'49"	110.00'	19.77'	9.91'
C3	10°17'49"	110.00'	19.77'	9.91'
C4	80°35'38"	56.00'	78.77'	47.49'

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	484.05'
L2	N 78°36'07" W	421.83'
L3	N 88°53'56" W	40.99'
L4	N 78°36'07" W	311.62'
L5	N 68°18'18" W	40.99'

0 20 40 80 160

1"=40' GRAPHIC SCALE

GALAXY PARK

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

Call before you Dig
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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING — MORSE SCHULTZ
17320 Redhill Avenue, Suite 350, Irvine, CA 92614, Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
5/14/2020 DATE

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING

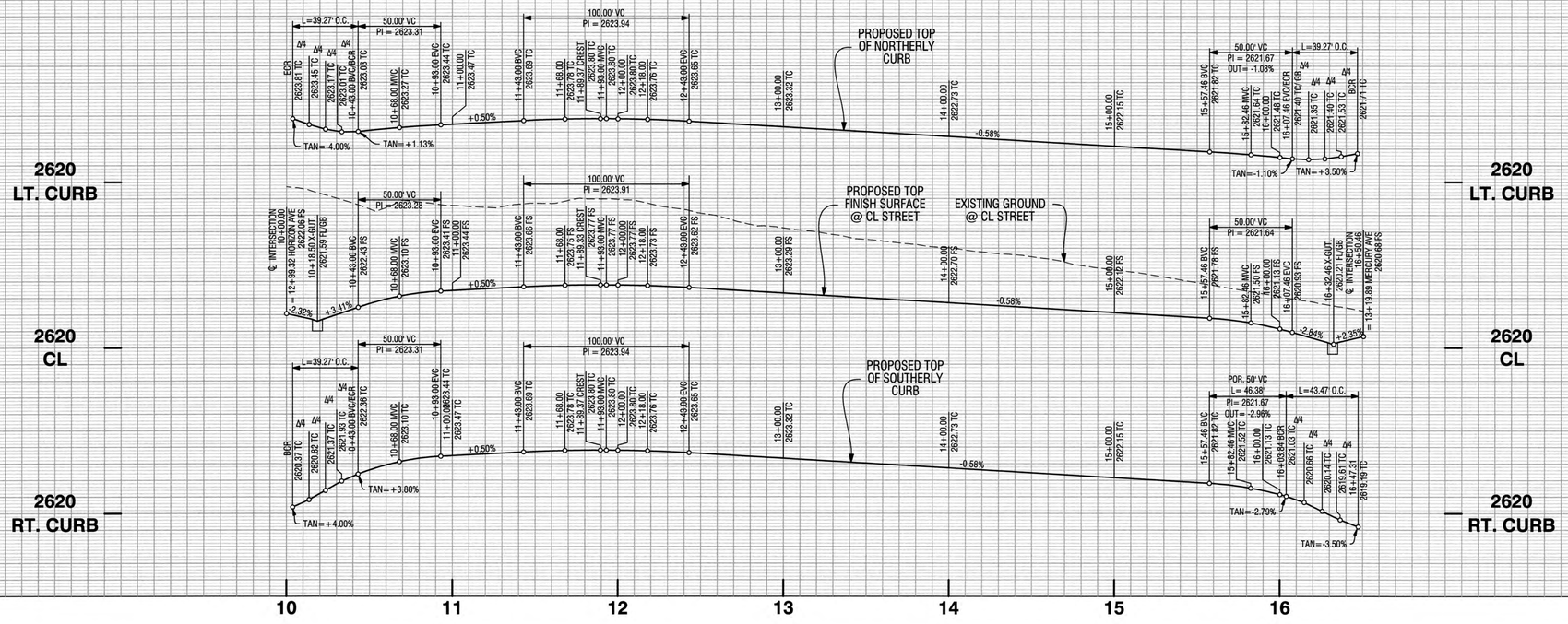
RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER
5/14/20 DATE

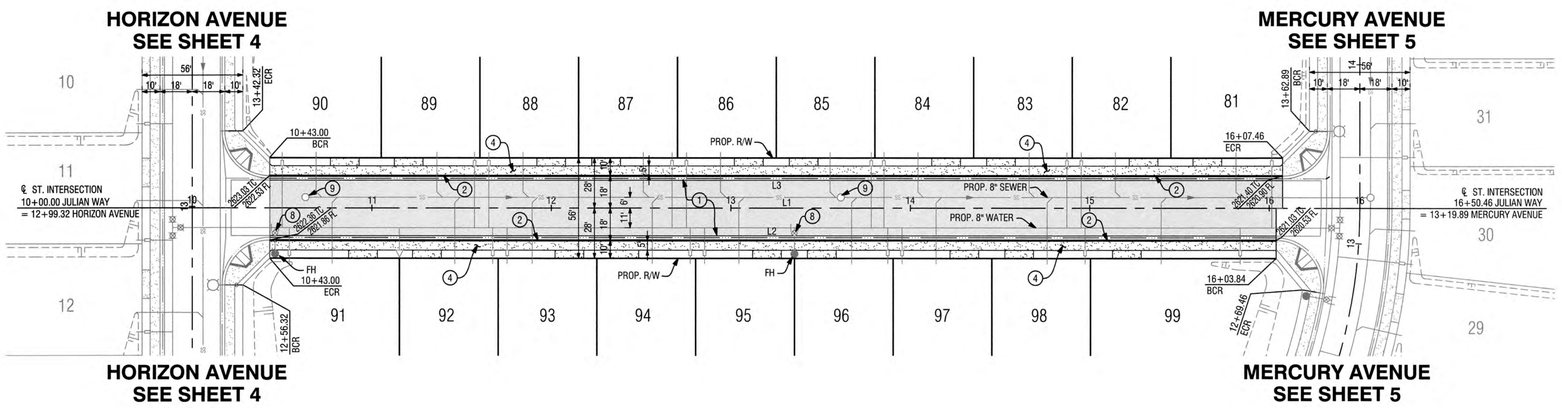
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20 DATE

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
GALAXY PARK
STA.10+00.00 TO 14+84.05

W.O. No.
CIP No.
PROJECT No.
SHEET 6 OF 10

MDS Proj. Data: I:\89406\ENGINEERING\Plans\Street\37390-1 (PA 6)\On-Site
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Plot Date: 05.04.2020 10:26:01 AM By: station178





JULIAN WAY

CONSTRUCTION NOTES:

1. CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.
2. CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.
4. CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=PER PLAN).
8. ADJUST WATER VALVE TO GRADE PER CITY OF BANNING STD. DWG. NO. W-20.
9. ADJUST SEWER MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	650.46'
L2	N 78°36'07" W	560.84'
L3	N 78°36'07" W	564.46'

0 20 40 80 160
1"=40' GRAPHIC SCALE

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
DATE 5/8/2020

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

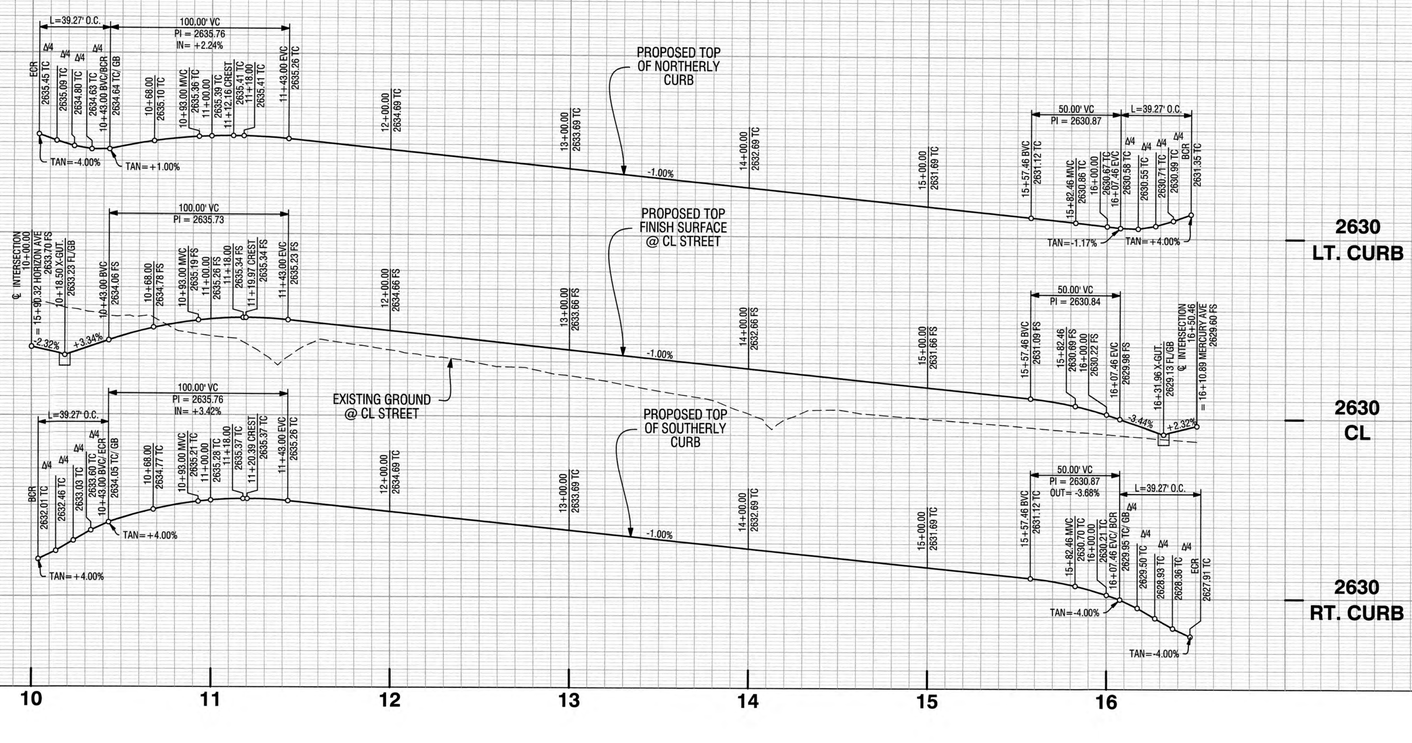
RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER
DATE 5/14/20

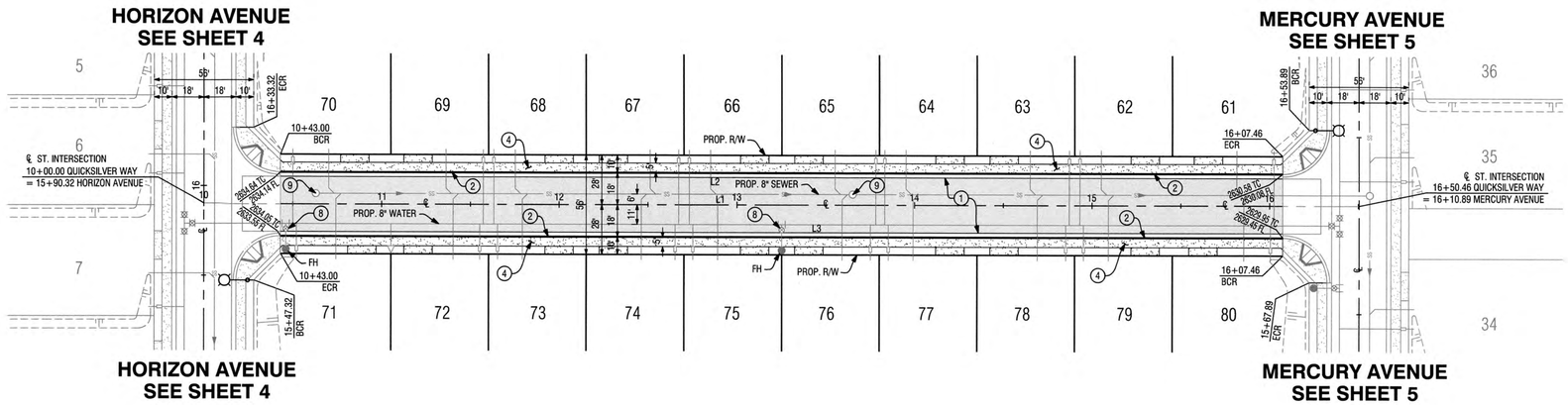
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
DATE 5/19/20

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
JULIAN WAY
STA.10+00.00 TO 16+50.46

W.O. No.
CIP No.
PROJECT No.
SHEET 7 OF 10

MDS Proj. Data: I:\89406\ENGINEERING\Plans\Street\37390-1 (PA 6)\On-Site Created: 05.01.2020 12:00:10 PM Author:---- Last Edit: 05.01.2020 12:00:10 PM By: Station178
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CONSTRUCTION NOTES:

1. CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.
2. CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.
4. CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=PER PLAN).
8. ADJUST WATER VALVE TO GRADE PER CITY OF BANNING STD. DWG. NO. W-20.
9. ADJUST SEWER MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	650.46'
L2	N 78°36'07" W	564.46'
L3	N 78°36'07" W	564.46'

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

0 20 40 80 160
1"=40' GRAPHIC SCALE

QUICKSILVER WAY

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

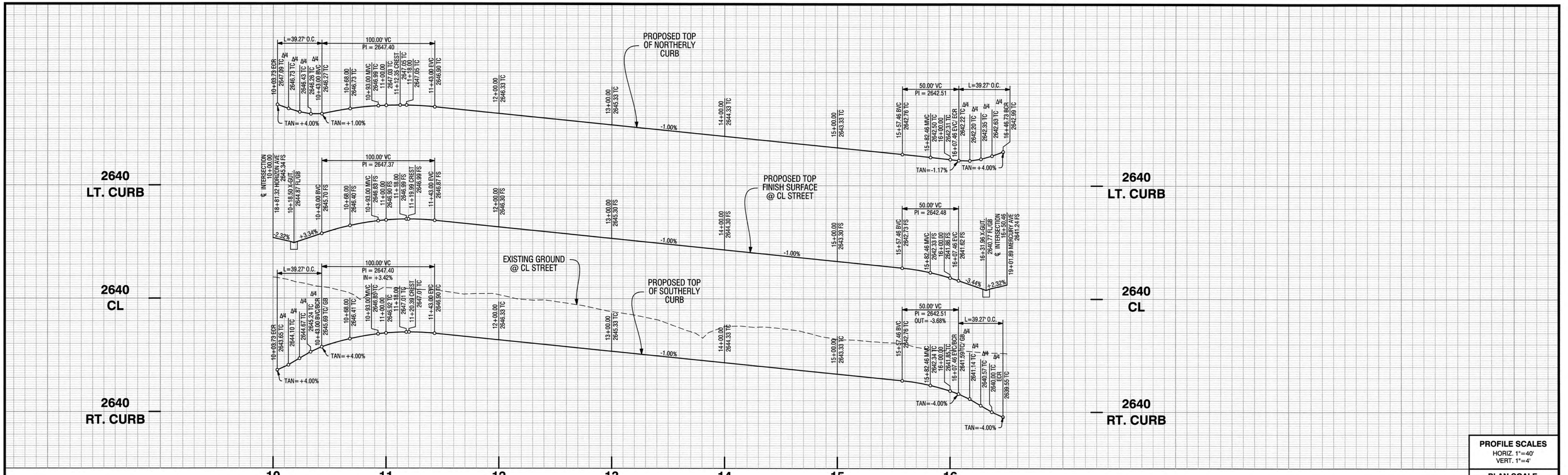
RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER
DATE

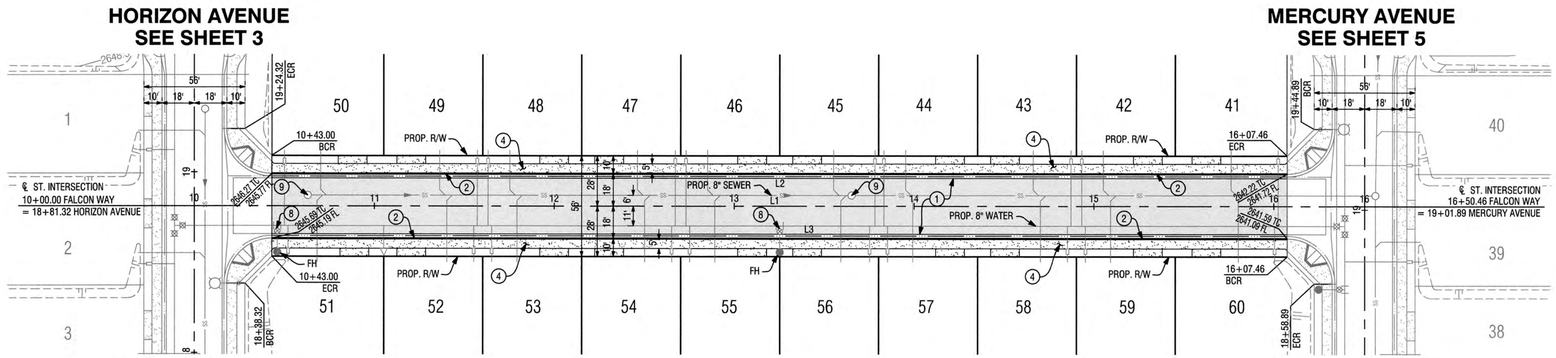
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
DATE

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
QUICKSILVER WAY
STA.10+00.00 TO 16+50.46

W.O. No.
CIP No.
PROJECT No.
SHEET 8 OF 10

MDS Proj. Data: I:\89400\ENGINEERING\Plans\Street\37390-1 (PA 6)\On-Site
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CONSTRUCTION NOTES:

1. CONSTRUCT 3" AC PAVEMENT OVER 8" CLASS 2 AGGREGATE BASE.
2. CONSTRUCT 6" WEDGE CURB & GUTTER PER DET. SHT. NO. 2.
4. CONSTRUCT 4" THICK P.C.C. SIDEWALK PER CITY OF BANNING STD. DWG. NO. C-213 (W=PER PLAN).
8. ADJUST WATER VALVE TO GRADE PER CITY OF BANNING STD. DWG. NO. W-20.
9. ADJUST SEWER MANHOLE TO GRADE PER CITY OF BANNING STD. DWG. NO. S-5.

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	650.46'
L2	N 78°36'07" W	564.46'
L3	N 78°36'07" W	564.46'

0 20 40 80 160
1"=40' GRAPHIC SCALE

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'

FALCON WAY

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 OR 1-800-423-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
5/14/2020 DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21
SENIOR CIVIL ENGINEER
5/14/20 DATE

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/20/20 DATE

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
FALCON WAY
STA.10+00.00 TO 16+50.46

W.O. No.
CIP No.
PROJECT No.
SHEET 9 OF 10

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HORIZON AVENUE
SEE TRACT NO. 37390-1 OFF-SITE
SIGNING & STRIPING IMPROVEMENT PLANS

SIGNING AND STRIPING GENERAL NOTES:

1. ALL MATERIAL AND WORK SHALL CONFORM TO THE LATEST EDITION OF CITY OF BANNING STANDARD PLANS, CALTRANS STANDARD PLANS AND STANDARD SPECIFICATIONS, AND CALIFORNIA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
2. ALL TRAFFIC STRIPES, PAVEMENT MARKINGS, AND SIGNS SHALL BE REFLECTORIZED AND IN STANDARD SIZE. ALL STRIPING AND MARKING DETAILS SHALL MATCH CALTRANS STANDARD PLANS DETAILS. STENCILS FOR PAVEMENT MARKING SHALL MATCH CALTRANS STANDARD PLANS.
3. THE CONTRACTOR SHALL REMOVE ALL CONFLICTING STRIPES, PAVEMENT MARKINGS, AND RAISED PAVEMENT MARKERS IN ACCORDANCE WITH THE PLANS AND AS DIRECTED BY THE ENGINEER. WORD OR SYMBOL PAVEMENT MARKINGS SHALL BE REMOVED BY SANDBLASTING OR GRINDING A RECTANGULAR AREA COVERING THE WHOLE MARKING.
4. ALL CROSSWALKS SHALL HAVE 10 FEET IN BETWEEN THE 12-INCH WHITE OR YELLOW STRIPES.
5. ALL DOUBLE YELLOW STRIPES SHALL HAVE 3-INCH PAINTED BLACK LINE SEPARATING THE YELLOW STRIPES.
6. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL TRAFFIC STRIPES, RAISED PAVEMENT MARKERS (RPMS), PAVEMENT MARKINGS, AND SIGNS IN ACCORDANCE WITH THE PLANS AND AS DIRECTED BY THE ENGINEER.
7. ALL PAVEMENT MARKINGS INCLUDING CROSSWALKS, LIMIT LINES, AND STOP BARS SHALL BE APPLIED WITH THERMOPLASTIC MATERIAL. ALL OTHER TRAFFIC STRIPES SHALL BE PAINTED IN TWO COATS.
8. ALL RPMS SHALL BE INSTALLED WITHIN SEVEN WORKING DAYS OF ROADWAY STRIPING. ALL EXISTING RPMS WITHIN THE PROJECT AREA SHALL BE REPLACED IN KIND OR REMOVED IN ACCORDANCE WITH THE PLANS, OR AS DIRECTED BY THE ENGINEER.
9. THE CONTRACTOR SHALL INSTALL STANDARD SIZE SIGN PANEL ON 2" SQUARE PERFORATED STEEL TUBE POST WITH TWO PIECE ANCHOR AND SLEEVE, FASTENED WITH 3/8" RIVETS WITH STAINLESS STEEL WASHERS, UNLESS OTHERWISE NOTED. THE EXACT LOCATION OF ALL SIGNS SHALL BE DETERMINED IN THE FIELD BY THE ENGINEER.
10. THE CONTRACTOR SHALL REMOVE SIGNS IN ACCORDANCE WITH THE PLANS AND AS DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL DELIVER REMOVED SIGNS TO THE CITY YARD OR AS DIRECTED BY THE ENGINEER.
11. THE CONTRACTOR SHALL SUBMIT A TRAFFIC SIGNAL TIMING SHEET TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO THE BEGINNING OF CONSTRUCTION OF ANY NEW OR MODIFIED TRAFFIC SIGNAL. THE TIMING SHEET WILL MEET ALL REQUIREMENTS PER THE LATEST CALIFORNIA MUTCD, PART 4 "HIGHWAY TRAFFIC SIGNALS".
12. THE CONTRACTOR SHALL REPLACE ALL SIGNING AND STRIPING WITHIN PROJECT LIMITS DAMAGED OR ALTERED BY THE PROJECT, AS DETERMINED BY THE CITY ENGINEER.

CONSTRUCTION NOTES:

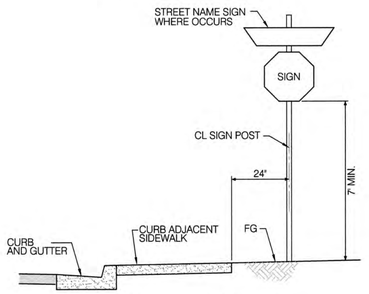
(20) INSTALL MODIFIED SIGN POST PER R.C.T.D. STD. DWG. NO. 816 AND DET. HERON.
(21) INSTALL R1-1 SIGN ("STOP") PER CA MUTCD STD. AND DET. HEREON.
(22) INSTALL MODIFIED STREET NAME SIGN PER R.T.C.D. STD. DWG. NO. 816 AND DET. HERON.
(23) INSTALL "STOP" PAVEMENT MARKING PER CALTRANS STD. DWG. NO. A24D
(24) INSTALL "12" WHITE STOP BAR STRIPE PER CALTRANS STD. DWG. NO. A24E.
(25) INSTALL BLUE REFLECTIVE FIRE HYDRANT PAVEMENT MARKER PER CITY STD. DWG. NO. W-18.

LEGEND

- PROPOSED STREET LIGHT
- FH — PROPOSED FIRE HYDRANT
- PROPOSED FIRE HYDRANT PAVEMENT MARKER
- PROPOSED SIGN



(21) R1-1 30"x30"



AT CURB-ADJACENT SIDEWALK

(20)(22) SIGN AND POST
R.C.T.D. STD. DWG. NO. 816
NTS

MERCURY AVENUE
SEE TRACT NO. 37390-1 OFF-SITE
SIGNING & STRIPING IMPROVEMENT PLANS

TRACT NO. 37390-1 ON-SITE STREET IMPROVEMENT PLAN

0 20 40 80 160
1" = 40' GRAPHIC SCALE

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING — MORSE SCHULTZ
17320 Redhill Avenue, Suite 350, Irvine, CA 92614, Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH, RCE# 052496 EXP. 12-31-20 — DATE 5/4/2020

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
KEVIN D. SIN, RCE #71299 EXP. 12/31/21 — DATE 5/4/20
SENIOR CIVIL ENGINEER

APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20 — DATE 5/26/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER

ON-SITE STREET IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
SIGNING & STRIPING PLAN

W.O. No.
CIP No.
PROJECT No.
SHEET 10 OF 10

MDS Proj. Data: I:\89400\ENGINEERING\Plans\Street\37390-1 (PA 6)
Created: 12.18.2018 02:48:53 PM Author:----
Last Edit: 02.12.2019 12:11:15 PM By: Station125
Plot Scale: 1" = 1' Dwg Scale: 1:1
Plot Date: 06.21.2017 7:32:43 AM By: Station125
MDS File: 89406 XRB STBOR (37390-1)

IN THE CITY OF BANNING, STATE OF CALIFORNIA

TRACT NO. 37390-1
WATER IMPROVEMENT PLAN

WATER GENERAL NOTES:

1. WATERLINE INSTALLATION SHALL BE IN ACCORDANCE WITH THE CITY OF BANNING WATER DEPARTMENT STANDARD DRAWINGS AND SPECIFICATIONS.
2. ALL MATERIALS, TESTING, AND INSPECTION OF PIPE SHALL BE IN CONFORMITY WITH THE REQUIREMENTS OF THE CITY OF BANNING WATER DEPARTMENT AND THE AMERICAN WATER WORKS ASSOCIATION (AWWA) STANDARDS.
3. ALL SERVICE CONNECTIONS SHALL BE 1" SERVICES AND 1" METERS UNLESS OTHERWISE NOTED, AND SHALL BE LOCATED AS SHOWN ON THE PLANS, ADJUSTED AS NECESSARY TO MISS DRIVEWAYS. SERVICES WILL BE 1" COPPER PIPE TYPE "K."
4. WATER SYSTEM WILL BE INSTALLED BY DEVELOPER AND OWNED AND OPERATED BY THE CITY OF BANNING AFTER ACCEPTANCE BY THE CITY COUNCIL.
5. THERE SHALL BE A MINIMUM OF 36"COVER FOR PIPES 12" Ø AND BELOW AND 42" COVER FOR PIPES 12" Ø AND ABOVE.
6. ALL WATER PIPE SHALL BE DUCTILE IRON PIPE (CLASS 350) WITH V-BIO POLYETHYLENE ENCASEMENT PER CITY STD. DWG. NO. W-31
7. PRIOR TO CONSTRUCTION OF PIPELINE, CONTRACTOR SHALL EXPOSE EXISTING WATERLINES AND VERIFY ITS LOCATION.
8. ALL VALVES SHALL BE TURNED ON OR OFF BY CITY OF BANNING WATER DEPARTMENT EMPLOYEES ONLY.
9. CONNECTIONS TO MAINS WILL BE MADE BY DEVELOPER AND UNDER THE CITY OF BANNING WATER DEPARTMENT SUPERVISION.
10. FIRE HYDRANTS SHALL BE JAMES-JONES J-4040 6" x 4" x 2½" (OR EQUAL), THE BODY SHALL BE BRONZE, IT WILL BE A 6-HOLE FLANGE. POSITIVE BREAK OFF RISER AND CHECK VALVE ASSEMBLY, PER STD. DWG. NO. W-18
11. ALL FIRE HYDRANTS SHALL HAVE GATE VALVE SHUTOFF LOCATIONS 1' OFF OF THE WATER MAIN AND MINIMUM OF 5' BETWEEN HYDRANT AND SHUTOFF VALVE.
12. ALL USES OF WATER DURING CONSTRUCTION WILL REQUIRE AN APPROVED BACK FLOW DEVICE
13. ALL WATER MAINS WILL BE INSTALLED IN THE STREET.
14. MAIN SIZE MINIMUM SHALL BE 8".
15. FIRE HYDRANTS SHALL BE MARKED BY FIRE HYDRANT SPOTTER ON PAVEMENT PER CITY STD. DWG. NO. W-18
16. LANDSCAPE METER LOCATIONS TO BE VERIFIED BY DEVELOPER AND ENGINEER PRIOR TO CONSTRUCTION.
17. SEE CORROSION ENGINEER'S PLAN FOR WATER MAIN CATHODIC PROTECTION WHERE REQUIRED, AS NOTED ON THESE PLANS.

NOTE FOR WATER TRENCH BACKFILL:

USE CITY STANDARD NO. W-30 AND W-31 FOR WATER TRENCH BACKFILL

ENGINEER'S NOTICE TO CONTRACTORS

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND OR OVERHEAD UTILITIES OR STRUCTURES SHOWN ON THESE PLANS ARE APPROXIMATE. THE ENGINEER ASSUMES NO LIABILITY AS TO THE EXACT LOCATION OF SAID LINES NOT FOR UTILITIES OR IRRIGATION LINES WHOSE LOCATION ARE NOT SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING ALL UTILITY AND IRRIGATION COMPANIES PRIOR TO WORK AND ACCURATELY IDENTIFY THESE LOCATIONS, WHETHER OR NOT SHOWN HEREON. AND IS RESPONSIBLE FOR ANY DAMAGE OR PROTECTION OF THESE LINES. PHASED UTILITY RELOCATIONS MAY BE NECESSARY AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY OR CLOSELY COORDINATE HIS ACTIVITIES WITH THOSE OF ALL UTILITY COMPANIES. THE CONTRACTOR SHALL CALL IN A LOCATION REQUEST TO UNDERGROUND SERVICE ALERT (U.S.A.) PHONE 1-800-227-2600 TWO (2) WORKING DAYS PRIOR TO DIGGING. NO CONSTRUCTION PERMIT ISSUED BY PUBLIC WORKS DEPARTMENT SHALL BE VALID INVOLVING UNDERGROUND FACILITIES UNLESS THE APPLICANT HAS AN INQUIRY IDENTIFICATION NUMBER ISSUED BY U.S.A.

THE ESTIMATED QUANTITY FOR EACH SPECIFIC ITEM OF THE WORK DESIGNATED ON THE PLANS SHALL BE CONSIDERED AS APPROXIMATE ONLY AND NO GUARANTEE IS MADE THAT THE QUANTITIES WHICH CAN ONLY BE DETERMINED BY COMPUTATIONS, BASED ON THE DETAILS AND DIMENSIONS SHOWN ON THE PLANS. WILL EQUAL THE ESTIMATED QUANTITIES. THE ESTIMATE OF QUANTITIES IS PROVIDED BY THE ENGINEER ONLY FOR THE CONVENIENCE OF THE OWNER, THE CONTRACTOR SHALL MAKE HIS OWN DETERMINATION AND BE RESPONSIBLE FOR HIS OWN CONSTRUCTION QUANTITIES BEFORE SUBMITTING A BID. ANY ITEM OF WORK, OR PORTION THEREOF, REQUIRED BY THESE PLANS WHICH IS NOT SPECIFICALLY LISTED IN THE ESTIMATE OF QUANTITIES SHALL BE CONSIDERED AS INCLUDED IN THE OTHER ITEMS OF WORK.

CALIFORNIA COORDINATES

CENTER LINE HIGHLAND SPRING AVE & WILSON STREET
N 2283766.54
E 6350263.54
CENTER LINE INTERSECTION HIGHLAND SPRING AVE & SUNDANCE DRIVE
N 2286406.55
E 6350271.59
CCS ZONE 6

MATH (LAKE MATHEWS)
N 2257398.558
E 6201355.292

TRAK (BOMMER CANYON)
N 2171990.406
E 6088762.992

LEGAL DESCRIPTION

PORTIONS OF LOTS 8, 10, 11 AND 19 OF TRACT MAP NO. 34330, FILED IN BOOK 429 OF MAPS, PAGES 84 THROUGH 103, INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA

NOTIFICATIONS

AT LEAST 48 HOURS PRIOR TO COMMENCING CONSTRUCTION, CONTRACTOR SHALL. NOTIFY:

WATER AND SEWER	CITY OF BANNING	(951) 922-3281
ELECTRIC	CITY OF BANNING	(951) 922-3260
CABLE	SPECTRUM	(951) 329-9487
TELEPHONE	FRONTIER COMMUNICATIONS	(909) 397-0042
GAS	SOUTHERN CALIFORNIA GAS COMPANY	(909) 792-2187

BENCHMARK

ELEVATIONS SHOWN HEREON ARE BASED ON BENCHMARK MWD 401 1992 - A 3 ¼" STANDARD ALUMINUM MWD DISK, FLUSH, IN BANNING, 0.6 MILES SOUTH ALONG HIGHLAND SPRINGS AVENUE FROM THE INTERSECTION OF HIGHLAND SPRINGS AVENUE AND THE SOUTHERN PACIFIC RAILROAD BRIDGE, 17.5 FEET EAST OF THE CENTERLINE OF HIGHLAND SPRINGS AVENUE AT THE NORTHWEST CORNER OF CATCH BASIN AT THE TOP OF CURB, 0.5 FEET EAST OF FACE OF CURB. ELEVATION = 772.395m = 2534.10 ft (NAVD 88).

CONVERSION TO NGVD 29 CAN BE ACCOMPLISHED BY SUBTRACTING 2.66 ft FROM ALL ELEVATIONS PER VERTCON CALCULATION AT THE BENCHMARK. ELEVATION = 2531.44 ft (NGVD 29).

BASIS OF BEARINGS

THE BEARINGS FOR THIS SURVEY ARE BASED ON THE LINE BETWEEN STATIONS "TRAK" AND "MATH" (PORTIONS PER NATIONAL GEODETIC SURVEY, NAD 83, EPOCH 1995.5). AS SHOWN ON THE MAP FILED IN BOOK 102, PAGES 50 THROUGH 65 OF RECORDS OF SURVEY, IN THE OFFICE OF THE COUNTY RECORDER OF RIVERSIDE COUNTY, CALIFORNIA, BEING NORTH 52° 49' 02.84" EAST.

ASSESSORS PARCEL NUMBERS

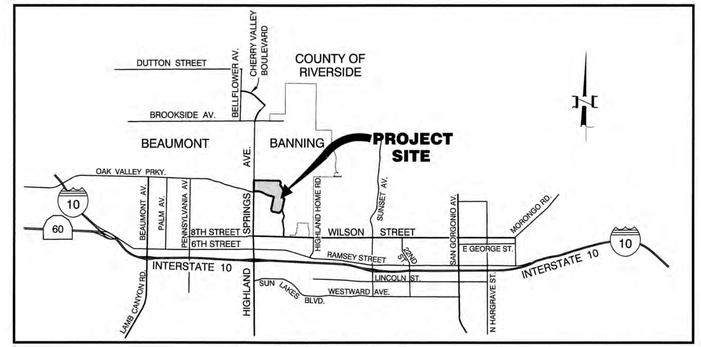
PORTIONS OF 408-120-010, 408-120-012, 408-120-013 & 408-120-020

250 0 125 250 500 1000
(1"=250')



SHEET INDEX MAP

SCALE: 1"=250'



VICINITY MAP

NOT TO SCALE

WATER LEGEND

- 8" W x — EXISTING WATERLINE OR PROPOSED BY OTHERS
- 8" W — WATERLINE
- GATE VALVE
- FIRE HYDRANT
- AIR & VACUUM VALVE ASSEMBLY
- BLOW-OFF
- SERVICE CONNECTION WITH METER (DOMESTIC)
- SERVICE CONNECTION WITH METER (LANDSCAPE)

OWNER/APPLICANT/DEVELOPER

PARDEE HOMES
1250 CORONA POINTE COURT, SUITE 600
CORONA, CA 92879
PH: (951) 428-4400
CONTACT: MICHAEL HEISHMAN

SHEET INDEX

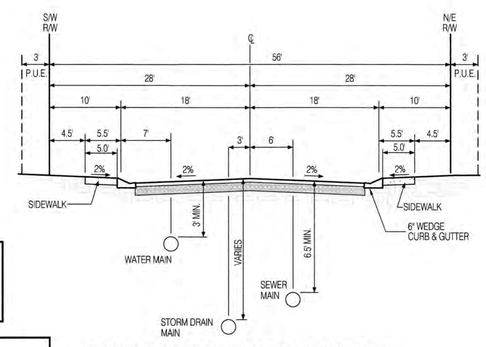
SHEET 1	TITLE SHEET AND SHEET INDEX MAP
SHEETS 2-7	WATER PLAN AND PROFILE

CONSTRUCTION NOTES AND ESTIMATED QUANTITIES:

	WATER IMPROVEMENT PLAN	UNIT	QUANTITY
(1)	INSTALL 8" D.I.P. (CLASS 350) WITH V-BIO POLYETHYLENE ENCASEMENT PER CITY STD. DWG. NO W-31	LF	4,365
(2)	INSTALL 8" GATE VALVE PER CITY STD. DWG. NO. W-20	EA	18
(3)	INSTALL 8" D.I.P. TEE	EA	6
(5)	INSTALL 1" AIR AND VACUUM VALVE ASSEMBLY PER CITY STD. DWG. NO. W-15	EA	3
(6)	INSTALL 1" POTABLE COPPER SERVICE AND 1" METER INSTALLATION PER CITY STD. DWG. NO. W-4	EA	106
(7)	INSTALL FIRE HYDRANT PER CITY STD. W-18 WITH FLANGED TEE (8"x6")	EA	12
(8)	ADJUST VALVE COVER TO GRADE PER CITY STD. DWG. NO. W-20	EA	30
(9)	REMOVE 8" BLIND FLANGE AND JOIN WATERLINE	EA	2
(11)	INSTALL 11.25° D.I.P. ELBOW	EA	2
(12)	INSTALL 45° D.I.P. ELBOW	EA	2

RECOMMENDED FOR ACCEPTANCE BY:
STEVEN LATINO, PE.
ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA, INC.
5/4/2020

RECOMMENDED FOR ACCEPTANCE BY:
RIVERSIDE COUNTY FIRE DEPARTMENT - OFFICE OF THE FIRE MARSHALL
5/12/2020



TYPICAL STREET SECTION (PUBLIC)

SCALE: HORIZ - 1"=10'
VERT - 1"=5'

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
6/29/2020 DATE

REGISTERED PROFESSIONAL ENGINEER — EDWARD J. LENTH — No. 052496 — Exp. 12-31-20 — CIVIL — STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LOIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
5/11/2020 DATE

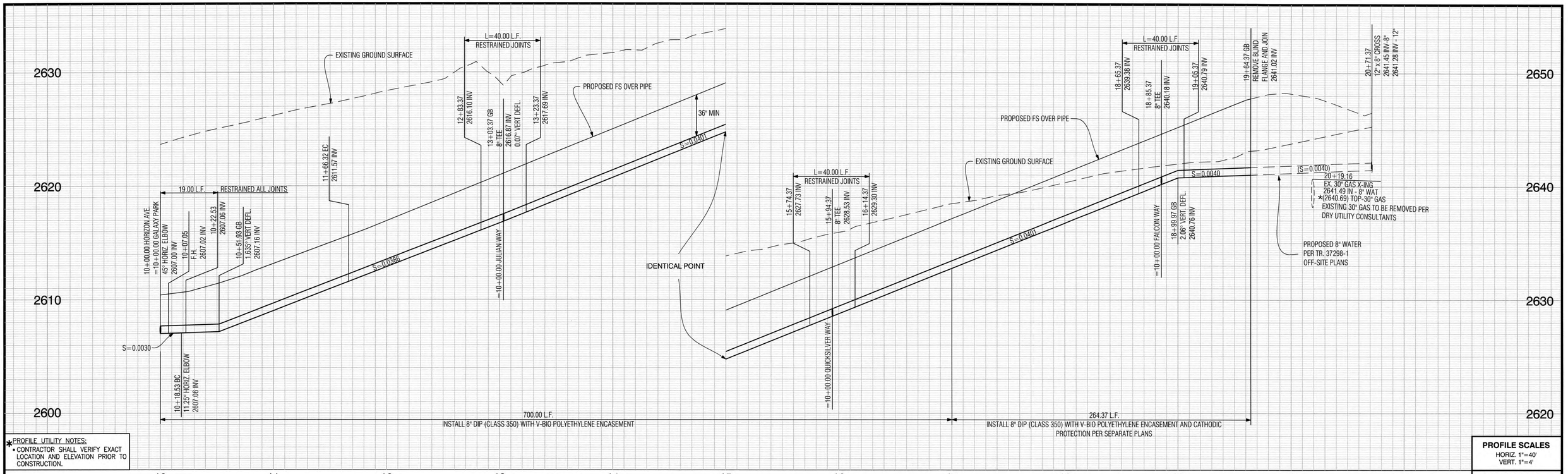
APPROVED BY:
ARTURO VELA, RCE #75606 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/11/20 DATE

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
TITLE SHEET/SHEET INDEX

W.O. No.
CIP No.
PROJECT No.
SHEET 1 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

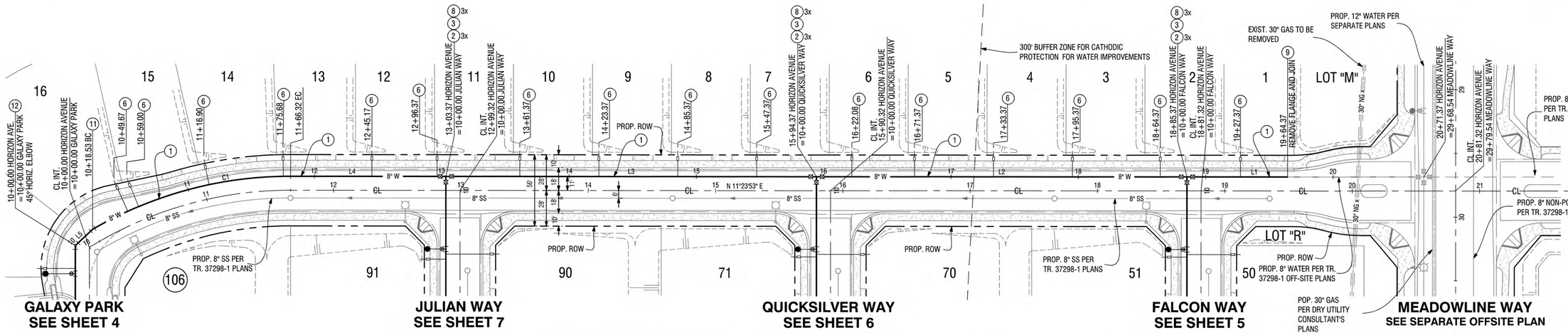
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*PROFILE UTILITY NOTES:
- CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION PRIOR TO CONSTRUCTION.

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



GALAXY PARK
SEE SHEET 4

JULIAN WAY
SEE SHEET 7

QUICKSILVER WAY
SEE SHEET 6

FALCON WAY
SEE SHEET 5

MEADOWLINE WAY
SEE SEPARATE OFFSITE PLAN

HORIZON AVENUE

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 11°23'53" E	79.00'
L2	N 11°23'53" E	291.00'
L3	N 11°23'53" E	291.00'
L4	N 11°23'53" E	122.00'
L5	N 31°51'07" W	18.53'

CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	30°00'00"	311.00'	162.84'	83.33'

0 20 40 80 160
1"=40'
GRAPHIC SCALE

WATER CONSTRUCTION NOTES:

1. INSTALL 8" D.I.P. (CLASS 350) WITH V-BIO POLYETHYLENE ENCASEMENT PER CITY STD. DWG. NO W-31
2. INSTALL 8" GATE VALVE PER CITY STD. DWG. NO. W-20
3. INSTALL 8" D.I.P. TEE
6. INSTALL 1" POTABLE COPPER SERVICE AND 1" METER INSTALLATION PER CITY STD. DWG. NO. W-4
8. ADJUST VALVE COVER TO GRADE PER CITY STD. DWG. NO. W-20
9. REMOVE 8" BLIND FLANGE AND JOIN WATERLINE
11. INSTALL 11.25° D.I.P. ELBOW
12. INSTALL 45° D.I.P. ELBOW

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
4/29/2020
DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
5/11/2020
DATE

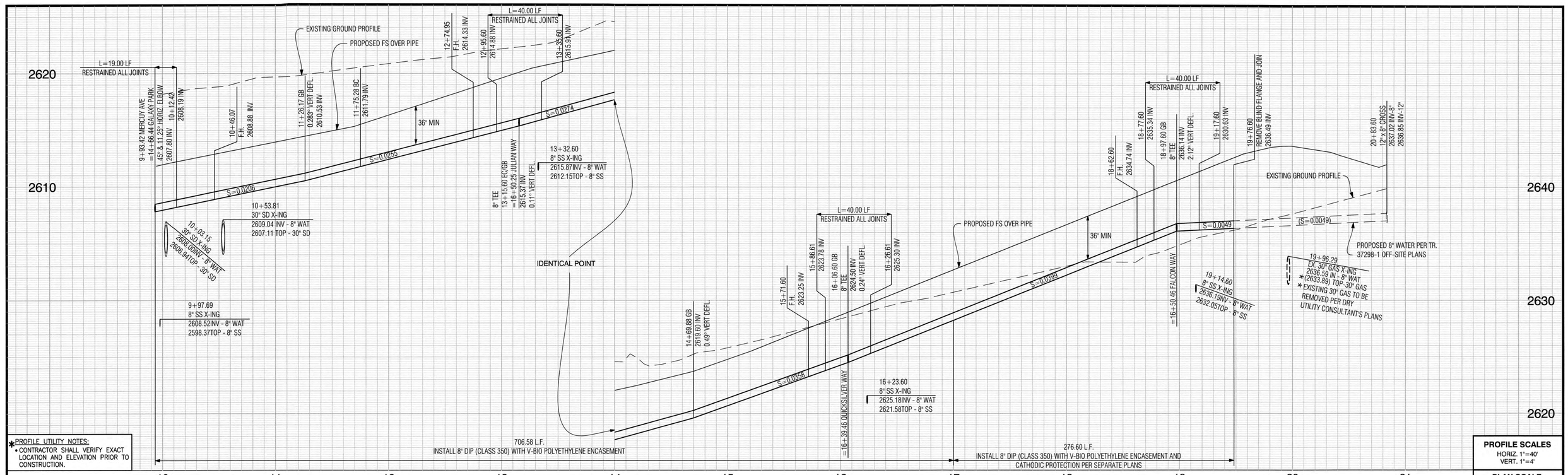
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20
DATE

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
HORIZON AVENUE
STA 10+00.00 TO STA 19+64.37

W.O. No.
CIP No.
PROJECT No.
SHEET 2 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

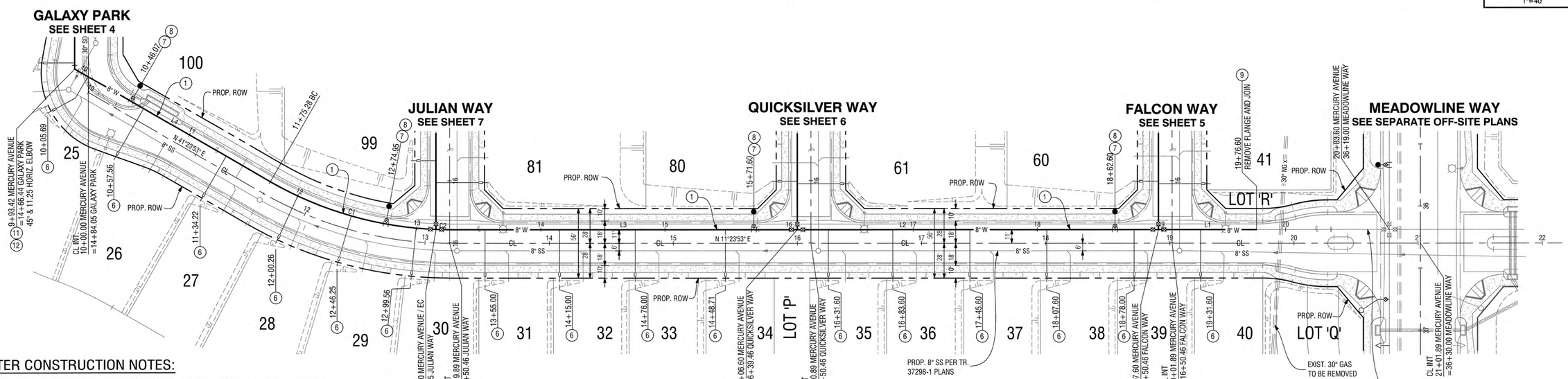
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*PROFILE UTILITY NOTES:
- CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION PRIOR TO CONSTRUCTION.

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



MERCURY AVENUE

WATER CONSTRUCTION NOTES:

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3. INSTALL 8" D.I.P. TEE
6. INSTALL 1" POTABLE COPPER SERVICE AND 1" METER INSTALLATION PER CITY STD. DWG. NO. W-4
7. INSTALL FIRE HYDRANT PER CITY STD. W-18 WITH FLANGED TEE (8"x6")
8. ADJUST VALVE COVER TO GRADE PER CITY STD. DWG. NO. W-20
9. REMOVE 8" BLIND FLANGE AND JOIN WATERLINE
11. INSTALL 11.25° D.I.P. ELBOW
12. INSTALL 45° D.I.P. ELBOW

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 11°23'53" E	79.00'
L2	N 11°23'53" E	291.00'
L3	N 11°23'53" E	280.00'
L4	N 41°23'53" E	181.87'

CURVE TABLE				
CURVE #	DELTA	RADIUS	LENGTH	TANGENT
C1	27°49'07"	289.00'	140.32'	71.57'
C2	2°10'53"	289.00'	11.00'	5.50'

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811
OR
1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
6/29/2020
DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
5/11/2020
DATE

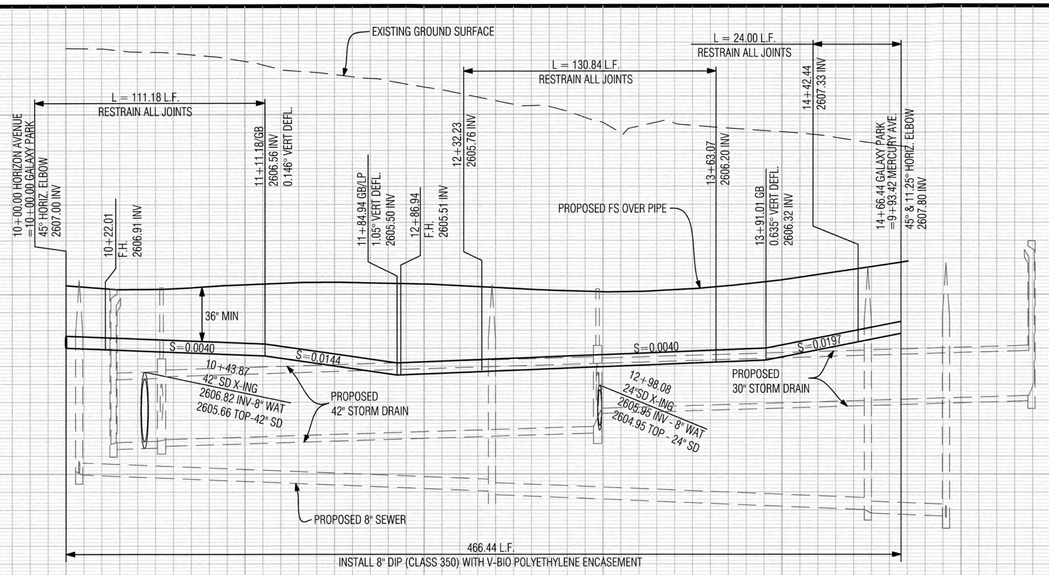
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20
DATE

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
MERCURY AVENUE
9+93.42 TO 20+36.60

W.O. No.
CIP No.
PROJECT No.
SHEET 3 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

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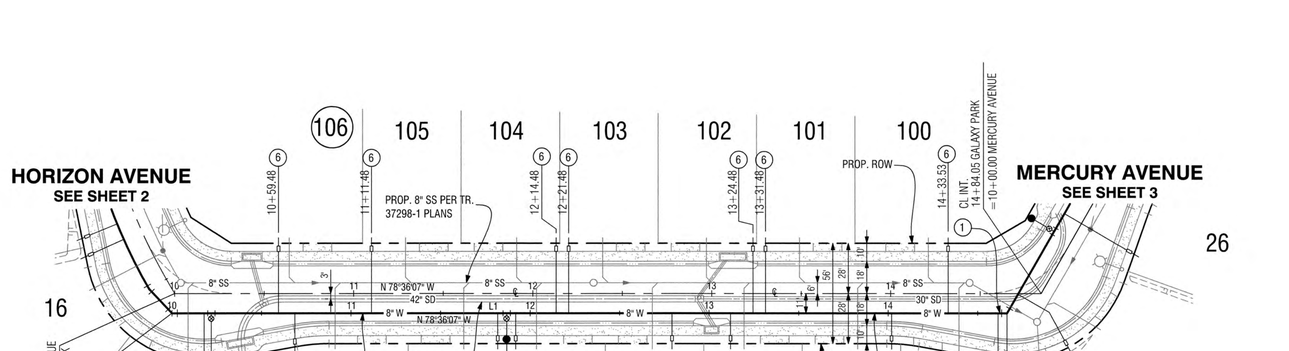
PROFILE UTILITY NOTES:

- CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION PRIOR TO CONSTRUCTION.

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'
PLAN SCALE
1"=40'

WATER CONSTRUCTION NOTES:

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6. INSTALL 1" POTABLE COPPER SERVICE AND 1" METER INSTALLATION PER CITY STD. DWG. NO. W-4
7. INSTALL FIRE HYDRANT PER CITY STD. W-18 WITH FLANGED TEE (8"x6")
8. ADJUST VALVE COVER TO GRADE PER CITY STD. DWG. NO. W-20



GALAXY PARK

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	466.44'

0 20 40 80 160

1"=40' GRAPHIC SCALE

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:

MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:

EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
DATE 6/29/2020

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LOIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
DATE 5/11/2020

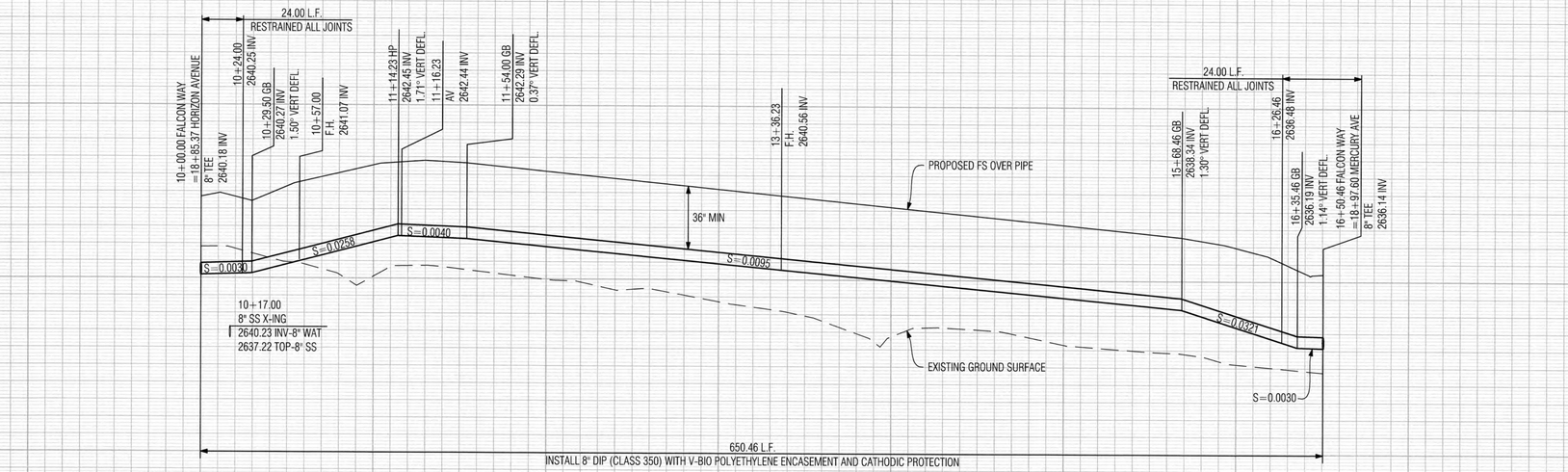
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ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
DATE 5/26/20

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
GALAXY PARK
STA10+00.00 TO STA14+66.44

W.O. No.
CIP No.
PROJECT No.
SHEET 4 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

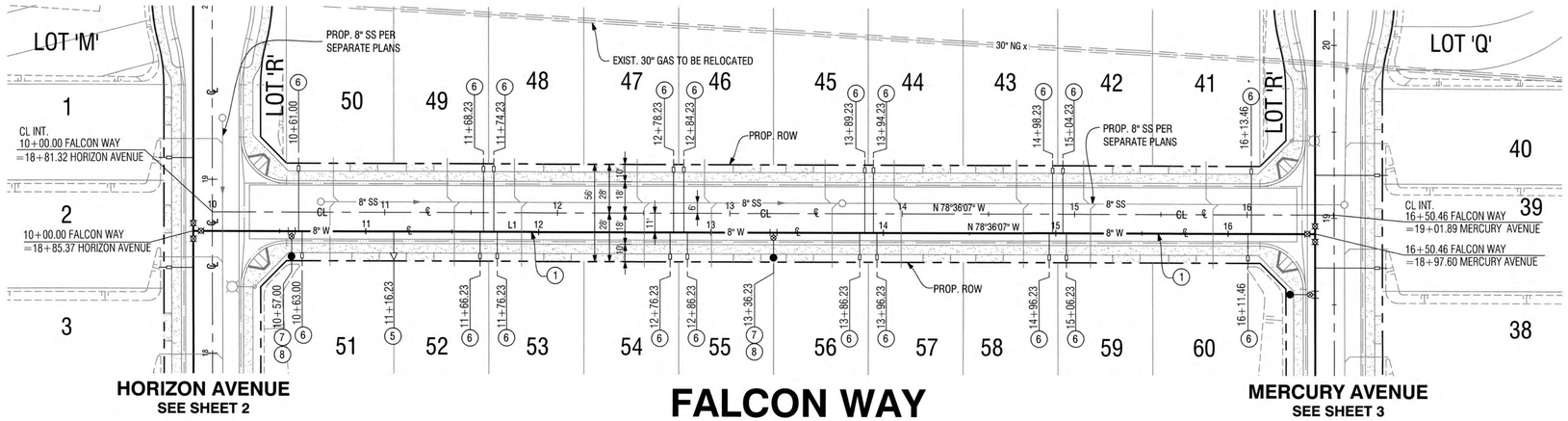
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PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



HORIZON AVENUE
SEE SHEET 2

FALCON WAY

MERCURY AVENUE
SEE SHEET 3

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	650.46'

WATER CONSTRUCTION NOTES:

1. INSTALL 8" D.I.P. (CLASS 350) WITH V-BIO POLYETHYLENE ENCASEMENT PER CITY STD. DWG. NO W-31
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6. INSTALL 1" POTABLE COPPER SERVICE AND 1" METER INSTALLATION PER CITY STD. DWG. NO. W-4
7. INSTALL FIRE HYDRANT PER CITY STD. W-18 WITH FLANGED TEE (8"x6")
8. ADJUST VALVE COVER TO GRADE PER CITY STD. DWG. NO. W-20

N

0 20 40 80 160
1"=40' GRAPHIC SCALE

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REVISIONS

MARK		APPR	DATE

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MORSE SCHULTZ
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REGISTERED PROFESSIONAL ENGINEER
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5/11/2020
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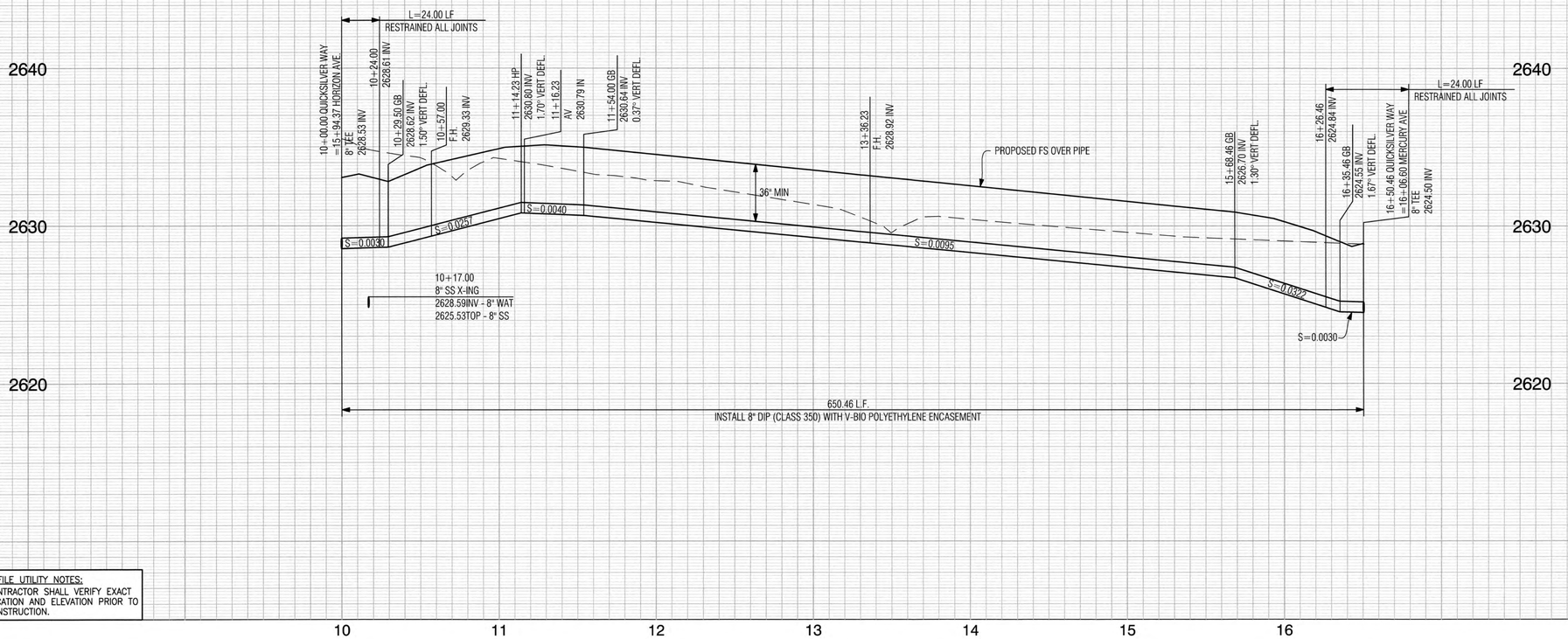
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PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20
DATE

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
JUPITER WAY
10+00.00 TO 16+50.46

W.O. No.
CIP No.
PROJECT No.
SHEET 5 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

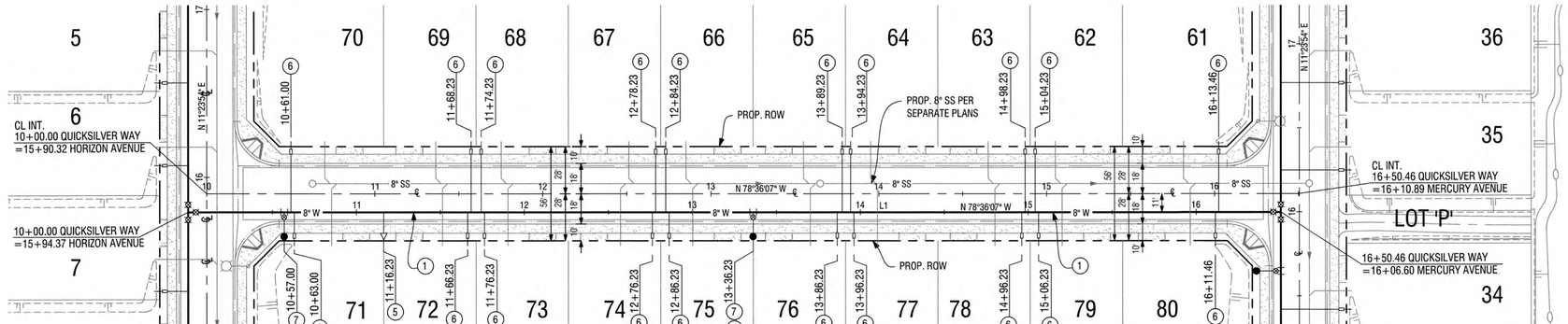
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PROFILE UTILITY NOTES:

- CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION PRIOR TO CONSTRUCTION.

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'
PLAN SCALE
1"=40'



HORIZON AVENUE
SEE SHEET 2

MERCURY AVENUE
SEE SHEET 4

QUICKSILVER WAY

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N 78°36'07" W	650.46'

WATER CONSTRUCTION NOTES:

1. INSTALL 8" D.I.P. (CLASS 350) WITH V-BIO POLYETHYLENE ENCASEMENT PER CITY STD. DWG. NO W-31
5. INSTALL 1" AIR AND VACUUM VALVE ASSEMBLY PER CITY STD. DWG. NO. W-15
6. INSTALL 1" POTABLE COPPER SERVICE AND 1" METER INSTALLATION PER CITY STD. DWG. NO. W-4
7. INSTALL FIRE HYDRANT PER CITY STD. W-18 WITH FLANGED TEE (8"x6")
8. ADJUST VALVE COVER TO GRADE PER CITY STD. DWG. NO. W-20

0 20 40 80 160
1"=40' GRAPHIC SCALE

Call before you Dig
Avoid cutting underground utility lines. It's costly.
Call 811 or 1-800-422-4133

REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
MDS CONSULTING
MORSE SCHULTZ
17320 Redhill Avenue
Suite 350
Irvine, CA 92614
Voice: 949-251-8821
PLANNERS ENGINEERS SURVEYORS

SUBMITTED BY:
EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
4/29/2020 DATE

REGISTERED PROFESSIONAL ENGINEER
EDWARD J. LENTH
No. 052496
Exp. 12-31-20
CIVIL
STATE OF CALIFORNIA

CITY OF BANNING

RECOMMENDED FOR APPROVAL BY:
LUIS A. CARDENAS, RCE #78335 EXP. 9/30/21
SENIOR CIVIL ENGINEER
5/11/2020 DATE

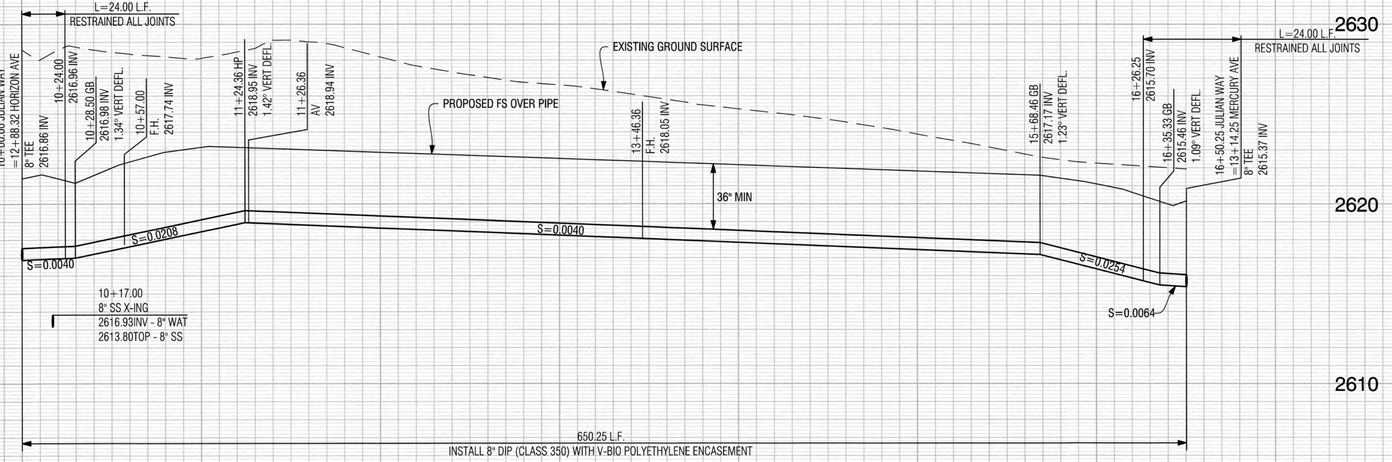
APPROVED BY:
ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20 DATE

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
QUICKSILVER WAY
10+00.00 TO 16+50.46

W.O. No.
CIP No.
PROJECT No.
SHEET 6 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

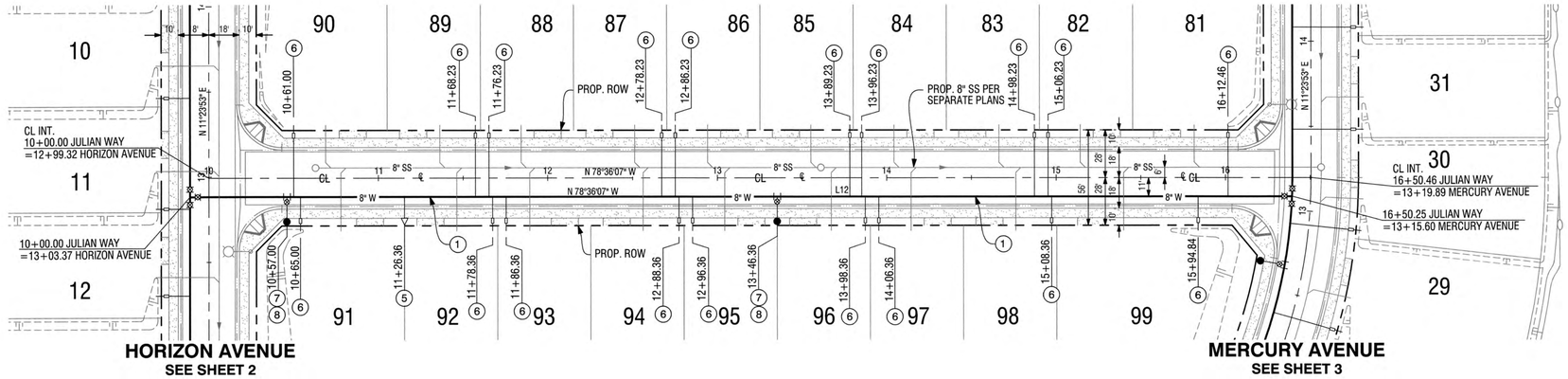
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Plot Scale: 0.386863 Dwg Scale
Plot Date: 04.29.2020 3:08:27 PM By: jchu



PROFILE UTILITY NOTES:
- CONTRACTOR SHALL VERIFY EXACT LOCATION AND ELEVATION PRIOR TO CONSTRUCTION.

PROFILE SCALES
HORIZ. 1"=40'
VERT. 1"=4'

PLAN SCALE
1"=40'



LINE TABLE		
LINE #	BEARING	DISTANCE
L12	N 78°36'07" W	650.25'

JULIAN WAY

WATER CONSTRUCTION NOTES:

1. INSTALL 8" D.I.P. (CLASS 350) WITH V-BIO POLYETHYLENE ENCASEMENT PER CITY STD. DWG. NO W-31
5. INSTALL 1" AIR AND VACUUM VALVE ASSEMBLY PER CITY STD. DWG. NO. W-15
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0 20 40 80 160
1"=40'
GRAPHIC SCALE

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REVISIONS

MARK		APPR	DATE

PLANS PREPARED BY:
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Suite 350
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Voice: 949-251-8821
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EDWARD J. LENTH
RCE# 052496 EXP. 12-31-20
4/29/2020
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REGISTERED PROFESSIONAL ENGINEER
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SENIOR CIVIL ENGINEER
5/11/2020
DATE

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ARTURO VELA, RCE #75696 EXP. 6/30/20
PUBLIC WORKS DIRECTOR/CITY ENGINEER
5/26/20
DATE

ON-SITE WATER IMPROVEMENT PLAN
TRACT NO. 37390-1
ATWELL
JULIAN WAY
10+00.00 TO 16+50.46

W.O. No.
CIP No.
PROJECT No.
SHEET 7 OF 7

TRACT NO. 37390-1, WATER IMPROVEMENT PLAN

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Plot Date: 04.29.2020 3:10:38 PM By: jcHu

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Butterfield Specific Plan Project ("Atwell") Annual Development Agreement Review for 2024**

RECOMMENDATION:

Receive and file the annual review of the Development Agreement for the Butterfield Specific Plan Project being developed by Tri Pointe Homes as the Atwell Master Planned Community, ensuring that the developer is proceeding in good faith and in accordance with Section 12.1 of the Development Agreement and Government Code Section 65865.1.

BACKGROUND:

Government Code Section 65865.1 requires that development agreements include provisions requiring periodic review at least every 12 months, at which time the applicant, or successor in interest thereto, must be required to demonstrate good faith compliance with the terms of the agreement. Section 65865.1 also states that if, as a result of such periodic review, the local agency finds and determines, on the basis of substantial evidence, that the applicant or successor in interest thereto has not complied in good faith with terms or conditions of the agreement, the local agency may terminate or modify the agreement.

The annual review requirements for the Butterfield Specific Plan Project are set forth in Section 12 of the Development Agreement for the Project. In accordance with Section 12 (pages 34-35) of the Development Agreement between the City of Banning ("City") and Pardee Homes ("Developer"), which was entered into on March 27, 2012, with a subsequent revised effective date of February 9, 2015, the City is conducting an annual review following the commencement of construction, to review the Developer's performance under the Development Agreement on or about each anniversary of the effective date of the Agreement. Try Pointe Homes is a successor in interest to Pardee Homes under the Development Agreement. The Developer has delivered the necessary information, reasonably requested by the City, regarding the Developer's performance under the Agreement. Staff has reviewed the information requested, performed a series of site inspections, conducted several meetings with the Developer, and determined that the Developer has, and continues to, demonstrate compliance with the Agreement. Based on the review, staff has also determined that the Developer is implementing the Development Agreement in good faith, and continues to comply with the provisions and regulations of the adopted Specific Plan, the certified Environmental Impact Report prepared for the Project, and the existing land use regulations applicable to the Project as set forth in the Banning Municipal Code and the Butterfield Specific Plan.

JUSTIFICATION:

A summary of the project activities, over the past year, is detailed in the Table 1 below:

TABLE 1: Atwell Development Activities:

Section 1 - Definitions	Conforming/No Update
Section 2 – Exhibits	Conforming/No Update
Section 3 – Term	Conforming/No Update
Section 4 – Development of the Developer's Property	(4.7) A Development Impact Fee Update was completed in September 10, 2019.
Section 5 – Financing and the City's Obligations	Formation of the first, second and third Financing Districts have been completed with the bonds for all three series successfully sold. It is anticipated that the fourth Financing District being formed in the second/third quarter of 2024. A Development Impact Fee Agreement has been approved.
Section 6 – Time for Construction and Completion of Project	(6.1) The development is proceeding at an acceptable pace given current market conditions. (6.2) Permits: All residential permits have been pulled in Phase 1A, Phase 1B and Phase 2A-1. In the new development Phase 2B-1 approximately 51 permits have been pulled. Closings: There have been approximately 460 closings within in Phase 1A, approximately 355 closings within Phase 1B, and approximately 615 closings in Phase 2A-1. All of the homes in the in current phases are in various stages of construction. Sales continue to be strong but there is always the threat of rising interest rates, material costs and material lead times slowing the pace of sales. (6.2.3.) Infrastructure related plans are being developed, have been submitted or approved for all of various development phases. (6.2.4.) Developer has undergone a good faith effort to market the commercial retail planning area. All surrounding infrastructure is in place to accommodate construction should a commercial developer show interest in starting. All other provisions, of Section 6, is proceeding in good faith.

Section 7 – Development Impact Fees	(7.2.2) Development Impact Fee Studies are complete. Adjustments will be made at the 10-year review. (7.3.5.) Fee Impact Studies associated with reclaimed water facilities are complete. (7.5.1 – 7.5.3.) A TUMF Credit Agreement was executed by the City Council at the May 14, 2019 Meeting and work has been completed on Highland Springs Avenue between 8th Street/Wilson Street and Oak Valley Parkway/Meadowline Way.
Section 8 – Dedications and Conveyances of Property Interests	(8.1.1.) Plans have been submitted and are continuing to be submitted for review. Plans are being submitted and actively processed by the City for infrastructure improvements.
Section 9 – Processing of Requests and Applications: Other Government Permits	(9.2) A Deposit Reimbursement Agreement is executed between the Developer and City. (9.3) The City recently implemented a new planning checking software that has slowed the improvement plan turnaround times.
Section 10 – Amendment and Modification of Development Agreement	Conforming/ Settlement Agreement Passed updating Fee Waivers provisions.
Section 11 – Reservations of Authority	Conforming/No Update
Section 12 – Annual Review	Conforming/No Update
Section 13 – Default, Remedies & Termination	Conforming/No Update
Section 14 – Assignment	Conforming/No Update
Section 15 – Releases and Indemnities	Conforming/No Update
Section 16 – Effect of Agreement on Title	Conforming/No Update
Section 17 – City Officers and Employees: Non-Discrimination	Conforming/No Update
Section 18 – Mortgage Protection	Conforming/No Update
Section 19 – Miscellaneous	Conforming/No Update

Public Communication:
The Annual Review of the Development Agreement is a receive and file item and does not require a public hearing or public notice. At the time of this writing, no public comments have been received.

FISCAL IMPACT:
None. As required in Section 12 of the attached Development Agreement, the cost for the annual review is paid by the Developer.

ALTERNATIVES:
Receive and file the annual review of the Development Agreement for the Butterfield Specific Plan

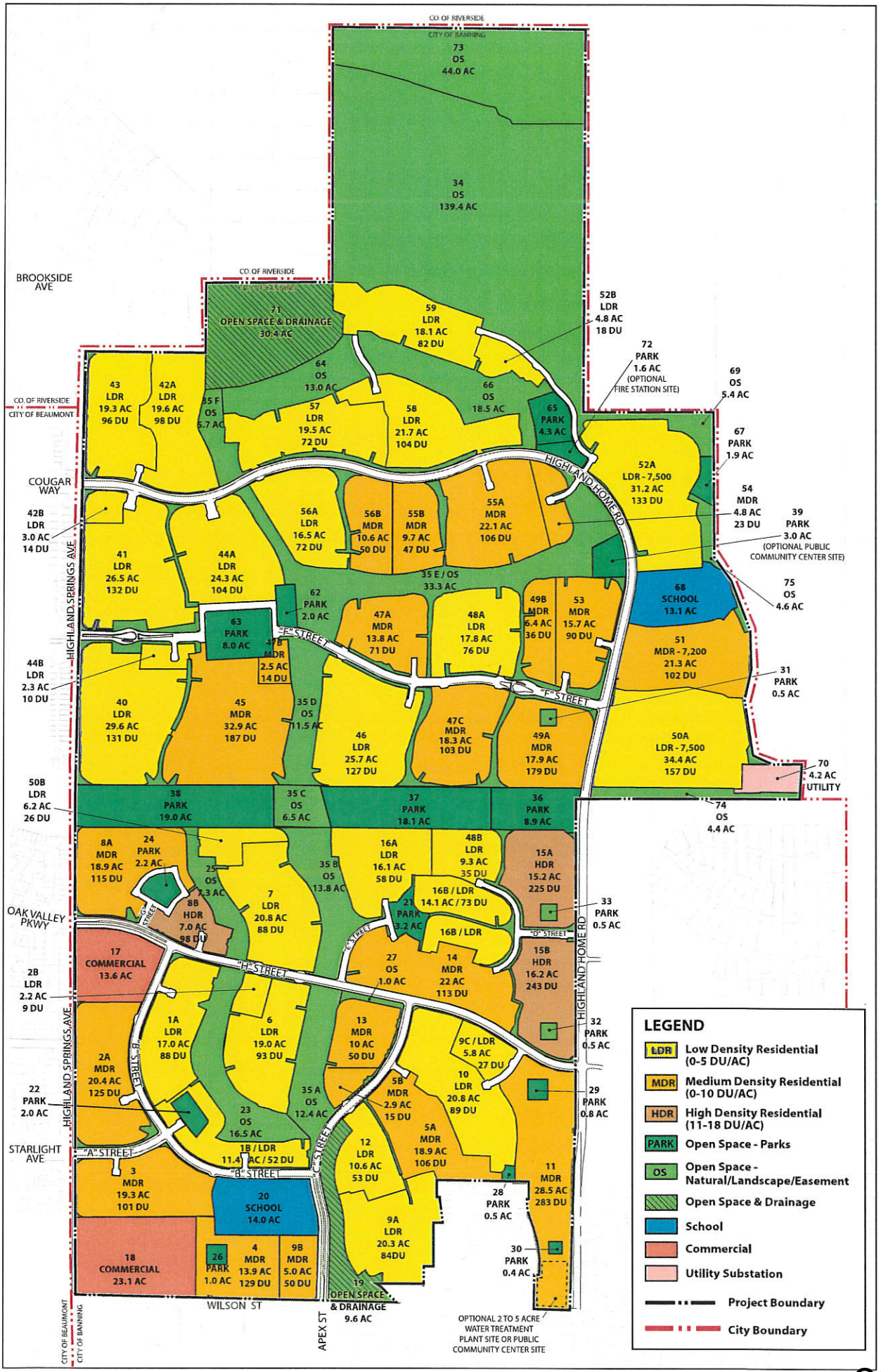
Project.

ATTACHMENTS:

1. ATT.1- Annual Review Matrix - 2024.pdf
2. Att 2. Specific Plan Land Use Plan.pdf
3. Att 3. Dev Agree.Pardee 7-17-12.pdf

Development Agreement Section/Provisions	Status
Section 1 - Definitions	Conforming/No Update
Section 2 – Exhibits	Conforming/No Update
Section 3 – Term	Conforming/No Update
Section 4 – Development of the Developer's Property	(4.7) A Development Impact Fee Update was completed in September 10, 2019.
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Section 12 – Annual Review	Conforming
Section 13 – Default, Remedies & Termination	Conforming/No Update
Section 14 – Assignment	Conforming/No Update
Section 15 – Releases and Indemnities	Conforming/No Update
Section 16 – Effect of Agreement on Title	Conforming/No Update
Section 17 – City Officers and Employees: NonDiscrimination	Conforming/No Update
Section 18 – Mortgage Protection	Conforming/No Update
Section 19 – Miscellaneous	Conforming/No Update



Michael Baker INTERNATIONAL

NOT TO SCALE

PARDEE HOMES • BUTTERFIELD SPECIFIC PLAN

Land Use Plan

DOC # 2012-0332888
07/17/2012 02:58P Fee:NC
Page 1 of 82
Recorded in Official Records
County of Riverside
Larry W. Ward
Assessor, County Clerk & Recorder

*RECORDING REQUESTED BY,)

AND WHEN RECORDED MAIL TO:)

)

CITY CLERK)

City of Banning)

99 E. Ramsey Street)

Banning, CA 92220)

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No Recording Fee Required – Government Code § 27383

M 043

DEVELOPMENT AGREEMENT

between

THE CITY OF BANNING

("City")

and

PARDEE HOMES

A California Corporation

("Developer")

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement") is entered into on March 27, 2012, between the CITY OF BANNING (the "City"), a municipal corporation, and PARDEE HOMES (the "Developer"), a California corporation, pursuant to Article 2.5 of Chapter 4 of Division 1 of Title 7, §§ 65864 through 65869.5 of the Government Code. The City and the Developer shall be referred to within this Agreement jointly as the "Parties" and individually as a "Party."

RECITALS:

A. Capitalized Terms. The capitalized terms used in these Recitals and throughout this Agreement shall have the meaning assigned to them in Section 1. Any capitalized terms not defined in Section 1 shall have the meaning otherwise assigned to them in this Agreement or apparent from the context in which they are used.

B. Development of the Developer's Property. Concurrent with the approval of this Agreement, the City has approved the Specific Plan, which contemplates low, medium and high density residential development, to a maximum total of 5, 387 dwelling units, 36 acres of commercial/retail development, schools, parks and supporting infrastructure on 1,543 acres, and a general plan amendment and a zone change and has certified a Final Environmental Impact Report, State Clearinghouse No. 2007091149, for the area described in Exhibit "A" (the "Developer's Property").

C. Legislation Authorizing Development Agreements. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted the Development Agreement Statute, authorizing the City to enter into an agreement with any person having a legal or equitable interest in real property providing for the development of such property and establishing certain development rights therein. The legislative findings and declarations underlying the Development Agreement Statute and the provisions governing contents of development agreements state, in Government Code §§ 65864(c) and 65865.2, that the lack of public facilities, including, but not limited to, streets, sewerage, transportation, drinking water, school, and utility facilities is a serious impediment to the development of new housing, and that applicants and local governments may include provisions in development agreements relating to applicant financing of necessary public facilities and subsequent reimbursement over time.

D. Intent of the Parties. The Developer and the City have determined that the Project is a development for which a development agreement is appropriate. The Parties desire to define the parameters within which the obligations of the Developer for infrastructure and public improvements and facilities will be met and to provide for the orderly development of the Developer's Property, assist in attaining the most effective utilization of resources within the City and otherwise achieve the goals of the Development Agreement Statute. In consideration of these benefits to the City and the public benefits of the development of the Developer's Property, the Developer will receive assurances that the City shall grant all permits and approvals required

for total development of the Developer's Property and will provide for the assistance called for in this Agreement in accordance with the terms of this Agreement.

E. Public Benefits of the Project. This Agreement provides assurances that the public benefits identified below in this Recital E will be achieved in accordance with the terms of this Agreement. The Project will provide local and regional public benefits to the City, including, without limitation:

1. Increased Tax Revenues. The development of the Developer's Property in accordance with the terms of this Agreement will result in increased real property and sales taxes and other revenues to the City.

2. Reduced Vehicle Miles Travelled. The Project will reduce vehicle trips by implementing a transportation demand management program that takes advantage of alternative modes of mass transit within the City.

3. Pedestrian Mobility. The Project encourages pedestrian mobility through the provision of walking paths, through signage guiding pedestrians to nearby destinations and through preservation of significant open space to create pleasant environments that will encourage walking.

4. Sustainable Design. The Developer will, to the extent reasonably feasible, include sustainable design for commercial and industrial uses and green building standards for residential construction.

5. Pedestrian Connection. The Project will include a series of public pedestrian trails throughout the Developer's Property.

6. Reduced Traffic Congestion. The Project will include improvements and contribute fees to improvements that will reduce congestion on local streets and the regional transportation network.

7. Public Schools. The Project will allow for the construction of elementary schools in both the Beaumont Unified School District and Banning Unified School District, which will benefit residents both within and outside the Project.

8. Natural Open Space. Over 56 acres of natural open space will be preserved in perpetuity.

9. Parks and Recreation. Park and recreation improvements include:

a. 58.5 acres of community and neighborhood parks

b. 8.0 acres devoted to private recreation centers.

c. 254 acres of public golf course or active open space amenity

d. 108.4 acres of other open space.

10. Financial Impact Mitigation. Based upon a study of financial impacts on the City, the Project will pay a Services Special Tax to alleviate negative financial impacts of the Project on the City.

F. Public Hearings: Findings. In accordance with the requirements of the California Environmental Quality Act (Public Resources Code § 21000, et seq. ("CEQA")), appropriate studies, analyses, reports and documents were prepared and considered by the Planning Commission and the City Council. The Planning Commission, after a public hearing on March 7, 2012, recommended, and the City Council, after making appropriate findings, certified, by Resolution No. 2012-24 adopted on March 27, 2012 a Final Environmental Impact Report for the Project, more specifically identified as the Final Environmental Impact Report for the Butterfield Specific Plan, State Clearinghouse No. 2007091149, as having been prepared in compliance with CEQA. On March 7, 2012, the Planning Commission, after giving notice pursuant to Government Code §§ 65090, 65091, 65092 and 65094, held a public hearing on the Developer's application for this Agreement. On March 27, 2012, the City Council, after providing the public notice required by law, held a public hearing to consider the Developer's application for this Agreement. The Planning Commission and the City Council have found on the basis of substantial evidence based on the entire administrative record, that this Agreement is consistent with all applicable plans, rules, regulations and official policies of the City.

G. Mutual Agreement. Based on the foregoing and subject to the terms and conditions set forth herein, Developer and City desire to enter into this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, and having determined that the foregoing recitals are true and correct and should be, and hereby are, incorporated into this Agreement, the Parties agree as follows:

1. DEFINITIONS

The following words and phrases are used as defined terms throughout this Agreement. Each defined term shall have the meaning set forth below.

1.1 Acquisition Agreement. "Acquisition Agreement" shall have the meaning set forth in Section 5.1 below.

1.2 Anniversary Date. "Anniversary Date means the date of the anniversary of each year following the Effective Date established in Section 3.5.

1.3 Annual Review. "Annual Review" means the annual review of the Developer's performance of the Agreement in accordance with Section 12.1 of the Agreement and Government Code § 65865.1.

1.4 Applications. "Application(s)" means a complete application for the applicable land use approvals (such as a subdivision map, conditional use permit, etc.) meeting all of the current ordinances of the City provided that any additional or alternate requirements in those ordinances enacted after the Effective Date which affect the Project application shall apply only to the extent permitted by this Agreement.

1.5 Appraisal of Land Value. "Appraisal of Land Value" when referred to herein shall mean the determination by an experienced and independent MAI appraiser retained by City (Developer may veto any appraiser selected by City for good cause), in a written appraisal at fair market value based upon comparable sales of unimproved land, and serviced by the existing infrastructure, and with the development restrictions of the Specific Plan, and with the understanding that such value shall not exceed $80,000 per acre.

1.6 Assignment. "Assign" shall have the meaning set forth in § 14.1.1 below. All forms of use of the verb "assign" and the nouns "assignment" and "assignee" shall include all contexts of hypothecations, sales, conveyances, transfers, leases, and assignments.

1.7 Authorizing Ordinance. "Authorizing Ordinance" means Ordinance No. 1451 approving this Agreement, introduced on March 27, 2012 and adopted on April 10, 2012.

1.8 Building Permit. "Building Permit," with respect to any building or structure to be constructed on the Developer's Property, means a building permit for not less than the shell and core of such building or structure issued by the City's Division of Building and Safety.

1.9 CC&R's. "CC&R's" shall have the meaning set forth in Section 14.4 below.

1.10 Certificate of Compliance. "Certificate of Compliance" shall have the meaning set forth in Section 12.2 below.

1.11 Certificate of Occupancy. "Certificate of Occupancy," with respect to a particular building or other work of improvement, means the final certificate of occupancy issued by the City with respect to such building or other work of improvement.

1.12 CFD. "CFD" means a community facilities district for the Project allowed to be formed pursuant to the CFD Act by a Local Agency.

1.13 CFD Act. "CFD Act" means the Mello Roos Community Facilities Act of 1982 (Government Code § 53311 et seq.), as it may be amended from time to time, authorizing the imposition of special taxes to fund capital facilities and services.

1.14 City. "City" means the City of Banning, California.

1.15 City Council. The "City Council" means the governing body of the City.

1.16 City Development Agreement Ordinance. "City Development Agreement Ordinance" means Chapter 17.60 of the Zoning Ordinance which establishes a procedure for the consideration and approval of development agreements pursuant to the Development Agreement Statute.

1.17 City Manager. "City Manager" means the City Manager of City.

1.18 City Wide Traffic Improvements. "City Wide Traffic Improvements" means those traffic improvements identified in the Traffic Impact Mitigation Fee established in Article 7.

1.19 Claims or Litigation. "Claims or Litigation" means any challenge by adjacent owners or any other third parties (i) to the legality, validity or adequacy of the General Plan, Land Use Regulations, this Agreement, Development Approvals or other actions of the City pertaining to the Project, or (ii) seeking damages against the City as a consequence of the foregoing actions, for the taking or diminution in value of their property or for any other reason.

1.20 Dedicate or Dedication. "Dedicate" or "Dedication" means to offer the subject land to the City .

1.21 Default. "Default" refers to any material default, breach, or violation of a provision of this Development Agreement as defined in Section 13 below. "City Default" refers to a Default by the City, while "Developer Default" refers to a Default by the Developer.

1.22 Developed Property. "Developed Property" shall mean residential property for which a certificate of occupancy has been issued or a final inspection conducted.

1.23 Development Goals. "Development Goals" shall have the meaning set forth in Section 6.2 below.

1.24 Developer's Property. "Developer's Property" means the 1543 acres of land, more or less, described in Exhibit A in which Developer holds a legal or equitable interest and upon which the Project will be developed.

1.25 Development. "Development" means the improvement of the Developer's Property for purposes of effecting the structures, improvements and facilities composing the Project including, without limitation: grading, the construction of infrastructure and public facilities related to the Project, whether located within or outside the Developer's Property; the construction of structures and buildings; the installation of landscaping; and the operation, use and occupancy of, and the right to maintain, repair, or reconstruct, any private building, structure, improvement or facility after the construction and completion thereof, provided that such repair, or reconstruction takes place during the Term of this Agreement on parcels subject to this Agreement.

1.26 Development Agreement Statute. "Development Agreement Statute" means §§ 65864 through 65869.5 of the Government Code as it exists on the Effective Date.

1.27 Development Approvals. "Development Approvals" means all site-specific (meaning specifically applicable to the Developer's Property only and not generally applicable to some or all other properties within the City) plans, maps, permits, and entitlements to use of every kind and nature. Development Approvals includes, but is not limited to, specific plans, site plans, tentative and final subdivision maps, vesting tentative maps, variances, zoning designations, planned unit developments, conditional use permits, grading, building and other similar permits, the site-specific provisions of general plans, environmental assessments, including environmental impact reports, and any amendments or modifications to those plans,

maps, permits, assessments and entitlements. The term Development Approvals does not include rules, regulations, policies, and other enactments of general application within the City.

1.28 Development Impact Fees. "Development Impact Fees" means the monetary consideration, other than a tax or assessment, charged by the City in connection with mitigating the Project's specific impacts and the development of the public facilities related to the Development of the Project, including those fees, calculated on the basis of the number of residential units or square footage of non-residential development to be constructed, as set forth on Exhibit "D" attached hereto as well as those Development Impact Fees set forth in Exhibit B and being revised. Development Impact Fees do not include Processing Fees.

1.29 Development Plan. "Development Plan" means the Existing Development Approvals, Future Development Approvals and Existing Land Use Regulations.

1.30 Director. "Director" means the City's Director of Community Development or equivalent official.

1.31 Economically Distressed Year. "Economically Distressed Year" means any calendar year in which the number of building permits for single family dwelling units issued in Western Riverside County (includes all cities and unincorporated county territory) are less than 50% of the average number of building permits issued during the prior 25 years, based on the annual report of the California Construction Industry Research Board. For example, for the 25 year period from 1987 to 2011, inclusive, total permits issued were 235,455 and the annual average was 9418. In 2008, 2009, 2010 the total permits issued were 2794, 2717 and 3321, so all three years would have been declared "Economically Distressed" hereunder. If the number of building permits issued in any calendar year are not available from the California Construction Industry Research Board, then the City shall obtain them from any other reliable source measuring the same data over the period.

1.32 Effective Date. "Effective Date" means the date this Agreement becomes effective as set forth in Section 3.5.

1.33 Eligible Facitlities. "Eligible Facilities" means the Proposed Project Facilities and other public facilities, fees and contibutions for public facilities, as described in the Financing Plan.

1.34 Exaction. "Exaction" means Dedications, payment of Development Impact Fees and/or construction of public infrastructure by the Developer as part of the Development of the Project. The development will be subject to all development and/or in lieu fees currently in the process of being studied by the City as indentified in Section 7.22 so long as they are adopted prior to the issuance of building permits for specific portions of the development proposed herein. The amount of the fees shall be as required at the time of issuance of building permits.

1.35 Existing Development Approvals. "Existing Development Approvals" means only the Development Approvals which are listed on Exhibit "B."

1.36 Existing Land Use Regulations. "Existing Land Use Regulations" means those Land Use Regulations applicable to the Property in effect on the Effective Date.

1.37 Financing Plan. "Financing Plan" means Exhibit "H" attached hereto.

1.38 Force Majeure. "Force Majeure" shall have the meaning set forth in Section 19.2 below.

1.39 Future Development Approvals. "Future Development Approvals" means those Development Approvals applicable to the Developer's Property approved by the City after the Effective Date such as tentative tract maps, subdivision improvement agreements and other more detailed planning or engineering approvals.

1.40 General Plan. "General Plan" means the City's General Plan as it exists on the Effective Date, and as expressly amended by (i) General Plan Amendment 11-2501 approved by the City Council concurrently with this Agreement; and (ii) future amendments applicable to the Developer's Property, if permitted, by Article 11.

1.41 Goals and Policies for Financing. "Goals and Policies for Financing" or "Goals and Policies" means the City's goals and policies adopted in accordance with Section 5.2.1.

1.42 Golf Course/Active Open Space. "Golf Course/Active Open Space" means the area containing all of Planning Area 35 and Planning Area 39 as described in the Specific Plan and Sections 5.3 and 5.9.10 below.

1.43 Grading Permit. "Grading Permit" means a permit issued by the City's Division of Building and Safety which allows the excavation or filling, or any combination thereof, of earth.

1.44 Improvement Area. "Improvement Area" shall have the meaning set forth in Section 5.1 below.

1.45 Innocent Owner. "Innocent Owner" shall have the meaning set forth in Section 13.6 below.

1.46 LAFCO. "LAFCO" means the Riverside County Local Agency Formation Commission.

1.47 Land Use Regulations. "Land Use Regulations" means those ordinances, laws, statutes, rules, regulations, initiatives, policies, requirements, guidelines, constraints, codes or other actions of the City which affect, govern, or apply to the Developer's Property or the implementation of the Development Plan. Land Use Regulations include the ordinances and regulations adopted by the City which govern permitted uses of land, density and intensity of use and the design of buildings, applicable to the Property, including, but not limited to, the General Plan, the Specific Plan, zoning ordinances, development moratoria, implementing growth management and phased development programs, ordinances establishing development exactions, subdivision and park codes, any other similar or related codes and building and

improvements standards, mitigation measures required in order to lessen or compensate for the adverse impacts of a project on the environment and other public interests and concerns or similar matters. The term Land Use Regulations does not include, however, regulations relating to the conduct of business, professions, and occupations generally; taxes and assessments; regulations for the control and abatement of nuisances; building codes; encroachment and other permits and the conveyances of rights and interests which provide for the use of or entry upon public property; any exercise of the power of eminent domain; or similar matters.

1.48 Legal or Equitable Interest. "Legal or Equitable Interest" means (i) an option or purchase agreement or (ii) fee title evidenced by appropriate title insurance issued in favor of the Developer.

1.49 LMD. "LMD" means the Landscape and Maintenance District established pursuant to Streets and Highways Code § 22500 et seq. to fund parks, parkways, City rights of way landscaping and common areas.

1.50 Local Agency. "Local Agency" means any public agency authorized to levy, create or issue any form of land secured financing over all or any part of the Project, including, but not limited to, the City.

1.51 Lot. "Lot" means any of the parcels legally created within the Project as a result of any approved final subdivision, parcel or tract map, pursuant to the Subdivision Map Act or recordation of a condominium plan pursuant to Civil Code § 1352 .

1.52 Master Tract Map. "Master Tract Map" (or "A Map") means a large scale tract map covering one or more complete Planning Areas which will include all infrastructure necessary to develop the tract and a phasing plan as to the development of the infrastructure and the subsidiary subdivisions within the tract. The Master Tract Map is a subdivision map within the meaning of the Subdivision Map Act and shall meet the requirements of the Act and of this Agreement. The Master Tract Map may also be a financing map for purpose of financing the development of the Project or the conveyance of large lots and may not require the actual construction of improvements.

1.53 Mortgage. "Mortgage" means a mortgage, deed of trust, sale and leaseback arrangement or other transaction in which all, or any portion of, or any interest in, the Developer's Property is pledged as security.

1.54 Mortgagee. "Mortgagee" refers to the holder of a beneficial interest under a Mortgage.

1.55 Mortgagee Successor. "Mortgagee Successor" means a Mortgagee or any third party who acquires fee title or any rights or interest in, or with respect to, the Developer's Property, or any portion thereof, through foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination, or otherwise from, or through, a Mortgagee. If a Mortgagee acquires fee title or any right or interest in, or with respect to, the Developer's Property, or any portion thereof, through foreclosure, trustee's sale or by deed in lieu of foreclosure and such Mortgagee subsequently conveys fee title to such portion of the Developer's Property to a third party, then such third party shall be deemed a Mortgagee Successor.

1.56 Municipal Code. "Municipal Code" means the City's Municipal Code as it existed on the Effective Date and as it may be amended from time to time consistent with the terms of this Agreement.

1.57 Non-Defaulting Party. "Non-Defaulting Party" shall have the meaning set forth in Section 13.1 below.

1.58 Owner. "Owner" means Pardee Homes and any successors during the period of time that each such person or entity owns fee title to any portion of the Developer's Property prior to the development of such portion of the developer's Property and subject to the terms of this Agreement.

1.59 Park fees. "Park Fees" means Development Impact Fees levied by the City for Open Space and Park Development pursuant to Chapter 15.68 of the Municipal Code.

1.60 Phase. "Phase" shall have the meaning set forth in Section 6.2 below.

1.61 Phasing Plans. "Phasing Plans" shall mean the detailed plans for development of the Proposed Project Facilities and other infrastructure and for the Project which are developed pursuant to Section 6.5 as a part of processing the Subdivision Maps.

1.62 Planning Area. "Planning Area" means each of the 75 planning areas described in the Specific Plan, and shown on Exhibit "A."

1.63 Planning Commission. "Planning Commission" means the City's Planning Commission.

1.64 Pre-Qualified Buyer. "Pre-Qualified Buyer" means a publicly traded builder or developer or a privately held merchant builder with a minimum net financial worth of Five Million Dollars ($5,000,000) who has constructed at least 75 homes in California during the preceding five year period.

1.65 Property Owner's Association or POA. "Property Owner's Association" or "POA" means one or more association formed among the owners of real estate located within the Property (as the same may be subdivided from time to time), including, but not limited to, one or more associations of homeowners and/or other associations of owners of industrial, commercial, educational and retail property.

1.66 Processing Fees. "Processing Fees" means (i) the City's normal fees for processing, environmental assessment/review, tentative tracts/parcel map review, plan checking, site review, site approval, administrative review, building permit (plumbing, mechanical, electrical, building), inspection and similar fees imposed to recover the City's costs associated with processing, review and inspection of applications, plans, specifications, etc., and (ii) fees and charges levied by any other public agency, utility, district or joint powers authority, whether or not City is a member of such body or such fees are collected by the City, and whether or not such fees are used for maintenance or capital outlay purposes.

1.67 Project. "Project" means the Development of the Developer's Property, pursuant to this Agreement and the Existing Land Use Regulations, as depicted on Exhibit "B" attached hereto.

1.68 Proposed Project Facilities. "Proposed Project Facilities" means those improvements set forth on Exhibit "F" attached hereto or otherwise included in conditions of approval of the maps.

1.69 Reimburse or Reimbursement. "Reimburse" or "Reimbursement" means the provision by the City of cash or credit in return for land, goods or services provided by Pardee Homes.

1.70 Reservations of Authority. "Reservation of Authority" shall have the meaning set forth in Article 11 below.

1.71 Services Special Tax. "Services Special Tax" shall mean the special tax authorized to be levied by the CFD(s) established over the Developer's Property to alleviate the negative fiscal impact of the Project on City services as established by the Fiscal Impact Analysis ("FIA") and as further described in Section 5.3 below.

1.72 Specific Plan. "Specific Plan" means the Butterfield Specific Plan, prepared by RBF Consulting and approved by the City Council by Ordinance No. 1450 introduced on March 27, 2012, adopted on April 10, 2012.

1.73 Subdivision Map. "Subdivision Map" (or "B Map") means the subsidiary subdivision maps for the development of any Tract which shall be consistent with the conditions of the Master Tract Map and shall contain its own phasing plan for the installation of the infrastructure and other improvements within the subdivision. All subdivision maps shall meet the requirements of the Subdivision Map Act including § 66473.7 (See 65867.5).

1.74 Subdivision Map Act. "Subdivision Map Act" means Government Code § 66412 et seq. as implemented by Title 16 of the Municipal Code.

1.75 Taxes. "Taxes" means general or special taxes, including but not limited to ad valorem property taxes, sales taxes, transient occupancy taxes, utility taxes or business taxes of general applicability citywide which do not burden the Developer's Property disproportionately to similar types of development in the City and which are not imposed as a condition of approval of a development project. Taxes do not include Development Impact Fees, Processing Fees or Traffic Control Facility Fees.

1.76 Ten or 10th Year Anniversary Review. "Ten Year Anniversary Review" means the review performed upon each 10th anniversary of the Effective Date as provided in Section 6.6.

1.77 Term. "Term" means that period of time during which this Agreement shall be in effect and bind the Parties, as defined in Article 6.7 below.

1.78 Traffic Control Facility Fee. "Traffic Control Facility Fee" means the fee set forth in Exhibit "B" attached hereto.

1.79 Transfer. "Transfer" shall have the meaning set forth in Article 14 below.

1.80 Trigger Percentages. "Trigger Percentages" shall have the meaning set forth in Section 14.1.1 below.

1.81 TUMF. "TUMF" means the Transportation Uniform Mitigation Fee promulgated by the Western Riverside Council of Governments and implemented by Chapter 15.76 of the Municipal Code.

1.82 Zoning Code. "Zoning Code" means Title 17 of the Municipal Code as it existed on the Effective Date except (i) as amended by any zone change relating to the Developer's Property approved concurrently with the approval of this Agreement, including Zone Change No. 11-3501, and (ii) as the same may be further amended from time to time consistent with this Agreement.

2. EXHIBITS.

The following are the Exhibits to this Agreement:

Exhibit "A": Map and Legal Description of the Developer's Property

Exhibit "B": Existing Development Approvals/Fee Studies

Exhibit "C": Estoppel Certificate

Exhibit "D": Development Impact Fees

Exhibit "E": Additional Agreements Concerning Development

Exhibit "F": Proposed Project Facilities

Exhibit "G": Highland Springs Avenue Improvements

Exhibit "H": Butterfield Project Financing Plan

3. TERM.

3.1 Term. The term of this Development Agreement (the "Term") shall commence on the Effective Date and shall continue for a period of forty (40) years, subject to review, as called for in Section 6.2 below, to determine whether the Development Goals have been met, and reduction in the Term of five (5) years for each time the Development Goals of a Phase are not met and extensions for Economic Distress, as provided in Sections 6.6.5 and 6.7 below.

3.2 Termination Upon Completion of Construction. This Agreement shall terminate with respect to any Lot, and such Lot shall be released and no longer subject to this Agreement, without the execution or recordation of any further document, when a certificate of occupancy has been issued for the last building on the Lot or, if no certificate is issued, when the final inspection for the last building on the Lot has taken place.

3.3 Termination for Default. This Agreement may be terminated due to the occurrence of any default in accordance with the procedures in Article 13.

3.4 Extension of the Term: The Term shall be extended by one (1) year for each Economically Distressed Year occurring during any Phase up to a maximum of three (3) years for any Phase.

3.5 Effective Date. This Agreement shall become effective upon the date thirty (30) days after the adoption of the Authorizing Ordinance if no Claim or Litigation have been filed which would prevent the Authorizing Ordinance from taking effect. If such a Claim or Litigation has been filed, then the Effective Date shall be the date that the Claim or Litigation has been successfully resolved in the City's favor, and the time for any further judicial review has run, so that the Authorizing Ordinance shall be effective. The City shall give Developer notice as to the date established as the Effective Date. The Effective Date is not otherwise tolled for any other Force Majeure as described in Section 19.2.

4. DEVELOPMENT OF THE DEVELOPER'S PROPERTY.

4.1 Right to Develop. During the Term, the Developer shall have a vested right to develop the Developer's Property (subject to Article 11 below) to the full extent permitted by the Development Plan and this Agreement. Except as provided within this Agreement, the Development Plan shall exclusively control the development of the Developer's Property (including the uses of the Developer's Property, the density or intensity of use, the maximum height and size of proposed buildings, the provisions for reservation or dedication of land for public purposes and the design, improvement and construction standards and specifications applicable to the Project). The maximum number of residential units authorized to be constructed hereunder and the approximate acreage of commercial development, without regard to any density bonus or incentive or concession for child care pursuant to Government Code §§ 65915 through 65918 or other similar legislation or regulation, is 5,387 units and approximately 36-acres of commercial development. In furtherance of the foregoing, the Developer retains the right to apportion the uses, intensities and densities, between itself and any subsequent Owners, upon the sale, transfer, or assignment of any portion of the Property, so long as such apportionment is consistent with the Existing Land Use Regulations and this Agreement.

4.2 Right To Future Approvals. Subject to the City's exercise of its police power authority as specified in Article 11 below, the Developer shall have a vested right: (i) to receive from the City all future Development approvals for the Developer's Property that are consistent with, and implement, the Existing Land Use Regulations and this Agreement; (ii) not to have such approvals be conditioned or delayed for reasons which are inconsistent with the Existing Land Use Regulations or this Agreement; and (iii) to Develop the Developer's Property in a manner consistent with such approvals in accordance with the Existing Land Use

Regulations and this Agreement. All future Development Approvals for the Developer's Property, including without limitation General Plan amendments, zone changes, or parcel maps or tract maps, shall upon approval by the City, be vested in the same manner as provided in this Agreement for the Existing Land Use Regulations, for the term of this Agreement.

4.3 Existing Development Approvals. Only those items specifically set forth on Exhibit "B" hereto are deemed Existing Development Approvals for purposes of this Agreement. Any approvals not included within Exhibit "B" shall not apply to the Project with the exception of those reservations set forth in Article 11 below.

4.4 Specific Plan. Land use and Development of the Property shall be governed by the Specific Plan and this Agreement. Notwithstanding any other provision of this Agreement, the Developer shall have the right, but not the obligation, to Develop the Developer's Property for the uses specified in the Specific Plan at the locations specified in the Specific Plan.

4.5 Priority Of Specific Plan. The City has determined that the Specific Plan is consistent with the General Plan and the Zoning Code. As such, the Specific Plan shall be the primary document governing the use and Development of the Developer's Property and, in the event of a conflict, shall prevail over any other of the Existing Land Use Regulations except for this Agreement, which prevails over the Specific Plan.

4.6 Later Enacted Measures. This Agreement is a legally binding contract which will supersede any initiative, measure, moratorium, statute, ordinance, or other limitation enacted after the Effective Date, except as provided in Article 11. Any such enactment which affects, restricts, impairs, delays, conditions, or otherwise impacts the implementation of the Development Plan (including the issuance of all necessary Future Project Approvals or permits for the Project) in any way contrary to the terms and intent of this Agreement shall not apply to the Project unless otherwise provided by State law.

4.7 Impact Fee Studies. As provided in Section 7.2, studies for certain Development Impact Fees, listed in Exhibit "D," will be performed after the Effective Date of this Agreement and shall become a part of the Existing Development Approvals. Additionally, Development Impact Fees are subject to review and adjustment as a part of the 10 Year Anniversary Reviews, in accordance with Section 6.6. The cost of performing the studies may be included in the fees.

5. FINANCING AND THE CITY'S OBLIGATIONS.

5.1 Formation of CFD(s) and LMDs. Subject to the provisions of this Article 5, some or all of the Eligible Facilities shall be funded through the City's formation of one or more CFDs and the levy of a special tax of the CFD(s) (the "Facilities Special Tax") and issuance of bonds secured by the Facilities Special Tax (the "Bonds") in accordance with the Financing Plan set forth in Exhibit H. Such CFD(s) shall, pursuant to Section 5.3, also be authorized to finance certain City public services costs (incurred as a result of Development of the Developer's Property) through the levy of a special tax, in the not to exceed amount set forth in the Financing Plan, on each residential unit located within the boundaries of such CFD(s) (the

"Services Special Tax"). Additionally, landscape maintenance districts ("LMDs") may be formed under Section 5.6.

5.1.1. Procedures for Formation. The City and the Developer shall cooperate in good faith to form one or more (i) CFDs and/or designate improvement areas therein (the "Improvement Areas"), (ii) LMDs and designate improvement areas therein (also "Improvement Areas"), and (iii) CFDs for the Special Services Tax (collectively referred to herein as the "Financing Districts"), which are consistent with the Financing Plan and which in the aggregate will encompass and encumber the Developer's Property. Final terms and conditions regarding the formation of the Financing Districts, their boundaries, Improvement Area boundaries, the rate and method of apportionment of the Services Special Taxes and Facilities Special Taxes to be levied in any CFD, LMD and/or Improvement Area (including any tax zones therein), any acquisition or construction agreements related thereto, and the terms of one or more series of Bonds to be issued in conjunction therewith shall be determined jointly by City and the Developer in accordance with the Financing Plan and the City's Goals and Polices for Financing . In conjunction with the formation of any Financing District, the Developer and the City shall cooperate in good faith to negotiate and finalize any acquisition and funding agreement prior to the formation of the first Financing District addressing the terms of construction, acquisition and financing of any of the Eligible Facilities to be funded by the Financing District (such agreement to be referred to herein as the "Acquisition Agreement"). Developer shall cooperate in the establishment of the levy over Developer's Property and not exercise any rights of protest.

5.1.2. Timing of Formation. Developer shall prepare all studies and submit all documents necessary to form the Financing Districts within one year after the adoption of City's Goals and Policies for Financing. After Developer has initiated formation of the Financing Districts, City shall form the Financing Districts consistent with the City's adopted Goals and Policies for Financing and State Law. City shall complete formation proceedings within 180 days after Developer makes the necessary submission. The Developer shall indemnify the City and hold it harmless against Claims or Litigation brought in connection with the formation of the Financing Districts.

5.1.3. Failure to Form Financing Districts. If any of the contemplated Financing Districts are not formed, or formed but not in accordance with the terms of this Agreement, through the failure of one Party to perform its obligations pursuant to Section 5.1, the other Party shall have the right, but not the obligation, to terminate this Agreement upon providing 30 days written notice to the Party which has failed to perform prior to the actual termination date.

5.2 Adoption of Goals and Policies for Financing. Before the Developer undertakes development of any units, the City shall retain a financial advisor and prepare a City-wide policy for undertaking land based CFD and assessment financing. The draft policy will be reviewed with the Developer and the City shall in good faith consider any comments made by the Developer on the draft policy. The goals and policies for Financing shall be adopted within 180 days after the Effective Date and shall be consistent with Exhibit H, including the Financing Parameters described therein. The goals and policies shall be adopted by Council by resolution and thereafter be the Goals and Policies for Financing. The City may amend the Goals and

Polices for Financing from time to time, and will be a part of the Existing Land Use Regulations hereunder, but such amendment shall not apply to the Development unless they are consented to by Developer.

5.3 Services Special Tax. The final Fiscal Impact Analysis prepared by the City's consultant, Willdan Financial Services, dated September 16, 2011, (the "FIA") demonstrates an overall negative fiscal impact on certain City public service costs incurred as a result of Development of the Developer's Property, including without limitation, the City's costs for police and fire services. The FIA demonstrates that such negative fiscal impact can fully be mitigated by an annual Services Special Tax, implemented as required by this Section 5.3 and the Financing Plan set forth in Exhibit "H" attached hereto. The annual services Special Tax shall not exceed $ 115 per dwelling unit of greater than 1820 square feet of habitable area and $92 per dwelling unit of 1820 or less square feet of habitable area in fiscal year 2013-14 and shall increase each fiscal year thereafter by 3%. The Services Special Tax may be levied in perpetuity and shall only be levied by the CFD(s) formed pursuant to Section 5.1 on residential parcels classified as Developed Property, but Developer shall cooperate in the establishment of the levy over Developer's Property and not exercise any rights of protest.

5.4 Planning Area 19, 35, 39 and 71 Drainage Facilities. In the event that the Developer, in its sole and absolute discretion, determines that the Golf Course is financially infeasible, the flood control improvements within Planning Areas 35 and 39 shall be considered Proposed Project Facilities and may be funded through the CFD(s). If this occurs, then portions of the land within Planning Areas 35 and 39 will be dedicated as public open space and the remaining portions dedicated to flood control appurtenances, to be transferred to the City or the Riverside County Flood Control District upon completion of the flood control facilities on such site and shall be improved to the Master Plan Standards of District. Plans for developing the necessary improvements shall be developed as a part of the Phasing Plans pursuant to Section 6.5, but improvements may not be required until the City Engineer determines that development will (i) intrude into the flood plan or (ii) cause the alteration of Smith Creek. The City Engineer may approve temporary improvements until the scale of the portion of the Project completed requires permanent structures. Upon transfer of the portions of the Planning Areas relating to the flood control facilities to the City or District, if the CFD(s) are formed or, as soon thereafter as the CFD(s) are formed, the City shall pay the agreed upon construction costs to the Developer from available CFD Proceeds in accordance with the Financing Plan. (Also see Sections 8.1.3. and 8.2.)

5.5 Reimbursement Agreements. If, and to the extent that, the Developer constructs or installs any infrastructure and/or facilities that have a capacity or size in excess of that required to serve the Project or to mitigate its impacts, the City shall reimburse the Developer for all costs and expenses incurred by the Developer in constructing such improvements for that portion of the Dedications, public facilities and/or infrastructure that the City, pursuant to this Agreement, may require pursuant to the Existing Land Use Regulations. The City further shall adopt ordinances, including but not limited to those authorized by Government Code § 66485 et seq., as may be required in order to impose a reimbursement obligation on other properties which may be served or benefited by the oversized infrastructure or facilities. The terms of the Reimbursement Agreements shall otherwise be consistent with the City's forms generally used with all other development projects of over 200 units. Such

reimbursement shall be paid to the Developer at the earliest opportunity out, and upon collection, of available fees from benefited developments so long as consistent with City's other contractual obligations. Repayment shall not extend beyond the Term of this Agreement.

5.6 Landscape Maintenance Districts. The City shall take, and Developer shall support, all steps necessary to establish LMD(s) or other maintenance districts, to fund maintenance of City parks, parkways, City rights of way landscaping, and common areas as provided in Section 5.1. The Developer shall make a deposit to pay the cost for review and approval of all agreements, studies, analysis and actions necessary for the establishment of the LMD(s).

5.7 Reimbursement for Pre-Approval Costs. The City shall provide fee credits to the applicable DIFs, as set forth below, for those residential units for which Commencement of Construction occurs by the twelfth anniversary of the Effective Date, but not more than for the first 1200 units. "Commencement of Construction" as used herein shall have the same meaning as under Section 6.3. The units eligible for fee credits for reimbursement shall be those of the 1200 which are not eligible for the incentive provided for in Section 6.8. If the incentive is taken in accordance with Section 6.8, then the amount of the credit for each unit for each fee shall be determined by taking the amount of cost to be reimbursed and dividing it by 1200 minus the number of units eligible for the incentive. As an example, if the total amount of the cost to be reimbursed is $227,500 and the number of units eligible for the incentive is 400, then the amount of the credit for each unit after the first 400 within the 12 years following the Effective Date will be $227,500/(1200-400) = $227,500/800 = $284 rounded to the nearest dollar. These fee reimbursements may be included in the subsequent fee studies performed pursuant to Section 7.2.2. [The per unit figure shown below assumes the credit is taken over 1200 units.]

5.7.1.1 A fee credit against updated Sewer Sanitary Fee and Recycled Water Fee of $227,500 or $189.60 per unit for the Corollo Study related to the sewer and recycled water master plans.

5.7.1.2 A fee credit against the updated Domestic Water Fee of $1,115,000 or $929.17 per unit for the consultant time related to the preparation of the City's 2010 Urban Water Management Plan.

5.7.1.3 A fee credit against the proposed revised Traffic Control Facility Fee of $105,000 or $875 per unit for the consultant time related to the preparation of the Traffic Impact Analysis and related traffic fee prepared documents.

5.7.1.4 A fee credit against the proposed revised Traffic Control Facility Fee of $45,000 or $375 per unit for the development of Citywide fees related to the Traffic Impact Fees study or other fee studies required as a result of entitlement activities.

5.7.1.5 A fee credit against the proposed revised Traffic Control Facility Fee or other appropriate fee of $550,000 or $462.50 per unit for the consultant time and plan preparation for required studies related to pre-project improvements to Highland Springs near the I-10 freeway.

5.7.1.6 A fee credit against the General Plan Fee of $187,500 or $156 per unit for the General Plan Traffic Circulation Element Amendment preparation.

5.8 Obligations of Developer Respecting Financing; No Speculation. Except as specifically provided herein, it is expressly understood that the Developer is fully responsible for the cost of the Project and obtaining any necessary construction or long term financing therefore. The Developer's Property shall be used solely to support the development of the Project and may not be pledged as security to support financing for any other purpose, in accordance with Article 18.

6. TIME FOR CONSTRUCTION AND COMPLETION OF PROJECT.

6.1 Timing of Development. The Parties acknowledge that the substantial public benefits to be provided by the Developer to the City pursuant to this Agreement are in consideration for, and in reliance upon, assurances that the City will permit Development of the Developer's Property in accordance with the terms of this Agreement. Accordingly, the City shall not attempt to restrict or limit the Development of the Developer's Property in any manner that would conflict with the provisions of this Agreement. The City acknowledges that the Developer cannot at this time predict the timing or rate at which the Developer's Property will be Developed. The timing and rate of Development depend on numerous factors such as market demand, interest rates, absorption, completion schedules and other factors, which are not within the control of the developer or the City. In Pardee Construction Co. v. City of Camarillo (1984) 37 Cal.3d 465, the California Supreme Court held that a construction company was not exempt from a city's growth control ordinance notwithstanding that the construction company and the city had entered into a consent judgment (tantamount to a contract under California law) establishing the company's vested rights to develop its property in accordance with the zoning. The California Supreme Court reached this result on the basis that the consent judgment failed to address the timing of development. It is the intent of the Parties to avoid the result of the Pardee case by acknowledging and providing in this Agreement that the Developer shall have the vested right to Develop the Developer's Property in such order and at such rate and at such time as the Developer deems appropriate, but in accordance with the Development Goals and the phasing plans developed in accordance with Section 6.5, and in accordance with other terms hereof or in the Development Approvals related to project phasing and timing. In addition to, and not in limitation of, the foregoing, but except as set forth in the following sentence, it is the intent of the Parties that no City moratorium or other similar limitation relating to the rate or timing of the Development of the Developer's Property or any portion thereof, whether adopted by initiative, referendum or otherwise, shall apply to the Developer's Property to the extent that such moratorium, referendum or other similar limitation is in conflict with this Agreement. Notwithstanding the foregoing, the Developer acknowledges that nothing herein is intended or shall be construed as (i) overriding any provision of the Existing Land Use Regulations to the phasing of development of the Project; or (ii) restricting the City from exercising the powers described in Section 11 of this Agreement to regulate development of the Property. Nothing in this Section 6.1 is intended to excuse or release the Developer from any obligation set forth in this Agreement which is required to be performed on or before a specified calendar date or event without regard to whether or not one or more Owners proceeds with any portion of the Project. The City acknowledges that the Project Phasing set forth in the Specific Plan does not require

that the Project be Developed in any specific order but, instead, are illustrative of how the Project may be Developed. The Project Phasing instead is controlled by this Agreement.

6.2 Development Goals. Notwithstanding the provisions of Section 6.1, the Developer must achieve certain goals and objectives in terms of Project development in order to keep the Agreement in place for the full term contemplated in Section 3.1. The development of the Project will be reviewed at each Ten Year Anniversary Review. The Development Goals are as follows:

Phase I (10th Anniversary)	▪ Development will begin near the corner of Highland Springs and Wilson unless otherwise agreed ▪ 1,200 Residential Units to be constructed ▪ Commercial retail development per 6.2.4 ▪ Outlet for Smith Creek and other improvements in Section 6.2.3.
Phase II (20th Anniversary	▪ 1,600 residential units to be constructed
Phase III (30th Anniversary)	▪ 1,400 residential units to be constructed
Phase IV (40th Anniversary)	▪ 1,187 residential units to be constructed

6.2.1. Cumulative Measure of Units. The Development Goals for each Phase shall be cumulative, e.g., if the Developer has constructed 2000 Residential Units in Phase I and 1000 Residential Units in Phase II, then the Developer will have met the Development Goal for Phase II even though less than 1500 Residential Units were constructed during Phase II.

6.2.2. More Detailed Phasing Plans Developed. Within each Phase, as defined above, more detailed phasing plans for each subdivision shall be developed in accordance with Section 6.5, and are subject to the City's review and approval as conditions of approval of the Tract or Subdivision Map and, as approved, shall become a part of the Existing Approvals.

6.2.3. Additional Phase I Development. In addition to the residential unit Development Goals, Phase I shall also include: (i) commercial development as specified in Section 6.2.4, (ii) the outlet for the Smith Creek flood control improvements at Wilson, (iii) the preparation and dedication of the Recreation/Emergency Center site described in Section 8.1.4, (iv) the satellite water treatment plant described in Section 8.3, (v) the water tanks described in Section 8.5; and (vi) such other Proposed Project Facilities as required by the Specific Plan and the Phasing Plans approved pursuant to Section 6.5. Notwithstanding the specification of timing as provided herein, with the approval of the City Manager, any public improvement required herein may be deferred for good cause.

6.2.4. Commercial Development. A minimum 23-acre retail-commercial site at the corner of Highland Springs and Wilson (Planning Area 18) will be prepared as a part of Phase I, and concurrently with the development undertaken pursuant to Section 6.8. Site preparation

shall require the grading of the Site, construction of surrounding streets, and bringing all necessary utilities and infrastructure for development. Developer shall also demonstrate a good faith effort undertaken over at least a five (5) year period to market the site for sale or lease to a suitable user. Additionally, Developer shall maintain the potential to expand the site to as much as 88 acres to permit a larger commercial development, provided that such expanded project obtains any necessary entitlements. Developer shall advise City within five (5) years of the Effective Date as to what interest there might be in the expanded project and the parties will mutually agree as to the scope of the project. The timely preparation and attempts to market this site is required for completion of Phase I and is subject to the same treatment as the residential units (i.e. phasing period can be prolonged for economic distress and the Term of Agreement can be shortened pursuant to Section 6.7). The goal of the City is to locate a significant sales tax generating "big box user" as the major tenant of the project. Accordingly, City retains the right to approve the major tenant in the project (tenants over 75,000 sq. ft), in accordance with the provisions in Article 14 as a transferee by lease or sale.

6.2.5. Extensions of Phases. The length of each Phase for the purposes of this Section 6.2 shall be extended by one (1) year for each Economically Distressed Year occurring during the Phase, up to a maximum of three (3) years as provided in Section 6.6.5.

6.3 Development Goals Satisfied By Commencement of Construction. The Development Goals for residential units specified above are satisfied if construction has commenced. "Commencement of Construction" of a residential unit means that building plans have been approved, that a building permit has been issued and that construction has commenced on the unit. The unit shall not be counted if the building permit expires without completion of the unit.

6.4 Public Improvements. The Parties understand and agree that the Specific Plan identifies the public infrastructure and though it contains phasing concepts, it does not specify precisely the phasing of the construction of public infrastructure. The development phasing will be consistent with the Specific Plan and this Agreement. The City desires that required public infrastructure generally be constructed in the early portion of the applicable phase of the development cycle subject to the guidelines specified below. In consideration of the foregoing, notwithstanding any provision herein to the contrary, the City shall retain the right to condition any Future Approvals to require Developer to dedicate necessary land, pay the development fees specified in Article 7, and/or to construct the required public infrastructure ("Exactions"), at such time as City shall determine in accordance with the process in Section 6.5 and subject to the following conditions:

A. The dedication, payment or construction must be to alleviate an impact caused by the Project or be of benefit to the Project; and

B. The timing of the Exaction should be reasonably related to the phasing of the development of the Project and said public improvements shall be phased to be commensurate with the logical progression of the Project development as well as the reasonable needs of the public and the improvements shall be completed based upon the needs of the general public existing from time to time.

When the Developer is required by this Agreement and/or the Development Plan to construct any public improvements which will be dedicated to the City or any other public agency, upon completion, and if required by applicable laws to do so, the Developer shall perform such work in the same manner and subject to the same construction standards as would be applicable to the City or such other public agency should it have undertaken such construction work. The Developer shall pay prevailing wages as required by law.

6.5 Development of Phasing Plans During Subdivision Map Approvals. The phasing and timing requirements for the construction of all development including public improvements shall generally be in accordance with the Development Approvals and applicable provisions of this Agreement (For example, Sections 6.2, 6.4, 6.5, 7.3, 8.0, etc.). Although the overall timing of Project development remains subject to the Developer's discretion based on market conditions in accordance with Section 6.1, there is a logical sequence to the development and certain improvements are required to be complete before phases of the Project can be considered complete and ready for occupancy. The Phasing Plan will be developed over time in accordance with the following process:

6.5.1. Master Phase Tract Map. Each Phase shall have a Master Tract Map which shall be submitted for financing and conveyance purposes only and no improvements may be constructed nor shall development be permitted pursuant to such approved Tract Map except through submission and approval of tentative and final Subdivsion Maps. Concurrently with processing of the Master Tract Map, all tentative Subdivision Maps for the Tract shall be submitted and processed.

6.5.2. Subdivision Maps. Each Master Tract Map shall designate future subdivisions within the Tract and the order of subdivision development to the extent that the need for development of public infrastructure dictates the logical progression of subdivision development. Each Subdivision Map shall show all infrastructure necessary for the development of the Subdivision. Each subdivision will have a written Phasing Plan approved by the Director and the City Engineer prior to commencement of development of the subdivision specifying when the lots within the subdivision will be developed and when all public infrastructure within the subdivision will be constructed. Generally all streets, lighting, curbs and gutters, sidewalks, parkway landscaping, asphalt concrete paving, traffic signs and stripping, medians, landscaping, drainage facilities, storm drains, water lines, sewer lines, utility lines, trails and other facilities within the subdivision must be completed before release of any occupancy permits within the subdivision. All conditions which require the provision of Proposed Project Facilities and Subdivision Improvements for the area covered by each tentative Subdivision Map must be satisfied, either through performance or through the provision of suitable security, prior to the approval and recordation of the Subdivision Map.

6.5.3. Proposed Project Facilities. Attached as Exhibit "F" are diagrams showing Proposed Project Facilities and depicting the major public infrastructure of the development, including roadways, detention basins, water lines, sewer lines, recycle water lines, utilities, storm drains and drainage facilities, treatment plants, power substations, community parks, community centers, fire stations, and other infrastructure serving area-wide populations. The Proposed Project Facilities serve multiple subdivisions, and may need to be constructed in the initial phase of a particular Tract, or even before certain Tracts can be developed. The

detailed phasing of construction will be provided through the Master Tract and Subdivision Phasing Plans, and subject to Section 6.4.

6.5.4. Time for Map Submission. The Developer shall submit all applications for tentative, or vesting tentative, Master Tract Maps and, concurrently with each application for a Master Tract Map, the applications for tentative, or vesting tentative, Subdivision Maps thereof within five (5) years of the Effective Date for the City's review and approval.

6.6 Ten Year Anniversary Review.

6.6.1. Generally. On or about each Tenth Anniversary of the Effective Date as provided herein, the City shall conduct the Ten Year Anniversary Review") the City and the Developer review to shall review the performance of this Agreement, and the development of the Project to see if the Development Goals have been met. The cost of the Annual Review shall be borne by the Developer and the Developer shall pay a reasonable deposit in an amount requested by City to pay for such review.

As part of each Ten Year Anniversary Review, sixty (60) days before each tenth anniversary of this Agreement, the Parties shall mutually meet and outline the review process, including (i) the information needed and formats, (ii) the schedule for performing the review, (iii) indentifying any needed consultants and studies, (iv) the adequacy of current DIFs and any anticipated need for changes, (v) any adjustments to needed public infrastructure, (vi) the estimated deposit needed to pay the City's costs of performing the review, and (vii) other matters necessary for the review.

The Developer shall deliver to the City all information reasonably requested by City (i) regarding the Developer's performance under this Agreement demonstrating that the Developer has complied in good faith with the terms of this Agreement and (ii) as required by this Agreement or the Existing Land Use Regulations. The Developer's submittal shall include a written explanation of any reasons why the Development Goals were or were not met, and any request for the modification of future Development Goals in the next 10 year period, and the reasons therefore.

The Developer shall submit its report on or before the Tenth Anniversary. Thereafter, the Director shall prepare and submit to City Council a written report on the performance of the Project. The Developer's written response shall be included in the Director's report. The report and recommendations to Council shall be made within 45 days of the anniversary, and a public hearing shall be held thereon.

6.6.2. Adjustment to DIFs. As provided in Section 7.2.2, all Development Impact Fees are subject to adjustment as put of the Ten Year Anniversary Review provided (i) the adjustment is based on the preparation a suitable analysis by an independent professional consultant experienced in performing such studies demonstrating the basis for the increase, (ii) the study is performed on a City-wide basis and applies to all development projects of 200 or more residential units, (iii) all infrastructure financed is included within the City's General Plan and capital projects master plan, (iv) the study demonstrates a reasonable nexus to

the Project and the fees are proportionate to the benefit received. The Development Impact Fees shall not contain any escalators but the studies justifying the fees may use cost numbers which recognize the ten year horizon of each study.

6.6.3. Parties Can Alter Development Goals Objectives. The Development Goals for the next Ten Year Anniversary Review period as set forth in Section 6.2 may be modified with the mutual agreement of the Parties at the time of the hearing set forth in Section 6.6.1. Unless the Parties reach agreement for modification, the Development Goals will remain as provided therein.

6.6.4. No Other Changes to Development Plan. Other than the Development Impact Fee adjustments provided in Section 6.6.2 which may be unilaterally approved by City subject to performing the required studies, no other changes to the Development Approvals may be made by City without the consent of Developer. Nothing herein shall restrict the City's reservations of rights under Article 11.

6.6.5. Extensions Due to Economic Distress.

6.6.5.1 Determination of Distress. As provided in Section 6.2.4, the Phases can be extended up to three (3) years due to the occurrence of an Economically Distressed Year(s). In any year in which Developer believes conditions exist to warrant Declaration of an Economically Distressed Year, within 30 days following the Anniversary Date, Developer shall submit his request therefore. Additionally, in support thereof, Developer shall provide City with a Report including the following: (i) a written analysis of County-wide data supporting the Declaration; (ii) publicly available reports concerning general market conditions affecting home building; (iii) analysis as to how general market conditions have affected the Project including demand, costs and financing; and (iv) forecasts concerning the next three (3) years. The Report is for informational purposes only and City shall not be permitted to disapprove the Declaration of Economic Distress if the data submitted meets the definition in Section 1.31. Within 30 days the City Manger shall review the Declaration and Report and determine if the data supports the declaration of an Economically Distressed Year. The City Manager's determination is appealable to the Council under Section 13.6.3, but not as a default thereunder.

6.6.5.2 Effect of Determination on 10-Year Review. Generally the effect of the declaration of an Economically Distressed Year shall also toll the performance of the 10 Year Anniversary Review. For example, if during any 10 year cycle, two years had been declared Economically Distressed, then the 10 Year Anniversary Review would be performed on or about the Anniversary Date of the 12th year, as otherwise provided in Section 6.6. The City, however, retains the right to elect to perform the DIF adjustments in accordance with Section 6.6.2 on the 10 Year Anniversary, or to defer the studies and do them in accordance with the general 10 Year Anniversary Review performed on the date to which the Phase has been extended due to the extensions for Economically Distressed Years pursuant to Section 6.2.4.

6.7 Failure to Satisfy Phasing Goals and Objectives. For reasons stated in Section 6.1, failure to achieve the Development Goals in any ten year period shall not be a default hereunder, but it shall cause the term of the Agreement to be shortened five (5) years.

Accordingly, a failure at the first Ten Year Anniversary Review shall cause the term of the Agreement in Section 3.1 to be reduced to 35 years, while a failure at the second review in year 20 (to achieve 3000 units) shall cause the Agreement to be shortened another five (5) years to 30 years (subject to any extension of the Term due to the occurrence of Economically Distressed Years as set forth in Section 3.4), but once the Term has been reduced, the lost time is not reinstated due to production of excess units in later phases.

The termination of this Agreement shall not alter the provisions of the Specific Plan concerning the zoning, density of development or any other regulatory provisions concerning the development of the Project, though the limitations provided in Article 4 on enactment of Future Land Use Regulations would be null and void.

6.8 Developer Incentives for Expedited Development.

6.8.1. Incentive for Early Development. The City wishes to establish new communities in the City and to encourage the early development of the Project, which, in light of current economic conditions, may require economic incentives to be provided to the Developer. Accordingly, the Developer shall be given a credit so that DIFs do not have to be paid for up to 500 residential units, if Commencement of Construction, as that term is defined in Section 6.3, occurs on or before the production dates in Section 6.8.4.

6.8.2. Conditions for Receipt of Credits. To receive the credits, the following conditions must be satisfied: (i) the units must be in Planning Areas 1 and 2 provided that, for good cause, City may approve building the units in alternative Planning Areas, (ii) each Tract containing residential units needs to be developed as a single unit with appropriate entry design features including walls, fountains, landscaping, signage and other features approved by City, (iii) the preparation of the commercial site in Planning Area 18 shall take place pursuant to Section 6.2.4, unless waived by City.

6.8.3. Fees Eligible for Credit. The DIFs eligible for credit are those identified as eligible in Exhibit "D."

6.8.4. Schedule. The credit shall be given for all units for which the Commencement of Construction, as that term is defined in Section 6.3, occurs within five (5) years after the Effective Date.

6.9 City Provided Assistance. The City shall provide the Developer with each of the items set forth in Exhibit "E."

7. FEES, TAXES AND ASSESSMENTS.

7.1 Processing Fees. During the Term of this Agreement, the City may require the Developer to pay all Processing Fees applicable to the Development of the Project at the rates in effect on the applicable application date or as described in this Agreement unless a specific amount is stated herein.

7.2 Development Impact Fees.

7.2.1. Limit on Exactions, Mitigation Measures, Conditions and Development Fees. Except for those fees expressly set forth in Sections 7.3 and 7.5 below, and for the reservations of authority in Article 11, the City shall charge and impose only those Exactions, mitigation measures and conditions, including, without limitation, dedications as are set forth in the Existing Land Use Regulations, and those fees relating to the Development of the Developer's Property as are expressly set forth in Exhibit "D" attached hereto, and no others. Per Section 7.4 below, Park Fees shall not be imposed during the life of this Agreement. The Developer shall pay the stated amount of all other fees shown in Exhibit "D" for the first 10 years of the Term, and subsequently adjusted amounts determined in accordance with Section 6.6.2.

7.2.2. Development Impact Fees to be Established Based on Studies. The City will study and establish DIFs within one year of the effective Date for the following: revised City Traffic Control Facility Fee, revised Domestic Water Fee, new Recycled Water Fee and revised Sanitary Sewer Fee. The Developer shall be obligated to pay the revised fees and the revised DIFs shall be considered part of the Existing land Use Regulations. The initial DIFs shall be established in accordance with fee studies meeting the requirements of Section 6.6.2.

7.2.3. Adjustment at 10 Year Anniversary Review. The Developer shall pay increased fees after the Ten Year Anniversary Review if those fees are adopted on a City wide basis after the preparation of, and are justified by, a suitable analysis demonstrating the basis for the increase in accordance with Section 6.6.2. The City shall be entitled to repeat the process of increasing the fees thereafter upon the same terms, during the Ten Year Anniversary Review in accordance with Section 6.6.2, throughout the Term of this Agreement.

7.2.4. Payment of Development Impact Fees. The Developer shall pay all Development Impact Fees with respect to Development commenced on the portion of the Developer's Property owned by the Developer. The Development Impact Fees set forth on Exhibit "D" attached hereto shall be paid at the issuance of the Certificate of Occupancy for each building. Unless otherwise specified herein, all other fees, including Processing Fees shall be paid when at issuance of building permits or otherwise when required by code.

7.3 Wastewater, Domestic and Reclaimed Water Facilities Development Impact Fees.

7.3.1. Wastewater Fees. The City levies two capital facilities fees related to wastewater: (i) a sewer collection fee; and (ii) a sewer frontage fee, but collectively such fees are referred to herein as sewer collection fees. The sewer collection fee shall be fixed in accordance with Section 7.2.1 above.

7.3.2. Construction of Wastewater Collection Infrastructure in Lieu of Fees. If any additions, improvements and/or upgrades to the City's wastewater collection system outside or within the boundaries of the Developer's Property are required in

connection with any Development of the Project, then with the mutual agreement of the parties, the Developer shall have the option to elect to construct some or all of such additions, improvements and/or upgrades at its sole cost and expense. The City shall develop the project specifications and shall undertake a design process to develop project plans and drawings meeting the City's specifications. The City may utilize the Developer to develop the plans and drawings if the design costs are competitive and Developer has retained competent design professionals who can timely perform the services. If, thereafter, the Developer wishes to construct the improvements, the Developer shall give City a fixed budget and construction schedule, while City obtains competitive bids. City may award the contract to the most competitive entity, considering price, financing, schedule and ability to perform. The contract may include liquidated damages provisions and other requirements to assure the timely and satisfactory completion of the project within budget. If performed by Developer, upon completion of such works of improvement, the Developer shall be entitled to offset the actual costs approved by City and incurred by it for the design, permitting, construction and installation of such works of improvement against any wastewater collection-related Development Impact Fees that may otherwise be payable in connection with future Development of the portion of the Developer's Property owned by the Developer.

7.3.3. Wastewater Treatment Capacity. The City shall use its best efforts to obtain the required permits and to construct the needed improvements to the City's wastewater treatment facilities in order to serve the Project as the need for additional facilities arises. The Developer shall include the construction of the wastewater treatment plant within the phasing plan developed pursuant to Section 6.5. The City estimates that a four year lead time is required with one year for design and one year for permitting with the remaining period needed for construction.

7.3.4. Wastewater, Domestic and Reclaimed Water Facilities and Fees. If any additions, improvements and/or upgrades to the City's water system, either domestic or reclaimed, outside or within the boundaries of the Developer's Property are required in connection with any Development of the Project, then with the City's approval, they may be undertaken by the Developer in accordance with the procedures in Section 7.3.2. Without limiting the generality of the foregoing, this includes the water tanks, pipelines and appurtenant facilities described in Section 8.5.

7.3.5. Recycled and Domestic Water Fees. Recycled and domestic water developer impact fees shall be established in accordance with Section 7.2.1 above. City does not currently have Development Impact Fees for reclaimed water facilities or for domestic water facilities for the Project. Within a year after the Effective Date, the City shall conduct a study to determine the reasonable charge and the Developer's pro rata share of the cost of such improvements. When adopted by the Council, the fees shall be considered incorporated herein as Existing Land Use Regulations, and shall be subject to further review at the Ten Year Anniversary Review as provided in Section 6.2.2.

7.4 Park Fees.

7.4.1. Construction of Facilities. The Developer will be constructing, installing and improving the park and recreation facilities listed below, which are

deemed to be park, recreation and/or open space for the purpose of complying with the Municipal Code's park fee requirements. All parkland and open space shall be maintained by the POA, the Developer, the City, the Golf Course operator or such other entity as approved by the City. Provided that all required parks and recreation facilities are constructed and installed in accordance with the Specific Plan and this Agreement, the Project shall not be subject to the imposition of Park Fees by the City. The City acknowledges that the value of the land and improvements for the park, recreation and open space land and facilities exceeds the aggregate of all park fees which may be charged by the City pursuant to the Municipal Code in connection with the proposed Development of the entire Project. The Developer shall construct and install within the Project's boundaries the following park and recreation facilities:

7.4.1.1 254-acre Golf Course or Active Open Space, as set forth in Sections 5.3 above and 8.1.3 below;

7.4.1.2 22 publicly accessible parks (each ranging in size from approximately less than 1 acre to over 16 acres), equipped by Developer with typical neighborhood park facilities, which may include picnic facilities, shade structures, playgrounds, turf areas, and related facilities as further defined in the Specific Plan and in accordance with the plans developed in Section 8.1;

7.4.1.3 Two private recreation centers, totaling approximately eight acres, which will be gated and accessible only to the residents of the Project. These centers may, but are not required to, include clubhouse facilities, restrooms, and other amenities as further defined in the Specific Plan; and

7.4.1.4 108.4 acres of additional open space as described in the Specific Plan.

7.4.2. Community Recreation Center. The City shall also be entitled to construct a community recreation center in Planning Areas 35 or 39, on any park or open space site or on any site identified for a public facility, such as a fire station or waste water treatment plant, if that site is not used for the public facility. Once the site has been identified, the Developer shall grade it and stub utilities to site. The Developer's obligations are further described in Section 8.1.4.

7.5 Traffic Impact Mitigation.

7.5.1. Fees to be Established. The City has established a Development Impact Fee for the purpose of collecting funds to pay for the cost of constructing localized transportation improvements. At the request of the City, the Developer may initiate a study to expand upon the existing Traffic Control Facility Fee to include additional improvements not currently covered in the fee. The fee includes signal costs and minor roadway improvements. The Developer shall pay the applicable Traffic Control Facility Fee established by the City in effect on the Effective Date or at the time that the new revised fee is established, pursuant to Section 7.2.1 above.

7.5.2. Highland Springs Interim Improvement Project. The Developer has initiated and will complete interim improvements to Highland Springs Avenue between Ramsey Street and the I-10 Freeway. These improvements include, but are not limited to, the synchronization of traffic signals along Highland Springs Avenue, relocation of traffic signals, closings and relocation of Joshua Palmer Way and the restriping and repaving of Highland Springs Avenue. The City believes that the current traffic impacts are caused by the Developer's earlier project in Beaumont. The City shall use its best efforts to coordinate with the City of Beaumont an agreement to reimburse a portion of the improvements either through the appropriate transportation fee credits or other mechanism.

7.5.3. The Developer to Construct Traffic Improvements In Lieu of Paying City Fair Share Fees. In the event the Developer is required to construct traffic improvements in lieu of paying the City's fair share fees, City shall reimburse the Developer for the cost of the completed improvements through Reimbursement Agreements mandating that any project larger than 20 dwelling units pay a prorated share for benefits associated with completion of the Project.

8. DEDICATIONS AND CONVEYANCES OF PROPERTY INTERESTS

8.1 Park Improvements.

8.1.1. Neighborhood/Community Parks. Prior to the construction of any parks, the Developer shall meet with both the Director and the Director of Parks and Recreation to review the provisions set forth in the Specific Plan outlining the facilities to be provided at each park and discuss the Developer's plans for near term construction of the parks. Prior to development of each park, a detailed site plan consistent with the Specific Plan shall be prepared by the Developer and approved by the Director and the Parks and Recreation Commissions. The Developer shall complete the construction of neighborhood parks, Planning Areas 22 through 34, 62, 64 through 67 and 72, and the parks in the SCE easement, Planning Areas 36 through 38, no later than the issuance of the final Certificate of Occupancy for residential units within the adjacent subdivisions. Active use park improvements may not be placed in the SCE easement parks if the Director and Commissions believe there are issues of public health with electro magnetic radiation. A subdivision separated from a park by a street shall not be considered to be adjacent to the park. The Parties shall, mutually, determine what constitutes the adjacent subdivision if a park adjoins more than one subdivision. Upon completion of each neighborhood park, the City shall after the one-year maintenance period has expired, within 10 working days, develop final punch lists of items to be corrected prior to acceptance by the City. Upon correction of final punch list items by the Developer, the City shall accept the park within 30 days of the date of the final inspection.

8.1.2. POA Recreation Centers. The POA Recreation centers identified in Planning Areas 21 and 63 shall be constructed by the Developer in accordance with the Tract Phasing Plan pursuant to Section 6.5.

8.1.3. Golf Course/Active Open Space. The Golf Course shall be constructed at the sole and absolute discretion of the Developer. The determination to construct the Golf Course will take place within the first phase of Phase I of development due to the need to construct of the flood control improvements for Smith Creek. The Golf Course will be maintained by a Developer selected operator and open to the public. The operator may sell annual play memberships. If, as described in Section 5.4 above, the Golf Course is determined to be financially infeasible, the Developer shall notify the Planning Department in writing and the open space and drainage provisions described in the Specific Plan shall dictate the uses allowed on Planning Areas 35 and 39. The revised use of Planning Areas 35 and 39 shall be approved by both the Planning Commission (as the recommending body) and City Council prior to construction. The revised plan shall incorporate active recreational use including biking and pedestrian trails, turnouts for exercise, viewing and educational facilities, all linkable to other tracts, parks and open space, landscaping and providing full public access.

8.1.4. Community Recreation/Emergency Center. The City's Parks Master Plan indentifies the need in the Project for a community recreation center, and this is even more necessary if the Golf Course is not developed. This Center would be on an approximately six (6) acre parcel in Planning Area 39 in lieu of the golf clubhouse, or alternatively could be located as a part of a community park or other available site including in Planning Area 71, or in lieu of the waste water treatment plant site in Planning Area 11. Depending on the site selected, the six (6) acres may be reduced so as to not adversely affect the development area of adjacent parcels from the development areas shown in the Specific Plan. The Center is contemplated as a 30,000 sq. foot facility. The plan for the Center shall be included in the Park Master Plan and the site plan shall be processed at the time the chosen Planning Area is developed, subject to the Phasing Plans approved pursuant to Section 6.5, and provided that if the City chooses to put the Center in Planning Area 11, it may be developed as part of Phase I provided that Developer shall satisfy the Phase I obligation by providing a developed Site, and need not fund the construction of the improvements if there are insufficient DIF's for credit. The Developer shall dedicate the site to City without charge. If developed as part of a park it shall be developed at the time required for parks in Section 8.1.1. The Center may include emergency operations and shelter components, and will also include appropriate landscaped grounds and facilities as specified in the Master Plan. The Center may be developed and constructed by Developer in the same manner as for the waste water treatment plant in Section 7.3.2, except as provided above.

8.2 Drainage Facilities. Planning Areas 19 and 71 are required areas of detention, recharge and conveyance of Project created and natural storm flows through the Project as set forth in Section 5.4 above. Planning Area 19 will consist of water quality basins, habitat restoration and flood conveyance facilities as well as the head works for the culvert underneath Wilson Street. This Planning Area may be ultimately transferred to the Flood Control District or City for acceptance and maintenance, but the Developer shall have the right to utilize it until such time as Development has fully or partially occurred for erosion control purposes. Planning Area 71 may be constructed in Phase I of the Project if required for the realignment of Smith Creek. This Planning Area may also consist of a large open reservoir, detention basin and recharge facility that may ultimately be transferred to the City or other appropriate body for acceptance and maintenance. The City shall have no obligation to accept

the facilities if they primarily benefit the Project and are for flood control purposes but City may do so if the recharge facility and reservoir facility is designed for water recharge purposes and City determines in its sole and absolute discretion that they are needed to enhance the City's water supply.

8.3 Satellite Water Treatment Plant. The Director of Public Works Director shall determine the location of a two to five acre portion of Planning Area 11 for the onsite treatment of Project-related and other localized wastewater flows. The City shall have an Appraisal of Land Value determined within one (1) year of the signing of this Agreement. The City shall grant a credit equal to the fair market value determined by the appraisal to the City's waste water impact fee, when that fee is established, which credit may be used by the Developer on a unit by unit basis. Title to the site shall be transferred to the City after the site has been graded by the Developer and utilities are stubbed to the site.

8.4 Fire Station Site. The Specific Plan has identified a site in Planning Area 60 as the possible site for a fire station. The City shall have the an Appraisal of Land Value performed for a site of up to two (2) acres within one (1) year of the signing of this Agreement. The City shall grant a credit equal to the fair market value determined by the appraisal to the City's Fire Facilities Development Fee which credit may be used by the Developer on a unit by unit basis. Title to the site shall be transferred to the City after the site has been graded by the Developer and utilities are stubbed to the site.

8.5 Water Tanks. The City's water facilities and improvements described in Section 7.3.4 include certain water tanks, pipelines, access roads and appurtenant facilities which largely serve the Development and must be located at specific locations and elevations to make the water system function correctly and maintain public health and safety. The water tanks shall be developed as follows:

A. A 500,000 gallon tank in Planning Area 73 at an high water elevation line of 3237 feet.

B. A 1.4 million gallon tank in Planning Area 73 at an high water elevation line of 3070 feet.

C. A 1.6 million gallon tank Planning Area 68 or 50 at an high water elevation line of 2822 feet.

Each tank will require a parcel from 1 to 1.5 acres in area and additional area for access, and shall be dedicated to City without charge after the site has been graded and stubbed out by Developer. The Developer may construct the improvements in accordance with Section 7.3.2 and receive fee credits to the water development impact fee on a unit per unit basis for the construction costs. The water tanks are considered part of the Proposed Project Facilities and shall be constructed in accordance with the Phasing Plans developed in accordance with Section 6.5 provided that the tanks in paragraph C above must be in Phase I.

9. PROCESSING OF REQUESTS AND APPLICATIONS: OTHER GOVERNMENT PERMITS.

9.1 Processing. In reviewing Future Development Approvals which are discretionary, the City may impose only those conditions, exactions, and restrictions which are allowed by the Development Plan and this Agreement. Upon satisfactory completion by the Developer of all required preliminary actions, meetings, submittal of required information and payment of appropriate processing fees, if any, the City shall promptly commence and diligently proceed to complete all required steps necessary for the implementation of this Agreement and the development by the Developer of the Project in accordance with the Existing Development Approvals. In this regard, the Developer, in a timely manner, will provide the City with all documents, applications, plans and other information necessary for the City to carry out its obligations hereunder and will cause the Developer's planners, engineers and all other consultants to submit in a timely manner all required materials and documents therefor. It is the express intent of this Agreement that the parties cooperate and diligently work to implement any zoning or other land use, site plan, subdivision, grading, building or other approvals for development of the Project in accordance with the Existing Development Approvals and those items set forth in Exhibit "E." Notwithstanding the foregoing, nothing contained herein shall be construed to require City to process Developer's Applications ahead of other projects in process in the City and City's obligations hereunder shall be subject to the City's workload and staffing at any given time.

9.2 Developer to Pay for Expedited Processing. If Developer elects, in its sole and absolute discretion, to request the City to incur overtime or additional consulting services to receive expedited processing by the City, the Developer shall pay all such overtime costs, charges or fees incurred by City for such expedited processing.

9.3 General Time Periods for Processing.

9.3.1. General Plan Review and Approval. The City shall provide comments within two weeks for all plan checks for required infrastructure, building, grading, both mass and finished, architectural, erosion control or any other required plan submittal and will not unduly extend amount of plan checks beyond three submittals provided that Developer's consultants are responsive . In the event that consensus between the City and the Developer regarding the content of the plans after the 3rd submittal can not be made, a meeting will be scheduled to discuss how to reconcile the differences.

9.3.2. Architectural Plan Submittal Process. The Developer shall submit architectural plans to the Planning Department for maximum two-week review of the entire plan set for each submittal for a maximum of three plan check reviews to ensure that they conform to the guidelines set forth in Specific Plan provided that Developer's consultants are responsive. In the event that consensus can not be made after the third plan check, a meeting will be coordinated with the plan checker, Planning Department and the Developer or the Developer's representative. The Planning Department, upon determining compliance with the guidelines set forth in the Specific Plan, shall approve the plans. This review is a ministerial action. Additional architectural enhancements that are above and beyond the design guidelines

will be implemented at the Developer's sole and absolute discretion but are subject to review by City if proposed.

9.4 Precise Grading/Plot Plan Revisions. In the event that the Developer wishes to revise house plan type or elevation on an approved plot plan or revised grading plan, City Engineering and Planning staff review and approval shall be done over the counter.

9.5 Additional Inspectors and Plan Checkers. In the event that the Developer requests it, the City shall permit overtime, including both additional days and hours, for inspections and plan checking at the Developer's expense. In the event that the City is unable to provide inspectors or plan checkers capable of meeting the demand for inspections or plan checks required for the Development of the Project in a timely fashion, the City shall, if requested to do so by the Developer and at the Developer's expense, employ additional private entities or persons to perform such services.

9.6 Tentative Subdivision Maps. The City shall extend through the Term hereof (pursuant to Government Code § 66452.6) all Master Tract Maps and all tentative and vesting tentative Subdivision Maps applied for by the Developer during the term of this Agreement and approved by the City in the future.

9.7 Multiple Final Subdivision Maps: The Developer may file as many final maps over a tentative Subdivision Map as it deems appropriate in its sole and absolute discretion.

9.8 Financing and Conveyance Maps: The Developer may have a Master Tract Map approved for the purpose of conveying portions of the Developer's Property to others and/or for the purpose of creating legal lots which may be used as security for loans to develop the Developer's Property and as provided in Section 6.5.1. Any such map shall not authorize any Development and shall not be subject to any conditions, Exactions or restrictions, other than monumentation and conditions which do not require the payment of money or the installation or construction of improvements.

9.9 Water Availability. Any final subdivision map prepared for the Developer's Property, or any portion of the Developer's Property, shall comply with the provisions of Government Code § 66473.7.

9.10 Other Governmental Permits. The Developer shall apply in a timely manner for such other permits and approvals as may be required from other governmental or quasi-governmental agencies having jurisdiction over the Project as may be required for the development of, or provision of services to, the Project. The City shall cooperate with the Developer in its efforts to obtain such permits and approvals.

9.11 Public Agency Coordination. The City and Developer shall cooperate and use reasonable efforts in coordinating the implementation of the Development Plan with other public agencies, if any, having jurisdiction over the Property or the Project.

9.12 Annexation. This Agreement's effectiveness over land within the Developer's Property that is currently not within the City nor within its sphere of influence is subject to the annexation of that land into the City. If the land is annexed into the City, the terms

of this Agreement shall automatically apply to all portions of that land upon its annexation. In the event that annexation of portions of the Developer's Property not currently within the City is not approved by LAFCO, or for any other reason is not annexed to the City, then any such portions shall be excluded from this Agreement. With the exception of land within Planning Area 43B, the City shall, subject to the negotiation of a tax allocation agreement with the County of Riverside acceptable to City, use its best efforts to expeditiously accomplish the annexation of those portions of the Developer's Property not within the City, or such portions thereof as may be approved by the developer, to the City.

10. AMENDMENT AND MODIFICATION OF DEVELOPMENT AGREEMENT.

10.1 Initiation of Amendment. Either Party may propose an amendment to this Agreement.

10.2 Procedure. Except as set forth in Section 10.4 below, the procedure for proposing and adopting an amendment to this Agreement shall be the same as the procedure required for entering into this Agreement in the first instance, and meet the requirements of the Development Agreement Statute § 65867.

10.3 Consent. Except as expressly provided in this Agreement, no amendment to all or any provision of this Agreement shall be effective unless set forth in writing and signed by duly authorized representatives of each of the Parties hereto and recorded in the Official Records of Riverside County.

10.4 Minor Modifications.

10.4.1. Flexibility Necessary. The provisions of this Agreement require a close degree of cooperation between the City and the Developer. Implementation of the Project may require minor modifications of the details of the Development Plan and affect the performance of the Parties under this Agreement. The anticipated refinements to the Project and the Development of the Developer's Property may demonstrate that clarifications to this Agreement and the Existing Land Use Regulations are appropriate with respect to the details of performance of the City and the Developer. The Parties desire to retain a certain degree of flexibility with respect to those items covered in general terms under this Agreement. Therefore, non-substantive and procedural modifications of the Development Plan shall not require modification of this Agreement.

10.4.2. Non-Substantive Changes. A modification will be deemed non-substantive and/or procedural if it does not result in a material change in fees, maximum residential density, maximum intensity of use, permitted uses, the maximum height and size of buildings, the reservation or dedication of land for public purposes, or the improvement and construction standards and specifications for the Project, including density transfers between phases. A "material change" is generally one which does not change the standard by ten percent (10%) or more. For example, for a height limit of 20 feet, a change of less than two feet is deemed non-material.

10.4.3. Hearing Rights Protected. Notwithstanding the foregoing, City will process any change to this Development Agreement consistent with state law and will hold public hearings thereon if so required by state law and the parties expressly agree nothing herein is intended to deprive any party or person of due process of law.

10.5 Effect of Amendment to Development Agreement. Except as expressly set forth in any such amendment, an amendment to this Agreement will not alter, affect, impair, modify, waive, or otherwise impact any other rights, duties, or obligations of either Party under this Agreement.

11. RESERVATIONS OF AUTHORITY.

11.1 Limitations, Reservations and Exceptions. Notwithstanding anything to the contrary set forth hereinabove, in addition to the Existing Land Use Regulations, only the following Land Use Regulations adopted by City hereafter shall apply to and govern the Development of the Developer's Property ("Reservation of Authority"):

11.1.1. Future Regulations. Future Land Use Regulations which (i) are not in conflict with the Existing Land Use Regulations, (ii) which would be applicable under the Development Agreement statute (§ 65866); (iii) if in conflict with the Existing Land Use Regulations but the application of which to the Development of the Developer's Property has been consented to in writing by Developer.

11.1.2. State and Federal Laws and Regulations. Where state or federal laws or regulations enacted after the Effective Date prevent or preclude compliance with one or more provisions of the Development Agreement, those provisions shall be modified, through revision or suspension, to the extent necessary to comply with such state or federal laws or regulations.

11.1.3. Public Health and Safety/Uniform Codes.

11.1.3.1 Adoption Automatic Regarding Uniform Codes. This Agreement shall not prevent the City from adopting Future Land Use Regulations or amending Existing Regulations which are uniform codes and are based on recommendations of a multi-state professional organization and become applicable throughout the City, such as, but not limited to, the Uniform Building, Electrical, Plumbing, Mechanical, or Fire Codes.

11.1.3.2 Adoption Regarding Public Health and Safety/Uniform Codes. This Development Agreement shall not prevent the City from adopting Future Land Use Regulations respecting public health and safety to be applicable throughout the City which directly result from findings by the City that failure to adopt such Future Land Use Regulations would result in a condition injurious or detrimental to the public health and safety and that such Future General Regulations are the only reasonable means to correct or avoid such injurious or detrimental condition.

11.1.3.3 Adoption Automatic Regarding Regional Programs. This Agreement shall not prevent the City from adopting Future Land Use Regulations or amending Existing Regulations which are regional codes and are based on recommendations of a county or regional organization and become applicable throughout the region, such as Western Riverside Council of Governments.

11.1.4. Amendments to Codes for Local Conditions. Notwithstanding the foregoing, no construction within the Project shall be subject to any provision in any of the subsequent Uniform Construction Codes, adopted by the State of California, but modified by the City to make it more restrictive than the provisions of previous Uniform Construction Codes of the City, notwithstanding the fact that the City has the authority to adopt such more restrictive provision pursuant to the California Building Standards Law, including, but not limited to, Health and Safety Code § 18941.5, unless such amendment applies City-wide. The City shall give Developer prior written notice of the proposed adoption of such amendment and Developer shall have the right to present its objections to the amendment.

11.2 Regulation by Other Public Agencies. It is acknowledged by the Parties that other public agencies not within the control of the City possess authority to regulate aspects of the Development of the Developer's Property separately from, or jointly with, the City and this Agreement does not limit the reasonable authority of such other public agencies.

11.3 Fees, Taxes and Assessments. Notwithstanding any other provision herein to the contrary, the City retains the right (i) to impose or modify Processing Fees and Development Impact Fees as provided in Article 7, (ii) to impose or modify business licensing or other fees pertaining to the operation of businesses, (iii) to impose or modify taxes and assessments which apply City-wide such as utility taxes, sales taxes and transient occupancy taxes, (iv) to impose or modify fees and charges for City services such as electrical utility charges, water rates, and sewer rates, (v) to impose or modify a community wide or area-wide assessment district which does not predominately apply to the Developer's Property, and (vi) to impose or modify any fees, taxes or assessments similar to the foregoing.

12. ANNUAL REVIEW.

12.1 Annual Monitoring Review. Following commencement of construction, the City and the Developer shall review the performance of this Agreement, and the Development of the Project, on or about each anniversary of the Effective Date (the "Annual Review"). The cost of the Annual Review shall be borne by Developer and Developer shall pay a reasonable deposit in an amount requested by City to pay for such review. As part of each Annual Review, within ten (10) days after each anniversary of this Agreement, the Developer shall deliver to the City all information reasonably requested by City (i) regarding the Developer's performance under this Agreement demonstrating that the Developer has complied in good faith with the terms of this Agreement and (ii) as required by the Existing Land Use Regulations.

The Director shall prepare and submit to Developer and thereafter to City Council a written report on the performance of the Project, and identify any deficiencies. If any deficiencies are noted, or if requested by a Councilmember a public hearing shall be held before the City Council on the report to Council. The Developer's written response shall be included in the Director's report. The report to Council shall be made within 45 days of the anniversary date.

If the City determines that the Developer has substantially complied with the terms and conditions of this Agreement, the Annual Review shall be concluded. If the City finds and determines that the Developer has not substantially complied with the terms and conditions of this Agreement for the period under review, the City may declare a default by the Developer in accordance with Section 13.1.

12.2 Certificate of Compliance. If, at the conclusion of an Annual Review, the City finds that the Developer is in substantial compliance with this Agreement, the City shall, upon request by the Developer, issue an Estoppel Certificate to the Developer in the form shown on Exhibit "C."

12.3 Failure to Conduct Annual Review. The failure of the City to conduct the Annual Review shall not be a Developer Default unless Developer fails to cooperate in providing necessary information.

13. DEFAULT, REMEDIES AND TERMINATION.

13.1 Rights of Non-Defaulting Party after Default. The Parties acknowledge that both Parties shall have hereunder all legal and equitable remedies as provided by law following the occurrence of a Default or to enforce any covenant or agreement herein except as provided in Section 13.2 below. Before this Agreement may be terminated or action may be taken to obtain judicial relief the Party seeking relief ("Non-Defaulting Party") shall comply with the notice and cure provisions of this Article 13.

13.2 No Recovery for Monetary Damages. The nature of a development agreement under the Development Agreement Statute is a very unusual contract involving promoting a very large development project facing many complex issues including geologic, environmental, finance, market, regulatory and other constantly evolving factors over an extremely long time frame. The high level of uncertainty and risk involved justify the extraordinary commitments made to the Developer. However, the original persons representing the parties and approving the transaction are only likely to be involved with the Project for a limited time in comparison to the over-all life of the Project.

It is highly likely that misunderstandings will develop over time. Moreover, municipal budgets are extremely constrained, and a threat of recovery of damages against a municipal entity may pressure a municipality with limited resources to settle in a manner adverse to its interests and those of its citizens. Finally, the municipal entity represents the public welfare of the entire community, a community who cannot directly represent themselves. The City Council has come to believe that entering into a development agreement with the Developer vesting the Developer with the extraordinary rights provided herein is in the best interests of the community

through the Developer's active engagement with the community and open communications over several years. It is critical to the success of this Project that as inevitable obstacles are met, and the persons implementing the Project change over the 40 year time span of the Project, that close working relationships be maintained. Accordingly, in this Agreement, the rights of enforcement are limited as follows (i) the remedy of monetary damages is not available to either Party, and (ii) there is no shortcut to a mediation or arbitration procedure where a nonelected representative can arbitrarily determine land use development issues.

For purposes of enforcement, stated positively, the Parties shall have the equitable remedies of specific performance, injunctive and declaratory relief, or a mandate or other action determining that the City has exceed its authority, and similar remedies, other than recovery of monetary damages, to enforce their rights under this Agreement. The Parties shall have the right to recover their attorney fees and costs pursuant to Section 19.9 in such action. Moreover, the Developer shall have the right to a public hearing before the City Council before any default can be established under this Agreement, as provided in Section 13. 6.

13.3 Recovery of Monies Other Than Damages.

13.3.1. Restitution of Improper Exactions. In the event any actions, whether monetary or through the provision of land, good or services, are imposed on the Development of the Developer's Property other than those authorized pursuant to this Agreement, the Developer shall be entitled to recover from City restitution of all such improperly assessed exactions, either in kind or the value in lieu of the exaction, together with interest thereon at the rate of the maximum rate provided by law per year from the date such exactions were provided to City to the date of restitution.

13.3.2. Monetary Default. In the event the Developer fails to perform any monetary obligation under this Agreement, City may sue for the payment of such sums to the extent due and payable. The Developer shall pay interest thereon at the lesser of: (i) ten percent (10%) per annum, or (ii) the maximum rate permitted by law, from and after the due date of the monetary obligation until payment is actually received by the City.

13.4 Compliance with the Claims Act. Compliance with this Article 13 shall constitute full compliance with the requirements of the Claims Act, Government Code § 900 et seq., pursuant to Government Code § 930.2 in any action brought by the Developer.

13.5 Notice and Opportunity to Cure. A Non-Defaulting Party in its discretion may elect to declare a Default under this Agreement in accordance with the procedures hereinafter set forth for any failure or breach of the other Party ("Defaulting Party") to perform any material duty or obligation of the Defaulting Party under the terms of this Agreement. However, the Non-Defaulting Party must provide written notice to the Defaulting Party setting forth the nature of the breach or failure and the actions, if any, required by the Defaulting Party to cure such breach or failure. The Defaulting Party shall be deemed in Default under this Agreement, if the breach or failure can be cured, but the Defaulting Party has failed to take such actions and cure such default within thirty (30) days after the date of such notice or ten (10) days for monetary defaults (or such lesser time as may be specifically provided in this Agreement).

However, if such non-monetary Default cannot be cured within such thirty (30) day period, and if and, as long as the Defaulting Party does each of the following:

1. Notifies the Non-Defaulting Party in writing with a reasonable explanation as to the reasons the asserted default is not curable within the thirty (30) day period;

2. Notifies the Non-Defaulting Party of the Defaulting Party's proposed cause of action to cure the default;

3. Promptly commences to cure the default within the thirty (30) day period;

4. Makes periodic reports to the Non-Defaulting Party as to the progress of the program of cure;

5. Diligently prosecutes such cure to completion, and

Then the Defaulting Party shall not be deemed in breach of this Agreement.

Notwithstanding the foregoing, the Defaulting Party shall be deemed in default under this Agreement if the breach or failure involves the payment of money but the Defaulting Party has failed to completely cure the monetary default within ten (10) days (or such lesser time as may be specifically provided in this Agreement) after the date of such notice.

13.6 Dispute Resolution.

13.6.1. Meet & Confer. Prior to any Party issuing a Default Notice hereunder, the Non-Defaulting Party shall inform the Defaulting Party either orally or in writing of the Default and request a meeting to meet and confer over the alleged default and how it might be corrected. The Parties through their designated representatives shall meet within ten (10) days of the request therefore. The Parties shall meet as often as may be necessary to correct the conditions of default, but after the initial meeting either Party may also terminate the meet and confer process and proceed with the formal Default Notice.

13.6.2. Termination Notice. Upon receiving a Default Notice, should the Defaulting Party fail to timely cure any default, or fail to diligently pursue such cure as prescribed above, the Nondefaulting Party may, in its discretion, provide the Defaulting Party with a written notice of intent to terminate this Agreement and other Agreements ("Termination Notice"). The Termination Notice shall state that the Nondefaulting Party will elect to terminate the Agreement and such other Agreements as the Non-defaulting Party elects to terminate within thirty (30) days and state the reasons therefor (including a copy of any specific charges of default) and a description of the evidence upon which the decision to terminate is based. Once the Termination Notice has been issued, the Non-defaulting Party's election to terminate Agreements will only be waived if (i) the Defaulting Party fully and completely cures all defaults prior to the date of termination, or (ii) pursuant to Section 13.6.3 below.

13.6.3. Hearing Opportunity Prior to Termination. Prior to any termination, a termination hearing shall be conducted as provided herein ("Termination Hearing"). The Termination Hearing shall be scheduled as an open public hearing item at a regularly-scheduled City Council meeting within thirty (30) days of the Termination Notice, subject to any legal requirements including but not limited to the Ralph M. Brown Act, Government Code Sections 54950-54963. At said Termination Hearing, the Defaulting Party shall have the right to present evidence to demonstrate that it is not in default and to rebut any evidence presented in favor of termination. Based upon substantial evidence presented at the Termination Hearing, the Council may, by adopted resolution, act as follows:

A. Decide to terminate this Agreement.

B. Determine that the alleged Defaulting Party is innocent of a default and, accordingly, dismiss the Termination Notice and any charges of default; or

C. Impose conditions on a finding of default and a time for cure, such that Defaulting Party's fulfillment of said conditions will waive or cure any default.

Findings of a default or a condition of default must be based upon substantial evidence supporting the following three findings: (i) that a default in fact occurred and has continued to exist without timely cure, (ii) that the Non-Defaulting Party's performance has not excused the default; and (iii) that such default has, or will, cause a material breach of this Agreement and/or a substantial negative impact upon public health, safety and welfare, or the financial terms established in the Agreement, or such other interests arising from the Project. Notwithstanding the foregoing, nothing herein shall vest authority in the City Council to unilaterally change any material provision of the Agreement.

Following the decision of the City Council, any Party dissatisfied with the decision may seek judicial relief consistent with this Article 13.

13.7 Waiver of Breach. By not challenging any Development Approval within 90 days of the action of City enacting the same, Developer shall be deemed to have waived any claim that any condition of approval is improper or that the action, as approved, constitutes a breach of the provisions of this Agreement. By recordation of a final map on all or any portion of the Developer's Property, the Developer shall be deemed to have waived any claim that any condition of approval is improper or that the action, as approved, constitutes a breach of the provisions of this Agreement.

13.8 Limitations on Defaults. Notwithstanding any provision in this Agreement to the contrary, a Default by one Owner shall not constitute a Default by an Owner of a portion of the Developer's Property, which is not the owner of the portion of the Developer's Property that is the subject of the Default (an "Innocent Owner"). Likewise, a Default by an Owner with respect to a Lot (or group of Lots) it owns or leases shall not constitute a Default by an Innocent Owner, nor shall the Default by another Owner of a portion of the Developer's Property not owned by an Innocent Owner constitute a Default of the Innocent Owner. Therefore, (i) no Innocent Owner shall have any liability to the City for, or with respect to, any

Default by another Owner or any Default of any other Owner, (ii) an Innocent Owner shall have no liability to the City for, or with respect to, any Default by any other Owner, and (iii) the City's election to terminate this Agreement as a result of a Default by an Owner shall not result in a termination of this Agreement with respect to either (x) any portion of the Developer's Property not owned by such Owner or (y) those Lots owned or leased by an Innocent Owner until such time that this Agreement would otherwise terminate in accordance with its terms.

13.9 Venue. In the event of any judicial action, venue shall be in the Superior Court of Riverside County.

14. ASSIGNMENT.

14.1 Right to Assign.

14.1.1. General. Neither Party shall assign (as hereinafter defined) or transfer (as hereinafter defined) its interests, rights or obligations under this Agreement without the prior written consent of the other, which consent shall not be unreasonably withheld or delayed. The term "assignment" as used in this Agreement shall include successors-in-interest to the City that may be created by operation of law. Notwithstanding the foregoing, the City shall have the right to sell, assign or transfer its interest in any real property dedicated or transferred to the City pursuant to the terms of this Agreement or to another public agency.

As used in this Section, the term "transfer" shall include the transfer to any person or group of persons acting in concert of more than seventy percent (70%) of the present equity ownership and/or more than fifty percent (50%) of the voting control of the Developer (jointly and severally referred to herein as the "Trigger Percentages") or any general partner of the Developer in the aggregate, taking all transfers into account on a cumulative basis, except transfers of such ownership or control interest between members of the same immediate family, or transfers to a trust, testamentary or otherwise, in which the beneficiaries are limited to members of the transferor's immediate family. A transfer of interests (on a cumulative basis) in the equity ownership and/or voting control of the Developer in amounts less than the Trigger Percentages shall not constitute a transfer subject to the restrictions set forth herein. In the event the Developer or any general partner of the Developer or its successor is a corporation or trust, such transfer shall refer to the transfer of the issued and outstanding capital stock of the Developer, or of beneficial interests of such trust; in the event that Developer or any general partner of the Developer is a limited or general partnership, such transfer shall refer to the transfer of more than the Trigger Percentages in the limited or general partnership interest; in the event that the Developer or any general partner is a joint venture, such transfer shall refer to the transfer of more than the Trigger Percentages of such joint venture partner, taking all transfers into account on a cumulative basis.

The Developer shall not transfer this Agreement or any of the Developer's rights hereunder, or any interest in the Developer's Property or in the improvements thereon, directly or indirectly, voluntarily or by operation of law, except as provided below, without the prior written approval of City, and if so purported to be transferred, the same shall be null and void. In considering whether it will grant approval to any transfer by Developer, which transfer requires City approval, City shall consider factors such as (i) the financial strength and capability of the

proposed transferee to perform the obligations hereunder; and (ii) the proposed transferee's experience and expertise in the planning, financing, development, ownership, and operation of similar projects. In no event shall the City's approval of any transfer be unreasonably withheld or delayed.

In addition, no attempted assignment of any of the Developer's obligations hereunder shall be effective unless and until the successor party signs and delivers to the City an assumption agreement, in a form approved by the City, assuming such obligations. No consent or approval by City of any transfer requiring the City's approval shall constitute a further waiver of the provision of this Section 14.1.1 and, furthermore, the City's consent to a transfer shall not be deemed to release the Developer of liability for performance under this Agreement unless such release is specific and in writing executed by City. In no event shall the City's release of the Developer from liability under this Agreement upon a transfer be unreasonably withheld or delayed.

Notwithstanding any provision of this Agreement to the contrary, City approval of a Transfer or Assignment of any portion of the Developer's Property under this Agreement shall not be required in connection with any of the following provided that such person or entity transferee or assignee assumes in writing all of the Developer's obligations under this Agreement and notifies the City in writing of the same:

A. Any mortgage, deed of trust, sale/lease-back, or other form of conveyance for financing and any resulting foreclosure therefrom.

B. The granting of easements or dedications to any appropriate governmental agency or utility or permits to facilitate the development of the Developer's Property.

C. A sale or transfer resulting from, or in connection with, a reorganization as contemplated by the provisions of the Internal Revenue Code of 1986, as amended or otherwise, in which the ownership interests of a corporation are assigned directly or by operation of law to a person or persons, firm or corporation which acquires the control of the voting capital stock of such corporation or all or substantially all of the assets of such corporation.

D. A sale or transfer of less than the Trigger Percentages between members of the same immediate family, or transfers to a trust, testamentary or otherwise, in which the beneficiaries consist solely of immediate family members of the trustor or transfers to a corporation or partnership in which the immediate family members or shareholders of the transferor who owns at least ten percent (10%) of the present equity ownership and/or at least fifty percent (50%) of the voting control of Developer.

E. A transfer of common areas to a POA.

F. Any transfer to an entity or entities in which the Developer retains a minimum of 51% of the ownership or beneficial interest and retains management and control of the transferee entity or entities.

G. Any transfer of interests in Owner for estate planning purposes to the heirs of Owner, provided that the heirs retain a minimum of 51% of the ownership or beneficial interest of the transferor entity and retain management and control of the transferee entity.

H. Any transfer of interest to a Pre-Qualified Buyer.

14.1.2. Subject to Terms of Agreement. Following any such Transfer or Assignment of any of the rights and interests of the Developer under this Agreement, in accordance with Section 14.1.1 above, the exercise, use and enjoyment of such rights and interests shall continue to be subject to the terms of this Agreement to the same extent as if the assignee or transferee were the Developer.

14.1.3. Release of Developer. Upon the written consent of the City to the complete assignment of this Agreement or the transfer of a portion of the Developer's Property and the express written assumption of the assigned obligations of the Developer under this Agreement by the assignee, the Developer shall be relieved of its legal duty from the assigned obligations under this Agreement with respect to the portion of the Developer's Property transferred, except to the extent the Developer is in default under the terms of this Agreement prior to the transfer.

14.1.4. No Approval of Terms of Loan by City. Notwithstanding anything to the contrary set forth herein with regards to the approval by the City of hypothecation, encumbrances or mortgages, the City shall only have the right to approve the identity of the Developer's lender, which approval will not be unreasonably withheld, taking into consideration such lender's financial strength, reputation, and other relevant factors. The City shall not have any right to approve any of the terms or conditions of the Developer's financing arrangements with third party lenders.

14.2 Sale to Pre-Qualified Buyer. Nothing herein shall prevent the Developer from selling a portion of the Developer's Property for residential development subject to any approved final subdivision map to a Pre-Qualified Buyer for construction of houses in accordance with the terms of this Agreement provided that the transferee must enter into appropriate agreements with the City to assure that all Development restrictions hereunder will be met.

14.3 Termination of Agreement With Respect to Individual Parcels Upon Sale to Public. Notwithstanding any provisions of this Agreement to the contrary, this Agreement shall terminate as to any Lot which has been finally subdivided and improved with all required public improvements and which is individually (and not in "bulk") sold to an owner-user and thereupon, and without the execution or recordation of any further document or instrument, such Lot shall be released from and no longer be subject to the provisions of this Agreement; provided, however, that CC&R's are placed of record in accordance with Section 14.4 below.

14.4 Declaration of Covenants. Conditions and Restrictions. Prior to the transfer of any portion of the Project to a third party, the Developer shall submit a proposed form of Declaration of Covenants, Conditions and Restrictions to be recorded against the applicable subdivision to the City for its review and approval ("CC&RS"). The CC&RS must be recorded prior to issuance of certificates of occupancy, and Developer shall pay City's review costs. It is anticipated that the CC&RS will contain, among other things, protective covenants to protect and preserve the integrity and value in the subdivision, including but not limited to use restrictions, maintenance covenants, EIR mitigation measures, restrictions under this Development Agreement which will continue to apply to the subdivision, covenants for construction and completion of the improvements and a provision giving the City the right to enforce the CC&RS, including the right to recover its enforcement costs if there is noncompliance following notice and the opportunity to cure.

15. RELEASES AND INDEMNITIES.

15.1 The City's Release As To Actions Prior To Effective Date. The City forever discharges, releases and expressly waives as against the Developer and its attorneys and employees any and all claims, liens, demands, causes of action, excuses for nonperformance (including but not limited to claims and/or defenses of unenforceability, lack of consideration, and/or violation of public policy), losses, damages, and liabilities, known or unknown, suspected or unsuspected, liquidated or unliquidated, fixed or contingent, based in contract, tort, or other theories of direct and/or of agency liability (including but not limited to principles of respondent superior) that it has now or has had in the past, arising out of or relating to this Agreement and the development agreement approved in 1993, and the currently existing land use plans for the Developer's Property or any portion thereof.

15.2 The Developer's Release As To Actions Prior To Effective Date. The Developer forever discharges, releases and expressly waives as against the City and its respective councils, boards, commissions, officers, attorneys and employees any and all claims, liens, demands, causes of action, excuses for nonperformance (including but not limited to claims and/or defenses of unenforceability, lack of consideration, and/or violation of public policy), losses, damages, and liabilities, known or unknown, suspected or unsuspected, liquidated or unliquidated, fixed or contingent, based in contract, tort or other theories of direct and/or of agency liability (including but not limited to principles of respondent superior) that they have now or have had in the past, arising out of or relating to this Agreement and the development agreement approved in 1993, and the currently existing land use plans for the Developer's Property or any portion thereof.

15.3 Third-Party Litigation.

15.3.1. Non-liability of City. As set forth above, the City has determined that this Agreement is consistent with the General Plan and that the General Plan and Development Approvals meets all of the legal requirements of State law. The Parties acknowledge that:

A. In the future there may be challenges to legality, validity and adequacy of the General Plan, the Development Approvals and/or this Agreement; and

B. If successful, such challenges could delay or prevent the performance of this Agreement and the development of the Developer's Property.

In addition to the other provisions of this Agreement, including, without limitation, the provisions of this Section 15, the City shall have no liability under this Agreement for any failure of the City to perform under this Agreement or the inability of the Developer to develop the Developer's Property as contemplated by the Development Plan or this Agreement as the result of a judicial determination that on the Effective Date, or at any time thereafter, the General Plan, the Land Use Regulations, the Development Approvals, this Agreement, or portions thereof, are invalid or inadequate or not in compliance with law.

15.3.2. Revision of Land Use Restrictions. If, for any reason, the General Plan, Land Use Regulations, Development Approvals, this Agreement or any part thereof is hereafter judicially determined, as provided above, to not be in compliance with the State or Federal Constitution, laws or regulations and, if such noncompliance can be cured by an appropriate amendment thereof otherwise conforming to the provisions of this Agreement, then this Agreement shall remain in full force and effect to the extent permitted by law. The Development Plan, Development Approvals and this Agreement shall be amended, as necessary, in order to comply with such judicial decision.

15.3.3. Participation in Litigation: Indemnity. The Developer shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, suites, claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys' fees and costs) against the City and/or Agent for any such Claims or Litigation (as defined in Section 1.10) and shall be responsible for any judgment arising therefrom. The City shall provide the Developer with notice of the pendency of such action and shall request that the Developer defend such action. The Developer may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The Developer shall provide a deposit in the amount of 150% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the Developer fails to provide or maintain the deposit, the City may abandon the action and the Developer shall pay all costs resulting therefrom and City shall have no liability to the Developer. The Developer's obligation to pay the cost of the action, including judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The Developer shall have the right, within the first 30 days of the service of the complaint, in its sole and absolute discretion, to determine that it does not want to defend any litigation attacking this Agreement or the Development Approvals in which case the City shall allow the Developer to settle the litigation on whatever terms the Developer determines, in its sole and absolute discretion, but Developer shall confer with City before acting and cannot bind City. In that event, the Developer shall be liable for any costs incurred by the City up to the date of settlement but shall have no further obligation to the City

beyond the payment of those costs. In the event of an appeal, or a settlement offer, the Parties shall confer in good faith as to how to proceed. Notwithstanding the Developer's indemnity for claims and litigation, the City retains the right to settle any litigation brought against it in its sole and absolute discretion and the Developer shall remain liable except as follows: (i) the settlement would reduce the scope of the Project by 10% or more, and (ii) the Developer opposes the settlement. In such case the City may still settle the litigation but shall then be responsible for its own litigation expense but shall bear no other liability to the Developer.

15.4 Hold Harmless: Developer's Construction and Other Activities. The Developer shall defend, save and hold the City and its elected and appointed boards, commissions, officers, agents, and employees harmless from any and all claims, costs (including attorneys' fees) and liability for any damages, personal injury or death, which may arise, directly or indirectly, from the Developer's or the Developer's agents, contractors, subcontractors, agents, or employees' operations under this Agreement, whether such operations be by the Developer or by any of the Developer's agents, contractors or subcontractors or by any one or more persons directly or indirectly employed by or acting as agent for the Developer or any of the Developer's agents, contractors or subcontractors. Nothing herein is intended to make the Developer liable for the acts of the City's officers, employees, agents, contractors of subcontractors.

15.5 Survival of Indemnity Obligations. All indemnity provisions set forth in this Agreement shall survive termination of this Agreement for any reason other than the City's Default.

16. EFFECT OF AGREEMENT ON TITLE.

16.1 Covenant Run with the Land. Subject to the provisions of Sections 14 and 18 and pursuant to the Development Agreement Statute (§ 65868.5):

A. All of the provisions, agreements, rights, powers, standards, terms, covenants and obligations contained in this Agreement shall be binding upon the parties and their respective heirs, successors (by merger, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons acquiring any rights or interests in the Developer's Property, or any portion thereof, whether by operation of laws or in any manner whatsoever and shall inure to the benefit of the parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns;

B. All of the provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law; and

C. Each covenant to do or refrain from doing some act on the Developer's Property hereunder (i) is for the benefit of and is a burden upon every portion of the Developer's Property, (ii) runs with such lands, and (iii) is binding upon each party and each successive owner during its ownership of such properties or any portion thereof, and each person having any interest therein derived in any manner through any owner of such lands, or any portion thereof, and each other person succeeding to an interest in such lands.

17. CITY OFFICERS AND EMPLOYEES: NON-DISCRIMINATION.

17.1 Non-liability of City Officers and Employees. No official, agent, contractor, or employee of the City shall be personally liable to the Developer, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Developer or to its successor, or for breach of any obligation of the terms of this Agreement.

17.2 Conflict of Interest. No officer or employee of the City shall have any financial interest, direct or indirect, in this Agreement nor shall any such officer or employee participate in any decision relating to this Agreement which affects the financial interest of any corporation, partnership or association in which he or she is, directly or indirectly, interested, in violation of any state statute or regulation.

17.3 Covenant Against Discrimination. The Developer covenants that, by and for itself, its heirs, executors, assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the performance of this Agreement. The Developer shall take affirmative action to insure that employees are treated during employment without regard to their race, color, creed religion, sex, marital status, national origin or ancestry.

18. MORTGAGEE PROTECTION.

18.1 Definitions. As used in this Section, the term "mortgage" shall include any mortgage, whether a leasehold mortgage or otherwise, deed of trust, or other security interest, or sale and lease-back, or any other form of conveyance for financing. The term "holder" shall include the holder of any such mortgage, deed of trust, or other security interest, or the lessor under a lease-back, or the grantee under any other conveyance for financing.

18.2 No Encumbrances Except Mortgages to Finance the Project. Notwithstanding the restrictions on transfer in Section 14, mortgages required for any reasonable method of financing of the construction of the improvements are permitted but only for the following: (i) for the purpose of securing loans of funds used or to be used for financing the acquisition of a separate lot(s) or parcel(s), (ii) for the construction of improvements thereon, in payment of interest and other financing costs, and (iii) for any other expenditures necessary and appropriate to develop the Project under this Agreement, or for restructuring or refinancing any for same. No map permitted herein, even if for financing purposes, shall permit financing for other than purposes of developing the Project solely. The Developer (or any entity permitted to acquire title under this Agreement) shall notify the City in advance of any future mortgage or any extensions or modifications thereof. Any lender which has so notified the City shall not be bound by any amendment, implementation, or modification to this Agreement without such lender giving its prior written consent thereto. In any event, the Developer shall promptly notify the City of any mortgage, encumbrance, or lien that has been created or attached thereto prior to completion of construction, whether by voluntary act of the Developer or otherwise.

18.3 Developer's Breach Not Defeat Mortgage Lien. The Developer's breach of any of the covenants or restrictions contained in this Agreement shall not defeat or render void the lien of any mortgage made in good faith and for value but, unless otherwise provided herein, the terms, conditions, covenants, restrictions, easements, and reservations of this Agreement shall be binding and effective against the holder of any such mortgage whose interest is acquired by foreclosure, trustee's sale or otherwise.

18.4 Holder Not Obligated to Construct or Complete Improvements. The holder of any mortgage shall in no way be obligated by the provisions of this Agreement to construct or complete the improvements or to guarantee such construction or completion. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote the Project or any portion thereof to any uses, or to construct any improvements thereon, other than those uses or improvements provided for or authorized by this Agreement.

18.5 Notice of Default to Mortgagee. Whenever the City shall deliver any notice or demand to the Developer with respect to any breach or default by the Developer hereunder, the City shall at the same time deliver a copy of such notice or demand to each holder of record of any mortgage who has previously made a written request to the City therefor, or to the representative of such lender as may be identified in such a written request by the lender. No notice of default shall be effective as to the holder unless such notice is given.

18.6 Right to Cure. Each holder (insofar as the rights of City are concerned) shall have the right, at its option, within ninety (90) days after the receipt of the notice, and one hundred twenty (120) days after the Developer's cure rights have expired, whichever is later, to:

A. Obtain possession, if necessary, and to commence and diligently pursue the cure until the same is completed, and

B. Add the cost of said cure to the security interest debt and the lien or obligation on its security interest;

provided that, in the case of a default which cannot with diligence be remedied or cured within such cure periods referenced above in this Section 18.6, such holder shall have additional time as reasonably necessary to remedy or cure such default.

In the event there is more than one such holder, the right to cure or remedy a breach or default of the Developer under this Section shall be exercised by the holder first in priority or as the holders may otherwise agree among themselves, but there shall be only one exercise of such right to cure and remedy a breach or default of the Developer under this Section.

No holder shall undertake or continue the construction or completion of the improvements (beyond the extent necessary to preserve or protect the improvements or construction already made) without first having expressly assumed the Developer's obligations to the City by written agreement satisfactory to City with respect to the Project or any portion thereof in which the holder has an interest. The holder must agree to complete, in the manner required by this Agreement, the improvements to which the lien or title of such holder relates, and submit evidence satisfactory to the City that it has the qualifications and financial responsibility necessary to perform such obligations.

18.7 City's Rights upon Failure of Holder to Complete Improvements. In any case where one hundred eighty (180) days after default by the Developer in completion of construction of improvements under this Agreement, the holder of any mortgage creating a lien or encumbrance upon the Project or portion thereof has not exercised the option to construct afforded in this Section or, if it has exercised such option and has not proceeded diligently with construction, the City may, after ninety (90) days' notice to such holder and if such holder has not exercised such option to construct within said ninety (90) day period, purchase the mortgage, upon payment to the holder of an amount equal to the sum of the following:

A. The unpaid mortgage, debt plus any accrued and unpaid interest (less all appropriate credits, including those resulting from collection and application of rentals and other income received during foreclosure proceedings, if any);

B. All expenses, incurred by the holder with respect to foreclosure, if any;

C. The net expenses (exclusive of general overhead), incurred by the holder as a direct result of the ownership or management of the applicable portion of the Project, such as insurance premiums or real estate taxes, if any;

D. The costs of any improvements made by such holder, if any; and

E. An amount equivalent to the interest that would have accrued on the aggregate of such amounts had all such amounts become part of the mortgage debt and such debt had continued in existence to the date of payment by the City.

If the City has not purchased the mortgage within ninety (90) days of the expiration of the ninety (90) days referred to above, then the right of the City to purchase shall expire.

In the event that the holder does not exercise its option to construct afforded in this Section, and if the City elects not to purchase the mortgage of holder, upon written request by the holder to the City, the City shall use reasonable efforts to assist the holder in selling the holder's interest to a qualified and responsible party or parties (as determined by City), who shall assume the obligations of making or completing the improvements required to be constructed by the Developer, or such other improvements in their stead as shall be satisfactory to the City. The proceeds of such a sale shall be applied first to the holder of those items specified in subparagraphs A through E hereinabove and any balance remaining thereafter shall be applied as follows:

(1) First, to reimburse the City for all costs and expenses actually and reasonably incurred by the City, including, but not limited to, payroll expenses, management expenses, legal expenses, and others;

(2) Second, to reimburse the City for all payments made by City to discharge any other encumbrances or liens on the applicable portion of the Project or to discharge or prevent from attaching or being made any subsequent encumbrances or liens due to obligations, defaults, or acts of the Developer, its successors or transferees;

(3) Third, to reimburse the City for all costs and expenses actually and reasonably incurred by the City, in connection with its efforts assisting the holder in selling the holder's interest in accordance with this Section; and

(4) Fourth, any balance remaining thereafter shall be paid to the Developer.

18.8 Right of City to Cure Mortgage Default. In the event of a default or breach by the Developer (or entity permitted to acquire title under this Section) prior to completion of the Project or the applicable portion thereof, and the holder of any such mortgage has not exercised its option to complete the development, the City may cure the default prior to completion of any foreclosure. In such event, the City shall be entitled to reimbursement from the Developer or other entity of all costs and expenses incurred by the City in curing the default, to the extent permitted by law, as if such holder initiated such claim for reimbursement, including legal costs and attorneys' fees, which right of reimbursement shall be secured by a lien upon the applicable portion of the Project to the extent of such costs and disbursements. Any such lien shall be subject to:

A. Any Mortgage; and

B. Any rights or interests provided in this Agreement for the protection of the holders of such Mortgages;

provided that nothing herein shall be deemed to impose upon the City any affirmative obligations (by the payment of money, construction or otherwise) with respect to the Project in the event of its enforcement of its lien.

18.9 Right of the City to Satisfy Other Liens on the Developer's Property After Conveyance of Title. After the conveyance of title and prior to completion of construction and development, and after the Developer has had a reasonable time to challenge, cure, or satisfy any liens or encumbrances on the Project, the City shall have the right to satisfy any such liens or encumbrances; provided, however, that nothing in this Agreement shall require the Developer to pay or make provision for the payment of any tax, assessment, lien or charge so long as the Developer in good faith shall contest the validity or amount thereof, and so long as such delay in payment shall not subject the Project or any portion thereof to forfeiture or sale.

19. MISCELLANOUS.

19.1 Estoppel Certificates. Either Party (or a Mortgagee under Section 18) may at any time deliver written notice to the other Party requesting an Estoppel Certificate stating:

A. The Agreement is in full force and effect and is a binding obligation of the Parties;

B. The Agreement has not been amended or modified either orally or in writing or, if so amended, identifying the amendments; and

C. There are no existing defaults under the Agreement to the actual knowledge of the party signing the Estoppel Certificate.

A Party receiving a request for an Estoppel Certificate shall provide a signed certificate to the requesting Party within thirty (30) days after receipt of the request. The Planning Director may sign Estoppel Certificates on behalf of the City. An Estoppel Certificate may be relied on by assignees and Mortgagees. The Estoppel Certificate shall be substantially in the same form as Exhibit "C."

19.2 Force Majeure. The time within which the Developer or the City shall be required to perform any act under this Agreement shall be extended by a period of time equal to the number of days during which performance of such act is delayed due to war, insurrection, strikes, lock-outs, riots, floods, earthquakes, fires, casualties, natural disasters, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, governmental restrictions on priority, initiative or referendum, moratoria, processing with governmental agencies other than the City, unusually severe weather, third party litigation as described in Section 15.3 above, or any other similar causes beyond the control or without the fault of the Party claiming an extension of time to perform. An extension of time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if written notice by the party claiming such extension is sent to the other Party within thirty (30) days of knowledge of the commencement of the cause. Any act or failure to act on the part of a Party shall not excuse performance by that Party.

19.3 Interpretation.

19.3.1. Construction of Development Agreement. The language of this Agreement shall be construed as a whole and given its fair meaning. The captions of the sections and subsections are for convenience only and shall not influence construction. This Agreement shall be governed by the laws of the State of California. This Agreement shall not be deemed to constitute the surrender or abrogation of the City's governmental powers over the Developer's Property.

19.3.2. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with respect to the subject matter of this Agreement and this Agreement supersedes all previous negotiations, discussions, and agreements between the Parties. No parol evidence of any prior or other agreement shall be permitted to contradict or vary the terms of this Agreement.

19.3.3. Recitals. The recitals in this Agreement constitute part of this Agreement and each Party shall be entitled to rely on the truth and accuracy of each recital as an inducement to enter into this Agreement.

19.3.4. Mutual Covenants. The covenants contained herein are mutual covenants and also constitute conditions to the concurrent or subsequent performance by the Party benefitted thereby of the covenants to be performed hereunder by such benefitted Party.

19.4 Severability. If any provision of this Agreement is adjudged invalid, void or unenforceable, that provision shall not affect, impair, or invalidate any other provision, unless such judgment affects a material part of this Agreement in which case the parties shall comply with the procedures set forth in Section 15.3.3 above.

19.5 Joint and Several Obligations. All obligations and liabilities of the Developer hereunder shall be joint and several among the obligees.

19.6 No Third Party Beneficiaries. The only Parties to this Agreement are the Developer and the City and their successor and assigns. There are no third party beneficiaries and this Agreement is not intended, and shall not be construed, to benefit or be enforceable by any other person whatsoever.

19.7 Notice.

19.7.1. To Developer. Any notice required or permitted to be given by the City to the the Developer under this Development Agreement shall be in writing and delivered personally to the Developer or mailed, with postage fully prepaid, registered or certified mail, return receipt requested, addressed as follows:

Pardee Homes.
10880 Wilshire Boulevard, Suite 1900
Los Angeles, CA 90024
Attention: Legal department

With a copy to:

Kenneth B. Bley, Esq.
Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067-3284

or such other address as the Developer may designate in writing to the City.

19.7.2. To the City. Any notice required or permitted to be given by the Developer to the City under this Development Agreement shall be in writing and delivered personally to the City Clerk or mailed with postage fully prepaid, registered or certified mail, return receipt requested, addressed as follows:

City of Banning
99 E. Ramsey Street
Banning, CA 92220
Attention: Planning Director

With a copy to:

David J. Aleshire, Esq., City Attorney
Aleshire & Wynder, LLP
18881 Von Karman Avenue, Suite 400
Irvine, California 92612

or such other address as the City may designate in writing to the Developer.

Notices provided pursuant to this Section shall be deemed received at the date of delivery as shown on the affidavit of personal service or the Postal Service receipt.

19.8 Relationship of Parties. It is specifically understood and acknowledged by the Parties that the Project is a private development, that neither Party is acting as the agent of the other in any respect hereunder, and that each Party is an independent contracting entity with respect to the terms, covenants, and conditions contained in this Agreement. The only relationship between the City and the Developer is that of a government entity regulating the development of private property and the owner of such private property.

19.9 Attorney's Fees. If either Party to this Agreement is required to initiate or defend litigation against the other Party, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees. Attorney's fees shall include attorney's fees on any appeal, and, in addition, a Party entitled to attorney's fees shall be entitled to all other reasonable costs for investigating such action, taking depositions and discovery and all other necessary costs the court allows which are incurred in such litigation. All such fees shall be deemed to have accrued on commencement of such action and shall be enforceable whether or not such action is prosecuted to a final judgment.

19.10 Further Actions and Instruments. Each of the Parties shall cooperate with and provide reasonable assistance to the other to the extent necessary to implement this Agreement. Upon the request of either Party at any time, the other Party shall promptly execute, with acknowledgment or affidavit if reasonably required, and file or record such required instruments and writings and take any actions as may be reasonably necessary to implement this Agreement or to evidence or consummate the transactions contemplated by this Agreement.

19.11 Time of Essence. Time is of the essence in:

A. The performance of the provisions of this Agreement as to which time is an element; and

B. The resolution of any dispute which may arise concerning the obligations of the Developer and the City as set forth in this Agreement.

19.12 Waiver. Failure by a Party to insist upon the strict performance of any of the provisions of this Agreement by the other Party, or the failure by a Party to exercise its rights upon the default of the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by the other Party with the terms of this Agreement thereafter.

19.13 Execution.

19.13.1. Counterparts. This Agreement may be executed by the parties in counterparts which counterparts shall be construed together and have the same effect as if all of the Parties had executed the same instrument.

19.13.2. Recording. The City Clerk shall cause a copy of this Agreement to be executed by the City and recorded in the Official Records of Riverside County

no later than ten (10) days after the Effective Date (Gov't Code § 65868.5). The recordation of this Agreement is deemed a ministerial act and the failure of the City to record the Agreement as required by this Section and the Development Agreement Statute does not make this Agreement void or ineffective.

19.13.3. Authority to Execute. The persons executing this Agreement on behalf of the Parties hereto warrant that (i) such Party is duly organized and existing, (ii) they are duly authorized to sign and deliver this Agreement on behalf of the Party he or she represents, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Agreement, (iv) the entering into of this Agreement does not violate any provision of any other Agreement to which the Party is bound and (v) there is no litigation or legal proceeding which would prevent the Parties from entering into this Agreement.

(SIGNATURES ON THE NEXT PAGE.)

IN WITNESS WHEREOF, the City and the Developer have executed this Agreement on the date first above written.

CITY OF BANNING

BY: _____
Don Robinson, Mayor

ATTEST:

_____
Marie Calderon, City Clerk

Approved as to form:
ALESHIRE & WYNDER, LLP

_____
David J. Aleshire, City Attorney

"DEVELOPER"

PARDEE HOMES, a California corporation

BY: _____
~~President~~ Michael V. McGee
President and Chief Executive Officer

BY: _____
~~Secretary~~ Amy Glad
Senior Vice President-Governmental Affairs

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

State of California
County of Los Angeles

On April 24, 2012, before me, Nancy Trojan, Notary Public personally appeared Michael V. McGee, President and Chief Executive Officer and Amy Glad, Senior Vice President-Governmental Affairs who proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entities upon behalf of which the persons acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

NANCY TROJAN
Commission # 1903865
Notary Public - California
Los Angeles County
My Comm. Expires Sep 12, 2014

WITNESS my hand and official seal

Nancy Trojan
Notary Public in and for said State.

- - - - - - - - - - - - - - - - -OPTIONAL -

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document: Development Agreement – City of Banning

Signers are Representing: Pardee Homes

Signer(s) other than named above:

CAPACITY CLAIMED BY SIGNER

Name of Signer: Michael V. McGee and Amy Glad
Corporate Officers Title: President and Chief Executive Officer and Senior Vice President-Governmental Affairs

EXHIBIT "A"
MAP AND LEGAL DESCRIPTION OF DEVELOPER'S PROPERTY

LEGAL DESCRIPTION

Those certain parcels of land situated in the City of Banning, County of Riverside, State of California, being Lots 1 through 20 of Tract No. 34330 as shown on a map thereof filed in Book 429, Pages 84 through 103 of Maps in the Office of the County Recorder of said Riverside County.

EXHIBIT "A"
MAP OF DEVELOPER'S PROPERTY

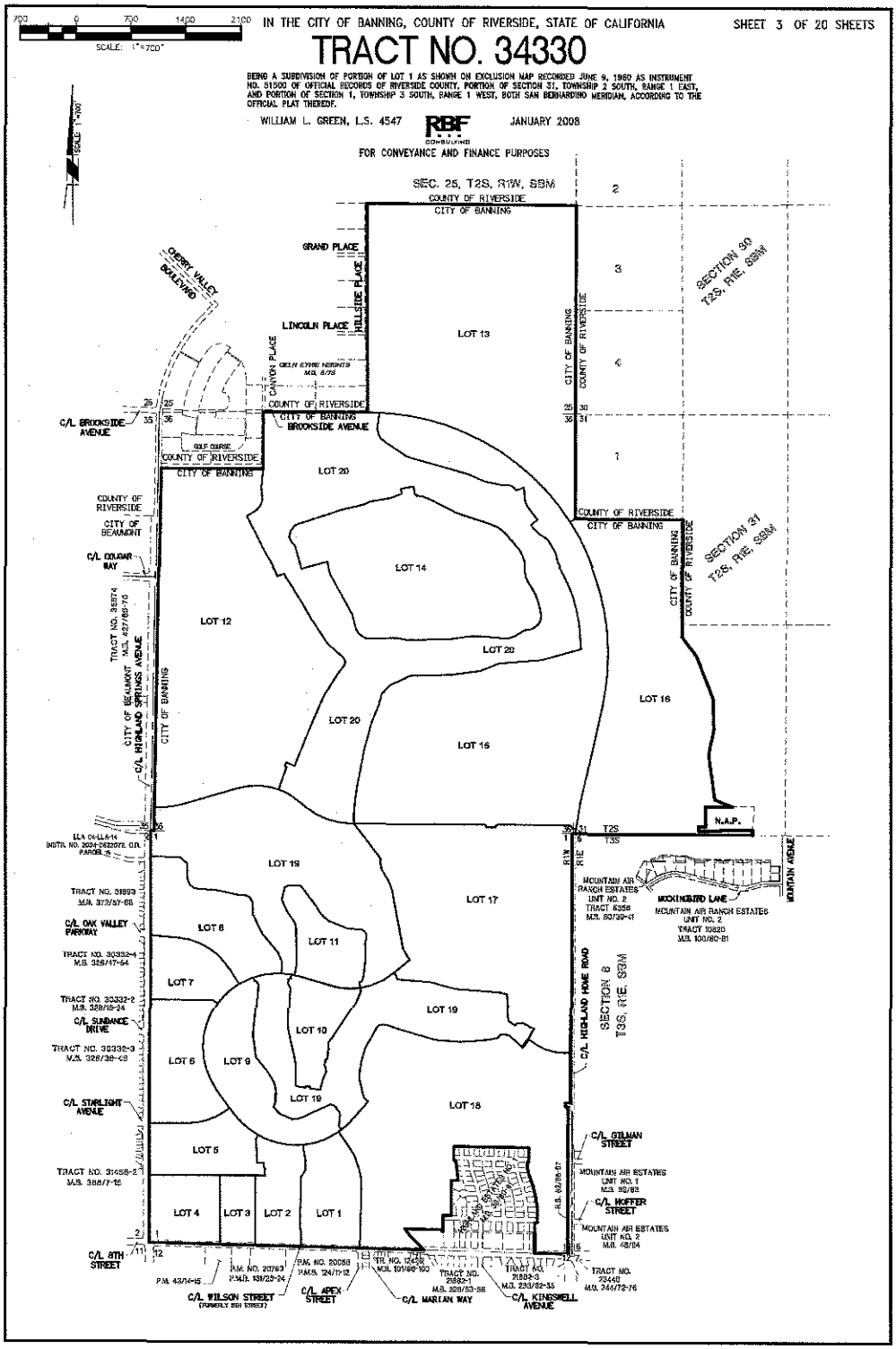
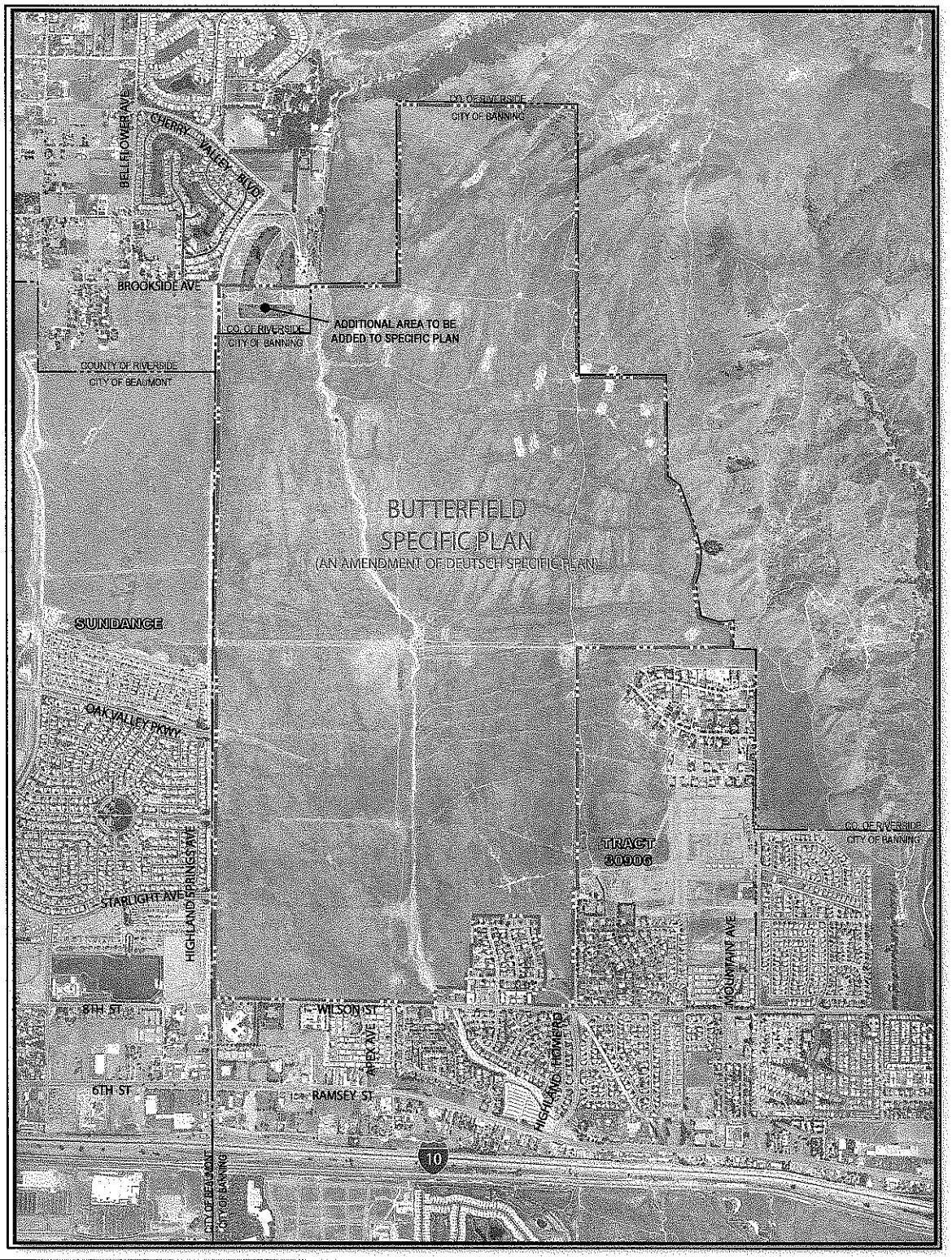


EXHIBIT "A"
PARDEE BANNING PROPERTY



SPECIFIC PLAN MAP

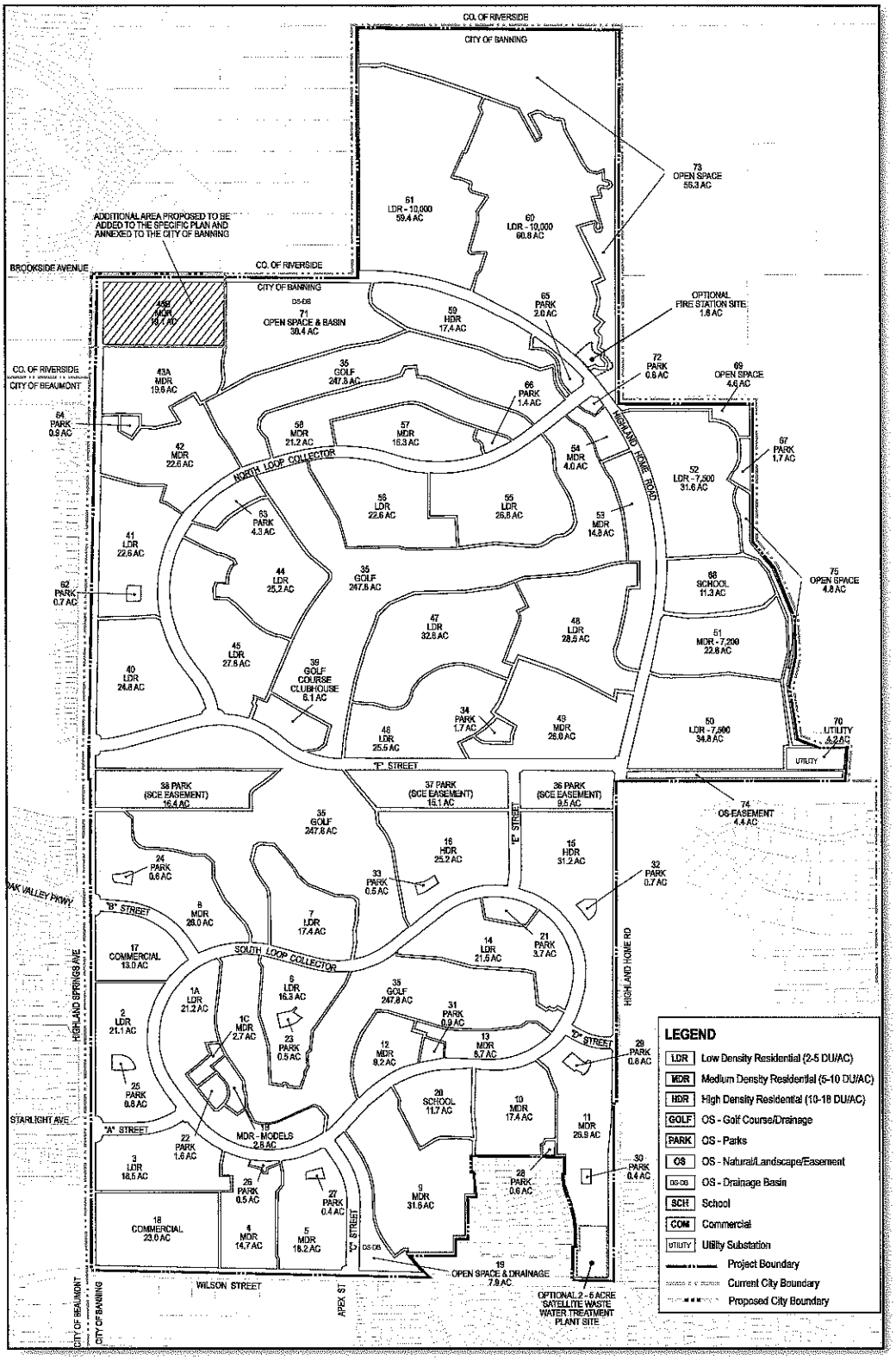


EXHIBIT "B"
EXISTING DEVELOPMENT APPROVALS/FEE STUDIES

A. EXISTING DEVELOPMENT APPROVALS (DA Section 1.35)

1. General Plan Amendment No. 11-2501
2. Zone Change No. 11-3501
3. Butterfield Specific Plan
4. Development Agreement

B. DEVELOPMENT FEE STUDIES IN PROCESS (DA Sections 1.28, 4.7)

Studies being pepared in accordance with Section 7.2.

1. General Facilities Fee*
2. Fire Facilities Fee*
3. Police Facilities Fee*
4. Traffic Control Fee*
5. Park Land Fee
6. Road and Bridge Fee
7. Recycled Water Fee
8. Water Connection*
9. Waste Water Connection* (Collection Fee)
10. Waste Water Frontage Fee
11. Emergency Shelter Fee

* Also included in Exhibit D and are subject to Developer Incentive Credit under Section 6.8.

EXHIBIT "C"
ESTOPPEL CERTIFICATE

Date Requested: _____

Date of Certificate: _____

On _____, 2012, the City of Banning approved the Development Agreement between Pardee Homes, a California corporation and the City of Banning (the "Development Agreement").

This Estoppel Certificate certifies that, as of the Date of Certificate set forth above:

[CHECK WHERE APPLICABLE]

____ 1. The Development Agreement remains binding and effective.

____ 2. The Development has not been amended.

____ 3. The Development Agreement has been amended in the following aspects:_____
_____
_____.

____ 4. To the best of our knowledge, neither Developer nor any of its successors is in default under the Development Agreement.

____ 5. The following defaults exist under the Development Agreement:_____
_____
_____.

This Estoppel Certificate may be relied upon by an transferee or mortgagee of any interest in the property which is the subject of the Development Agreement.

CITY OF BANNING

BY:_____
PLANNING DIRECTOR

EXHIBIT "D"
DEVELOPMENT IMPACT FEES

EXHIBIT "D"
CITY OF BANNING
SCHEDULE OF FEES
DEVELOPMENT IMPACT FEES

DISCRIPTION OF FEE		CURRENT FEE	UNIT	RESOLUTION/ ORDINANCE #	EFFECTIVE DATE
Fire Facilities					
Residential					
Single Family Detached	$	1,335.00	per unit	Reso. 2006-075	8/8/2006
Townhouse/Duplex	$	1,335.00	per unit	Reso. 2006-075	8/8/2006
Multi-Family	$	1,335.00	per unit	Reso. 2006-075	8/8/2006
Mobile Home	$	1,335.00	per unit	Reso. 2006-075	8/8/2006
Nonresidential					
Com/Shopping Ctr 50,000 SF or less	$	579.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 50,001 - 100,000 SF	$	506.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 100,001 - 200,000 SF	$	450.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr over 200,001 SF	$	405.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,000 SF or less	$	841.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,001 - 50,000 SF	$	792.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 50,001 - 100,000 SF	$	748.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Medical - Dental Office	$	821.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Hospital	$	685.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Business Park	$	640.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Light Industrial	$	468.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Manufacturing	$	363.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Warehousing	$	259.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Elementary School	$	186.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Other Nonresidential					
Lodging	$	144.00	per room	Reso. 2006-075	8/8/2006
Day Care	$	32.00	per student	Reso. 2006-075	8/8/2006
Nursing Home	$	73.00	per bed	Reso. 2006-075	8/8/2006
Police Facilities					
Residential					
Single Family Detached	$	823.00	per unit	Reso. 2006-075	8/8/2006
Townhouse/Duplex	$	626.00	per unit	Reso. 2006-075	8/8/2006
Multi-Family	$	913.00	per unit	Reso. 2006-075	8/8/2006
Mobile Home	$	500.00	per unit	Reso. 2006-075	8/8/2006
Nonresidential					
Com/Shopping Ctr 50,000 SF or less	$	472.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 50,001 - 100,000 SF	$	413.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 100,001 - 200,000 SF	$	358.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr over 200,001 SF	$	307.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,000 SF or less	$	192.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,001 - 50,000 SF	$	164.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 50,001 - 100,000 SF	$	140.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Medical - Dental Office	$	379.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Hospital	$	184.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Business Park	$	134.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Light Industrial	$	73.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Manufacturing	$	40.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Warehousing	$	52.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Elementary School	$	152.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Other Nonresidential					

EXHIBIT "D"
CITY OF BANNING
SCHEDULE OF FEES
DEVELOPMENT IMPACT FEES

DISCRIPTION OF FEE		CURRENT FEE	UNIT	RESOLUTION/ ORDINANCE #	EFFECTIVE DATE
Lodging	$	95.00	per room	Reso. 2006-075	8/8/2006
Day Care	$	47.00	per student	Reso. 2006-075	8/8/2006
Nursing Home	$	24.00	per bed	Reso. 2006-075	8/8/2006
Traffic Control Facilities					
Residential					
Single Family Detached	$	250.00	per unit	Reso. 2006-075	8/8/2006
Townhouse/Duplex	$	153.00	per unit	Reso. 2006-075	8/8/2006
Multi-Family	$	172.00	per unit	Reso. 2006-075	8/8/2006
Mobile Home	$	130.00	per unit	Reso. 2006-075	8/8/2006
Nonresidential					
Com/Shopping Ctr 50,000 SF or less	$	1,176.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 50,001 - 100,000 SF	$	1,029.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 100,001 - 200,000 SF	$	891.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr over 200,001 SF	$	764.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,000 SF or less	$	479.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,001 - 50,000 SF	$	409.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 50,001 - 100,000 SF	$	349.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Medical - Dental Office	$	944.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Hospital	$	459.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Business Park	$	333.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Light Industrial	$	182.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Warehousing	$	130.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Elementary School	$	379.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Other Nonresidential					
Lodging	$	238.00	per room	Reso. 2006-075	8/8/2006
Day Care	$	117.00	per student	Reso. 2006-075	8/8/2006
Nursing Home	$	62.00	per bed	Reso. 2006-075	8/8/2006
Parkland					
Residential					
Single Family Detached	$	1,955.00	per unit	Reso. 2006-075	8/8/2006
Townhouse/Duplex	$	1,485.00	per unit	Reso. 2006-075	8/8/2006
Multi-Family	$	2,168.00	per unit	Reso. 2006-075	8/8/2006
Mobile Home	$	1,187.00	per unit	Reso. 2006-075	8/8/2006
Commercial/Industrial	$	1,233.00	per acre	Reso. 2006-075	8/8/2006
General City Facilities					
Residential					
Single Family Detached	$	478.00	per unit	Reso. 2006-075	8/8/2006
Townhouse/Duplex	$	363.00	per unit	Reso. 2006-075	8/8/2006
Multi-Family	$	530.00	per unit	Reso. 2006-075	8/8/2006
Mobile Home	$	290.00	per unit	Reso. 2006-075	8/8/2006
Nonresidential					
Com/Shopping Ctr 50,000 SF or less	$	208.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 50,001 - 100,000 SF	$	182.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Com/Shopping Ctr 100,001 - 200,000 SF	$	162.00	per 1,000 SF	Reso. 2006-075	8/8/2006

EXHIBIT "D"
CITY OF BANNING
SCHEDULE OF FEES
DEVELOPMENT IMPACT FEES

DISCRIPTION OF FEE		CURRENT FEE	UNIT	RESOLUTION/ ORDINANCE #	EFFECTIVE DATE
Com/Shopping Ctr over 200,001 SF	$	146.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,000 SF or less	$	302.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 25,001 - 50,000 SF	$	285.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Office/Inst 50,001 - 100,000 SF	$	269.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Medical - Dental Office	$	295.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Hospital	$	246.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Business Park	$	230.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Light Industrial	$	168.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Manufacturing	$	130.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Warehousing	$	93.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Elementary School	$	67.00	per 1,000 SF	Reso. 2006-075	8/8/2006
Other Nonresidential					
Lodging	$	52.00	per room	Reso. 2006-075	8/8/2006
Day Care	$	12.00	per student	Reso. 2006-075	8/8/2006
Nursing Home	$	26.00	per bed	Reso. 2006-075	8/8/2006
Water Connection					
Water system connection fee	$	7,232.00	per equivalent dwelling unit	Ord. # 1320	12/14/2004
Wastewater Connection					
Wastewater connection fee	$	2,786.00	per equivalent dwelling unit	Ord. # 1321	1/13/2005

** Fee shall be revised annually based on the average percentage change over the previous calender year set forth in the Construction Price Index for the Los Angeles metropolitan area.*

EXHIBIT "E"
ADDITIONAL AGREEMENTS CONCERNING DEVELOPMENT

In addition to the other terms and conditions concerning the City's assistance to the Project, the City shall accommodate and expedite the development of the Developer's Property as follows:

1.0 CONSTRUCTION CONDITIONS

1.1 Provision of Utility Connections. The City shall provide, at the Developer's expense, any necessary temporary and permanent utility connections requested by the Developer for power, water service and sewer service prior to recordation of final map.

1.2 Allowance of Transformers. The City shall allow the setting of transformers without requiring adjacent streets to be fully paved. It is anticipated that 6' feet of curb and gutter will be placed adjacent to the transformer to ensure correct elevation of the transformer pad. In the event that the location or elevation change, the Developer shall incur the full costs of relocation of both the curb and transformer.

1.3 Temporary Water Pipes. Temporary above ground pipes for construction water and temporary fire hydrants will be acceptable for model and production homes prior to the first certificate of occupancy in the construction phase being developed.

1.4 Provision of Construction Water. The City shall provide "jumpers" or temporary construction water at the City's normal rate.

1.5 Temporary Use of City Sewer System. The City shall allow the temporary connection of construction trailers to the permanent City sewer system.

1.6 Temporary Use of City Water System. The City shall allow temporary connection of construction trailers to the permanent City water system, provided that all required backflow devices are installed to protect the integrity of the system.

2.0 MAINTAINENCE

2.1 Maintenance of Construction Activities. The Developer shall contract directly for all work required for the maintenance of construction related activities, including but not limited to recycling of construction materials, erosion control, temporary fence installation, and temporary power installation. The selection and retention of the contractor, subcontractor or other person or entity to do such work shall be made by the Developer in its sole and absolute discretion. Trash removal will be coordinated directly with City franchisee. In regards to recycled materials, the Developer will produce for the City, at its request, a manifest to confirm the location, type and amount of materials recycled.

3.0 STREETS

3.1 Timing of Street Paving. The Developer shall be allowed to begin construction of model and production homes without first paving streets. Paved streets shall be required as a condition for the issuance of the certificate of occupancy for the first production home in each construction phase. The Developer shall install all-weather access for construction and emergency personnel, which, during dry months, may, include maintained dirt roads.

3.1 Final Lift of Pavement. The City shall allow the installation of the final 1" of asphalt pavement through coordination with the Developer and the City's Public Works officials. If the final 1" of pavement is installed early in the Development of specific in-tract or on backbone streets, and if no structural failures have occurred within the street system, the City may require a fog coat seal prior to exoneration of any outstanding bonds.

4.0 GRADING/DRAINAGE

4.1 At Risk Grading. After the first plan check comments on either the rough or mass grading plans are received by the Developer, the City shall allow the Developer to begin grading operations for the area that is the subject of the plan check. The Developer acknowledges that any changes that may be required by the City will be made at the sole expense of the Developer.

4.2 Erosion Control. The Developer shall Develop the Developer's Property in such a way as to confine all storm water within the Project and shall, do so in a manner which adequately protects all construction within the Project. The Developer shall prepare an erosion control plan that will demonstrate methods that may be incorporated in the Development of the Project to protect downstream watersheds. The Developer shall manage and determine when erosion control measures need to be installed and maintained, but Developer shall comply with any order of City.

4.3 Drainage. Reverse lot drainage on lots that back up to open space, the Golf Course or parks shall be allowed provided that these areas are privately maintained by the Property Owners Association.

5.0 DEVELOPMENT CONDITIONS

5.1 Lot Line Adjustments. In the event that lot line adjustments are required for model complexes or adjustments to open space lots after the recordation of a final map, the City shall review the requested adjustment over the counter with City Engineering staff and the Developer or the Developer's representative. This will not be allowed for the construction of regular production homes.

5.2 Rear Residential Slopes. The Developer shall stabilize according to the City Grading and Landscape Ordinance the rear slope of all residential Lots prior to issuance of a Certificate of Occupancy but shall not be required to landscape and/or irrigate the slopes. It is the intention that rear yard landscaping will be required and installed within the time specified in the CCC & R's by the homeowner.

5.3 Use of Joint Trenches. The City shall allow the Developer, to utilize joint trenches if it deems it necessary for Internet capabilities and/or telecommunication purposes.

5.4 Curbs. The construction of wedge, rolled curb, or mountable curbs within residential and multifamily zoned Planning Areas shall be permitted at the Developer's sole and absolute discretion.

6.0 GOLF COURSE

6.1 Golf Course/Active Open Space Drainage Facilities. It is the Developer's intention that the flood control facilities proposed within this area will be constructed consistent with all applicable design standards for such facilities with their maintenance being the responsibility of the either the POA, the operator of the Golf Course, the Developer or the City and not the responsibility of the Riverside County Flood Control District (the "RCFCD") unless the facility has been identified as a Drainage Master Plan Facility by RCFCD.

6.2 Golf Course Water. The financial viability of the Golf Course will be dependent upon the costs to operate and maintain the Golf Course. The City shall provide water to the Project at a per unit rate not to exceed the cost highest tiered rate for irrigation water for the Golf Course for the Term of this Agreement.

7.0 PERMITTING

7.1 Fire Sprinkler Inspections. The City's Building and Safety Division shall serve as Special Fire Marshall for this project. Building and Safety shall be responsible for enforcing the then applicable provisions of the California Fire Code, and the California Building Standards Codes.

7.2 Bond Exoneration. Upon request by the Developer, the City shall generate a one-time punch list of items required for the full or partial exoneration of all Project-related improvement bonds, for improvements both within and outside of the Property. The City shall, within 5 days of receipt of a written request from the Developer, provide an inspector to determine if the punch list items have been corrected. Once it has been determined that they have been corrected, the City shall expeditiously exonerate the bonds, partially or fully, as applicable. No additional punch lists shall be generated once an improvement has been inspected and a punch list generated.

7.3 Building Permit Refunds. If a Building Permit has expired without construction having started on the structure for which the Building Permit was issued, the Developer shall be entitled to a refund of the building permit fee less 20% for an administrative fee. No refund will be provided if the request for the refund has not been provided to the City within 30 days of the Building Permit's expiration.

8.0 PREVAILING WAGES

The Developer shall pay prevailing wages in connection with the construction of the Project as required by law. To the extent that it is determined that Developer has not paid, or does not pay, prevailing wages required by law for any portion of the Project, Developer shall defend and hold the City harmless from and against any and all increase in construction costs, or other liability, loss, damage, costs, or expenses (including reasonable attorneys' fees and court costs) arising from or as a result of any action or determination that the Developer failed to pay prevailing wages in connection with the construction of the Project.

Developer acknowledges and agrees that should any third party, including but not limited to the Director of the Department of Industrial Relations ("DIR"), require Developer or any of its contractors or subcontractors to pay the general prevailing wage rates of per diem wages and overtime and holiday wages determined by the Director of the DIR under Prevailing Wage Law, then Developer shall indemnify, defend, and hold City harmless from any such determinations, or actions (whether legal, equitable, or administrative in nature) or other proceedings, and shall assume all obligations and liabilities for the payment of such wages and for compliance with the provisions of the Prevailing Wage Law. The City makes no representation that any construction or Site uses to be undertaken by Developer are or are not subject to Prevailing Wage Law.

9.0 COST OF DEVELOPMENT AGREEMENT

Developer has previously deposited approximately $200,000 with the City to pay all the City's outside consulting costs, costs of the environmental and legal review, and costs to process and obtain the Development Approvals, including this Agreement. As of March 1, such costs in aggregate exceed the amount deposited by $20,000, and additional costs are anticipated by the end of the approval process. Accordingly, before this Development Agreement shall be executed by the City, the Finance Director shall prepare a final written statement of costs incurred by City in the processing and approval of the Project, and Developer shall pay such amount in good money to City.

EXHIBIT "F"
PROPOSED PROJECT FACILITIES

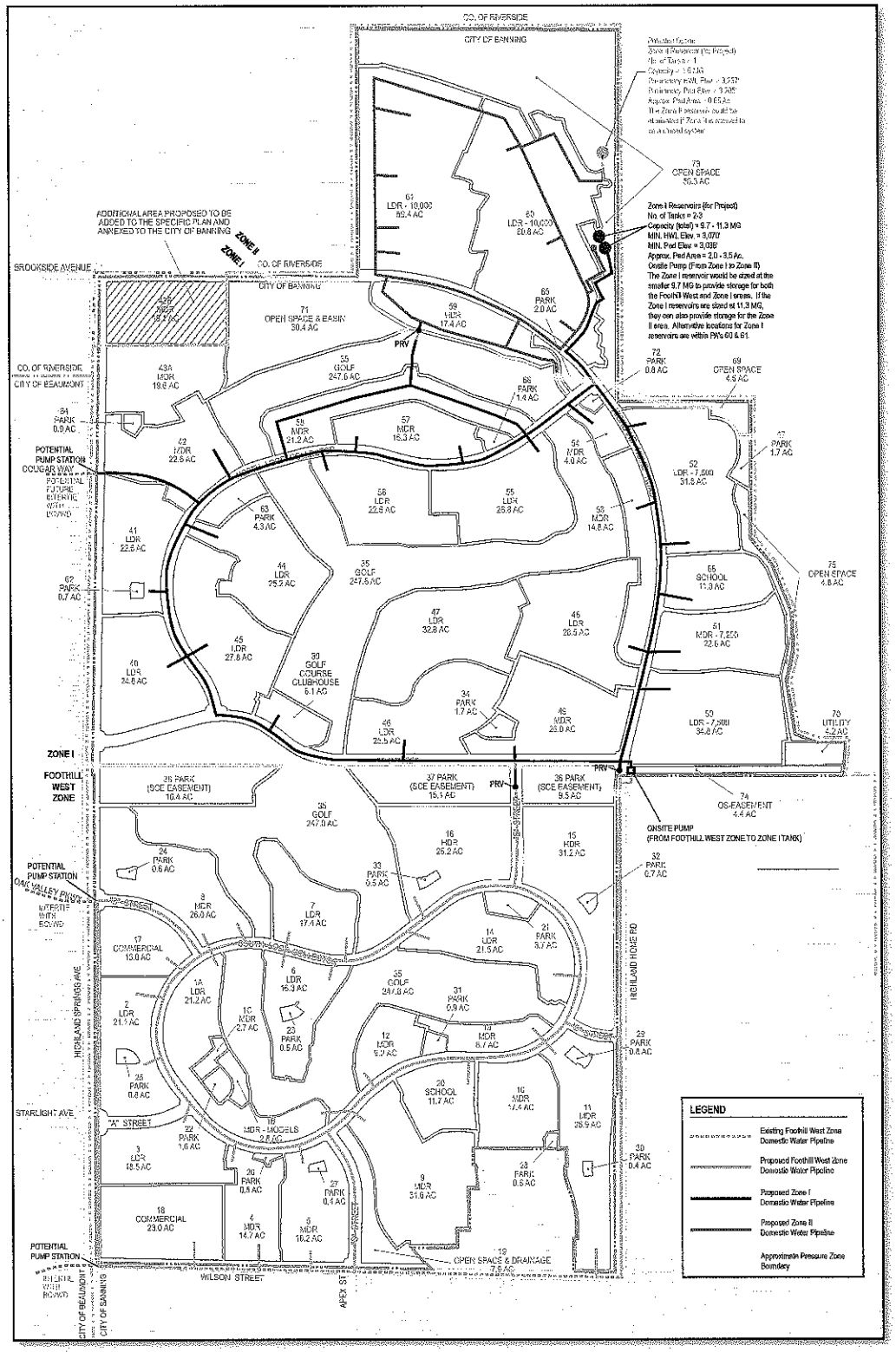


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PROPOSED PROJECT FACILITIES

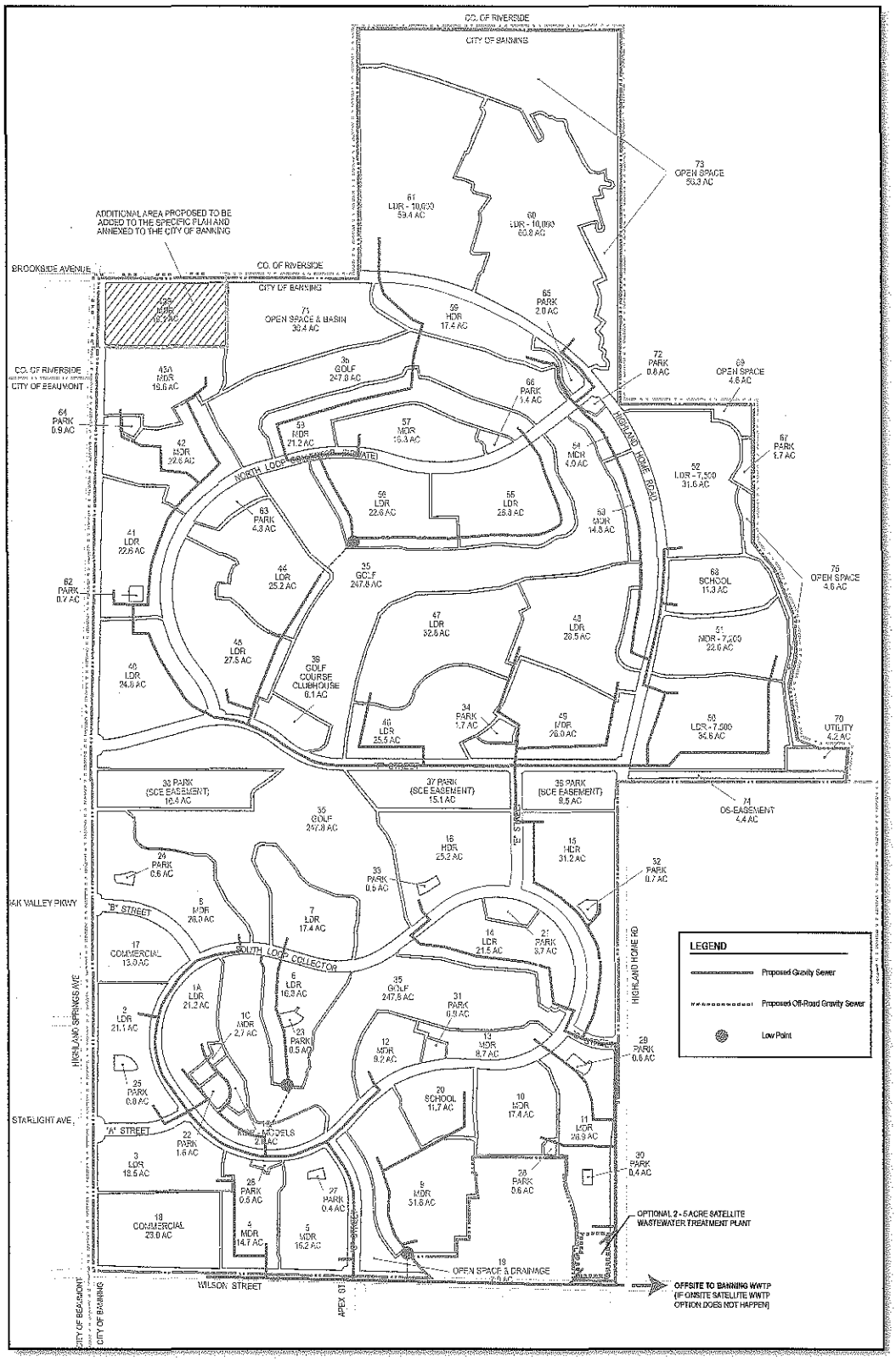


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PROPOSED PROJECT FACILITIES

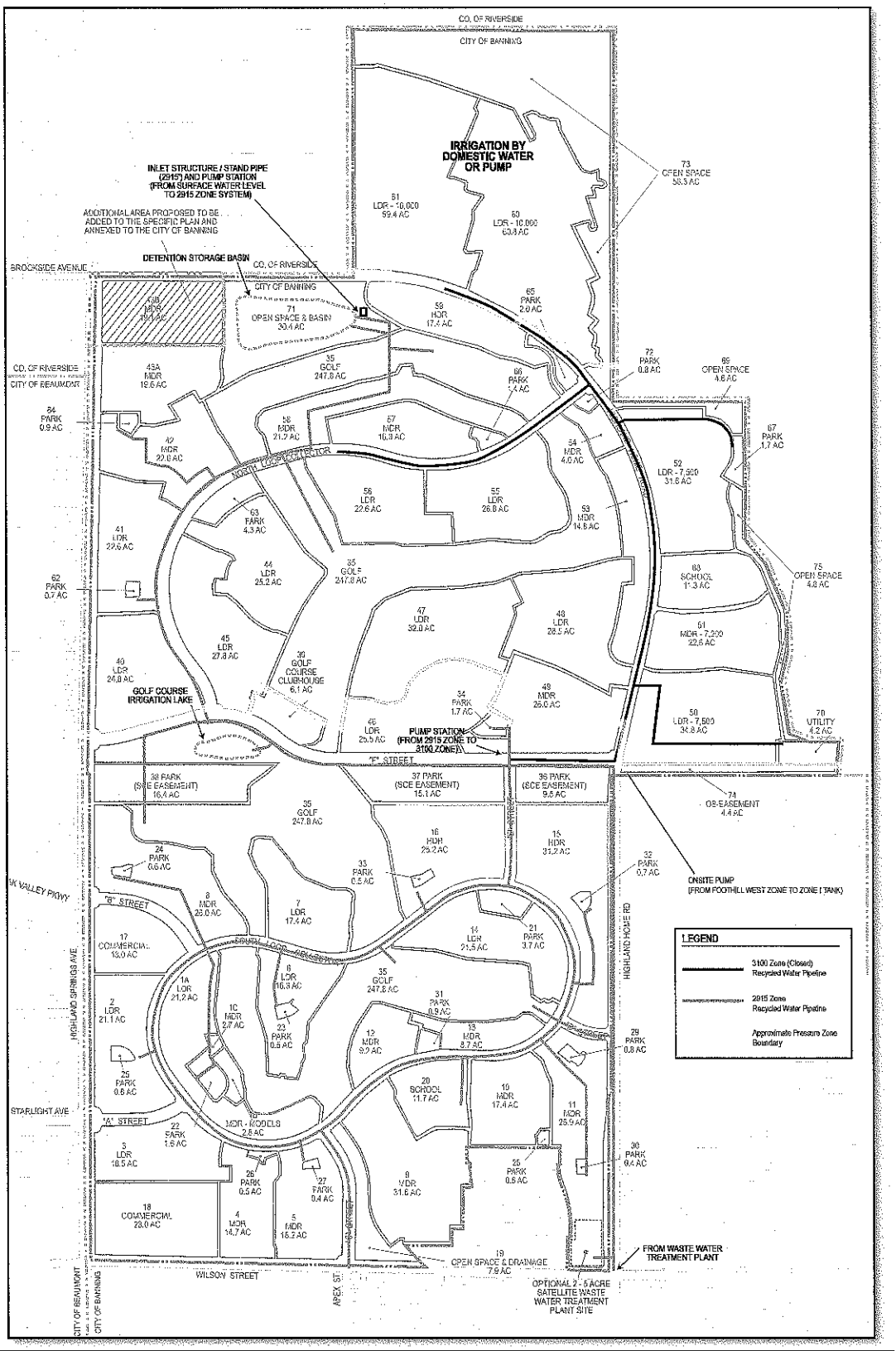


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PROPOSED PROJECT FACILITIES

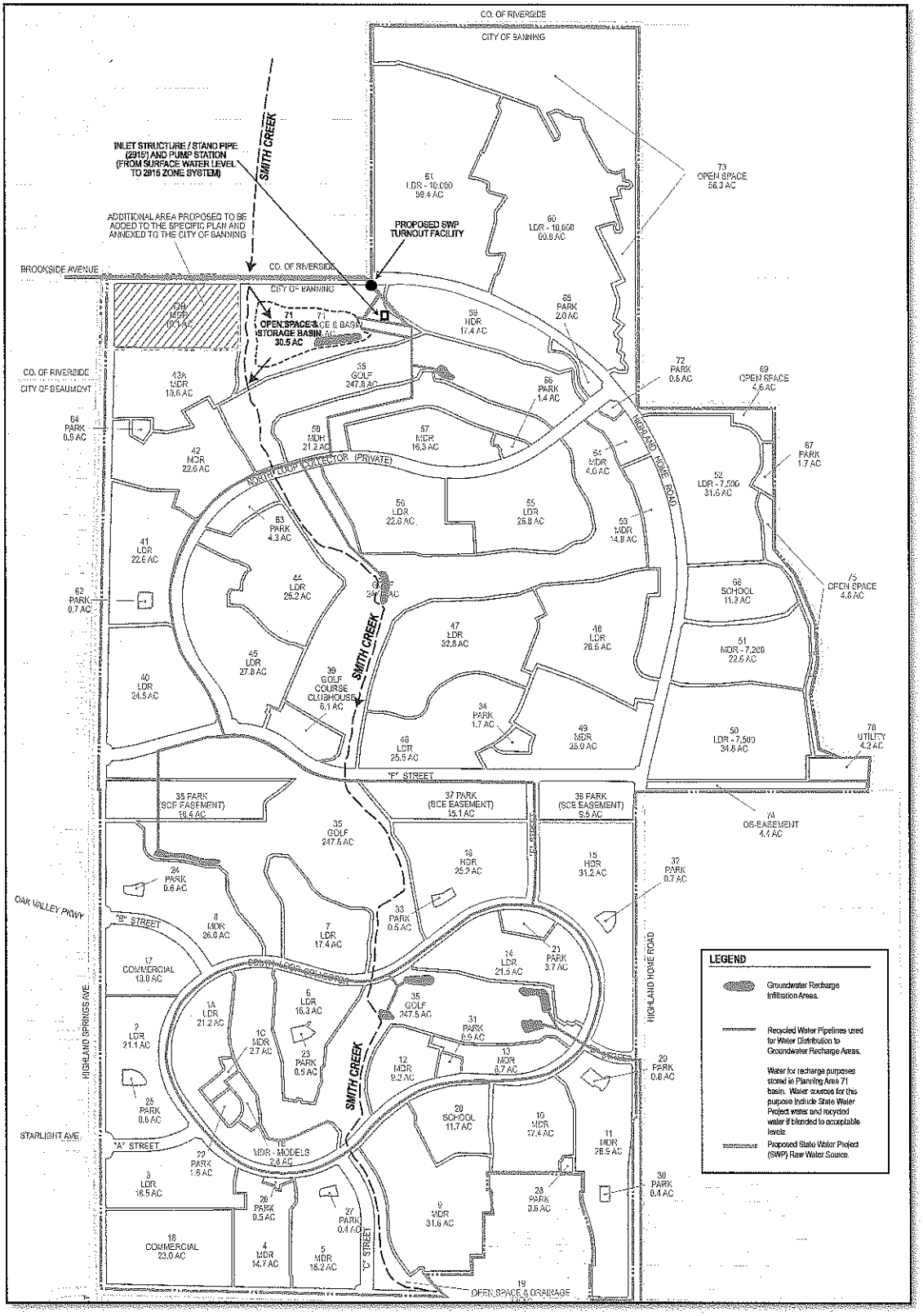


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PROPOSED PROJECT FACILITIES

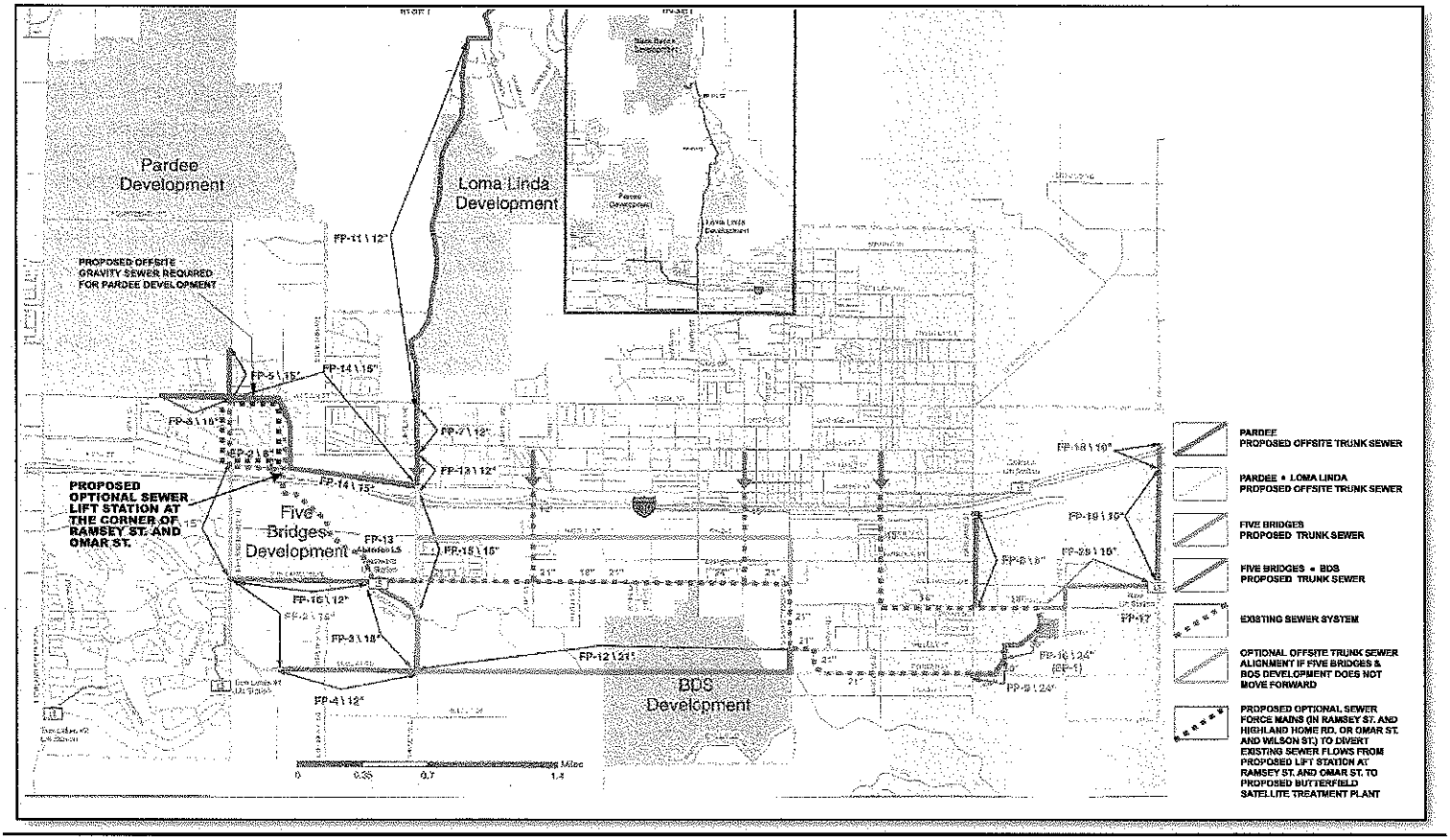


EXHIBIT "G"
HIGHLAND SPRINGS IMPROVEMENTS

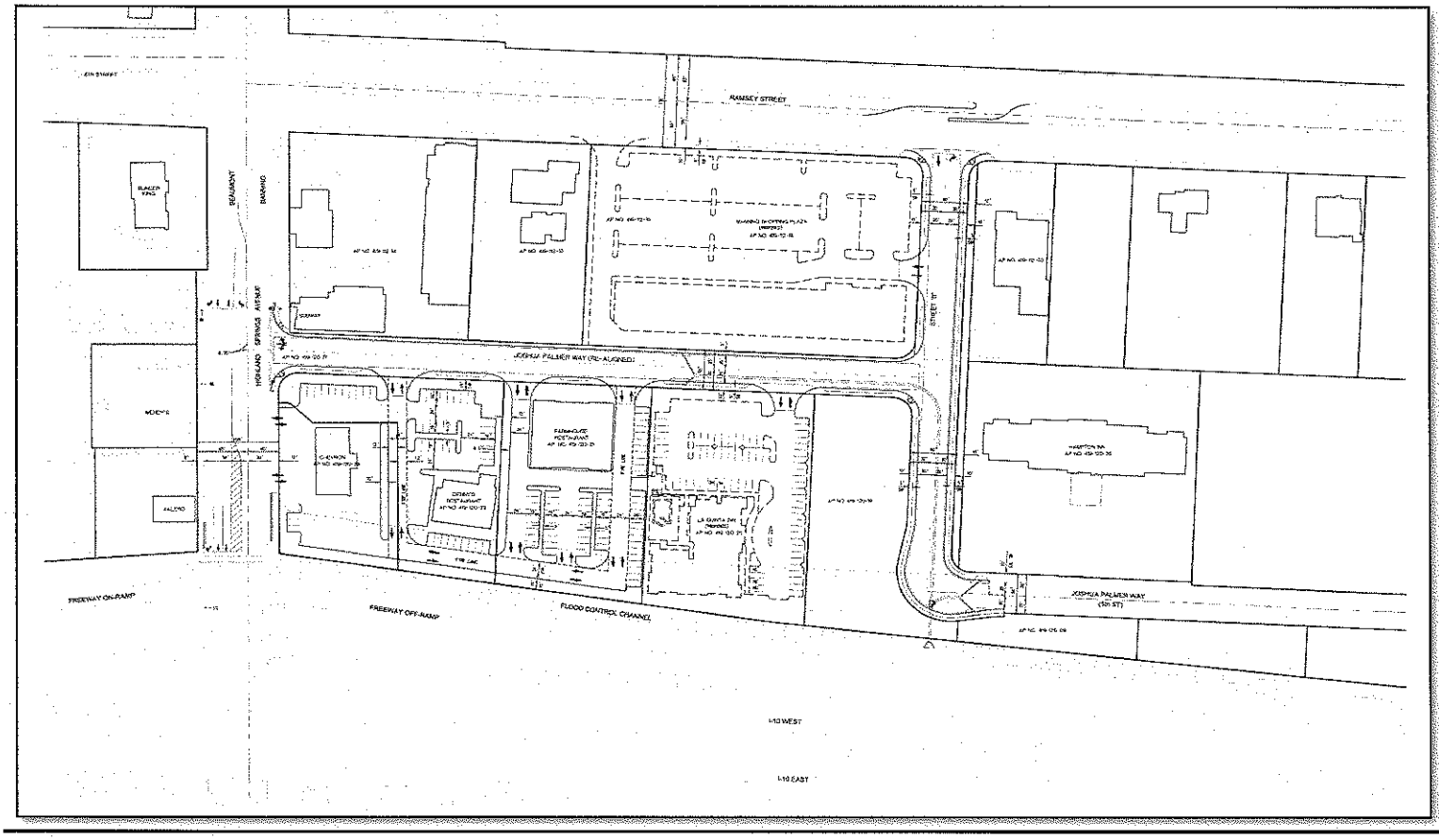


EXHIBIT "H"
BUTTERFIELD PROJECT FINANCING PLAN

This Financing Plan sets forth the basic terms and conditions pursuant to which City and Developer will cooperate to establish one or more CFD(s) and designate Improvement Areas therein pursuant to the CFD Act to finance the Eligible Facilities in connection with the Project and to levy the Services Special Tax. Capitalized terms not otherwise defined in this Financing Plan shall be defined as provided in the Development Agreement.

1. Goals and Policies for Financing. The City will adopt general Goals and Policies for establishing CFDs. The Goals and Polices for Financing shall apply on a City-wide basis and may be amended from time to time. This Financing Plan shall be consistent with the City's Goals and Policies for Financing. The principal objectives of this Financing Plan are to:

a. Provide City and Developer reasonable certainty that each CFD will be established in accordance with the Goals and Policies and this Financing Plan.

b. Provide basic parameters for the levy of (i) the Facilities Special Tax (defined below) within each CFD or Improvement Area to pay directly for Eligible Facilities and to secure the issuance of bonds of each CFD or Improvement Area secured by and payable from the Facilities Special Tax in order to finance the Eligible Facilities ("**Bonds**") and (ii) the Services Special Tax.

c. Provide basic parameters for the issuance of Bonds by or for the CFD(s) and any Improvement Areas therein.

2. Formation. City shall initiate proceedings to establish a CFD, upon Developer's petition request pursuant to the CFD Act and submittal of City's standard application form and receipt of an advance from Developer in an amount determined by City to pay for City's estimated costs to be incurred in undertaking the proceedings to establish the CFD ("Formation Proceeding Costs"). City agrees that all such advances for Formation Proceedings Costs so long as the costs re reasonable and not due to the actions of developer, incurred in connection with the formation of such CFD shall be eligible for reimbursement out of the first available proceeds of Surplus Special Taxes (defined below) and Bonds of the CFD and/or Facilities Special Taxes to the extent approved by the City's Bond Counsel ("CFD Proceeds"). The exact terms and conditions for the advance of funds by Developer and the reimbursement of such advances shall be memorialized in a separate agreement between City and Developer. City agrees to use its best efforts to complete the proceedings to form each CFD and record the notice of special tax lien for the CFD and each Improvement Area therein within 210 days after City's receipt of Developer's complete application and deposit.

3. Boundaries. The CFD boundary, or the boundaries of all CFDs if more than one is formed, shall encompass the Project. Each CFD may contain multiple Improvement Areas based on phasing of the Project within the CFD.

4. Eligible Public Facilities and Discrete Components. Subject to the City's adopted Goals and Policies for Financing, and review by Bond Counsel, conditions set forth in the following paragraph, City may authorize the CFDs to finance the acquisition or construction of the Eligible Facilities, which may include the following:

a. public streets and other related improvements within the public right-of-way

b. water facilities

c. storm drain facilities

d. sewer facilities

e. public parks, open space and landscaping

f. electrical facilities to be extent reasonable

g. any public facility to be constructed by City for which Developer is required to make a cash contribution pursuant to the Project's conditions of approval or this Agreement or which is included in any City capital improvement fee program and which public facility is to be owned by the City, subject to credit against the corresponding fee.

The costs of any Eligible Facility to be constructed by Developer that are eligible to be financed with CFD Proceeds ("**Actual Costs**") shall include the following if permissible under the Act:

(i) The actual hard costs for the construction or the value of the Proposed Eligible Facility, including labor, materials and equipment costs;

(ii) The costs of grading related to the Eligible Facility;

(iii) The costs incurred in designing, engineering and preparing the plans and specifications for the Eligible Facility;

(iv) The costs of environmental evaluation and mitigation of or relating to the Eligible Facility;

(v) Fees paid to governmental agencies for, and costs incurred in connection with, obtaining permits, licenses or other governmental approvals for the Eligible Facility;

(vi) Costs of construction administration and supervision;

(vii) Professional costs associated with the Eligible Facility, such as engineering, legal, accounting, inspection, construction staking, materials and testing and similar professional services; and

(viii) Costs of payment, performance and/or maintenance bonds and insurance costs directly related to the construction of the Eligible Facility.

(ix) Any other costs permitted by law.

The Eligible Facilities constructed by Developer, and for which Developer elects to submit payment requests, shall be bid, contracted for and constructed in accordance with the Acquisition Agreement to be entered into between City and Developer at the time of formation of the first CFD. The Acquisition Agreement shall provide additional detail, consistent with the provisions of the Goals and Polices for Financing and this Development Agreement, with respect to the acquisition and construction of the Eligible Facilities, including a more detailed description of the specific Eligible Facilities that will be eligible to be financed through the CFD and discrete components of each Eligible Facility that may be reimbursed prior to the completion of the entire Eligible Facility. The Acquisition Agreement will also provide additional detail with respect to the financing of the City's construction of Eligible Facilities in satisfaction of corresponding City capital improvement fees, as elected by Developer. The CFD financing of the acquisition of an Eligible Facility constructed by Developer that is included in a City Capital improvement fee program or required by the Project conditions of approval, shall not preclude the Developer's receipt of corresponding fee credits.

5. Financing Parameters. Each CFD shall be authorized to levy Facilities Special Taxes of each Improvement Area and issue Bonds of each CFD or Improvement Area in one or more series to finance the Eligible Facilities in accordance with the basic parameters set forth below:

a. A precondition to the issuance of Bonds shall be that the value of the real property subject to Facilities Special Taxes required to repay the Bonds shall be at least three times the amount of the Bonds.

b. Each series of Bonds shall have a term of at least thirty (30) years and include escalating annual debt service commensurate with any annual escalation in the Facilities Special Taxes.

c. The total effective tax rate within each Improvement Area applicable to any residential parcel on which a residential dwelling has or is to be constructed, taking into account all ad valorem property taxes, voter-approved ad valorem property taxes in excess of one percent (1%) of assessed value, the annual special taxes of existing community facilities districts and community facilities districts under consideration and reasonably expected to be established (but excluding the Services Special Tax), the annual assessments (including any administrative surcharge) of existing assessment districts and assessment districts under consideration and reasonably expected to be established (but excluding assessments for maintenance and services), and the Facilities Special Taxes, shall equal two percent (2.00%) of the projected initial sales price of the residential dwelling unit and such parcel, as estimated at the time of formation of the applicable CFD, or such lesser amount requested by Developer. The Facilities Special Taxes may escalate by up to 2% per year.

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CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director** **Doug Schulze, City Manager**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**City Attorney Annual Consumer Price Index (CPI) Adjustment**

RECOMMENDATION:

A motion approving annual rate increase in excess of 3% for Legal Services Agreement with Richards, Watson & Gershon.

BACKGROUND:

The Legal Services Agreement between the City of Banning and Richards, Watson & Gershon dated October 10, 2017 provides for annual rate increases beginning July 1, 2019 based on the percentage change in the Consumer Price Index. Attached letter from City Attorney Serita Young provides details regarding the Legal Services Agreement.

JUSTIFICATION:

Required by contract.

FISCAL IMPACT:

Agreement requires City Council approval for increases in excess of 4.26%. CPI for the Riverside-San Bernardino-Ontario region from March 2023 to March 2024 was 4.3%.The fiscal impact of this rate increase will depend on the actual hours billed for legal services during the period of July 1, 2024 – June 30, 2025.

ALTERNATIVES:

Do not approve and potentially breach contract with City Attorney.

ATTACHMENTS:

1. Banning_ Letter re Annual CPI Adjustment in City Attorney Contract Rates Effective July 1, 2024.PDF

Serita R. Young

T 213.626.8484
F 213.626.0078
E syoung@rwglaw.com

350 South Grand Avenue
37th Floor
Los Angeles, CA 90071
rwglaw.com

July 1, 2024

VIA ELECTRONIC MAIL
dschulze@banningca.gov

Douglas Schulze
City Manager
City of Banning
99 E. Ramsey Street
Banning, CA 92220

Re: Annual CPI Adjustment in City Attorney Contract Rates Effective July 1, 2024 that requires City Council Approval

Dear Doug:

As you may know, the Legal Services Agreement between the City of Banning and Richards, Watson & Gershon dated October 10, 2017 ("Agreement") provides for annual rate increases beginning July 1, 2019 based on the percentage change in the Consumer Price Index. Specifically, Section 5A and 5B of the Agreement provides as follows:

> 5A. Compensation Rates. RWG shall be compensated for the performance of legal services in accordance with the Compensation Rate Schedule for the City ("Compensation Rate Schedule"), attached to this Agreement as Exhibit A and incorporated herein as though set forth in full. The terms of this Agreement and the Compensation Rate Schedule shall apply to legal services performed for entities affiliated with the City that may be established. Except as provided in paragraph B of this Section, the Compensation Rate Schedule, attached as Exhibit A, shall remain in effect until amended by mutual agreement of the parties.
>
> 5B. Adjustment in Rates by Change in CPI. Commencing July 1, 2019, and annually thereafter, the hourly rates set forth on Exhibit A shall automatically increase by the percentage change in the Consumer Price Index (All Urban Consumers; Los Angeles-Riverside-Orange County). The calculation shall be made using the month of April over the month of April in the prior year. Any such annual adjustment that equals or exceeds three percent (3%), and any other adjustments in the rates, shall require prior written approval of the City Council.

As you may know, in 2018 the United States Bureau of Labor Statistics eliminated the Los Angeles-Anaheim-Riverside Consumer Price Index and replaced it with the Riverside-San Bernardino-Ontario Index. We have used the Riverside-San Bernardino-Ontario Index for purposes of this year's rate adjustment.

Based on the foregoing, our office prepared a spreadsheet to determine the change in the Consumer Price Index (All Urban consumers for the Riverside-San Bernardino-Ontario region) over the applicable time period (March 2022 to March 2023). A copy of the spreadsheet is attached as **Attachment A**.

That spreadsheet shows the CPI changed **4.26%** over the applicable time period. As it is more than three percent (3%), the adjustment in rates by 4.26% is not automatic and does require City Council approval. After applying a 4.26% increase to our existing rates, the old rates (up to June 30, 2023) and the new rates (effective July 1, 2023) are shown on the revised version of Exhibit A to the Agreement attached hereto as **Attachment B**.

Upon your review, please place this request on an upcoming City Council agenda so that the City Council may consider and approve our request for that CPI adjustment to our rates.

Please let me know if you have any questions, or need any clarification or assistance from me in my private capacity.

Very truly yours,



Serita R. Young

Attachments

cc: Lincoln Bogard, Administrative Services Director, lbogard@banningca.gov

11303-0001\2983784v1.doc

Attachment A

Spreadsheet showing CPI Changes

CITY OF BANNING

CPI RATE INCREASE FROM 2023 TO 2024

Consumer Price Index for All Urban Consumers (CP							**07/01/23**	INCR.	**07/01/24**			
Original Data Value							**4.57%**	%	**4.26%**			
Series Id:	CUURS49CSA0,CUUSS49CSA0						**$184**	4.26%	**$192**			
Not Seasonally Adjusted							**$220**	4.26%	**$229**			
Series Title:	All items in Riverside-San Bernardino-Ontario, CA, all urban consumers, not seasonally adjusted						**$227**	4.26%	**$237**			
Area:	Riverside-San Bernardino-Ontario, CA						**$245**	4.26%	**$255**			
Item:	All items						**$251**	4.26%	**$262**			
Base Period:	DECEMBER 2017=100						**$275**	4.26%	**$287**			
Years:	2017 to 2024						**$306**	4.26%	**$319**			
							$336	4.26%	**$350**			
							$362	4.26%	**$377**			

Year	**Jan**	**Feb**	**Mar**	**Apr**	**May**	**Jun**	**Jul**	**Aug**	**Sep**	**Oct**	**Nov**	**Dec**
2017												100.000
2018	100.916		101.897		102.929		103.139		103.241		103.616	
2019	103.991		104.749		105.959		105.816		106.412		106.573	
2020	107.143		107.162		106.899		107.640		108.201		108.626	
2021	109.550		110.981		113.222		114.682		115.557		117.206	
2022	118.963		122.127		123.893		125.262		125.272		125.983	
2023	127.683		127.707		128.768		129.525		131.372		131.372	
2024	131.358		133.144									
2023 v 2022 CPI INCREASE			5.44									
2023 v 2022 % OF INCREASE			**4.26%**									

Prepared: 06/28/24

Attachment B

Revised Exhibit A to Legal Services Agreement

EXHIBIT A

RICHARDS, WATSON & GERSHON
COMPENSATION RATE SCHEDULE CITY OF BANNING EFFECTIVE
JULY 1, 2024

General Municipal Services. This work consists of providing legal advice on municipal law matters, attendance at City Council and Commission meetings, workshops, staff meetings, preparation of routine ordinances and resolutions, and review and approval of standard agreements, and other services described in Section 2 of the Legal Services Agreement that are not listed under other categories of this Exhibit. The hourly rates for this work are:

	7/1/23	**7/1/24**
Shareholder Rate	$220	$229
Senior Attorney Rate	$220	$229
Associate Rate	$220	$229

The term "Senior Attorney" means a non-shareholder attorney with more than seven years of experience practicing law.

Tort Defense Litigation. Defense or prosecution of personal injury, death or property damage litigation based on alleged negligence or dangerous conditions of public property. The hourly rates for this work are:

	7/1/23	**7/1/24**
Shareholder Rate	$306	$319
Senior Attorney Rate	$275	$287
Associate Rate	Per Schedule	Per Schedule

General Litigation. All litigation services except litigation services specifically described elsewhere in this Exhibit, and including (without limitation), defense or prosecution of writs of mandate, injunctions, breach of contract, inverse condemnation, eminent domain, election proceedings, administrative proceedings, land use and personnel. The hourly rates for this work are:

	7/1/23	**7/1/24**
Shareholder Rate	$362	$377
Senior Attorney Rate	$336	$350
Associate Rate	Per Schedule	Per Schedule

Code Enforcement. Litigation initiated by the City to enforce the Banning Municipal Code or other State or local laws or regulations. The hourly rates for this work are:

	7/1/23	**7/1/24**
All attorneys blended rate	$245	$255

Land Use Projects. Advice concerning subdivision map applications, specific plan applications, zoning map and text applications, the drafting and negotiation of all development agreements, drafting and negotiation of land use entitlements for significant land use projects, specialized advice and representation on general plan, housing and zoning issues, and other related specialized legal advice and counsel, excluding land use litigation. The hourly rates for this work are:

	7/1/23	**7/1/24**
Shareholder Rate	$336	$350
Senior Attorney Rate	$306	$319
Associate Rate	Per Schedule	Per Schedule

Personnel and Labor Relations. Advice concerning employee hiring and termination, compensation and benefits, drafting, negotiating and amending employment agreements, labor negotiations, City internal administrative hearings relating to personnel and labor matters and advice compliance with City personnel policies, including but not limited to sexual harassment, excluding personnel litigation. The hourly rates for this work are:

	7/1/23	**7/1/24**
Shareholder Rate	$306	$319
Senior Attorney Rate	$275	$287
Associate Rate	Per Schedule	Per Schedule

Environmental. Legal work concerning state and federal hazardous waste laws, including CERCLA and NPDES, compliance audits, appearance before state and federal agencies concerning enforcement actions or permit applications, and litigation relating to such issues. The hourly rates for this work are:

	7/1/23	**7/1/24**
Shareholder Rate	$336	$350
Senior Attorney Rate	$306	$319
Associate Rate	Per Schedule	Per Schedule

Other Legal Services Outside of Section 2 or the Categories in this Exhibit. Legal services in specialized areas of the law, such as annexations and reorganizations, water rights, etc.

	7/1/23	**7/1/24**
Shareholder Rate	$336	$350
Senior Attorney Rate	$306	$319
Associate Rate	Per Schedule	Per Schedule

Schedule of Associate Rates:

	7/1/23	**7/1/24**
Third Year to Seventh Year Associates	$251	$262
First and Second Year Associates	$227	$237

Associate rates change annually based on Bar admission date.

Paralegal Rate:

	7/1/23	**7/1/24**
Paralegal Rate	$184	$192

Bond Counsel, Disclosure Counsel and Issuer Counsel Services.

RWG shall provide bond counsel, disclosure counsel and issuer counsel services in connection with the issuance of bonds or other securities by the City, the Successor Agency of the Former Banning Redevelopment Agency ("Agency"), any separate governmental entity formed by the City or governed by the members of the City Council, or a joint powers authority formed by the City. The compensation for those services shall be as follows:

(a) RWG shall charge $377.00 per hour for any of these services. The maximum total fee charged for an issuance shall not exceed an amount that the City Manager deems fair and reasonable based upon generally accepted industry standards and practices.

(b) RWG's costs and expenses would be paid in accordance with Paragraph C of Section 5 of the Agreement.

(c) In the event the proceedings for issuance of the bonds are terminated before closing, we would expect to be paid for our services to the date of abandonment at the hourly rate set forth above, but the amount of that payment would be subject to reduction at the sole discretion of the City Manager.

(d) In the event the City or Agency forms or is a member of a joint powers authority which has the power to issue bonds or other securities, RWG shall provide bond counsel, disclosure counsel and issuer counsel services to the joint powers authority in connection with the issuance of bonds or other securities, if and when requested by the joint powers authority, which for purposes of this Agreement shall be an Authority. The compensation for services in connection with service to the joint powers authority shall be as specified in subsections (a), (b) and (c) of this section of this Exhibit unless there is a separate contract or agreement with the joint powers authority that provides a fee schedule or rate.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Lincoln Bogard, Administrative Services Director**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-126, Declaring the Intent of the City to be Reimbursed for Certain Capital Expenditures from the Proceeds of Indebtedness**

RECOMMENDATION:

Approve Resolution 2024-126.

BACKGROUND:

The City recently undertook electric system improvement projects that are essential for it to deliver efficient and safe service to the community. To incur obligations that are tax-exempt, which provides the lowest cost of borrowing to the City, the City needs to comply with certain IRS requirements. The IRS allows a bond issuer to use the proceeds of its bond issuance to reimburse expenditures made prior to the time bonds are issued, but only so long as the City expresses an intent to do so prior to the actual issuance.

JUSTIFICATION:

A reimbursement resolution is the required expression of intent and is needed if the City will want to use proceeds of tax-exempt obligations to reimburse itself for costs it actually pays prior to the issuance of the obligations. It then can use the tax-exempt proceeds to reimburse itself for costs of the project paid up to 60 days prior to the date the resolution is adopted, subject to certain limitations, the main one being: reimbursement (bond issuance) must occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date on which the project is placed in service, but in no event more than 3 years after the expenditure was paid. No reimbursement resolution is required for reimbursement of soft costs (with a 20% limit for soft costs older than 60 days prior to the resolution).

FISCAL IMPACT:

This would allow the City to help bring the cash balance in electric back to, or near, a positive balance. The repayment over the bond term, potentially 20 years, will help keep rate increases to a minimum. Rather than user fees alone bringing cash to the minimum Council set reserve level of $11 million over saw five years, that burden could be spread over up to a 20 year period and coincide better with the long-term asset lives.

ALTERNATIVES:

In order to reimburse from proceeds of the proposed tax-exempt obligations, the City has been advised by its municipal advisor that the City Council should adopt a resolution indicating the City's intent to so reimburse. The proposed resolution meets the IRS requirement enabling the reimbursement for prior expenditures. There is no consequence to the City if the obligations are ultimately not issued.

ATTACHMENTS:

1. Resolution 2024-126, Indebtedness.docx

RESOLUTION 2024-126

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DECLARING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM THE PROCEEDS OF INDEBTEDNESS

WHEREAS, the City of Banning (the “City”) intends to construct and install improvements to its electric system that maintains and facilitates the City performing an essential governmental function (the "Project"); and

WHEREAS, the City will pay certain Capital Expenditures in connection with the Project (the "Expenditures") prior to the issuance of one or more series of tax-exempt obligations in the expected principal amount of up to $20.0 million (the "Indebtedness") for the purpose of financing costs associated with the Project; and

WHEREAS, the City reasonably expects that certain of the proceeds of the Indebtedness will be used to reimburse the City for the Expenditures; and

WHEREAS, Section 1.150-2 of the Treasury Regulations requires the City to declare its reasonable official intent to be reimbursed for prior Capital Expenditures made for the Project with proceeds of a subsequent borrowing.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. This declaration is made solely for purpose of establishing compliance with the requirements of Section 1.150-2 of the Treasury Regulations and does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

SECTION 2. The City declares its official intent to use proceeds of the Indebtedness to reimburse itself for Expenditures made on or after the date which is no more than 60 days prior to the date of adoption of this Resolution.

SECTION 3. The City will make a reimbursement allocation, which is a written allocation by the City that evidences the City's use of proceeds of the Indebtedness to reimburse itself for an Expenditure, no later than eighteen (18) months after the later of the date on which the expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

SECTION 4. The City recognizes that exceptions are also available under the Treasury Regulations for certain "preliminary expenditures," costs of issuance, certain de minimis amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 09th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-126, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Brandon Smith, Lieutenant** **Derek Thesier, Acting Chief of Police**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-127, Approving the purchase of a 2024 Chevrolet Silverado and All Needed Up Fitting Using PACT Funds in an Amount Not to Exceed $97,250.00**

RECOMMENDATION:

Adopt Resolution 2024-127.

BACKGROUND:

The Banning Police Department strives to provide a safe community for all residents and visitors to the City of Banning. To help in accomplishing that goal, the Banning Police Department has partnered with several regional multi-agency task force organizations. The Banning Police Department currently provides one sworn peace officer to the Post-Release Accountability Compliance Team (PACT) and looks to add an additional body to the team in the future as staffing permits. Currently the Banning Police Department is supplied with one vehicle to be driven by the member on PACT. Securing a second vehicle while funds are available will allow for additional personnel to seamlessly join the team when staffing is available.

JUSTIFICATION:

The funding for the second vehicle is currently available for use by the Banning Police Department and if not used the funding will go unspent. Deciding not to purchase the second PACT vehicle now would cause a future financial burden to the City when the staffing resources become available.

FISCAL IMPACT:

Revenue has been provided by the Community Corrections Partnership Executive Committee in the amount of $238,150 in Fiscal Year 2023/24. Reimbursement for a second PACT vehicle and up fitting in an amount not to exceed $97,250.00 with a pre-approval by the Committee in the amount of $92,072.72. The approximately $5,000.00 shortfall will be covered using existing budgeted funds. An additional appropriation request in an amount not to exceed $97,250.00 in the Fiscal Year 2024/25 account 001-2200-421.90.52 will be used to purchase the 2024 Chevrolet Silverado and do all up fitting for use by PACT member.

ALTERNATIVES:

Do not adopt Resolution 2024-127 and provide alternative direction to staff. The City Council may choose to reject this action, which would result in unused PACT funds already awarded to the City of Banning going unspent.

ATTACHMENTS:

1. Resolution 2024-127, PD PACT Vehicle.docx

1. Attachment A Quote Chevy 1500_Diamond Banning.pdf
2. Attachment B QUOTE-2699012-1(1)APX8500.pdf
3. Attachment C Golden_Star_Technology_Inc..148131.v1.2.pdf

RESOLUTION 2024-127

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, APPROVING THE PURCHASE OF A 2024 CHEVROLET SILVERADO AND ALL NEEDED UP-FITTING USING PACT FUNDS IN AN AMOUNT NOT TO EXCEED $97,250.00

WHEREAS, the City of Banning Police Department currently provides one sworn peace officer to the Post-Release Accountability Compliance Team (PACT); and

WHEREAS, the Police Department is supplied with one vehicle to be driven by the Department's PACT member; and

WHEREAS, the Department intends to add one additional member to the PACT as Department staffing permits; and

WHEREAS, the purchase of an additional vehicle to be driven by an additional future member of the PACT will allow for such additional personnel to seamlessly join the PACT when staffing permits; and

WHEREAS, the City has previously received funding from the Community Corrections Partnership Executive Committee that may be utilized to offset the cost of an additional vehicle for use by PACT, and such funds will go unspent if not used by the City; and

WHEREAS, the Department desires to purchase a 2024 Chevrolet Silverado from Diamond Chevrolet including the purchase of the following necessary up fitting for an amount not to exceed $97,250.00: (1) one Motorola APX 8500 all band mobile radio; (2) one Getac F110G7 tablet with accessories; and (3) up fitting for PACT service with Innovative Emergency Equipment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Banning as follows:

SECTION 1. The City Council approves the purchase of one 2024 Chevrolet Silverado from Diamond Chevrolet using Community Corrections Partnership Executive Committee funding (PACT) from Fiscal Year 2023/24 in the amount of $55,000.00 and authorizes the City Manager to execute the purchase agreement on behalf of the City Council.

SECTION 2. The City Council approves up to $27,500 for upfitting vehicle costs, $5,250 for a Getac tablet and corresponding device supports, and $9,500 for a unit radio from Motorola, for a total outfitting cost of $42,250 using PACT funding in the amount of $37,072.72 with the remaining costs of approximately $5,000 to be expended from the existing budget account 001-2200-421.90.52.

SECTION 3. The City Council authorizes the City Manager, or designee, to make necessary budget adjustments, appropriations, and transfers related to this resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-127, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

EXHIBIT A
Quote for 2024 Chevrolet Silverado from Diamond Chevrolet

EXHIBIT B
Quote from Motorola Solutions

EXHIBIT C
Quote from Gold Star Technology

Austin Flint

To: Brandon Smith
Subject: RE: 2024 Chevrolet Silverado Price Quote

Importance: High

From: Richard Gill <rgill@daliaauto.com>
Sent: Wednesday, June 19, 2024 2:03 PM
To: Brandon Smith <bsmith@banningca.gov>
Subject: 2024 Chevrolet Silverado Price Quote

LT Smith,

I am sorry that this is in basic email form, but our CRM System is down.

New 2024 Chevrolet Silverado 1500 Crew Cab LT 4WD
VIN # 3GCPDDEK6RG218294
MSRP $56,260.00

Your Price	$54,626.15
Chevrolet Rebates	< $5,000.00>
Dealer Documentation Fee	$85.00
Sales Tax	$4,240.11
DMV Title Exempt Fee's	$53.75
Total Amount Due	$54,005.01*

- If the City of Banning has a current Costco Membership Card there is an additional $1,000.00
- Rebate available reducing the amount due accordingly.

Respectfully,

Rick Gill
Dalia Auto Group DBA
Diamond Chevrolet Buick GMC

MOTOROLA SOLUTIONS

QUOTE-2699012
(1) APX 8500

Billing Address:
BANNING POLICE DEPT, CITY OF
BANNING, CITY OF
PO BOX 998
BANNING, CA 92220
US

Shipping Address:
BANNING POLICE DEPT, CITY OF
125 E RAMSEY ST
BANNING, CA 92220
US

Quote Date:06/28/2024
Expiration Date:09/26/2024
Quote Created By:
Dianne Kiehne
Dianne.Kiehne@motorolasolutions.com

End Customer:
BANNING POLICE DEPT, CITY OF
Brandon Smith
bsmith@banningca.gov
951-849-1633

Contract: 18105 - LA COUNTY , CA MA-IS-2240228

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
	APX™ 8500					
1	M37TSS9PW1AN	APX8500 ALL BAND MP MOBILE	1	$5,893.68	$4,302.39	$4,302.39
1a	GA09007AA	ADD: OUT OF THE BOX WIFI PROVISIONING	1	$0.00	$0.00	$0.00
1b	GA00250AA	ADD: BLUETOOTH/WIFI/GNSS FLEXIBLE CABLE LMR195	1	$110.00	$80.30	$80.30
1c	G996AS	ENH: OVER THE AIR PROVISIONING	1	$110.00	$80.30	$80.30
1d	GA00580AA	ADD: TDMA OPERATION	1	$495.00	$361.35	$361.35
1e	GA01513AB	ADD: ALL BAND MOBILE ANTENNA (7/8/V/U)	1	$105.00	$76.65	$76.65
1f	G51AT	ENH:SMARTZONE	1	$1,650.00	$1,204.50	$1,204.50
1g	W599BF	ADD: 8 MODE DIRECT ENTRY APX	1	$198.00	$144.54	$144.54
1h	G78AT	ENH: 3 YEAR ESSENTIAL SVC	1	$288.00	$288.00	$288.00
1i	GA05509AA	DEL: DELETE UHF BAND	1	-$800.00	-$584.00	-$584.00
1j	GA09001AA	ADD: WI-FI CAPABILITY	1	$330.00	$240.90	$240.90

Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the ""Underlying Agreement"") that authorizes Customer to purchase equipment and/or services or license software (collectively ""Products""). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

Line #	Item Number	Description	Qty	List Price	Sale Price	Ext. Sale Price
1k	G298AS	ENH: ASTRO 25 OTAR W/ MULTIKEY	1	$814.00	$594.22	$594.22
1l	B18CR	ADD: AUXILIARY SPKR 7.5 WATT APX	1	$66.00	$48.18	$48.18
1m	G843AH	ADD: AES ENCRYPTION AND ADP	1	$523.00	$381.79	$381.79
1n	G444AH	ADD: APX CONTROL HEAD SOFTWARE	1	$0.00	$0.00	$0.00
1o	G67EH	ADD: REMOTE MOUNT E5 MP	1	$327.00	$238.71	$238.71
1p	GA01517AA	DEL: NO J600 ADAPTER CABLE NEEDED	1	$0.00	$0.00	$0.00
1q	G806BL	ENH: ASTRO DIGITAL CAI OP APX	1	$567.00	$413.91	$413.91
1r	GA01670AA	ADD: APX E5 CONTROL HEAD	1	$717.00	$523.41	$523.41
1s	W22BA	ADD: STD PALM MICROPHONE APX	1	$79.00	$57.67	$57.67
1t	GA01630AA	ADD: SMARTCONNECT	1	$0.00	$0.00	$0.00
1u	G361AH	ENH: P25 TRUNKING SOFTWARE APX	1	$330.00	$240.90	$240.90
1v	QA09113AB	ADD: BASELINE RELEASE SW	1	$0.00	$0.00	$0.00

Subtotal $8,693.72

Estimated Tax $673.76

Grand Total $9,367.48(USD)

Notes:

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Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800

IT & AV Solutions for a Connected World

GST SOLUTION PROPOSAL

GST STATEMENT OF WORK:

Request for Quote

Banning Police Department

Brandon Smith
bsmith@banningca.gov

Quote # 148131
Version 1
Monday, July 01, 2024

Golden Star Technology

Cherri Dodson
Email: cdodson@gstinc.com
Phone: (562) 345-8791
12881 166th Street
Cerritos, CA 90703

Request for Quote



Prepared by:

Golden Star Technology
Cherri Dodson
cdodson@gstinc.com
(562) 345-8791

Prepared for:

Banning Police Department
Brandon Smith
bsmith@banningca.gov
(951) 922-3170
125 East Ramsey St.

Banning, CA 92220

Quote Information:

Quote #: 148131
Version: 1
Quote Date: 07/01/2024
Expiration Date: 07/31/2024

Hardware

	Item	Description	Qty	Price	Ext Price	Tax
1	FT7764TA1QXS	F110G7 - Intel Core i7-1365U vPro, Windows Hello Webcam, Windows 11+16GB RAM, 256GB PCIe SSD, Sunlight Readable (Full HD LCD+ Touchscreen+Digitizer), Rear Camera, WIFI+BT+ 5G Sub-6 (EM9190)+integrated GPS/Glonass+ Passthrough, HF RFID, 3 Year B2B Warranty	1	$3,575.00	$3,575.00	7.75%
2	543391800002	Getac Docking Station - for Tablet PC	1	$440.00	$440.00	7.75%
3	GAD2X8	Getac Vehicle Adapter - 120 W - 12 V DC, 24 V DC Input	1	$90.00	$90.00	7.75%
4	GDKBUL	Getac Detachable Keyboard - Docking Connectivity - Pogo Pin Interface - LED - Rugged - English (US) - Tablet - TouchPad	1	$370.00	$370.00	7.75%
5	GDODU7	Getac Docking Station - for Tablet PC - 90 W	1	$285.00	$285.00	7.75%
6	GMHRXM	F110G7- Rotating Hand Strap with Kickstand Remark: 1 Compatible with 2-point shoulder strap (GMS2X8)	1	$65.00	$65.00	7.75%
7	GMPDX6	Getac Stylus - Tablet Device Supported	1	$40.00	$40.00	7.75%

Subtotal: **$4,865.00**

Tax Subtotal: **$377.04**

E-Waste

	Item	Description	Qty	Price	Ext Price	Tax
1	E-Waste-4-14	More than 4 inches but less than 15 inches	1	$4.00	$4.00	0%

E-Waste

	Item	Description	Qty	Price	Ext Price	Tax
				Subtotal:		$4.00
				Tax Subtotal:		$0.00

Shipping

	Item	Description	Qty	Price	Ext Price	Tax
1	GST-SHIPPING	SHIPPING CHARGE	1	$0.00	$0.00	0%

Quote Summary

Description	Amount
Hardware	$4,865.00
E-Waste	$4.00
Subtotal:	$4,869.00
Estimated Tax:	$377.04
Total:	$5,246.04

Terms & Conditions

THIS IS A QUOTATION ONLY AND IS NOT AN ORDER OR OFFER TO SELL.

All prices and descriptions are subject to change without notice. No contract for sale will exist unless and until a purchase order has been issued by you and accepted by Golden Star Technology Inc. ("GST"). By issuing a purchase order to GST, you agree to GST's Terms and Conditions of sale set forth in GST's quote, GST's invoice, and GST online Terms and Conditions (https://gstinc.com/resources/terms-and-conditions/). If there is a separate purchase agreement signed by both your company and GST, the separate agreement will govern.

The prices contained in this list may not be relied upon as the price at which GST will accept an offer to purchase products or provide services unless expressly agreed to by GST in writing. Products and/or services quoted were selected by GST based on specifications available at the time of the quotation and are not guaranteed to meet your specifications. Product and services specifications may be changed by the manufacturer without notice. All products are subject to availability from the manufacturer. It is your responsibility to verify product and service conformance to specifications of any subsequent contract.

The freight costs listed are estimates. Shipping costs may vary based on time of purchase, additional services required, quantity ordered, shipment carrier and warehouse sourced. Actual shipping costs will be calculated during shipment and will be reflected on your invoice.

For hardware product(s), manufacturer warranty will begin upon physical delivery of the hardware product(s) by the customer or GST warehouse. For software product(s), the manufacturer warranty will begin upon electronic or physical receipt of the software product(s) by you or GST. Any returns must be approved by GST based on manufacturer approval. More details at gstes.com/RMA.

Client acknowledges that applicable sales tax rates may change after the initial quotation is provided and before the final invoice is issued. In the event of a change in the applicable sales tax rate, GST reserves the right to adjust the sales tax amount accordingly. The Client agrees to pay the updated sales tax amount as required by applicable law at the time of the invoice issuance.

GST is not responsible for compliance with regulations, requirements or obligations associated with any contract resulting from this quotation unless said regulations, requirements or obligations have been passed to GST and approved in writing by an authorized representative of GST.

GST DOES EVERYTHING WE CAN TO ENSURE THAT THE PRICES WE HAVE QUOTED ARE CORRECT AND CURRENT. DUE TO SHORTAGES OF RAW MATERIAL, INCREASED LOGISTIC COSTS, AND TARIFFS, PRICING MAY INCREASE AT ANY TIME FROM OUR VENDORS AND MANUFACTURERS THAT IS OUT OF OUR CONTROL.

CITY OF BANNING
STAFF REPORT

TO:	**CITY COUNCIL**
FROM:	**Douglas Schulze, City Manager**
PREPARED BY:	**Emery Papp, Senior Planner**
MEETING DATE:	**July 9, 2024**
SUBJECT:	**Consideration of Resolution 2024-114, (1) Approving Tentative Parcel Map No. 38164, Allowing the Subdivision of Approximately 47 Gross Acres of Vacant Land Into Three Parcels; (2) Affirming the Planning Commission's Approval of Design Review No. 21-7008 and Denying an Appeal of that Decision and Permitting the Construction of a Proposed 619,959 Square Foot Industrial Warehouse Building, including 10,000 Square Feet of Office Space and a Combined 34,000 Square Feet of Retail/Commercial Buildings, on Real Property Located within the Boundaries of the Sun Lakes Village North Specific Plan Area (APN: 419-140-057); and (3) Adopting an Addendum under the California Environmental Quality Act (CEQA) and Making Findings in Support Thereof, Including Findings of Consistency with the Certified Environmental Impact Report Prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074)**

RECOMMENDATION:

Adopt Resolution 2024-114.

BACKGROUND:

Tentative Parcel Map (TPM) No. 38164 (Attachment No. 5) and Design Review (DR) No. 21-7008 (Attachment No. 6) propose to subdivide approximately 47.11 gross acres of vacant land located within the Sun Lakes Village North Specific Plan (SLVNSP) area into three commercial/industrial lots to accommodate the construction of a 619,959 square foot industrial warehouse building (the "Project" or the "Banning Point Project"), including a 10,000 square-foot integrated office component. The Project also proposes six new retail/commercial buildings collectively totaling approximately 34,000 square feet (sf), which range in size from 1,600 sf to 8,400 sf. One of the three parcels will remain undeveloped and is not a part of the Design Review application for the Banning Point Project. The Project is intended to be constructed in two phases. Phase 1 will consist of the construction of the industrial building. Phase 2 will consist of the construction of the retail/commercial buildings.

The Planning Commission voted on December 1, 2021, to approve DR No. 21-7008 and recommend approval of TPM No. 38614 to the City Council (Attachment Nos. 9 and 10), and the City Council approved the Project on February 17, 2022, by way of adoption of Resolution No. 2022 -14 (Attachment No. 11). The Pass Action Group (PAG) filed a lawsuit to challenge approval of the Project. (Pass Action Group v. City of Banning, et al., Riverside County Superior Court Case No. CVRI2201482.) The lawsuit alleged that the City failed to provide a fair hearing due to alleged bias by certain Councilmembers. The lawsuit also contended that the City violated the California Environmental Quality Act (CEQA) and the City's General Plan in approving the Project, and that the findings in support of the Project were not

supported by substantial evidence. Following briefing and a hearing on the merits, the trial court issued a ruling finding only that the City did not provide a fair hearing based on the court's conclusion that then-Councilmember Mary Hamlin was biased in favor of the Project. (Attachment No. 14) The court rejected all claims of bias as to Councilmember Wallace and Councilmember Sanchez, stating in its ruling that "their statements do not overcome the presumption that they are unbiased. There has been no showing of a financial or personal interest in the Project and no specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias…." The court also rejected in its entirety all of PAG's substantive challenges, finding that the City fully complied with CEQA, that the Project is consistent with the City's General Plan, and that the City's findings were supported by substantial evidence, as discussed further below. As the court concluded in its ruling, the court "does not find that Petitioner [PAG] has carried its burden of proof on any remaining issue and would not grant the writ but for the fair hearing issue."

The court entered judgment and issued a writ of mandate directing the City to set aside the prior Project approval and to reconsider the Project without the participation of Councilmember Hamlin (Attachment No. 14).

JUSTIFICATION:

TPM No. 38164 and DR No. 21-7008 were presented to the Planning Commission at a duly noticed public hearing on October 19, 2021 (Attachment Nos. 8 and 16), and again on December 1, 2021 (Attachment Nos. 9 and 17). During the Planning Commission's public hearings, Commissioners heard public testimony from dozens of Sun Lakes Village residents and others living in the vicinity of the Project and having an interest in the City's determination regarding the proposed Project. Much of the public testimony centered around several core issues and concerns. A summary of these concerns is provided below:

- Public Notice
- Traffic/Circulation
- Air Quality
- Noise
- Lighting
- Building location
- Future Job Growth
- Golf Cart Access
- Sun Lakes Blvd. Extension
- Health Impacts

Included in Attachment 4 (Planning Commission Packet, December 1, 2021) is an Issues of Concern & Response Matrix, which provides clarification and technical back-up to support the City's position on the topics of concern discussed during public comment.

PLANNING COMMISSION ACTION:

Upon conclusion of the public hearing, and considering all the evidence in the public record, the Planning Commission voted at the December 1, 2021 meeting to recommend approval of TPM No. 38164 and acted to approve DR No. 21-7008 by a vote of three ayes and two noes, with zero absent or abstaining (3-2-0) (Attachment No. 9).

A copy of the Planning Commission's Resolution providing for its determinations and action is attached to this Report (Attachment No. 10).

APPEALS OF THE PLANNING COMMISSION'S DECISION AND HEARING DATES:

Pursuant to Banning Municipal Code Section 17.68.100, three applications seeking to appeal the Planning Commission's decision on the Project were received during the appeal period, following the Planning Commission's action. The first appeal application received was from Golden State

Environmental Justice Alliance and was rejected as being incomplete because it did not state the grounds or reasons for its appeal, did not request a specific action, and incorrectly described the Project. A second appeal was filed by Supporters Alliance for Environmental Responsibility (SAFER). That second appeal was later withdrawn on January 18, 2022, and SAFER subsequently announced its support for the Project. As a result, only the third appeal (Appeal) by PAG (Appellant) remains to be heard (Attachment No. 3). The Appeal applied to the Planning Commission's approval of DR No. 21-7008. The Planning Commission's action on TPM No. 38164 was a recommendation to the City Council.

On January 11, 2022, the City Council received those appeals and set a joint hearing on TPM No. 38164 and DR No. 21-7008 for January 31, 2022. Notice of that hearing was published in the Record Gazette newspaper on January 21, 2022, and was mailed on January 20, 2022, to property owners within 1,000 feet of the Project site.

On January 25, 2022, at the request of both PAG and the Applicant, the City Council acted to postpone the City Council hearing on the Project from January 31, 2022, to February 17, 2022 at 5:00 p.m. Notice of the rescheduled public hearing was published in the Record Gazette newspaper on February 4, 2022, and mailed on February 3, 2022 to property owners within 1,000 feet of the Project site, providing 10 days' notice of the rescheduled hearing date.

For this remand hearing before the City Council, notice of the public hearing was published in the Record Gazette newspaper on June 28, 2024 (Attachment Nos. 19 and 20), and mailed on June 25, 2024 (Attachment Nos. 20 and 21) to property owners within 1,000 feet of the Project site, providing 10 days' notice of the hearing date.

The Project consists of applications for TPM No. 38164 (Attachment No. 5) and DR No. 21- 7008 (Attachment No. 6), and an Addendum/Consistency Determination pursuant to CEQA (Attachment No. 7). The Project is located north of Sun Lakes Boulevard, east of Highland Springs Avenue, south of Interstate 10, and west of The Lakes Apartment Complex, and located in the SLVNSP area, as indicated in the attached exhibits.

TPM No. 38164:
TPM No. 38164 was submitted as part of the Project application review and proposes to subdivide the entire site (47-acres) into three (3) parcels. Parcel 1 will be approximately 6.9 acres in size and accommodate six (6) proposed retail/commercial buildings. Parcel 2 will be approximately 30.14 acres and the proposed industrial warehouse building. Parcel 3 is not intended for development at this time; however, it will share access with Parcel 2. Parcel 3 is approximately 9.96 acres in size and is labeled "Not A Part" (N.A.P.) of the Project. The City Engineer has determined that the proposed subdivision of the land is in conformity with the State Subdivision Map Act and the City's Subdivision Ordinance, and that all the proposed lots will have adequate access to public streets, sanitary sewer lines, water mains, fire hydrants, drainage structures and utilities.

The court found that "Substantial evidence supported the City's project approval findings," which includes the City's findings that "the tentative map and design review [are] consistent with the general plan and the specific plan amendment." (Attachment No. 14) The findings that were upheld by the Court are stated in Section 3 of Resolution 2024-114.

DR No. 21-7008:
The proposed industrial warehouse building measures 619,959 sf, which includes 10,000 square feet of office space to be built on Parcel 2 of the Map, as indicated in Figure 4, Site Plan below. The Project also proposes six retail/commercial buildings totaling approximately 34,000 sf., ranging in size from 1,600 sf to 8,400 sf. Building 1 will include a coffee restaurant with a drive-thru and the remaining five (5) buildings are intended for sit-down restaurant- type uses and other commercial and services uses. The SLVNSP land use and zoning designation provides for Business and Warehouse, Office and Professional, and Retail and Service, consistent with the proposed uses on each parcel. All of the

proposed uses are permitted by right by the SLVNSP.

The proposed industrial building and uses will be located as far away from residents to the extent possible. The building is separated by approximately 800 feet from the nearest Sun Lakes Country Club residence. The industrial building will be screened by eight-foot to fourteen-foot -high screening walls, landscaping, 24-foot-wide drive aisles, the six retail/restaurant buildings adjacent and along the frontage of Parcel 2. The Project is also screened by Sun Lakes Boulevard and median and parkway landscaping in the Sun Lakes Boulevard right-of-way.
The court found that “Substantial evidence supported the City’s project approval findings,” which includes the City’s findings that “the tentative map and design review [are] consistent with the general plan and the specific plan amendment.” (Attachment No. 14) The findings that were upheld by the court are stated in Section 4 of Resolution 2024-114.

Architectural Design:
The industrial warehouse building will be a contemporary styled concrete tilt-up building with painted and scored accents to provide shading interest. The elevations utilize a combination of materials and accents such as anodized aluminum windows and door frames with tempered glazing in a blue reflective color, metal canopies, and mullions.

The warehouse building will use Sherwin-Williams paint colors Extra White, with Gray Screen, Software, and Cyberspace for the main body of the building, and Heartthrob trim paint between the gray panels. The metal canopies will be Pure White with clear anodized mullions to accent the building. The proposed 14’ concrete tilt -up walls will screen the truck yards and the colors will match the paint and color variations of the warehouse building.

The main colors of the retail buildings will be Sherwin-Williams Extra White with White Brick, Warm Brick, and Metal Siding accents and trim colors. Storefront aluminum windows and door frames will use a blue reflective window glazing. Pure White metal canopies with clear anodized mullions will provide exterior accents and shade for the buildings.

Landscaping:
The SLVNSP requires projects to provide a minimum of 15% of the site to be covered with landscaping. Landscaping is provided along the parkway on Sun Lakes Boulevard, on the side and freeway setbacks adjacent to the property lines and buildings, and throughout the parking areas. The project proposes 39.7% of landscape coverage on Parcel 1 of TPM No. 38164 (the retail/restaurant parcel of the Project) and 16.23% of landscape coverage on Parcel 2 (the industrial site parcel of the Project). The existing median and parkway landscaping, in conjunction with the landscaping proposed for the commercial component, will effectively serve to buffer, and soften the prominence of the industrial warehouse building.

Streets/Circulation System:
The main access points for the Project are as follows:

- Access points off Sun Lakes Blvd: 40' wide driveway (at cul-de-sac) & 46' driveway (divided by 6' median) & 40' wide shared driveway;
- Access points for retail: West side - 24' wide driveway off Sun Lakes Village Dr & East side - Two (2) 26' wide driveways off shared driveway;
- Access points for warehouse: West side- 29'-10" wide driveway off Sun Lakes Village Dr & East side- Three (3) driveways 24' wide, 29' wide, 40' wide off shared driveway; and
- There are 24-foot -wide emergency vehicle access roads provided around the south and north sides of the retail buildings, throughout the north and south truck courts, around the industrial building and through all the parking areas of the site.

ENVIRONMENTAL DETERMINATION:
The Project has been reviewed in connection with the requirements of CEQA (Pub. Resources Code, §

21000 et seq.) and the State CEQA Guidelines (14 C.C.R. § 15000 et seq.).

The EIR prepared for Amendment No. 5 to the SLVNSP analyzed the potential development of 877,298 square feet of industrial and warehouse uses, 52,065 square feet of medical office uses, and 37,189 square feet of retail uses. The EIR analyzed the potential environmental impacts from this type of development in the areas of aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, transportation, tribal cultural resources, and utilities and service systems. The EIR concluded that Amendment No. 5 to the SLVNSP had the potential to result in a net increase of building square footage and that certain air quality, greenhouse gas emissions, and traffic impacts would be significant and unavoidable even after the imposition of mitigation and regulatory compliance. The Draft EIR was made available for review and comment from September 11, 2020, through October 26, 2020. A Notice of Availability was distributed to project stakeholders requesting to be notified, responsible and trustee agencies, and published in the Record Gazette newspaper. The Draft EIR and Amendment No. 5 were posted on the City's website and at City Hall for viewing. Comments received on the Draft EIR and the City's response to comments were incorporated in the Final EIR. After hearing all the facts in evidence, the City Council determined that the benefits of Amendment No. 5 outweighed the Amendment's environmental impacts and adopted a Statement of Overriding Considerations on December 8, 2020. The EIR was certified on December 8, 2020, and was never challenged. It is now final, beyond challenge, and conclusive in all respects.

Amendment No. 5 to the SLVNSP was adopted on December 8, 2020, by way of City Council Resolution No. 2020-141. Ordinance 1571 provides that there shall be a textual reference to Amendment. No. 5 to the SLVNSP included in the City's Zoning Code portion of the Municipal Code. That Ordinance was introduced on December 8, 2020, adopted on January 12, 2021, and became effective on February 11, 2021. The Certified EIR was never challenged and is now final, beyond challenge, and in effect for all purposes.

The Project proposes a smaller development than that analyzed in the EIR. The Project proposes 619,959 square feet of industrial uses, which is split between 75% (or 464,969 sf) of high-cube fulfillment center warehouse use and 25% (or 154,990 sf) of high-cube cold storage warehouse use, and 34,000 square feet of retail/commercial uses, along with the associated utility, parking, roadway, and landscaping improvements. The Project does not include development of any of the office uses analyzed in the EIR.

The mitigation measures imposed as part of the prior EIR remain valid and applicable to the Project and are identified in the Mitigation Monitoring and Reporting Program, Section 5, Pages 97 through 109 of the Banning Point/Sun Lakes Village North Specific Plan EIR Addendum/Consistency Checklist. The same benefits described in the Statement of Overriding Considerations for Amendment No. 5 to the SLVNSP remain applicable to the Project.

The prior EIR, which was a "Program EIR," has been reviewed to determine if the Project is within the scope of what was analyzed in the EIR. Based on this review and analysis, an Addendum/Consistency checklist entitled "Banning Point Addendum to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report" (updated version dated February 10, 2022) ("Addendum"), has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c).

CEQA Guidelines Section 15164(a) provides that the lead agency "shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162, calling for preparation of a subsequent EIR have occurred." CEQA Guidelines Section 15164(c) further provides that an "addendum need not be circulated for public review but can be included in or attached to the final EIR" and CEQA Guidelines Section 15164(e) provides that a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included" in the

addendum, the agency's findings, or elsewhere in the administrative record.

The Addendum evaluated the Project's potential environmental effects, in light of those effects previously disclosed in the prior EIR, to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred.

All environmental impacts of Amendment No. 5 to the SLVNSP (including those impacts related to the development of industrial and warehouse uses, and retail uses, such as those proposed by the Project) were analyzed, disclosed, and mitigated as set forth in the EIR (SCH# 2020029074) that was certified on December 8, 2020; this conclusion is supported by the detailed Addendum and its supporting technical reports and data. Therefore, any potential environmental impacts resulting from the types of land development proposed by the Project already have been analyzed and disclosed in the certified EIR that is now final in all respects and is beyond challenge. Furthermore, a subsequent EIR is not required as discussed below.

Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 provide that no subsequent EIR shall be prepared for a project unless, on the basis of substantial evidence in the light of the whole record, "major revisions" of the EIR are needed to reflect (i) substantial changes to the project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes to the circumstances under which the project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, showing that the project will have one or more significant effects not discussed in the previous EIR, or significant effects previously examined will be substantially more severe than shown in the previous EIR, or mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. At this point in the process, "in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired, and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process." (Bowman v. City of Petaluma (2008) 185 Cal.App.3d 1065, 1073, 1074.) As a result, any issues with the earlier EIR that were raised or could have been raised are barred from further consideration. (Comm. for Green Foothills v. Santa Clara County Bd. of Supervisors (2010) 48 Cal.4th 32, 50).

No information has been presented to the City demonstrating that any of the criteria set forth in Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, are present.

(1) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the Project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Rather, the Project proposes the exactly the same type of land uses analyzed in the EIR and approved as part of Amendment No. 5 to the SLVNSP, only smaller in scope and footprint. The Project therefore serves to implement the vision for the commercial and industrial core of Highland Springs Avenue and the Interstate 10 freeway, which is described in detail within Amendment No. 5 to the SLVNSP and is consistent the land use envisioned in the SLVNSP and its accompanying EIR. Furthermore, the Addendum comprehensively analyzed the Project in comparison to the EIR in each environmental impact area and concluded that there are no new or substantially greater impacts than those previously disclosed, analyzed, and mitigated (to the extent feasible) in the EIR. City staff, acting as the Lead Agency, has independently reviewed the Addendum and finds that the Addendum, including its supporting technical reports, constitutes substantial evidence in support of this conclusion.

(2) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the circumstances under which the Project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project remains consistent with the project described in the prior EIR for Amendment No. 5 to the SLVNSP and is smaller in scope than the development anticipated in that document and approved in Amendment No. 5 to the SLVNSP. There have been no changes to the SLVNSP area that would alter the ability of the Project to remain consistent with the SLVNSP and the environmental impacts analyzed in the prior EIR.

(3) No information has been presented to the City to demonstrate that there is any new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete showing that the Project will have any significant or more severe effects than those discussed in the prior EIR, or that additional mitigation measures or alternatives would substantially reduce any significant effects on the environment disclosed in the prior EIR. No information, let alone substantial evidence, has been presented to suggest that the current Project has environmental impacts beyond those previously analyzed, disclosed, and mitigated as set forth in the EIR. No information regarding any purported greater environmental impacts, or the need for additional mitigation or alternatives, has been presented.
The court concurred with these conclusions. As the court stated in its ruling, “There is no dispute but that the differences between the original project [that described in Amendment No. 5 to the SLVNSP] and the current version of the Project do not result in new significant environmental impacts. Indeed, the current version of the Project is significantly smaller than the original project.” The court thus found that “substantial evidence supported the City’s decision … to prepare an addendum instead of a supplemental or subsequent EIR for the Project.” (Attachment No. 14)

The City Staff finds, in the exercise of its independent judgment and based on substantial evidence in the whole of the record, that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163 because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the EIR; (ii) all applicable mitigation measures in the EIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum. The Addendum and its supporting technical reports and memoranda constitute substantial evidence in support of this conclusion and the findings.

Multiple Species Habitat Conservation Plan (MSHCP).
The project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

RESPONSE TO APPELLANT’S LETTERS FROM DECEMBER 7, 2021, JANUARY 24, 2022, AND FEBRUARY 10, 2022:
On December 7, 2021, January 24, 2022, and February 10, 2022, the attorneys for the Pass Area Action Group (“Appellant”) submitted letters challenging the sufficiency of the 2020 Program EIR for use by the City in connection with approval of the proposed Project. Those Letters also made other assertions regarding accessibility of documents, public noticing, and issues related to the preparation of the 2020 Program EIR. Finally, the February 10, 2022, Letter asserted that certain councilmembers were biased in favor of the Project and should recuse themselves from decisions on the Project.

A. Adequacy and Sufficiency of the Program EIR for the Project is Documented in an addendum/Consistency Checklist Document and in CEQA Consultant’s Response to Comments.

The City caused an Addendum to be prepared which compared the potential impacts of the proposed Project to the project envisioned under the previously adopted the SLVNSP Amendment No. 5 and Certified Program EIR. The Addendum demonstrates that additional environmental review is not required

for the Project beyond what was analyzed and disclosed in the now final EIR and in the Addendum. All environmental impacts of Amendment No. 5 to the SLVNSP (including those impacts related to the development of industrial and warehouse uses, and retail uses, such as those proposed by the Project) were analyzed, disclosed, and mitigated as set forth in the EIR (SCH# 2020029074) that was certified on December 8, 2020. This conclusion is supported by the detailed Addendum and its supporting technical reports and data. Therefore, any potential environmental impacts resulting from the types of land development proposed by the Project already have been analyzed and disclosed in the certified EIR that is now final in all respects and is beyond challenge. In addition, the CEQA consultant responded to the Appellant's comments on this issue, providing further support for the sufficiency of the Addendum. The court agreed that substantial evidence supported the City's decision to proceed with an Addendum.

The court also expressly rejected PAG's contention that the Sunset Crossings project constitutes a substantial change in the circumstances under which the Project is undertaken, or new information that has become available which could not have been known before, such that a subsequent EIR was required. As the court explained, the potential that the Sunset Crossing project might have significant impacts "is not substantial evidence that the proposed project's incremental effects are cumulatively considerable. CEQA Guidelines § 15064(h)(4). Accordingly, the Court concludes that substantial evidence supported the City's decision not to include cumulative impacts from the Project and Sunset Crossroads in the environmental documents for the Project and to prepare an addendum instead of a supplemental or subsequent EIR for the Project."

B. Incorporation of The Sun Lakes Village North Specific Plan Amendment No. 5 into the Banning Municipal Code.

PAG's letter also makes multiple statements which can be generally consolidated into three non-CEQA issues which are summarized below:
Appellant's letter asserts that the City had not properly updated its Municipal Code to reflect inclusion of the Sun Lakes Village North Specific Plan Amendment No. 5 into the Code. Accordingly, the letter asserts that it has been impossible for the public to appropriately review the Project for consistency with the Sun Lakes Village North Specific Plan Amendment No. 5.
The Sun Lakes Village North Specific Plan Amendment No. 5 was adopted by Ordinance 1571. The Specific Plan Amendment was included in the agenda packet for the November 4, 2020, Planning Commission meeting and the December 8, 2020, City Council meeting. The agenda packets for those meetings, including the Draft Sun Lakes Village North Specific Plan Amendment No. 5, have been and are currently available on the City's website on the page that provides those agendas and packets. In addition, Ordinance No. 1571, which approved the Specific Plan Amendment, is listed in the on-line Banning Municipal Code under Supplementary Ordinance Table with a link to the Ordinance. Furthermore, a copy of the final approved version of the Specific Plan Amendment was provided to members of the public who made requests for the Specific Plan, including representatives of the Appellant, which provided the Appellants sufficient time to review the Specific Plan Amendment and to address the Project's consistency with the Banning Municipal Code. A copy of the final adopted Sun Lakes Village North Specific Plan Amendment No. 5 is currently on file with the Banning City Clerk where it is available for inspection by the public.

C. Public Notice for the December 2020 City Council Public Hearing on the Specific Plan Amendment.

Appellant's letter also asserts that the City did not send out public hearing notices to property owners and residents within 300 feet of the Project site advising them of the Planning Commission and City Council public hearings on the Sun Lakes Village North Specific Plan Amendment No. 5 before that Amendment was adopted by the City Council on December 8, 2020. The letter attempts to reinforce this argument by pointing out that the City was unable to provide any certificate or affidavit from a staff person that the required public hearing notices were mailed out and that the residents of Sun Lakes do not recall having received notice.

City files contain a copy of the public hearing notice that was sent to property owners in advance of the November 4, 2020, Planning Commission meeting and the December 8, 2020, City Council meeting. Also included in the City's files is a copy of the mailing labels, which contain the names and addresses of all 108 property owners within 300 feet of the project, as required by the Banning Municipal Code and state law. Among the property owners to whom notices were sent, three of them were for properties owned by the Sun Lakes Country Club Homeowners Association and the single property owner of The Lakes Apartment Complex, along with several individual property owners in the Sun Lakes Country Club neighborhood.

An Affidavit of Mailing is not legally required by state law and thus is not needed to comply with public noticing requirements. Moreover, the public hearing notices were advertised in the Record Gazette newspaper, a newspaper of general circulation in the City of Banning, published on October 23, 2020, for the Planning Commission hearing on November 4, 2020; and published on November 27, 2020, for the December 8, 2020, City Council meeting. Therefore, the City of Banning complied with state law and local ordinance to provide notice of the Sun Lakes Village North Specific Plan Amendment No. 5. Finally, no challenge was brought to those 2020 decisions regarding the Sun Lakes Village North Specific Plan Amendment No. 5 or the 2020 Program EIR. Pursuant to Section 15112 of the California Environmental Quality Act and CEQA Guidelines, the 180- day time to challenge the sufficiency of notice for the adoption of the Sun Lakes Village North Specific Plan Amendment No. 5 EIR has long since expired.

D. Notification to the SCAQMD and the California Air Resources Board when the 2020 Program EIR was Prepared.

The Appellant asserts that the City should have provided notice to the South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board (CARB) in connection with the consideration of this Project.

Notice was provided to both SCAQMD and CARB when the land uses considered for this Project were proposed as part of the Sun Lakes Village North Specific Plan Amendment No. 5. That occurred when the Notice of Preparation for the 2020 Program EIR was transmitted electronically to SCAQMD and was filed with the State Clearinghouse as required (SCH #2020029074), and through the State Clearinghouse, notices were provided to various resource and trustee agencies, including CARB and SCAQMD. In response to that Notice of Preparation, the SCAQMD provided a comment letter dated March 17, 2020, from Lijin Sun, J.D., Program Supervisor, CEQA IGR, Planning, Rule Development & Area Sources. Furthermore, SCAQMD received notice of the Draft EIR, through the State Clearinghouse, when advertised in October of 2020, and did not provide a reply or response to the city at any time during the 45-Day Notice of Availability (NOA)/Notice of Completion (NOC) timeframe. Because the City determined that the Project now under consideration is consistent with the project evaluated in the 2020 Program EIR, an Addendum was prepared indicating that no additional environmental review is required for this Project. Pursuant to the CEQA Guidelines, there is no obligation to circulate a draft Addendum to trustee agencies or to the public for public comment. Therefore, no new or special notice to SCAQMD or CARB is required in connection with the processing of the proposed Project.

E. Allegations of Bias by Certain Councilmembers.

On February 10, 2022, the Appellant submitted a letter asserting that due to certain public comments made by councilmembers early in the process and before the matter was submitted to the City Council, that three councilmembers are biased in favor of the Project and should recuse themselves from decisions on the Project. As discussed above, the court issued a ruling finding only that the City did not provide a fair hearing based on the court's conclusion that then-Councilmember Mary Hamlin was biased in favor of the Project. The court rejected all claims of bias as to Councilmember Wallace and Councilmember Sanchez, stating in its ruling that "their statements do not overcome the presumption that they are unbiased."

ADDITIONAL PUBLIC COMMUNICATIONS:

The proposed Project was advertised in the Record Gazette newspaper on May 31, 2024 for a public hearing to be held before the City Council on June 11, 2024. After posting of the City Council meeting agenda packet on the City's website, it was brought to the attention of City staff that many of the staff report attachments were not visible to the public, and as a result, the entirety of the record was not available for public review. The June 11, 2024 City Council hearing for this item was therefore continued and re-noticed in the Record Gazette newspaper on June 28, 2024 for the July 9, 2024 City Council Meeting (Attachment Nos. 19 and 20). Public Notices were also mailed to property owners within a 1,000-foot radius of the Project site (Attachment Nos. 20 and 21). As of the date of this report, City staff had received several items of public communication for the public hearing to held before the City Council on July 9, 2024, which have been provided to the City Council under separate cover, and are attached to this staff report.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

ALTERNATIVES:

1. Adopt Resolution 2024-114, as recommended (Attachment Nos. 1 and 2).
2. Adopt Resolution 2024-114, with modifications.
3. Do not adopt Resolution 2024-114 (Attachment Nos. 1 and 2), and provide direction to staff.

ATTACHMENTS:

1. Resolution 2024-114, DR 21-7008 Consideration.docx
2. Exhibit A - COAs.docx
3. PAAG Appeal Letter.pdf
4. December 1 2021 Regular Planning Commission Meeting.pdf
5. TPM 38164.pdf
6. DR 21-7008 Plans.pdf
7. Addendum Consistency Checklist.pdf
8. Approved PC Minutes October 19, 2021.pdf
9. December 1, 2021 PC Meeting Minutes.pdf
10. PC Resolution 2021-16.pdf
11. Resolution No. 2022-014.pdf
12. February 17, 2022 Special CC Meeting Minutes.pdf
13. 240409 Judgment Grant Peremptory Writ of Mandate SLH.pdf
14. March 15, 2024 Ruling.pdf
15. Public Comment Correspondence.pdf
16. 10.19.2021 PC PHN.pdf
17. 12.01.2021 PC PHN.pdf
18. Public Hearing Notice - 06/11/2024
19. PHN_Banning Point_7.9.2024.pdf
20. 2024 06 28_PHN - Proof of Publication
21. Banning - Affidavits of Mailing and Posting of Notice of Public Hearing.pdf

RESOLUTION 2024-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, (1) APPROVING TENTATIVE PARCEL MAP NO. 38164, ALLOWING THE SUBDIVISION OF APPROXIMATELY 47 GROSS ACRES OF VACANT LAND INTO THREE PARCELS; (2) AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW NO. 21-7008 AND DENYING AN APPEAL OF THAT DECISION AND PERMITTING THE CONSTRUCTION OF A PROPOSED 619,959 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING, INCLUDING 10,000 SQUARE FEET OF OFFICE SPACE AND A COMBINED 34,000 SQUARE FEET OF RETAIL/COMMERCIAL BUILDINGS, ON REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN AREA (APN: 419-140-057); AND (3) ADOPTING AN ADDENDUM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MAKING FINDINGS IN SUPPORT THEREOF, INCLUDING FINDING OF CONSISTENCY WITH THE CERTIFIED ENVIRONMENTAL IMPACT REPORT PREPARED FOR AMENDMENT NO. 5 TO THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN (SCH # 2020029074)

WHEREAS, on December 8, 2020, the City Council certified the Final Environmental Impact Report (EIR) (SCH #2020029074) prepared for, and approved, Amendment No. 5 to the Sun Lakes Village North Specific Plan (SLVNSP) (Ordinance 1571 for Zone Change 20-3501). Amendment No. 5 revised the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business Park & Warehouse (BW), Office & Professional (OP), and Retail & Service (RS), and revised the permitted land uses, development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage), and design guidelines for the development and implementation provisions of the SLVNSP; and

WHEREAS, the EIR for Amendment No. 5 to the SLVNSP is now final, beyond challenge, and is conclusively presumed to comply with CEQA; and

WHEREAS, in furtherance of the interests of Sun Lakes Highland, LLC (Applicant), an application was submitted for approval of proposed Tentative Parcel Map No. 38164 (TPM 21-4001) to subdivide approximately 47.11 acres of vacant real property into three commercial and industrial parcels, and for Design Review No. 21-7008, to construct a 619,959 square-foot industrial warehouse building with 10,000 square feet of office space, and six retail/commercial buildings totaling 34,000 square feet and associated utility, parking, roadway, and landscaping improvements (all together, the "Project"), on real property identified as APN 419-140-057; and

WHEREAS, on October 19, 2021, and December 1, 2021, the Planning Commission conducted duly noticed public hearings on the Project, at which time interested persons had an opportunity to testify in support of or in opposition to the Project. At the conclusion of the public hearing on December 1, 2021, the Planning Commission adopted Resolution No. 2021-16, approving Tentative Parcel Map No. 38164 and approving Design Review No. 21-7008, including conditions of for approval of the Project. Pursuant to Banning Municipal Code Chapter 16.14, the Planning Commission's decision has been interpreted by City Staff and the City Council as a recommendation to the City Council for approval of Tentative Parcel Map No. 38164; and

WHEREAS, pursuant to Banning Municipal Code Section 17.68.100, three applications seeking to appeal the Planning Commission's decision on the Project were received during the appeal period following the Planning Commission's action; and

WHEREAS, an appeal application was received from Golden State Environmental Justice Alliance and was subsequently rejected as being incomplete because it did not state the grounds or reasons for its appeal, did not request a specific action, and incorrectly described the project; and

WHEREAS, an appeal application was received from Supporters Alliance For Environmental Responsibility (SAFER), who subsequently withdrew its appeal on January 18, 2022, and announced its support for the Project; and

WHEREAS, on December 7, 2021, the law firm of Shute, Mihaly & Weinberger submitted an appeal on behalf of Appellant, Pass Area Action Group (PAG)**,** and a three-page letter on behalf of Appellant, which was supplemented by a 428-page letter submitted via email on January 24, 2022 (the "Appeal")**;** and

WHEREAS, the public hearing on Tentative Parcel Map No. 38164 and the Appeal hearing on Design Review No. 21-7008 was scheduled for January 31, 2022, and in compliance with applicable law, the City provided public notice of the public hearing by advertising in the *Record Gazette* newspaper on January 21, 2022, and by mailing notices to all property owners within 1,000 feet of the subject site; and

WHEREAS, the City subsequently received requests from both Pass Area Action Group and the Applicant to continue the Appeal hearing to allow for additional time to review the materials related to the Project; and

WHEREAS, in recognition of the requests from both Appellant and Applicant for a continuance of the public hearing, at the regularly scheduled City Council meeting held on January 25, 2022, the City Council voted to cancel the Appeal hearing previously noticed January 31, 2022, and to reschedule the public hearing to February 17, 2022; and

WHEREAS, the City provided public notice of the rescheduled public hearing on Tentative Parcel Map No. 38164 and the Appeal hearing on Design Review 21-7008 by advertising in the *Record Gazette* newspaper on February 4, 2022, and by again mailing (on February 3, 2022) notices to property owners within a 1,000-foot radius of the subject site; and

WHEREAS, on February 17, 2022, the City Council of the City of Banning conducted a duly noticed public hearing on the Appeal, at which time all interested persons, including Appellant and Applicant, were given an opportunity to speak and to present both oral and written evidence in support of and in opposition to the Appeal. At the conclusion of the public hearing on February 17, 2022, the City Council adopted Resolution No. 2022-14, approving Tentative Parcel Map No. 38164, approving Design Review 21-7008 and denying the Appeal, including Conditions of Approval of the Project, and adopting an Addendum to the certified EIR prepared for Amendment No. 5 to the Sun Lakes Village North Specific Plan (SCH # 2020029074); and

WHEREAS, on April 18, 2022, PAG filed a Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") with the Riverside County Superior Court (Case No. CVRI2201482), challenging the City of Banning's approval of the Project; and

WHEREAS, the lawsuit alleged that the City failed to provide a fair hearing due to alleged bias by Councilmembers Hamlin, Sanchez, and Wallace. The lawsuit also contended that the City violated CEQA and the City's General Plan in approving the Project, and that the findings in support of the Project were not supported by substantial evidence; and

WHEREAS, following briefing and a hearing on the merits, the trial court issued a ruling finding only that the City did not provide a fair hearing based on the court's conclusion that then-Councilmember Hamlin was biased in favor of the Project. The court rejected all claims of bias as to Councilmember Wallace and Councilmember Sanchez, stating in its ruling that "their statements do not overcome the presumption that they are unbiased. There has been no showing of a financial or personal interest in the Project and no specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias…." The court also rejected in its entirety all of PAG's substantive challenges, finding that the City fully complied with CEQA, that the Project is consistent with the City's General Plan, and that the City's findings were supported by substantial evidence, as discussed further below. As the court concluded in its ruling, the court "does not find that Petitioner [PAG] has carried its burden of proof on any remaining issue and would not grant the writ but for the fair hearing issue."; and

WHEREAS, the court entered judgment and issued a writ of mandate directing the City to set aside and vacate the prior approval and to reconsider the Project without the participation of Councilmember Hamlin; and

WHEREAS, the City provided public notice of a public hearing on the Project by advertising in the *Record Gazette* newspaper on June 28, 2024, and by mailing (on June 25, 2024) notices to property owners within a 1,000-foot radius of the Project site; and

WHEREAS, on July 9, 2024, the City Council of the City of Banning conducted a duly noticed public hearing on the Project, at which time all interested persons, including Appellant and Applicant, were given an opportunity to speak and to present both oral and written evidence in support of and in opposition to the Project; and

WHEREAS, all legal prerequisites prior to the adoption of this Resolution have occurred; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including supporting reports by City Staff, written materials timely received by the City, and information provided during public meetings.

NOW THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1. **Recitals**. This Council hereby specifically finds that all of the facts set forth in the Recitals above are true and correct, and are incorporated herein.

SECTION 2. **Environmental Findings**.

A. The Project has been reviewed in connection with the requirements of CEQA (Pub. Resources Code, § 21000\ *et seq*.) and the State CEQA Guidelines (14 C.C.R. § 15000 *et seq*.). Based upon all of the applications, plans, submittals, and evidence presented to the Planning Commission on October 19, 2021 and December 1, 2021, the additional submittals from the Appellant and the Applicant, and the public hearing held on July 9, 2024 (including written and oral staff reports and supporting documentation, together with public testimony), and in the exercise of its independent judgment based upon the whole of the record and the evidence presented to it, this Council hereby specifically finds and concludes, as provided in the succeeding subsections of this Section 2, as follows with

respect to environmental review related to the Project.

B. The EIR prepared for Amendment No. 5 to the SLVNSP analyzed the potential development of 877,298 square feet of industrial and warehouse uses, 52,065 square feet of medical office uses, and 37,189 square feet of retail uses. The EIR analyzed the potential environmental impacts from this type of development in the areas of: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, transportation, tribal cultural resources, and utilities and service systems. The EIR concluded that Amendment No. 5 to the SLVNSP had the potential to result in a net increase of building square footage and that certain air quality, greenhouse gas emissions, and traffic impacts would be significant and unavoidable even after the imposition of mitigation and regulatory compliance. The City Council determined that the benefits of Amendment No. 5 outweighed the Amendment's environmental impacts, and adopted a Statement of Overriding Considerations on December 8, 2020. The EIR was certified on December 8, 2020, and was never challenged. It is now final, beyond challenge, and conclusive in all respects.

C. Amendment No. 5 to the SLVNSP was adopted on December 8, 2020, by way of City Council Resolution No. 2020-141. Its text was added into the City's Zoning Code portion of the Municipal Code by way of Ordinance No. 1571, which was introduced on December 8, 2020, adopted on January 12, 2021, and became effective on February 11, 2021. It was never challenged and is now final, beyond challenge, and in effect for all purposes.

D. The Project proposes a smaller development than that analyzed in the EIR. The Project proposes 619,959 square feet of industrial use (split between 75% [or 464,969 square feet] of high-cube fulfillment center warehouse use and 25% [or 154,990 square feet] of high-cube cold storage warehouse use), and 34,000 square feet of retail uses, along with associated utility, parking, roadway, and landscaping improvements. The Project does not include development of any of the office uses analyzed in the EIR.

E. The Project is found to be consistent with the Multi-Species Habitat Conservation Program (MSHCP). The Project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

F. The mitigation measures imposed as part of the prior EIR remain valid and applicable to the Project and are identified in the Mitigation Monitoring and Reporting Program, Section 5, Pages 97 through 109 of the Banning Point/Sun Lakes Village North Specific Plan EIR Addendum/Consistency Checklist. The same benefits described in the Statement of Overriding Considerations for Amendment No. 5 to the SLVNSP remain applicable to the Project.

G. The prior EIR, which was a "Program EIR," has been reviewed to determine if the Project is within the scope of what was analyzed in the EIR. Based on this review and analysis, an Addendum/Consistency Checklist, entitled "Banning Point Addendum to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report" (updated version dated February 10, 2022) ("Addendum") has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). CEQA Guidelines Section 15164(a) provides that the lead agency "shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but

none of the conditions described in Section 15162, calling for preparation of a subsequent EIR, have occurred." CEQA Guidelines Section 15164(c) further provides that an "addendum need not be circulated for public review but can be included in or attached to the final EIR" and CEQA Guidelines Section 15164(e) provides that a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included" in the addendum, the agency's findings, or elsewhere in the administrative record.

H. The Addendum evaluated the Project's potential environmental effects in light of those effects previously disclosed in the prior EIR to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred.

I. The City Council has considered whether additional environmental review is required for the Project beyond what was analyzed and disclosed in the now-final EIR and in the Addendum. All environmental impacts of Amendment No. 5 to the SLVNSP (including those impacts related to the development of industrial and warehouse uses and retail uses, such as those proposed by the Project) were analyzed, disclosed, and mitigated as set forth in the EIR (SCH# 2020029074) that was certified on December 8, 2020; this conclusion is supported by the detailed Addendum and its supporting technical reports and data. Therefore, any potential environmental impacts resulting from the types of land development proposed by the Project already have been analyzed and disclosed in the certified EIR that is now final in all respects and is beyond challenge. Furthermore, a subsequent EIR is not required as discussed below.

J. Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 provide that no subsequent EIR shall be prepared for a project unless, on the basis of substantial evidence in the light of the whole record, "major revisions" of the EIR are needed to reflect (i) substantial changes to the project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes to the circumstances under which the project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, showing that the project will have one or more significant effects not discussed in the previous EIR, or significant effects previously examined will be substantially more severe than shown in the previous EIR, or mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. At this point in the process, "in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired, and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process." (*Bowman v. City of Petaluma* (2008) 185 Cal.App.3d 1065, 1073-1074.) As a result, any issues with the earlier EIR that were raised or could have been raised are barred from further consideration. (*Comm. for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 50.)

K. No information has been presented to the City demonstrating that any of the criteria set forth in Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, are present.

(1) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the Project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Rather, the Project proposes the same type of land uses analyzed in the EIR and approved as part of Amendment No. 5 to the SLVNSP, but it is smaller in scope. The Project therefore serves to implement the vision for the commercial and industrial core of Highland Springs Avenue and the Interstate 10 freeway, which is described in detail within Amendment No. 5 to the SLVNSP, and is consistent the land use envisioned in the SLVNSP and its accompanying EIR. Furthermore, the Addendum comprehensively analyzed the Project in comparison to the EIR in each environmental impact area and concluded that there are no new or substantially greater impacts than those previously disclosed, analyzed, and mitigated (to the extent feasible) in the EIR. The City Council finds that the Addendum, including its supporting technical reports, constitutes substantial evidence in support of this conclusion.

(2) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the circumstances under which the Project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project remains consistent with the project described in the prior EIR for Amendment No. 5 to the SLVNSP and is smaller in scope than the development anticipated in that document and approved in Amendment No. 5 to the SLVNSP. There have been no changes to the SLVNSP area that would alter the ability of the Project to remain consistent with the SLVNSP and the environmental impacts analyzed in the prior EIR.

(3) No information has been presented to the City to demonstrate that there is any new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete showing that the Project will have any significant or more severe effects than those discussed in the prior EIR, or that additional mitigation measures or alternatives would substantially reduce any significant effects on the environment disclosed in the prior EIR. No information, let alone substantial evidence, has been presented to suggest that the current Project has environmental impacts beyond those previously analyzed, disclosed, and mitigated as set forth in the EIR. No information regarding any purported greater environmental impacts, or the need for additional mitigation or alternatives, has been presented.

(4) The court concurred with the conclusions above in Paragraphs (K)(1)-(3) of this Section 2. As the court stated in its ruling, “There is no dispute but that the differences between the original project [that described in Amendment No. 5 to the SLVNSP] and the current version of the Project do not result in new significant environmental impacts. Indeed, the current version of the Project is significantly smaller than the original project.” The court thus found that “substantial evidence supported the City’s decision … to prepare an addendum instead of a

supplemental or subsequent EIR for the Project."

L. The Appellant's contention in its January 24, 2022, letter that preparation of a program-level EIR for Amendment No. 5 to the SLVNSP was not proper is a time-barred attack on that EIR. The EIR was never challenged and is lawful, valid, and conclusive for all purposes. Furthermore, the SLVNSP is a Specific Plan and therefore is a legislative enactment and environmental review at the program, or plan, level was appropriate.

M. The Appellant's contention in its January 24, 2022, letter that the Project constitutes a "new" project not within the scope of that studied in the EIR is unfounded. As shown in the Addendum, and its supporting technical reports in the areas of air quality, greenhouse gas emissions, health risk assessment, trip generation memorandum, and vehicle miles traveled (VMT) analysis, Project impacts are not greater or more impactful than previously disclosed, analyzed, and approved in connection with Amendment No. 5 to the SLVNSP, including considering the addition of 154,990 square feet of high-cube cold storage warehouse use within the overall 619,959 square feet of industrial use. The Addendum and its supporting documentation expressly considered the use of high-cube cold storage industrial uses and found impacts to be within the scope of those analyzed in the EIR. The City Council expressly finds that the analysis contained in the Addendum and its supporting technical reports is credible, supported by facts, and constitutes substantial evidence.

N. The Appellant's contention in its January 24, 2022 letter that the EIR's analysis in the areas of transportation, air quality, greenhouse gas emissions, and noise is insufficient to apply to the Project is unfounded. The City Council finds that several of Appellant's contentions, including those set forth in the technical memoranda attached to their letter, are unfounded; rely on flawed assumptions (including but not limited to those related to horsepower, emission factors, and trip generation rates) leading to incorrect conclusions; are speculative (such as unsupported assumptions about the use of emergency diesel generators); or amount at most to a disagreement among experts, including over issues such as trip generation and trip lengths that were settled in the EIR and are now beyond challenge. A disagreement among experts is not a sufficient reason to set aside an EIR and a lead agency such as the City may choose to accept the determinations and conclusions in the EIR if they are supported by substantial evidence. (CEQA Guidelines Section 15151.) The City Council further finds that other of Appellant's contentions, such as that no vehicle miles traveled (VMT) analysis or noise impacts analysis have occurred, are factually incorrect and therefore lack foundation. The City Council also finds that other contentions, including those regarding the efficacy of mitigation measures imposed as part of Amendment No. 5 to the SLVNSP and its accompanying EIR, are time-barred and an impermissible collateral attack on the prior EIR. The City Council expressly finds that substantial evidence supports the conclusions in the certified EIR, and that no new information has been presented to invalidate these conclusions.

O. The Appellant's contention in its January 24, 2022, letter that a new cumulative impacts analysis was required is incorrect. The prior EIR included a cumulative impacts analysis; no such analysis is also required as a separate, standalone component of a determination that a subsequent EIR is not required.

P. The Appellant's contention in its January 24, 2022, letter that the City was required to separately notify South Coast Air Quality Management District (SCAQMD) and the

California Air Resources Board of the Project is incorrect. There is no obligation to notify other public agencies of an addendum or a determination that a project does not require additional environmental review. Furthermore, other public agencies were properly notified of the preparation of the prior EIR and then subsequently had the opportunity to comment on it. SCAQMD provided a comment on the notice of preparation of the EIR and then did not submit any comments on the EIR.

Q. The City Council finds, in the exercise of its independent judgment and based on substantial evidence in the whole of the record, that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the EIR; (ii) all applicable mitigation measures in the EIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum. The Addendum and its supporting technical reports and memoranda constitute substantial evidence in support of the City Council's conclusion and findings. The City Council hereby adopts the Addendum.

R. The Community Development Director shall cause to be a filed a Notice of Determination for the Project in accordance with CEQA.

S. The custodian of records for the documents that constitute the record of proceedings upon which the City Council's decision is based is the City Clerk of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California, 92220.

SECTION 3. **Tentative Parcel Map Findings**. Subsection (B) of Section 16.14.050 of the Banning Municipal Code provides that any action taken by the City Council with respect to Tentative Parcel Map No. 38164 shall be supported by the findings required by Sections 66427.1, 66473.5, 66474, 66474.1 and 66474.6 of the California Government Code and Section 21100 of the California Public Resources Code.

A. **Applicable Findings.** The City Council finds that Sections 66427.1 does not apply because this Project does not involve the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project. The City Council also finds that Section 66474.1 does not apply because the City Council's action in this matter relates to a Tentative Parcel Map and not a Final Parcel Map. The City Council finds that the other sections noted in the introductory paragraph of this Section do apply to Tentative Parcel Map No. 38164. The following subsections are intended to provide the required findings in accordance with Government Code Sections 66473.5, 66474, and 66474.6 and Public Resources Code Section 21100.

B. **Tentative Parcel Map No. 38164 is consistent with the goals, policies and programs of the City's General Plan and with the Sun Lakes Village North Specific Plan Amendment No. 5.**

(1) The General Plan land use designations for the site are General Commercial and Business Park with a Specific Plan Overlay. The Specific Plan designations for the site are Business & Warehouse District and Retail and Service District. The Community Development Element of the General Plan provides that Specific Plan

land use designations become the General Plan overlay land use designations in the Specific Plan area.

(2) Tentative Parcel Map No. 38164 will divide the existing 47.11-acre property into three parcels consistent with the land uses proposed to be developed on the site and consistent with the General Plan and Specific Plan land use designations, as more fully explained in the succeeding subsections below. The subsections provided in this Subsection (B) provide the findings required by Government Code Sections 66473.5 and 66474(a).

(3) The proposed Project consists of the development of an industrial warehouse building of 619,959 square feet of gross floor area, which includes 10,000 square feet of office and a separate parcel containing six (6) retail/commercial buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet.

(4) The Community Development Element of the General Plan contains goals, policies, and programs for the development of industrial, commercial, and residential uses. With respect to the industrial uses, the General Plan specifies the general goal that "A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents." The Project will provide a non-polluting industrial use and provide jobs for City residents. Specifically, the industrial portion of the Project is not an industrial factory and the uses within the buildings and the warehouse operation are subject to several mitigation measures that require the use of electrical hookups at loading docks (AQ- 3), truck idling limitations (AQ-4), the use of electric or natural gas service equipment to reduce fuel consumption and emissions (AQ-5) and a minimum of three (3) electric-vehicle charging stations. In addition, other mitigation measures are imposed on the Project during the grading and construction of the site, including the use of low VOC paint (AQ-1) and limitations on grading activities to ensure emissions do not exceed SCAQMD's significance thresholds. With these mitigation measures, the Project will not exceed local significance thresholds for emissions and ensure that the Project satisfies the non-polluting goal for industrial uses as provided in the General Plan.

(5) The Community Development Element of the General Plan contains several policies applicable to industrial development projects including: Policy 6 that provides that the land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands; Policy 8 that provides that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized; and Policy 10 that provides that the Zoning Ordinance shall include principles, design standards and guidelines which encourage development of high quality industrial projects." The Project is consistent with Policy 6 because the size of the portion of the site designated for business and warehouse uses is relatively large (30.22 acres) and is appropriately located immediately adjacent to the I-10 freeway and the Southern Pacific Railroad line to the north of the Project site. In addition, the warehouse use is located on the portion of the site that will be screened and buffered from residential uses to the south and east by the retail and service buildings to be located in the Retail and Services District that exists between the residential uses in Sun Lakes to the south of Sun Lakes Boulevard and the

industrial building and by the Office and Professional District uses in the future that will exist between the warehouse uses and the residential and assisted living uses to the east of the Project site. The Project is consistent with Policy 8 because it will be immediately adjacent to Interstate 10 on the north, and the lot configuration and access points into and out of the site are designed to provide for the minimum amount of travel distance on Sun Lakes Boulevard to Highland Springs Avenue and then onto Interstate 10 and eventually from Sun Lakes Boulevard to the Sunset Avenue and onto Interstate 10 when the Sun Lakes Boulevard extension is completed. Finally, the Project, as more fully explained in connection the Project's consistency with the Specific Plan includes a variety of design elements, setbacks, landscaping features that will provide a high quality industrial project.

(6) The Economic Development Element of the General Plan provides the goal for a balanced, broadly based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection. The Project will increase the availability of job opportunities for not only warehouse employees but also retail and service based business opportunities. The Applicant has asserted that the Project would create as many as 722 local jobs in the City of Banning. The proposed development and buildings will improve the City's property tax base, boost sales tax, provide jobs and revenue for the City's economy. The Applicant has asserted that the Project would generate approximately $4,119,780 to the City in Development Impact Fees and as much as $325,000 in annual tax revenues to the City. The Project is also consistent with the following applicable Economic Development Element Policies: Policy 2 for the City to take a proactive role in the recruitment of new businesses that will generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund Revenues; Policy 3 to encourage infill development that will increase the efficiencies of new utilities, infrastructure and public services; and Policy 9 which require development to be responsible for its fair share of on-site and off-site improvements. The Project will provide physical space for a large business or businesses to conduct warehouse uses in the City and spaces for up to six new retail and service uses to serve the immediate community and the City. These new businesses will provide a wide range of different job opportunities from warehouse jobs to office, retail and services jobs and thereby create the diverse job opportunities in the City that will provide opportunities for residents to find new jobs to increase their discretionary incomes. Overall, through property tax, economic activity and job creation, the Project is anticipated to contribute to the City's General Fund revenues in an amount of approximately $325,000 per year. The Project is an infill project using a long-standing vacant site for land uses on lots configured and planned to be appropriately sited between other existing uses and already served by existing streets, utilities and infrastructure. Finally, the project includes design features to ensure all on-site amenities consistent with the City's development standards are paid for by the applicant and that fair share contributions in the form of payment of the City's applicable development impact fees are collected from the development.

(7) The Sun Lakes Village North Specific Plan Amendment No. 5 specifies Guiding Objectives for the development in the Specific Plan Area. Those Objectives are as follows: (1) Allow for a range of land uses that reflects current market conditions given the trend away from brick-and-mortar retail; (2) Respond to an increase in e-

commerce, especially driven by the coronavirus pandemic; (3) Promote high quality development to safeguard the existing asset of Sun Lakes Country Club and other development in the vicinity; (4) Locate and design truck courts and semi-truck circulation to minimize impacts on surrounding land uses and development; and (5) Expand access to restaurants, shopping, and services for the nearby Sun Lakes Country Club Community. The proposed Project accomplishes all these Objectives by reflecting current real estate market trends toward more e- commerce uses which necessarily includes warehouse uses as a key component of the supply chain required for the storage, shipping and availability of e-commerce goods. The lot configuration locates truck courts and semi-truck circulation towards the interior and northerly portion of the site next to the Southern Pacific Railroad line and Interstate 10 and away from the residential uses in the Sun Lakes Country Club. The design elements and project conditions will ensure that the landscape features and design elements projects a high quality development to safeguard the quality of development within the Sun Lakes Country Club community. Finally, the Project will provide up to six sites and buildings for restaurants, shopping and services for the Sun Lakes Country Club Community within the Retail and Service District of the Project site that is located immediately north of Sun Lakes Boulevard and convenient to that Community.

C. The design and improvement of the subdivision proposed under Tentative Parcel Map No. 38164 is consistent with the City's General Plan and the Sun Lakes Village North Specific Plan Amendment No. 5.

(1) The Tentative Parcel Map covers an area of approximately 47.11 acres and proposes to divide that area into three parcels to be consistent with the proposed land uses to be allowed on each of those parcels. Based on the findings contained in the subsections below, the design and improvement of the subdivision is consistent with the General Plan and the Sun Lakes Village North Specific Plan Amendment No. 5. The findings in the following subsections are intended to provide the analysis for approval of the Tentative Parcel Map under Government Code Section 66474 (b).

(2) The largest proposed parcel is 30.22 acres and is in the northwestern portion of the Map and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is proposed for a warehouse building of approximately 619,959 square feet along with associated truck parking, loading, landscaping and other uses. The design of the subdivision to locate this large parcel closest to the Southern Pacific Railroad line and to Interstate 10 and then have this parcel improved with a warehouse and associated uses is consistent with the General Plan Policies 7 of the City's Industrial Land Use Goal which provides that there shall be sufficient lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands. Creating a parcel of 30.22 acres sufficient to accommodate the proposed warehouse building while at the same time placing that parcel closest to commercial uses to the west, a railroad line and Interstate 10 to the north, a future office building to the east and a new grouping of commercial retail and service buildings to the south, allows for the warehousing proposed uses farthest away from residential uses to the south and complies with this Policy of carefully considering compatibility with adjacent land uses. In addition, designing

this subdivision to accommodate a warehouse building is consistent with Policy 8 which provides that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor- trailers are minimized. The design provides for access into and out of the site from Sun Lakes Boulevard to Highland Springs Avenue and onto Interstate 10.

(3) The second largest parcel is approximately 10.06 acres and is located on the eastern portion of the side and adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. On this lot, offices and professional uses are intended to be located but no development is currently proposed. This parcel is sufficient in size in terms of depth and width to accommodate a variety of building configurations that could be proposed on the site and meet all required development standards as set forth in Table 2 of the Sun Lakes Village North Specific Plan Amendment No. 5.

(4) The third and smallest parcel is approximately 6.83 acres and is located on the southern edge of the Map and adjacent to Sun Lakes Boulevard. On this lot, retail stores, restaurants and service uses are proposed as contemplated by the Sun Lakes Village North Specific Plan Retail and Service District designation for the site. This lot design will provide for up to six separate retail and service uses to not only serve the needs of the residential neighborhood to the south, but also provide a buffer and screen between those residential uses and the warehouse building north of that parcel.

(5) The Tentative Parcel Map is designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access. Specifically, Section 2.2.1.(Semi-Truck Access) of the Specific Plan identifies Sun Lakes Village Drive as an access point for semi-trucks to the Business & Warehouse District. Currently, the Sun Lakes Village Shopping Center utilizes Sun Lakes Village Drive for truck deliveries in both eastbound and westbound directions. Project's access points along Sun Lakes Boulevard have been evaluated and necessary driveway widening, adequate truck maneuvering, and signalized intersections have been provided as conditions of approval (See Street Improvement/Right of Way Conditions of approval, including Condition 27.) Additionally, the Project is located near Interstate 10 freeway which allows for ideal access to industrial-type lands and helps minimize potential traffic impacts, which is consistent with General Plan Policy Nos. 8 for the Industrial Goal of the Community Development Element.

D. The subject site is physically suitable for the type of development proposed under Tentative Parcel Map No. 38164.

(1) The Tentative Parcel Map covers an area of approximately 47.11 acres and proposes to divide that area into three parcels to be consistent with the proposed land uses to be allowed on each of those parcels. Based on the findings contained in the subsections below, the site contained within the boundaries of the Tentative Parcel Map is physically suitable for the type of development proposed pursuant to Tentative Parcel Map No. 38164. The findings in the following subsections are intended to provide the findings required by Government Code Section 66474(c).

(2) The largest proposed parcel is 30.22 acres and is in the northwestern portion of the Map and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is approximately 1,316,349 square feet in size, exceeds the minimum parcel size of 10,000 square feet, has a lot depth of 876 feet that exceeds the minimum required depth of 100 feet, has a lot width of 1,270 feet which exceeds the minimum lot width of 70 feet, and is large enough to accommodate the proposed development of a 619,959 square-foot warehouse building with associated truck access and parking areas, loading docks, employee parking and landscape areas. The proposed floor area ratio will be 47% of the site and less than the 55% maximum allowed for the parcel. The development will be set back 10 feet from the north and west property lines of the site, consistent with required development standards, and allow for building setbacks to far exceed the required setbacks from the rear (185 feet when 20 feet is required) the side (70 feet when 20 feet is required) and front (185 feet when 20 feet is required). The parcel is also sufficient to provide for 402 parking spaces when 360-362 parking spaces are required by the Specific Plan and Banning Municipal Code Chapter 17.28.

(3) The second largest parcel is approximately 10.06 acres and is located on the eastern portion of the side and adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. On this lot, offices and professional uses are intended to be located but no development is currently proposed. This parcel is sufficient in size in terms of depth and width to accommodate a variety of building configurations that could be proposed on the site and meet all required development standards as set forth in Table 2 of the Sun Lakes Village North Specific Plan Amendment No. 5.

(4) The third and smallest parcel is approximately 6.83 acres and is located on the southern edge of the Map and adjacent to Sun Lakes Boulevard. On this lot, retail stores, restaurants and service uses are proposed. This parcel is approximately 297,492 square feet in size, exceeds the minimum parcel size of 6,000 square feet, has a lot depth of 200 feet that exceeds the minimum required depth of 100 feet, has a lot width of 1,300 feet which exceeds the minimum lot width of 60 feet, and is large enough to accommodate the proposed development of six commercial buildings ranging size from 1,600 square feet to 8,400 square feet for a total of 34,000 square feet, along with associated utility, parking roadway, and landscaping improvements. The proposed floor area ratio will be approximately 11% of the site and less than the 60% maximum allowed for the parcel. The development will satisfy the 20 foot and 10-foot landscape setbacks from Sun Lakes Boulevard and the west project boundary, respectively, and allow for building setbacks to exceed the required setbacks from the rear (30 feet when 20 feet is required) the side (80 feet when 20 feet is required) and front (100 feet when 10 feet is required). The parcel is also sufficient to provide for 289 parking spaces (16 for the drive-thru and 273 for the retail) when a total of 146 are required by the Specific Plan.

(5) All three of the parcels are relatively flat and are designed to take vehicular access from access points along Sun Lakes Boulevard that are adequate in location, design and configuration for truck traffic into and out of the warehouse parcel, the office parcel and the retail and service use parcel. All three parcels are adjacent to Sun Lakes Boulevard to provide water, sewer and electricity to the site.

E. The site is physically suitable for the proposed-density of development under Tentative Parcel Map No. 38164.

(1) As noted in the preceding section D above, the Tentative Parcel Map covers an area of approximately 47.11 acres and proposes to divide that area into three parcels to be consistent with the proposed land uses to be allowed on each of those parcels. Based on the findings contained in the subsections below, the site contained within the boundaries of the Tentative Parcel Map is physically suitable for the density of development proposed pursuant to Tentative Parcel Map No. 38164. The findings in the following subsections are intended to provide the findings required by Government Code Section 66474(d).

(2) The largest proposed parcel is 30.22 acres and is in the northwestern portion of the Map and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is approximately 1,316,349 square feet in size and is large enough to accommodate the proposed development of a 619,959 square- foot warehouse building with associated truck access and parking areas, loading docks, employee parking and landscape areas. The proposed floor area ratio will be 47% of the site and less than the 55% maximum allowed for the parcel. The development will include landscape setbacks 10 feet from the north and west property lines of the site, consistent with required development standards, and allow for building setbacks to far exceed the required setbacks from the rear (185 feet when 20 feet is required) the side (70 feet when 20 feet is required) and front (185 feet when 20 feet is required). The parcel is also sufficient to provide for 402 parking spaces when 360-362 parking spaces are required by the Specific Plan and Banning Municipal Code Chapter 17.28. By achieving or exceeding all development standards, the density of the proposed development is suitable for the proposed site.

(3) The second largest parcel is approximately 10.06 acres and is located on the eastern portion of the side and adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. On this lot, offices and professional uses are intended to be located but no development is currently proposed. This parcel is sufficient in size in terms of depth and width to accommodate a variety of building configurations that could be developed up to the 60% floor area of the site allowed on the parcel and large enough so that it could meet all required development standards as set forth in Table 2 of the Sun Lakes Village North Specific Plan Amendment No. 5.

(4) The third and smallest parcel is approximately 6.83 acres and is located on the southern edge of the Map and adjacent to Sun Lakes Boulevard. On this parcel, retail stores, restaurants and service uses are proposed. This parcel is approximately 297,492 square feet in size and is large enough to accommodate the proposed development of six commercial buildings ranging size from 1,600 square feet to 8,400 square feet for a total of 34,000 square feet, along with associated utility, parking roadway, and landscaping improvements. The proposed floor area ratio will be approximately 11% of the site and less than the 60% maximum allowed for the parcel. The development will satisfy the 20 foot and 10-foot landscape setbacks from Sun Lakes Boulevard and the west project boundary, respectively, and allow for building setbacks to exceed the required setbacks from

the rear (30 feet when 20 feet is required) the side (80 feet when 20 feet is required) and front (100 feet when 10 feet is required). The parcel is also sufficient to provide for 289 parking spaces (16 for the drive-thru and 273 for the retail) when a total of 146 are required by the Specific Plan.

F. The design of the subdivision and improvements proposed under Tentative Parcel Map No. 38164 are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(1) As previously discussed in the findings contained in Subsection B of this Section 3, Tentative Parcel Map No. 38164 is consistent with the Sun Lakes Village North Specific Plan Amendment No. 5. That Specific Plan was analyzed in the previously certified EIR for the Sun Lakes North Specific Plan Amendment No. 5. As previously discussed in Section 2 of this Resolution, which findings are incorporated herein by this reference as if fully set forth herein, and as demonstrated by the Addendum referred to in that Section, the EIR disclosed and evaluated all potential environmental impacts related to the development of the Project site with the current land uses. The EIR found no significant and unavoidable impacts to any biological resources, and the Addendum found that no new or substantially greater impacts would occur pursuant to the Project. A condition of the Tentative Map approval imposes all mitigation measures set forth in the Mitigation Monitoring and Reporting Program that was adopted with the Sun Lakes Village North Specific Plan Amendment No. 5. Based on the imposed mitigation measures, the environmental impacts arising from the design and improvement of the Tentative Parcel Map will be mitigated to a level less than significance to not cause substantial environmental damage within the meaning of subsection (e) of Government Code Section 66474 and Public Resources Code Section 21100.

(2) The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. The site is not located within any Multiple Habitat Conservation Plan (MSHCP) Criteria Cell or subunit which indicates that this site contains no endangered, threatened, or listed species of plant or animal, or its habitat, on the site. The site is not mapped within an area where additional surveys are required for any amphibian, mammal or other criteria species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is not within or adjacent to any MSHCP Conservation Areas. The site is mapped within a Borrowing Owl required habitat and a pre-construction Burrowing Owl Survey and a Nesting Bird Survey are imposed as mitigation measures for this Project (BIO-1 and BIO-2). Finally, the site is mapped within a Narrow Endemic Plant Species required habitat suitability assessment survey area and an assessment was performed that determined that the site did not provide suitable habitat for the San Diego ambrosia, Brand's phacelia and the San Miguel Savory. In addition, the site does not show any existing trees on site, but even it if did, BIO-3 would require replacement of such trees. Therefore, based on these findings and with the imposition of BIO-1 through BIO-3, potential impacts to biological resources will be mitigated to less than significance so as not to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat within the meaning of subsection (e) of Government Code Section 66474 and Public Resources Code Section 21100.

G. The design of the subdivision and improvements proposed under Tentative Parcel Map No. 38164 are not likely to cause serious health problems.

(1) Based on the warehouse building proposed to be developed on the site, and pursuant to Mitigation Measure AQ-7, a diesel health risk assessment was prepared which is attached to the Addendum document as Appendix B to that document. That analysis evaluated the potential mobile source health risk impacts to receptors (residents or workers) associated with the development of the Project. Health risk exposures were modeled in accordance with the guidelines in the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. SCAQMD recommends using the Environmental Protection Agency's (U.S. EPA's) AERMOD model which has been employed accordingly. Risk calculations were conducted consistent with the Office of Environmental Health Hazards Assessment (OEHHA)'s 2015 Risk Assessment Guidelines. Detailed health risk modeling results are presented at Appendix B to this Memorandum. The analysis also evaluated potential health risk impacts that could result from exposure to Toxic Air Contaminants (TACs), including diesel particulate matter (DPM) generated by heavy-duty diesel trucks from on-site idling, on-site travel, and off-site travel. The modeled source area is shown in Exhibit D to the Appendix B of the Addendum Document. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to the Project is estimated at 1.32 in one million, which is less than the SCAQMD threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable SCAQMD threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk at any potentially affected receptors within the meaning of subsection (f) of Government Code Section 66474.

(2) As noted in prior subsections, the design of proposed Tentative Parcel Map No. 38164 is in conformance with the City's General Plan, the Sun Lakes North Specific Plan Amendment No. 5 and the certified EIR. The Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City's ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. Based on the project design and its conformity to these standards, the design of the subdivision and its improvements are not likely to cause serious health problems within the meaning of subsection (f) of Government Code Section 66474.

H. The design of the subdivision and improvements proposed under Tentative Parcel Map No. 38164 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Other than easements for City of Banning water, sewer and electrical utilities, Southern California Edison, no easements of record or easements established by judgment of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any other such easements. Accordingly, the Parcel Map will not conflict with easements or access through the property within the meaning of subdivision (g) of Government Code Section 66474.

I. The design of the proposed Tentative Parcel Map No. 38164 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Tentative Parcel Map No. 38164 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

J. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in a violation of existing requirements imposed by the California Regional Water Quality Control Board.

The discharge of sewage from the site will occur through a sewer connection within Sun Lakes Boulevard and proceed through a series of sewer pipes to the City's wastewater treatment plant in the southeast corner of the City. In connection with the approval of the Project, the applicant is required to obtain all necessary clearances and permits from the California Water Quality Control Board for the Colorado River Basin (Condition 20 (d)). With the design of the Project and Map and compliance with this condition, the discharge of waste into the City's sewer system will not result in a violation of Regional Water Quality Control Board requirements within the meaning of Government Code Section 66474.6.

SECTION 4. **Design Review Approval Findings.** Section 17.56.050 of the City of Banning Municipal Code requires that applications for Design Review approval satisfy certain specified findings and criteria. The City Council makes the following findings to approve Design Review 21-7008:

A. The proposed project is consistent with the General Plan.

(1) The General Plan land use designations for the site are General Commercial and Business Park with a Specific Plan Overlay. The Specific Plan designations for the site are Business & Warehouse District and Retail and Service District. The Design Review application seeks approval of buildings and improvements for development of an industrial warehouse building of 619,959 square feet of gross floor area, which includes 10,000 square feet of office and a separate parcel containing six (6) retail buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet.

(2) The Community Development Element of the General Plan contains goals, policies and programs for the development of industrial, commercial and residential uses. With respect to the industrial uses, the General Plan specifies the general goal that "A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents." The project will provide a non-polluting industrial use and provide jobs for City residents. Specifically, the industrial portion of the project is not an industrial factory and the uses within the buildings and the warehouse operation are subject to several mitigation measures that require the use of electrical hookups at loading docks (AQ- 3), truck idling limitations (AQ-4), the use of electric or natural gas service equipment to reduce fuel consumption and emissions (AQ-5) and a minimum of three (3) electric-vehicle charging stations. In addition, other mitigation measures are imposed on the Project during the grading and construction of the site, including the use of low VOC paint (AQ-1) and limitations on grading activities to ensure emissions do not exceed SCAQMD's

significance thresholds. With these mitigation measures the project will not exceed local significance thresholds for emissions and ensure that the Project satisfies the non-polluting goal for industrial uses as provided in the General Plan.

(3) The Community Development Element of the General Plan contains several policies applicable to industrial development projects including: Policy 6 that provides that the land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands; Policy 8 that provides that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized; and Policy 10 that provides that the Zoning Ordinance shall include principles, design standards and guidelines which encourage development of high quality industrial projects." The Project is consistent with Policy 6 because the size of the portion of the site designated for business and warehouse uses is relatively large (30.22 acres) and is appropriately located immediately adjacent to the I-10 freeway and the Southern Pacific Railroad line to the north of the Project site. In addition, the warehouse use is located on the portion of the site that will be screened and buffered from residential uses to the south and east by the retail and service buildings to be located in the Retail and Services District that exists between the residential uses in Sun Lakes to the south of Sun Lakes Boulevard and the industrial building and by the Office and Professional District uses in the future that will exist between the warehouse uses and the residential and assisted living uses to the east of the Project site. The Project is consistent with Policy 8 because it will be immediately adjacent to Interstate 10 on the north, and the lot configuration and access points into and out of the site are designed to provide for the minimum amount of travel distance on Sun Lakes Boulevard to Highland Springs Avenue and then onto Interstate 10 and eventually from Sun Lakes Boulevard to the Sunset Avenue and onto Interstate 10 when the Sun Lakes Boulevard extension is completed. Finally, the Project, as more fully explained in connection the Project's consistency with the Specific Plan includes a variety of design elements, setbacks, landscaping features that will provide a high quality industrial project.

(4) The Economic Development Element of the General Plan provides the goal for a balanced, broadly based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection. The Project will increase the availability of job opportunities for not only warehouse employees but also retail and service based business opportunities. The proposed development and buildings will improve the City's property tax base, boost sales tax, provide jobs and revenue for the City's economy. The Project is also consistent with the following applicable Economic Development Element Policies: Policy 2 for the City to take a proactive role in the recruitment of new businesses that will generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund Revenues; Policy 3 to encourage infill development that will increase the efficiencies of new utilities, infrastructure and public services; and Policy 9 which require development to be responsible for its fair share of on-site and off- site improvements. The Project will provide physical space for a large business or businesses to conduct warehouse uses in the City and spaces for up to six new retail and service uses to serve the immediate community and the City. These new

businesses will provide a wide range of different job opportunities from warehouse jobs to office, retail and services jobs and thereby create the diverse job opportunities in the City that will provide opportunities for residents to find new jobs to increase their discretionary incomes. Overall, through property tax, economic activity and job creation, these Project will contribute to General Fund revenues. The Project is an infill project using a long- standing vacant site for land uses on lots configured and planned to be appropriately sited between other existing uses and already served by existing streets, utilities and infrastructure. Finally, the project includes design features to ensure all on-site amenities consistent with the City's development standards are paid for by the applicant and that fair share contributions in the form of payment of the City's applicable development impact fees are collected from the development.

B. The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

(1) The Sun Lakes Village North Specific Plan Amendment No. 5, which was incorporated into the Zoning Ordinance as Section 17.96 by way of Ordinance No. 1591, provides the development standards and guidelines for the proposed Project site. The Specific Plan provides Guiding Objectives for the development in the Specific Plan Area. Those Objectives are as follows: (1) Allow for a range of land uses that reflects current market conditions given the trend away from brick-and-mortar retail; (2) Respond to an increase in e-commerce, especially driven by the coronavirus pandemic; (3) Promote high quality development to safeguard the existing asset of Sun Lakes Country Club and other development in the vicinity; (4) Locate and design truck courts and semi-truck circulation to minimize impacts on surrounding land uses and development; and (5) Expand access to restaurants, shopping, and services for the nearby Sun Lakes Country Club Community. The proposed Project accomplishes all these Objectives by reflecting current real estate market trends toward more e- commerce uses which necessarily includes warehouse uses as a key component of the supply chain required for the storage, shipping and availability of e-commerce goods. The proposed Project locates truck courts and semi-truck circulation towards the interior and northerly portion of the site next to the Southern Pacific Railroad line and Interstate 10 and away from the residential uses in the Sun Lakes Country Club. The design elements and project conditions will ensure that the landscape features and design elements projects a high quality development to safeguard the quality of development within the Sun Lakes Country Club community. Finally, the Project will provide up to six sites and buildings for restaurants, shopping and services for the Sun Lakes Country Club Community within the Retail and Service District of the Project site that is located immediately north of Sun Lakes Boulevard and convenient to that Community.

(2) As proposed, the Project meets all required development standards as outline in Section 3.1 (Development Standards) of the Sun Lakes Village North Specific Plan (SLVNSP). These include such requirements as setback, height, landscaping, parking, etc. Additionally, the Project meets those Design Guidelines outlined in Section 3.2 of the SLVNSP with regard to such elements as architectural articulation, blended use of building materials, and fenestration treatment. Therefore, the Project meets the City's Zoning Ordinance development standards

and design guidelines, as more fully explained in the following subsections.

(3) The warehouse building is proposed to be located on a 30.22- acre parcel located in the northwestern portion of the Project site and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is entirely within the Business and Warehouse District of the Specific Plan which allows for a variety of warehouse uses as permitted uses in that District. The parcel on which the warehouse building will be located is approximately 1,316,349 square feet in size and is large enough to accommodate the proposed development of a 619,959 square- foot warehouse building with associated truck access and parking areas, loading docks, employee parking and landscape areas. The proposed floor area ratio will be 47% of the site and less than the 55% maximum allowed for the parcel. The development will include landscape setbacks 10 feet from the north and west property lines of the site, consistent with required development standards, and allow for building setbacks to far exceed the required setbacks from the rear (185 feet when 20 feet is required) the side (70 feet when 20 feet is required) and front (185 feet when 20 feet is required). The parcel is also sufficient to provide for 402 parking spaces when 360-362 parking spaces are required by the Specific Plan and Banning Municipal Code Chapter 17.28. By achieving or exceeding all development standards, the proposed warehouse component of the Project satisfies the finding that the Project is consistent with the applicable development standards.

(4) The retail and service buildings are proposed to be located on an approximate 6.83-acre parcel that is located on the southern edge of the Project Site and adjacent to Sun Lakes Boulevard. This parcel is entirely within the Retail and Service District of the Specific Plan which allows for a variety of retail, restaurant and service uses as permitted uses in that District. On this parcel, retail stores, restaurants and services buildings are proposed. This parcel is approximately 297,492 square feet in size and is large enough to accommodate the proposed development of six commercial buildings ranging size from 1,600 square feet to 8,400 square feet for a total of 34,000 square feet, along with associated utility, parking roadway, and landscaping improvements. The proposed floor area ratio will be approximately 11% of the site and less than the 60% maximum allowed for the parcel. The development will satisfy the 20 foot and 10-foot landscape setbacks from Sun Lakes Boulevard and the west project boundary, respectively, and allow for building setbacks to exceed the required setbacks from the rear (30 feet when 20 feet is required) the side (80 feet when 20 feet is required) and front (100 feet when 10 feet is required). The proposed Project will provide for 289 parking spaces (16 for the drive-thru and 273 for the retail) when a total of 146 are required by the Specific Plan.

C. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

(1) The design and layout of the proposed Project places the warehouse use on the largest of the three parcels (30.22 acres) and appropriately locates that parcel and warehouse building and associated uses immediately adjacent to the I-10 freeway and the Southern Pacific Railroad line to the north of the Project site. In addition, the warehouse use is located on the portion of the site that will be screened and

buffered from residential uses to the south and east by the retail and service buildings to be located in the Retail and Services District that exists between the residential uses in Sun Lakes Golf Course Community that lies south of Sun Lakes Boulevard and the industrial building and by the Office and Professional District uses in the future that will exist between the warehouse uses and the residential and assisted living uses to the east of the Project site. In addition, the warehouse building will back up against the rear of the Sun Lakes Village Shopping Center buildings rather than facing those Shopping Center buildings. By this design of the location of the warehouse building, the Project is not anticipated to unreasonably interfere with the use and enjoyment of neighboring uses and future development.

(2) The proposed Project locates truck courts and semi-truck circulation towards the interior and northerly portion of the site next to the Southern Pacific Railroad line and Interstate 10 and away from the residential uses in the Sun Lakes Country Club. The lot configuration and access points into and out of the site are designed to provide for the minimum amount of travel distance on Sun Lakes Boulevard to Highland Springs Avenue and then onto Interstate 10 and eventually from Sun Lakes Boulevard to the Sunset Avenue and onto Interstate
10 when the Sun Lakes Boulevard extension is completed. Sun Lakes Boulevard is a Major Highway between Highland Springs Avenue to Highland Home Road with adequate capacity for truck and automobile traffic volumes for commercial and industrial purposes. Signalized intersections are proposed to be installed at Highland Springs/Sun Lakes Boulevard and at Sun Lakes Boulevard/Country Club Drive to ensure safe pedestrian and vehicular crossing along Sun Lakes Boulevard. For these reasons, the development will not result in vehicular or pedestrian hazard.

D. The design of the proposed project is compatible with the character of the surrounding neighborhood.

(1) As explained in Subsection (C) above, the warehouse building and associated uses will be surrounded by compatible uses. The entire northern boundary of the site on which the warehouse building will be located is bounded by the Southern Pacific Railroad line and then Interstate 10. Locating a warehouse building up against that rail line and freeway corridor is entirely appropriate and compatible with transportation uses that occur on that rail line and freeway corridor. To the west of the warehouse building is the backside of the Sun Lakes Village Shopping Center. This is commercial development project that will shield the warehouse building from persons coming to and from that Shopping Center. Locating the warehouse building behind a commercial shopping center building will not interfere with the use of that Shopping Center and is compatible with that use. To the south of the warehouse building is the Retail and Service District of the Specific Plan. On that site there will be shops, restaurants and services businesses along with a parking lot. Located the warehouse to the rear of and on the backside of these retail and service buildings will not interfere with those retail and service business and is compatible with those uses. Finally, most of the easterly side the warehouse parcel will be adjacent to a currently vacant parcel that is proposed for office and professional uses. That future office and professional development on that easterly parcel will provide substantial screening and buffering of the residential and assisted living uses to the east of the warehouse building. In addition, a

landscape buffer along the entire easterly edge of the Project site will further screen the warehouse use from those other easterly uses. Finally, the placement of the warehouse building and associated uses on this site will mean that the warehouse building and truck uses on that site will be more than 800 feet from the northern boundary of the Sun Lakes Country Club residential community. For all these reasons, the design of the project to place and develop a warehouse building and use on the rear of the Project site and as buffered by the other buildings and uses surrounding that site, provides that it will be compatible with the character of the surrounding neighborhood.

(2) As noted in part (1) of this Subsection (D) above, the proposed retail, restaurant and service buildings to be located on the southerly parcel of the proposed development will be situated between Sun Lakes Boulevard on the south and the industrial warehouse building on the north. In addition, to the proposed landscaping along the frontage of Sun Lakes Boulevard, these retail, restaurant and service buildings and uses will function as a visual and physical buffer from the Sun Lakes Country Club residents on the south side of Sun Lakes Boulevard, the closest of which is approximately 800 feet away from the proposed industrial building. These proposed retail, restaurant and services uses in proximity of existing adjacent residential uses will also be similar to the uses in the existing commercial/retail uses in the Sun Lakes Village Shopping Center. These buildings and uses will provide needed retail, restaurant and service uses for the residents of the Sun Lakes Country Club community. For these reasons, the Project's proposed uses on the Retail and Service District parcel will be compatible with the surrounding neighborhood.

SECTION 5. Project Approval and Denial of Appeal. Based upon the findings and conclusions set forth in Sections 1 through 4 above, and all of the evidence (both written and oral) in the record, this City Council hereby approves Tentative Parcel Map No. 38164; denies the Appeal of the Planning Commission's approval of Design Review No. 21-7008, thereby upholding approval of Design Review No. 21-7008; and imposes all of the Conditions of Approval set forth on Exhibit A to this Resolution, which are hereby incorporated herein by this reference.

SECTION 6. Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 7. Effect. This Resolution shall take effect immediately upon its adoption.

SECTION 8. Judicial Review. The time within which judicial review, if available, of this decision must be sought is governed by California Code of Civil Procedure Section 1094.6, unless a shorter time is provided by other applicable law. The City Clerk shall mail by first class mail, postage prepaid, a certified copy of this Resolution and a copy of the affidavit or certificate of mailing to the Appellant, Applicant, and any other persons or entities requesting notice of determinations related to the decision.

PASSED, APPROVED AND ADOPTED this 9th day of July 2024.

Alberto Sanchez, Mayor
City of Banning

ATTEST:

Caroline Patton, Administrative City Clerk
City of Banning

APPROVED AS TO FORM:

Serita R. Young, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Administrative City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2024-114, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 9th day of July 2024 by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Caroline Patton, Administrative City Clerk
City of Banning, California

PROJECT: Design Review No. 21-7008 & Tentative Parcel Map No. 38164 (TPM 21-4001)
SUBJECT: Conditions of Approval (City Council Resolution 2024-114)
APPLICANT: Pamela Steele, MIG, Inc.
LOCATION: North of Sun Lakes Boulevard, east of Highland Springs Avenue, south of Interstate 10, and west of Highland Home Road in the Sun Lakes Village North Specific Plan (APN 540- 180-055)

EXHIBIT A
To City Council Resolution 2024-114

*** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.**

Community Development Department

A. GENERAL REQUIREMENTS:

1. The project shall always comply with all federal, state, County and City laws, codes, regulations, and standards, including those that relate to hazardous materials.

2. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such actions are brought under the California Environmental Quality Act (CEQA), State Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this entitlement shall not waive compliance with any sections of the Banning Municipal Code (BMC), other applicable City ordinances, in effect at the time of building permit issuance.

4. The Project permitted under Design Review 21-7008 & Tentative Parcel Map 21-4001 shall commence construction within two (2) years from the date of this approval, or the Design Review shall become null and void. Additionally, if after commencement of construction, activities are discontinued for a period of one (1) year, the Design Review approval shall become null and void. The Community Development Director may, upon a written application

being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current provisions of Title 17 of the Banning Municipal Code.

5. A copy of the signed Resolution of approval and all Conditions of Approval imposed on the Design Review shall be reproduced in legible form on the improvement plans submitted for review and approval as required by the reviewing department.

6. Prior to any occupancy/use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

7. A trash enclosure shall be provided with three decorative walls, enhanced wall caps, a pedestrian entrance, a gate, and a structural steel cover, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

8. 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.

9. Any roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public right-of-way, or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

10. Storage use and removal of toxic substances, solid waste, and flammable liquids shall conform to all applicable federal, state, and local regulations. All required licensing shall always be maintained in good order. Lapse or revocation of any required license shall result in the voiding of the Business License.

11. a. Prior to the issuance of the Temporary Certificate of Occupancy for the warehouse building the developer shall install all landscaping specified for the retail service district pursuant to city approved landscape plans.

11. b. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

    A. Water conservation concept statement.
    B. Calculation of maximum applied water allowance.
    C. Calculation of estimated total water use.
    D. Landscape design plan.
    E. Irrigation design plan.
    F. Certificate of substantial completion.
    G. The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to minimum dimensions and percentages of landscaping in parking areas, including required front yard setback landscaping.

12. The subject property shall be developed and maintained in accordance with the site plans stamped approved by the City and on file in the Planning Division, the conditions contained herein, and the applicable regulations within the Banning Municipal Code.

13. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

14. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

15. All graffiti shall be removed immediately or within 24 hours of notice from the City.

16. Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.

17. Commercial zoning districts shall be permitted wall signs per the area of the wall (length times height of the wall). The area devoted to such signs shall not exceed twenty percent of the wall area. All parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within thirty calendar days following notification by the City.
18. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.

PUBLIC WORKS DEPARTMENT:

19. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative

.

20. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
    - A. Fire Marshal (access)
    - B. Public Works Department (grading permits, street improvement permits)
    - C. Riverside County Flood Control & Water Conservation District (storm drain)
    - D. California Regional Water Quality Control Board Colorado River Basin (RWQCB)
    - E. South Coast Air Quality Management District (SCAQMD)

21. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

22. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24” x 36” Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

a. Rough Grading Plans	1" = 40' horizontal
A. (All Conditions of Approval shall be reproduced	
B. on last sheet of set)	
b. Haul Route Plans	1" = 40' horizontal
c. Clearing Plans	1" = 50' horizontal
A. (Include construction fencing plan)	
d. Erosion Control & SWPPP, WQMP	1” = 40’ Horizontal
A. (Note: a, b, c & d shall be reviewed	
B. and approved concurrently)	
e. Storm Drain Plans	1” = 40’ Horizontal
f. Street Improvement Plans	1" = 40' Horizontal
	i.1" = 4' Vertical
g. Precise Grading Plans	1" = 40' Horizontal
h. Landscaping Plans	1” = 20 Horizontal
i. Water Improvement Plans	1” = 40’ Horizontal
	i.1” = 4’ Vertical
j. Sewer Improvement Plans	1” = 40’ Horizontal
	i.1” = 4’ Vertical

23. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

24. All off-site plan and profile, street improvement plans, and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

25. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

26. Upon completion of construction, the Developer shall furnish the City with reproducible record drawings on Mylar film of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD files submitted to the City, revised to reflect the “As-Built” conditions.

Street Improvements/Right-of-Way

Construct right-of-way improvements (driveway approach, sidewalk, parkway, raised median, access ramp, street lighting, etc.) fronting the site per City of Banning Standard Drawings. Street lights shall be installed offset of the existing street lights.

27. Installation of a traffic signal at the intersection of Sun Lakes Boulevard, future Driveway 3 (as shown in the TIA) and Country Club Drive. Project applicant shall reach out to the Sun Lakes Country Club staff to discuss impacts to their access.

28. Provide paved golf cart access adjacent to the sidewalk through the property and at the proposed traffic signal entrance.

29. Construct street improvements as identified by the project's traffic impact analysis (TIA).

30. The City and Developer are to enter into a Public Improvement Agreement to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. The applicant shall work with the City Attorney's Office to execute the Agreement and pay all related legal processing fees.

31. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.

32. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

33. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal. The applicant shall be required to enter into a Landscape Maintenance Agreement for the perpetual maintenance of landscaping within the public right-of-way fronting the project site.

34. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

GRADING & DRAINAGE:

35. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100- year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

36. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

37. Prior to issuance of any building permit, the applicant shall install trash filters in all catch basins adjacent to the site and/or will be constructed as part of the storm drain improvements for this development. The trash filters shall comply with the requirements of the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

38. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

39. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the north.

40. The applicant shall comply with Chapter 13.24 “Stormwater Management Systems” of the Banning Municipal Code (BMC) and Title 18 “Grading, Erosion and Sediment Control” of the California Building Code related to excavation and grading; and, the State Water Resources Control Board’s orders, rules and regulations.

41. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

42. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

43. The applicant’s SWPPP shall include provisions for all of the following Best Management Practices (“BMPs”):

44. Temporary Soil Stabilization (erosion control).

45. Temporary Sediment Control.

46. Wind Erosion Control.

47. Tracking Control.

48. Non-Storm Water Management.

49. Waste Management and Materials Pollution Control.

50. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

51. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

52. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

53. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

54. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

55. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

TRAFFIC/CIRCULATION:

56. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps,control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

57. Driveway grades shall not exceed eight percent unless approved by the City Engineer.

58. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

59. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street/access driveway as approved by the Fire Marshall and must be maintained in good condition by the property owner until the street is accepted for maintenance.

60. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis and submit the report to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

TRASH & RECYCLING:

61. Construction debris shall be disposed of at a certified recycling site. It is the responsibility of the developer to contact the City's franchised solid waste hauler, Waste Management of the Inland Valley, at 1-800-423-9986 for disposal of construction debris.

62. The developer shall participate in the City's recycling and diversion programs by providing a solid waste enclosure to accommodate necessary solid waste containers.

63. All new development projects including, but not limited to, industrial and business buildings and facilities, as well as, multi-family complexes shall provide a solid waste enclosure to accommodate trash, recycle and organics waste bins and/or containers. Solid waste enclosures for multiple tenant properties, such as a shopping center, must design the enclosure to accommodate all waste containers of the property.

64. Solid waste enclosures shall be located on the site to be serviced.

65. The enclosure shall be designed for the exclusive use of housing solid waste containers including trash, recyclable and organics materials.

66. Enclosures Design Criteria:
    a. The size and dimensions of the trash enclosure shall be based on the required number and size of containers at a minimum accommodating one (1) container each for trash, recyclables and organics materials.
    b. Enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design.
    c. Exterior materials and colors of the enclosure shall match the building walls.
    d. Chain link fencing with or without/plastic slats is prohibited.
    e. Enclosure shall have solid metal or wood gates with latches that can be secured in an open or closed position.
    f. Enclosures shall be constructed in a permanent manner.
    g. Exterior must be fully enclosed with solid roofing to prevent rainfall from entering the enclosure and to prevent wind dispersal, as well as, offsite transport of trash and recycling.
    h. Provide the minimum clearance for collector and user accessibility.
    i. City Engineer approval shall be obtained in writing prior to the construction of any solid waste enclosure.

WATER:

67. Submit water improvement plans to the Public Works Department along with anticipated peak water demands and hydraulic analysis to justify pipe sizes. Pipes shall be ductile iron, wrapped in V-Bio polyethylene. All water services 2" and smaller shall use plastic-coated copper tubing.

68. Separate irrigation meters will be required for outdoor use.

69. All commercial, industrial, and irrigation water services shall have Reduced Pressure Principle Backflow Preventors. RP Backflow Preventors shall be of a model approved by USC.

70. On-site fire hydrants shall be part of a privately-owned and maintained fire protection system. Private fire hydrants shall be painted safety red, to differentiate from publicly-owned fire hydrants which are typically yellow.

71. Because of the project's location at a pressure zone boundary, an above-ground pressure regulating station may be required, pending review of the water improvement plans by the City Engineer.

RECYCLED WATER:

72. Plans for a purple-pipe non-potable irrigation system shall be designed and submitted to the Public Works Department. Pipes shall be ductile iron, wrapped in purple V-Bio polyethylene. All water services 2" and smaller shall use plastic-coated copper tubing. Plans should include a signage plan typical of a non-potable irrigation system.

73. An interim connection between the potable and non-potable systems shall be installed by way of a single backflow preventor, until such a time as the City's non-potable backbone system is extended west along Sun Lakes Blvd.

WASTEWATER:

74. A sewer improvement plan shall be prepared and submitted to the Public Works Department, extending the public sewer from Sun Lakes Blvd. Sewer main material shall be PVC SDR 26. Sewer system design shall avoid placing manholes in low spots, or connecting storm water drainage facilities to the sewer system.

75. When available, estimated sewer discharge quantities and quality shall be submitted to the Public Works Department for review. Depending on the nature of the discharge, grease interceptor(s) may be required.

FEES:

76. Plan check fees for professional report review (geotechnical, drainage, WQMP, etc.), and all improvement plans review, shall be paid at the time of submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

77. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

78. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

79. Water, Sewer, and Non-potable impact fees shall be paid prior to issuance of Building permit. Water meter and water meter installation fees shall be due prior to meter release.

FINAL PARCEL MAP:

80. Prior to approval of the Final Map, the applicant shall construct on-site and off-site

improvements required for the development of the property in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof. For off- site improvements, the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City's requirement to obtain those rights.

81. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

a. Faithful Performance Bond	100% of estimated cost
b. Labor and Material Bond	100% of estimated cost
c. Monumentation Bond	$5,000.00

82. Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

83. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the tentative map, or associated conditions of approval, shall be administratively approved through the plan check process with the mutual consent and approval of the Developer, the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.

84. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's).

85. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division prior to final map approval.

86. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

87. Public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond for such improvements. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1- year maintenance period.

88. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

FIRE DEPARTMENT:

89. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the arrival of combustible materials on site. Reference 2016

California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

90. Fire Department Access: Prior to building permit issuance, provide a site plan showing the fire lanes. Access roads shall be provided to within 150 feet to all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 40,000 lbs. over two axles for areas of residential development and 60,000 lbs. over two axels for commercial developments. Approved vehicle access, either permanent or temporary, shall be provided during construction Ref. CFC 503.1.1, 3310.1 and 503.2.1

91. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1

92. Grading Permit Fire Department Review: Submittal to the Office of the Fire Marshal for Precise Grading Permit will be required.

93. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.
94. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1

95. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Banning.

96. Fire Alarm and Detection System: A water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72

97. Knox Box and Gate Access: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1

98. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01

99. Buildings in excess of 300,000 square feet in area shall be required to provide a fire command center for fire department operations and shall comply with 2019 CFC sections 508.1.1 through 508.1.8 as amended and adopted by the City of Banning and Riverside County Fire. (2019 CFC 508.1)

100. Emergency Responder Radio Coverage Systems: Projects that do not meet the exceptions set forth by the Riverside County Office of the Fire Marshal shall provide plans for an emergency responder radio coverage system. Ref. CFC 510.1 and Riverside County Office of the Fire Marshal Technical Policy #TP19-002

101. Strategic Planning Review: This planning case will also be reviewed by Riverside County Fire Department Strategic Planning for the cumulative impact on the Fire Department's ability to provide an acceptable level of service. Additional requirements may be conditioned by Strategic Planning to mitigate these impacts. Questions for Strategic Planning can be addressed to RRUStrategicPlanningBureau@fire.ca.gov.

102. Use the Above Statement only if it meets the Strategic Planning Case Review Criteria below:

a. Environmental Impact Reports
b. General Plan Amendments
c. Specific Plans
d. Developments that are in very high fire hazard severity zones in the LRA and developments in the SRA
e. Residential with 500 or more dwelling units
f. Commercial/Industrial developments of 1,000,000 sq ft or more

103. The developer shall pay for and install traffic signal preemption devices on up to 5 traffic signal intersections from and including Ramsey/Highland Springs to Sun Lakes Boulevard/Highland Springs, not to exceed the cost of $100,000. The applicant shall coordinate these efforts with both the City of Banning and Beaumont.

104. The applicant shall contribute an amount equal to the Development Impact Fee (DIF) payment for the development, $175,000, to go toward a fire apparatus for a future fire station in the area.

END

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GABRIEL M.B. ROSS
Attorney
Ross@smwlaw.com

December 7, 2021

Via Electronic Mail Only

Adam B. Rush, AICP
Community Development Director
City of Banning
99 East Ramsey Street
Banning, CA 92220

Re: Planning Commission Approval of Design Review 21-7008 and Tentative Parcel Map 31864

Dear Mr. Rush:

We represent the Pass Area Action Group, an association of local community members opposed to the approval of Design Review 21-7008 and Tentative Parcel Map 31684 (together, the "Project"). Many members reside in the over-55 communities adjacent to the Project site, and many have increased sensitivity to the severe air pollution associated with large-scale refrigerated warehouse projects. Our clients are seriously concerned about the City of Banning's ("City") rushed, inadequate approval process, and its lack of transparency. We respectfully request the City Council defer any hearing or decision on the Project to allow the public more time to effectively provide their input on the Project.

On December 8, 2020, the City certified a Program Environmental Impact Report ("the 2020 Program EIR") for amendments to the Sun Lakes Village North Specific Plan and the Banning Zoning Ordinance to allow for warehouse, retail, and office land uses on a single parcel.[1] At this time, no specific development project had been proposed.

Subsequently, the Project was proposed, requiring City approval of applications for design review and a tentative parcel map. On December 1, 2021, the Planning Commission approved Design Review 21-7008 and recommended approval of Tentative

[1] City of Banning, Resolution 2020-141, at 1 (Dec. 8, 2020).

Parcel Map 31864.[2] The City then filed a Notice of Determination ("NOD") indicating there was no need to prepare a new or supplemental EIR for the specific Project, because the 2020 EIR adequately analyzed the Project's impacts.[3]

The City's sole reliance on the 2020 Program EIR contradicts the California Environmental Quality Act ("CEQA"). Program EIRs may be prepared for a "series of actions," or a "large-scale planning approval." CEQA Guidelines §§ 15168 15152. CEQA authorizes "tiering," allowing agencies to refrain from doing an EIR for a project if a previous Program EIR adequately analyzed the project's impacts. Guidelines § 15152(a). This type of "tiering" is generally only appropriate when the Program EIR is a prepared for a "general plan, policy, or program," and the subsequent project is "site-specific." Guidelines § 15152(b).

The 2020 Specific Plan and Zoning Ordinance amendments were not appropriate subjects for a Program EIR. They effected only development of a single site, and thus were not a "large-scale planning approval." Since it was prepared before the Project was proposed, it is also lacking in crucial details that only became available after the Project proposal. The Statement of Overriding Considerations adopted in connection with 2020 Program EIR suffers the same flaw.

Despite this lack of project-specific analysis, the City proposes to approve the Project without preparing a subsequent EIR. The 2020 Program EIR, however, was prepared without information about the type and operations of warehouse that would eventually be developed. The City now knows that the Project includes a large-scale, refrigerated warehouse. Careful analysis would probably show that this aspect of the Project, which was "not known and could not have been known" when the 2020 Program EIR was certified, will lead to air quality and greenhouse gas impacts more severe than that EIR indicates; a subsequent EIR is therefore required. Guidelines § 15162. If the City has performed the required analyses, it has not shared them with the public or met any of CEQA's procedural requirements.

The City's premature filing of the NOD also violates CEQA. Pursuant to the CEQA Guidelines, a lead agency is required to file an NOD "*after* deciding to . . . approve a project." Guidelines § 15094. Tentative Parcel Map 31864, however, has never been approved. Under the City Municipal Code, the City Council is responsible for approving tentative parcel map applications. Banning Municipal Code § 16.14.050(A). While the Planning Commission has recommended approval of the Map, the City

[2] City of Banning, Planning Commission Report, at 8-9 (Dec. 1, 2021).
[3] City of Banning, Notice of Determination (Dec. 1, 2021).

Council has not approved it. Therefore, the NOD was premature, and should be withdrawn. (This additionally means that no appeal is required to bring the Tentative Map to the City Council; that hearing must be held for Project approval, regardless of any appeals.)

The rushed, procedurally-deficient nature of the City's CEQA process greatly worries our clients, who will be significantly harmed if the City continues to expedite approval of the Project. ensure that our client has a complete picture of the proposal and its environmental impacts, we will soon be submitting (1) a Public Records Act request seeking relevant analytical documents, and (2) an appeal of the Planning Commission's approval of Design Review 21-7008 (again, no appeal of the Tentative Map recommendation is required). The City should not make any decision on this project until the City has provided the requested documents and our client and other community members have had time to properly respond to this neighborhood-altering project.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Gabriel M.B. Ross

GMBR:OGB

1446165.3

AGENDA

REGULAR MEETING OF THE BANNING PLANNING COMMISSION
CITY OF BANNING, CALIFORNIA

Wednesday, December 1, 2021 @ 6:30 PM
City Council Chambers, 99 E. Ramsey Street
And via Video/Teleconference

To observe and participate in the on-line video portion of the meeting through your personal computer or device enter the following or click on the link:

https://us02web.zoom.us/j/82794878682?pwd=SFUrMGNKQVlQRHMxaTFHMnJIYk92QT09

Meeting ID: 827 9487 8682
Password: 894694

One tap mobile: +16699009128,82794878682#
Dial in: +1 669 900 9128 US
Meeting ID: 827 9487 8682
Find your local number: https://us02web.zoom.us/u/kfO5uo7yb

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: https://banninglive.viebit.com
or on the Banning Government Channel on Cable Television

You may also **email comments** to: scalderon@banningca.gov

I. CALL TO ORDER OF A REGULAR MEETING: Chairman Shaw

- Pledge of Allegiance: Vice-Chair Brosious
- Roll Call: Commissioners Brosious, Krick, Lopez, Santana, Chairman Shaw

II. PUBLIC COMMENTS: - *On Items Not on the Agenda*

A three-minute limitation shall apply to each member of the public who wishes to address the Chairman and Commissioners for items not on the agenda. No member of the public shall be permitted to "share" his/her three minutes with any other member of the public. (Items received under this heading may be referred to staff or future study, research, completion and/or future Commissioner Action.) PLEASE STATE YOUR NAME AND ADDRESS FOR THE RECORD.

III. CONSENT CALENDAR ITEMS:

Note: All items listed on the Consent Calendar may be enacted by a single motion without separate discussion. If a discussion or a separate vote on any item is desired by a Planning Commissioner, that item may be removed from the Consent Calendar and considered separately. All remaining items not removed from the Consent Calendar by a Planning Commissioner shall be voted on prior to discussion of the item(s) requested to be pulled.

Minutes – November 3, 2021, Regular Meeting……..…… **Page 1**

IV. PUBLIC HEARING:

1. **NOTICE OF EXEMPTION FOR CONDITIONAL USE PERMIT NO. 21-8018 (CUP 21-8018) TO CONSIDER A PROPOSAL TO ALLOW A TATTOO STUDIO LOCATED AT 191 NORTH SAN GORONIO AVENUE WITHIN THE DOWNTOWN COMMERCIAL LAND USE DISTRICT (APN:540 164-006).**

Staff Report – Adam Rush……..……..…….....**Page 4**

Order of Procedure:
1. Staff report presentation
2. Applicant Presentation
3. Planning Commission questions for staff and applicant
4. Open public comments
5. Close public comments
6. Planning Commission discussion
7. Motion and Second
8. Planning commission discussion on motion
9. Call the question

Recommendation:

That the Planning Commission adopt Resolution 2021-19:

I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities); and

II. Approve Conditional Use Permit 21-8018 for a Tattoo Studio in the Downtown Commercial zoning district in the City of Banning.

2. CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 38164, A PROPOSED MIXED-USE INUSTRIAL/RETAIL DEVELOPMENT ON APPROXIMATELY 47-ACRES PACEL THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,969 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAILER/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL MAP WILL SUBDIVIDE THE 47-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES. (APN: 419-140-057).

Staff Report – Lisa Edwards……..…….....**Page 8**

Order of Procedure:
1. Staff report presentation 2. Applicant Presentation 3. Planning Commission questions for staff 4. Open public comments 5. Close public comments 6. Planning Commission discussion 7. Motion and Second 8. Planning commission discussion on motion 9. Call the question (Roll call vote)

Recommendation:

That the Planning Commission adopt Resolution 2021-16, recommending the City Council:

I. Make the determination that the Project, and the circumstances under which the Project is undertaken, do not involve substantial changes which will result in new significant environmental effects, and the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR. All potential environmental impacts associated with the "Sun Lakes Village North Specific Plan Amendment No. 5" project and the Project are adequately addressed by the prior FEIR, the Statement of Overriding Considerations, the MMRP. Therefore, in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), a Notice

of Determination (NOD) has a been prepared for the Commission to consider in conjunction with the Project.

II. Approve Design Review 21-7008 and Tentative Parcel Map 38164 for a proposed Industrial Warehouse building which includes office space and six retail/restaurant buildings. The Tentative Parcel Map will subdivide a 47-acre parcel into three (3) lots, for financing and conveyance purposes in the Sun Lakes Village North Specific Plan Area.

V. PLANNING COMMISSIONER COMMENTS:

VI. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS:

VII. ADJOURNMENT:

The City of Banning Planning Commission is hereby adjourned to the regular Planning Commission meeting of January 12, 2021, starting at 6:30 p.m. in the City Council Chambers. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division (951) 922-3125 or email the Planning Commission Recording Secretary at scalderon@banningca.gov. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

PLANNING COMMISSION REGULAR MEETING

99 E Ramsey Street, Banning, CA

Wednesday, November 3, 2021 - 6:30 PM

ACTION MINUTES

I. CALL TO ORDER at 6:30 p.m.

ROLL CALL

Present: Vice Chairman Brosious, Commissioner Krick, Commissioner Lopez, Commissioner Santana.

Absent: Chairman Shaw.

II. PUBLIC COMMENTS: (ITEMS NOT ON THE AGENDA)

Public comments opened.

I. Schuler, resident of Banning, wished to alert the Commission, and the residents, about an upcoming project that submitted an application for an approval of ten warehouses; it will be between Sun Lakes Blvd. and Sunset Ave. She said this project will bring additional truck traffic that is not needed.

J. Hagen, resident of Banning, spoke about a recent explosion (resulting in fire) at a cannabis growth facility in Orange County, that resulted in fatalities. He asked the Commission for support to make a motion to City Council to re-establish the set-back limitation of cannabis establishments back the original approval of 600' from residential zones.

L. Hagen, resident of Banning, asked about a property that recently sold and was wondering if this property will be a future cannabis growth facility. She asked if the City is going to have inspectors that will be checking facilities for violations.

Public comments closed.

III. CONSENT CALENDAR ITEM

ACTION: Motion/Second (Krick/Santana)

Motion Carried 4-0-1, Chairman Shaw absent. Roll call vote.

To approve: Minutes – October 19, 2021, Adjourned Meeting.

IV. PUBLIC HEARING: opened at 6:35 p.m.

1. NOTICE OF EXEMPTION FOR ZONE TEXT AMENDMENT 21-97503 TO CONSIDER A PROPOSAL TO AMEND CHAPTERS 5.33, 17.12, AND 17.54 OF THE BANNING MUNICIPAL CODE TO ELIMINATE THE LIMITATION ON THE NUMBER OF CANNABIS RETAILERS PERMITTED IN THE CITY, TO AUTHORIZE THE OPERATION OF CANNABIS RETAILERS IN THE GENERAL COMMERCIAL ZONE AND AUTHORIZE CANNABIS DISTRIBUTORS AND MANUFACTURERS IN THE BUSINESS PARK ZONE, AND MAKING ADDITIONAL CONFORMING AMENDMENTS TO REGULATIONS PERTAINING TO CANNABIS RETAILERS PERTAINING TO COMMERCIAL CANNABIS BUSINESS IN THE CITY OF BANNING, CALIFORNIA

   Commissioners had questions for staff.

   Public comments opened.

   L. Hagen, resident of Banning, said she doesn't understand why we need to saturate our city with so many cannabis cultivation facilities and would prefer an effort be given to other type of business that can come to town.

   J. Hagen, resident of Banning, asked the Commission not to approve this proposal. He said staff is blinded with imaginary dollar signs and continue to fall into same pitfalls and rework ordinances to eliminate restrictions, remove setbacks and now want to remove the cap.

   Public comments were closed by the Vice-Chair.

   Discussion was made among staff and the Commission regarding the proposed Zone Text Amendment.

   Commissioner Krick made a motion to approve the cap on the number of cannabis retailers permitted within the Highway Serving Commercial (HSC) zone only.

   > RECOMMENDING THAT THE CITY COUNCIL MAKE A DETERMINATION OF EXEMPTION UNDER CEQA GUIDELINES SECTION 15061(b)(3), AND APPROVE ZONING TEXT AMENDMENT 21-97503, AMENDING TITLE 17 OF THE BANNING MUNICIPAL CODE TO ELIMINATE THE NUMERIC CAP ON THE NUMBER OF CANNABIS RETAILERS PERMITTED WITHIN THE HIGHWAY SERVING COMMERCIAL (HCS) ZONE OF THE CITY~~, ALLOW FOR THE OPERATION OF CANNABIS RETAILERS IN THE GENERAL COMMERCIAL ZONE, ALLOW CANNABIS DISTRIBUTION AND MANUFACTURING IN THE BUSINESS PARK ZONE, AND MAKE ADDITIONAL CONFORMING AMENDMENTS TO REGULATIONS PERTAINING TO CANNABIS RETAILERS~~

   ACTION: Motion/Second (Krick/Brosious)

   That the Planning Commission adopt Resolution 2021-18:

I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15060 (b)(3), because the proposed Amendment is not a project as defined by CEQA Guidelines Section 15378; and

II. Approve Zone Text Amendment 21-97503, amending Title 17 of the Banning Municipal Code to eliminate the numeric cap on the number of cannabis retailers permitted within the Highway Serving Commercial (HSC) Zone of the City.

(Motion Carried 5-0) Roll call vote.

V. PLANNING COMMISSIONER COMMENTS

Commissioner Santana asked where the traffic reports can be found for certain projects.

VI. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

Director Rush gave an update regarding the Banning Point project.

VII. ADJOURNMENT

Adjournment of the Planning Commission of the November 3, 2021, Meeting at 8:30 p.m.

The next regular meeting of the Banning Planning Commission is scheduled for Wednesday, December 1, 2021, at 6:30 p.m. in the City Council Chambers.

Minutes prepared by:

Sandra B. Calderon

_____
Sandra B. Calderon
Development Project Coordinator/Recording Secretary

The entire discussion of this meeting may be viewed here:
https://banninglive.viebit.com/player.php?hash=vWhJh8MECBMx

or by purchasing a DVD:
https://banningca.gov/forms.aspx?fid=148

CITY OF BANNING
PLANNING COMMISSION STAFF REPORT

TO: **PLANNING COMMISSION**

FROM: **Adam B. Rush, Community Development Director**

MEETING DATE: **December 1, 2021**

SUBJECT: **Resolution 2021-19, approving a CEQA Exemption and Conditional Use Permit No. 21-8018 (CUP 21-8018) to allow a Tattoo Studio located at 191 North San Gorgonio Avenue the Downtown Commercial Land Use District (DC) (APN: 540-164-006)**

RECOMMENDED ACTION:

Planning Commission adopt Resolution 2021-19 approving the following:

1. Making a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities).

2. Approving Conditional Use Permit 21-8018 to allow a tattoo studio with related services in the Downtown Commercial (DC) General Plan Designation and Zoning District subject to the recommended Conditions of Approval.

APPLICANT INFORMATION:

Project Location: 191 N. San Gorgonio Ave.

APN Information: 540-164-006

Project Applicant: Jessica Herring
37635 Quintana Dr.
Murrieta, CA 92543

Property Owner: William Ira & Bill Willens Trust
191 N. San Gorgonio Ave.
Banning, CA 92220

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to provide tattoo services within an existing 1,213 square foot lease space within an existing commercial tenant space. The proposed project is located within the Downtown Commercial (DC) Zoning District on real property located at 191 N. San Gorgonio Ave.

BACKGROUND AND DESCRIPTION:

The surrounding commercial environment is fully developed with one-to-two story buildings that are similar in size and architectural theme to the Downtown Commercial District. The proposed tattoo studio is located at what is considered "the heart" of the Banning Downtown and is consistent with the nature and type of development envisioned. The adjacent commercial buildings are currently occupied with several small business including the Dorthey Ramon Learning Center, the Substation Deli, a Candy Store, and several other uses that are similar in size and use. The proposed Conditional Use Permit application seeks to allow tattoo services at three workstations in the existing 1,213 square foot tenant space, including the customer lobby, drawing table, and administrative space.

The site is located within the Downtown Commercial (DC) zoning district, wherein Tattoo and Body Piercing Studios are permitted with approval of a Conditional Use Permit by the Planning Commission. The Downtown Commercial (DC) zoning district is the City's visitor and tourist destination where the City promotes businesses and uses that contribute to a walkable environment during afternoon and evening hours, and where the public can enjoy a variety of food, beverages, and entertainment while patronizing the City of Banning.

Land Use Summary Table

	Existing Land Use	**Zoning Designation**	**General Plan Designation**
Subject Site	Single-story retail	Downtown Commercial (DC)	Downtown Commercial (DC)
North	Banning Library	Downtown Commercial (DC)	Downtown Commercial (DC)
South	Mixed-Use Residential/Commercial	Downtown Commercial (DC)	Downtown Commercial (DC)
East	Vacant	Downtown Commercial (DC)	Downtown Commercial (DC)
West	Single-story retail	Downtown Commercial (DC)	Downtown Commercial (DC)

ANALYSIS:

Zoning

Table 17.12.020 ("*Permitted, Conditional and Prohibited Commercial and Industrial Uses*") of Title 17 of the Zoning Code permits Tattoo and Body Piercing Studios in the Downtown Commercial (DC) zoning district subject to approval of a Conditional Use Permit.

The Project will occupy the 1,213 square foot lease space and is proposing operational hours of 10:00 pm to 10:00 pm, Monday through Saturday. The applicants have stated that the atmosphere of the art studio is a professional setting. With the attached Conditions of Approval, requiring sanitary conditions and specifying employee conduct and inspections, the services are not anticipated to have a negative impact on the area businesses or the community.

The Police Department, the Code Enforcement Division and the Fire Department may enter any tattoo and body piercing business during regular business hours to make reasonable inspections to ascertain whether the provisions of Chapter 17.12.050 of the Banning Municipal Code are being complied with, provided reasonable and normal business operations shall not be interfered with by said inspection.

Parking Requirements

The vacant tenant space has accomodated a number of businesses over the years and has always been maintained in a state of good repair. The size of the tattoo business is not anticipated to generate significant traffic or need for parking and available public parking is located to the east and southeast, both within city-owned lots. Parking is free in the downtown area and past business have functioned well without any parking issues. Per Banning Municipal Code Section 17.24.020 ("*Applicability*") all new projects, redevelopment projects, and project modifications which add twenty-five percent or more to a structure's building area are required to conform to the development standards set forth in Division III of Title 17 of the Banning Municipal Code, including regulations related to off-street parking, setbacks, public street improvements, storage, and fences, walls, and hedges. The applicants' proposal seeks approval of a use, not an expansion of the existing building area. Therefore, the proposed use is not subject to the development standards set forth in Division III of Title 17 of the Banning Municipal Code. Further, staff finds that the exisitng parking is adequate to serve patrons of the proposed tattoo studio and no additional parking is required.

Conclusion

Staff recommends approval of the subject project as the proposed project is consistent with the requirements of the General Plan and Zoning Code, while not effecting the environment. The project adequately meets the performance standards and guidelines

as discussed in the staff report; or, will meet those requirements as stated in the conditions of approval and upon review and approval of the construction plans and specifications.

ENVIRONMENTAL DETERMINATION:

California Environmental Quality Act (CEQA)

In accordance with CEQA Guidelines § 15301 (Existing Facilities), a Class 1 Categorical Exemption of the California Environmental Quality Act (CEQA), the project is exempt from further environmental review. A Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

MULTIPLE SPECIES HABITAT CONSERVATION PLAN (MSHCP):

Planning Division staff has determined that the project is not subject to MSHCP as the project is an existing facility and no new exterior improvements are identified.

PUBLIC COMMUNICATION

Proposed Conditional Use Permit 21-8018 and was advertised in the Record Gazette newspaper on November 19, 2021. Notice was also mailed to all property owners within 300-feet of the project site and posted in two public places (Banning Library and City Hall). As of the date of this report, staff has not received any written comments for or against the project.

Reviewed by:

Adam B. Rush, AICP

Adam B. Rush, M.A., AICP
Community Development Director

Attachments:

1. https://www.banningca.gov/DocumentCenter/View/9755/Resolution-No-2021-19-with-COAs
2. https://www.banningca.gov/DocumentCenter/View/9756/Project-Plans
3. https://www.banningca.gov/DocumentCenter/View/9757/Public-Hearing-Notice
4. https://www.banningca.gov/DocumentCenter/View/9758/CUP-21-8018-NOE

CITY OF BANNING
PLANNING COMMISSION REPORT

TO: **PLANNING COMMISSION**

FROM: **Adam B. Rush, Community Development Director**

PREPARED BY: **Lisa Edwards, Contract Planner and Serita Young, Assistant City Attorney**

MEETING DATE: **December 1, 2021**

SUBJECT: **DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 38164, A PROPOSED MIXED-USE INDUSTRIAL/RETAIL DEVELOPMENT ON APPROXIMATELY 47-ACRES WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL MAP WILL SUBDIVIDE THE 47-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES. (APN: 419-140-057).**

RECOMMENDED ACTION:

Staff recommends that the Planning Commission take the following action:

1. Adoption of Planning Commission Resolution No. 2021-16:

    a. Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Community Development Department has considered the potential environmental impacts of the Project. Community Development Department staff has also reviewed the Final Environmental Impact Report (FEIR) for the "Sun Lakes Village North Specific Plan Amendment No. 5" project certified by the City Council on December 8, 2020 (Resolution 2020-141) and the Statement of Overriding Considerations and Mitigation,

Monitoring, and Reporting Program (MMRP) adopted by the Council on the same day, including the impacts and mitigation measures identified therein. Based on that review, the Community Development Department has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR. All potential environmental impacts associated with the "Sun Lakes Village North Specific Plan Amendment No. 5" project and the Project are adequately addressed by the prior FEIR, the Statement of Overriding Considerations, the MMRP. Therefore, in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), a Notice of Determination (NOD) has a been prepared for the Commission to consider in conjunction with the Project.

b. Approve Design Review No. 21-7008, subject to the following:
   i. Compliance with the Conditions of Approval contained in Planning Commission Resolution 2021-16.
   ii. The site shall be developed and maintained in accordance with the Plans dated April 30, 2021 approved by the City.

c. Approving Tentative Parcel Map 38164, subject to the following:
   i. Compliance with the Conditions of Approval contained in Planning Commission Resolution No. 2021-16.

PROJECT / APPLICANT INFORMATION:

Project Owner:	Sun Lakes Highland, LLC 1200 N. 52nd St. Phoenix, AZ 85008
Project Applicant:	MIG 1650 Spruce St., Ste. 106 Riverside, CA 92507
Project Location:	North of Sun Lakes Boulevard, east of Highland Springs Avenue, south of Interstate 10, and west of The Lakes Apartment Complex, all located in the Sun Lakes Village North Specific Plan No. 5
APN Information:	419-140-057

PROJECT DESCRIPTION:

The project contains two separate land use types, an industrial warehouse, and a retail component, both which reflect compliance and consistency with the recently updated Sun Lakes village North Specific Plan, Amendment 5 ("Specific Plan"). The industrial warehouse is to the north of the site on 30.14 acres and the retail buildings are on 6.9 acres. This application includes a Design Review Application, a Tentative Parcel Map, and an Environmental analysis.

BACKGROUND:

On November 4, 2020 the Planning Commission considered Amendment 5 to the Sun Lakes North Specific Plan. This amendment produced an entirely new land use plan and zoning for this legacy Specific Plan, originally approved in the late 1980's. The Specific Plan area had remained undeveloped for over 30-years due to overly restrictive zoning, failed real estate transactions, and continued community opposition. Prior to the most recent amendment, the entire Specific Plan was designated as Retail Commercial, and the implementing zoning ordinance was even more restrictive, thus requiring very specific and sometimes fickle development plans to continually stall before they reached the engineering stage.

In late 2019, the City initiated an overhaul of the Specific Plan in order to foster future economic development and position the property to take advantage of current economic trends. It was in consultation with the property owner, but utilizing City-managed contract planning staff, that the current version of the plan was developed, vetted, and presented to the Commission for review and consideration.

After careful consideration, the City Council approved the Specific Plan Amendment and certified an Environmental Impact Report (EIR) (Resolution 2020-141) along adopting a statement of overriding considerations. This statement acknowledges that significant impacts to the environment will occur yet are outweighed by the substantial economic benefit potential of the Project. Further, the Council determined that the Project will create significant job opportunities, increase both property and sales tax revenue, and continued to diversify the City's land use potential.

FURTHER CONSIDERATIONS:

During the October 19, 2021 Public Hearing, the Commission heard public testimony in connection with the Project. A majority of public testimony came from the Sun Lakes Community and was mainly in opposition to the Project. The Commission solicited testimony from a large number of Sun Lakes residents, which centered around several core issues of concern. A summary, but not an exhaustive list of the concerns are provided below:

- Public Notice
- Traffic/Circulation
- Air Quality
- Noise
- Lighting
- Building location
- Future Job Growth
- Golf Cart Access
- Sun Lakes Blvd. Extension
- Health Impacts

Attached herein is an Issues of Concern & Response Matrix, which provides clarification and technical back-up to support the City's position on this variety of topics

PROJECT ANALYSIS:

The northern portion of the Project site is a proposed Industrial Warehouse Building measuring 619,959 square feet (sf), which includes a 10,000 square foot of office space. In addition, the Project includes six (6) Retail buildings totaling approximately 34,000 sf., which range in size from 1,600 sf to 8,400 sf. Building 1 will include a coffee restaurant with a drive-thru and the remaining five (5) buildings are intended for sit-down restaurant-type uses. The current Specific Plan Land Uses are designated as Business and Warehouse, Office and Professional, and Retail and Service.

Surrounding Land Uses and Zoning

TABLE 1 – Land Uses:

NORTH	EAST	SOUTH	WEST
Interstate 10	Sun Lakes Country Club, The Lakes Assisted Living and Vacant land	Sun Lakes Country Club	Sun Lakes Village Shopping Center

TABLE 2 – Zoning:

NORTH	EAST	SOUTH	WEST
Public Facilities (PF)	Medium Density Residential (MDR)/Open Space (OS)	Medium Density Residential (MDR)/Open Space (OS)	General Commercial (GC)

Architectural Design

The industrial warehouse building will be constructed with concrete tilt-up walls with painted and scored accents. The design provides glazing and color variation to ease the length of the industrial warehouse building. The elevations utilize a combination of materials and colors. The warehouse building will use paint by Sherwin-Williams with colors *Extra White* with *Gray Screen, Software, and Cyberspace* with trims of *Heartthrob* between the gray panels. There are aluminum windows and door frames with tempered glazing in a blue reflective color that will be located on the wall panels, the building corners, and the four (4) potential office areas. There are *Metal Canopies with Pure White* and *clear Anodized Mullions* to accent the building. The proposed 14' concrete tilt-up walls will screen the truck yards and the colors will match the paint and color variations of the warehouse building.

The main colors of the retail buildings will be Sherwin-Williams *Extra White* with accents colors of *White Brick, Warm Brick, and Metal Siding*. The storefront aluminum windows and door framing will use a blue reflective window glazing and is also located on the wall panels and the building corners. There are *Pure White Metal Canopies* with *clear Anodized Mullions* to provide distinction accents to the buildings.

Landscaping

Landscaping is provided along the parkway on Sun Lakes Boulevard, on the side and freeway setbacks adjacent to the property lines and buildings, and throughout the parking areas. The project provides landscaping over the 15% requirement with 16.23% on the industrial site and 39.7% on the retail site.

Circulation - Access and On-Site

The main access points for the Project are as follows:

- Access points off Sun Lakes Blvd: 40' wide driveway (at cul-de-sac) & 46' driveway (divided by 6' median) & 40' wide shared driveway
- Access points for retail: West side - 24' wide driveway off Sun Lakes Village Dr & East side - Two (2) 26' wide driveways off shared driveway
- Access points for warehouse: West side- 29'-10" wide driveway off Sun Lakes Village Dr & East side- Three (3) driveways 24' wide, 29' wide, 40' wide off shared driveway
- There are 24'-0' wide emergency vehicle access roads provided around the south and north sides of the retail buildings, throughout the north and south truck courts, around the industrial building and through all the parking areas of the site.

Development Standards

Future industrial buildings are subject to the Sun Lakes Village North Specific Plan zoning standards and development design guidelines, which are summarized in the following table:

TABLE 3 – Development Standards (I):

Development Standards Industrial Warehouse Building	Required	Provided
Lot Size	10,000 s.f.	1,316,349 s.f.
Lot Width	70 feet	1,270 feet
Lot Depth	100 feet	876 feet
Building Height	55 feet	47'-6"
Building Setbacks: Front Side Rear	 20 feet 20 feet 20 feet	 185 feet 70 feet 185 feet
Building Coverage	55%	47%
Landscape Coverage	15% of lot minus building area	16.23%
Fence/Wall Height	8 feet	Fence – 8 feet Wall – 14 feet
Parking Requirements		
Office – 1 space per 300 s.f.	40	40
Warehouse Parking – 22 spaces plus 1 space per 2,000 s.f. over 20k s.f.	322	362

The retail and restaurant buildings will be subject to the Sun Lakes Village North Specific Plan zoning standards for development and design, which are provided in the following table:

TABLE 3 – Development Standards (R)

Development Standards Retail and Restaurant Buildings	Required	Provided
Lot Size	6,000 s.f.	297,492 s.f.

Development Standards Retail and Restaurant Buildings	**Required**	**Provided**
Lot Width	60 feet	1,300 feet
Lot Depth	100 feet	200 feet
Building Height	35 feet	20' – 6"
Building Setbacks: Front Side Rear	 0 feet 20 feet 20 feet	 100 feet 80 feet 30 feet
Building Coverage	55%	11.4%
Landscape Coverage	15% of lot minus parking area	34.9%
Fence/Wall Height	6 feet	N/A
Parking Requirements		
Drive Thru – 1 space per 100 s.f.	16	16
Retail – 1 space per 250 s.f.	130	273

The Project has been reviewed by Planning Department staff and determined to either meet or exceeds all required standards.

Tentative Parcel Map

A Tentative Parcel Map is submitted as part of this application review and will subdivide the entire site (47-acres) into three (3) parcels. Parcel 1 will accommodate the six (6) retail buildings, Parcel 2 will provide for the industrial warehouse building, and the third parcel is not intended for development at this time, however, there is an access road illustrated on the plans. That parcel is labeled "Not A Part" (N.A.P.).

Phasing

The Project is being proposed in two phases. Phase 1 will consist of the industrial building with construction projected to begin early 2022. Phase 2 will consist of the retail portion and is projected to begin construction early 2023.

Environmental Review

Upon the City's request, the applicant provided a "Sun Lakes Village North Specific Plan Consistency Determination" to conclude if the Project would be consistent with the previous EIR prepared for the Sun Lakes Village North Specific Plan. Since the project

is approximately 300,000 net square feet less in developed area than the project envisioned in the preceding EIR, the following findings can be made:

1. The Vehicle Miles Travelled (VMT) being used is a threshold for traffic less intense than originally envisioned in the Specific Plan Amendment No. 5 EIR.

2. The projected air quality, while still unattainable in the South Coast Air Basin, is less impactful than the project envisioned in the Specific Plan Amendment No. 5 EIR

3. The proposed project will provide significantly more landscaping.

As the implementing Project is less intensive that previously approved through the Specific Plan Amendment, the development is an environmentally superior alternative to the maximums allowed under the EIR. Therefore, the analysis for the Project is consistent with, or is superior to, the expectations considered under the Specific Plan. As such, and no further review or mitigation is required as all significant impacts were disclosed under the previous EIR, the adoption of Resolution 2020-141, which includes the Council's the Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Matrix (MMRP). Therefore, in accordance with CEQA Guidelines Section 15162, no further environmental review or mitigation measures are required.

FIGURE 1. Vicinity Map

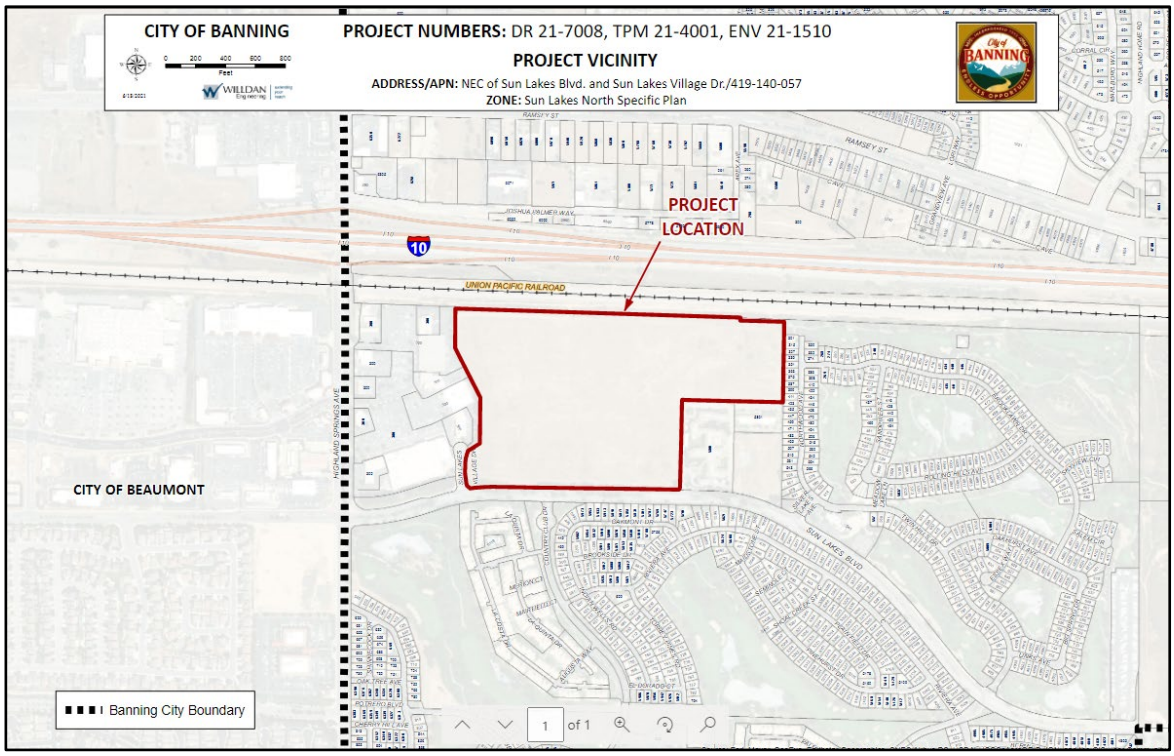
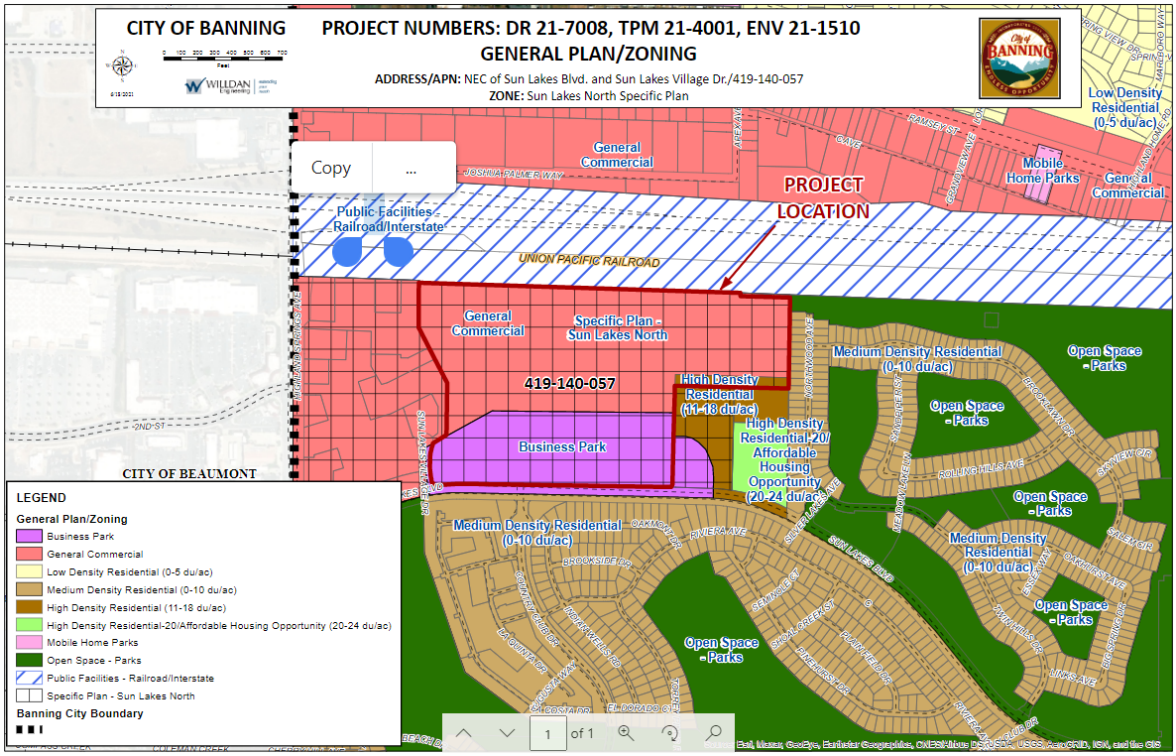


FIGURE 2. Zoning Map



PUBLIC COMMUNICATION:

The proposed Project was advertised in the Record Gazette newspaper on November 19, 2021. As of the date of this report, City staff has received numerous correspondence (primarily in the form of email) that were in opposition to the proposed project.

Reviewed by:

Adam Rush

Adam B. Rush, AICP
Community Development Director

Attachments:

1. https://www.banningca.gov/DocumentCenter/View/9761/Resolution-2021-16-with-COAs
2. https://www.banningca.gov/DocumentCenter/View/9762/Project-Plans
3. https://www.banningca.gov/DocumentCenter/View/9763/DR-21-7008-PHN
4. https://www.banningca.gov/DocumentCenter/View/9764/DR-21-7008-NOD

TOPIC	ISSUE OF CONCERN	LOCATION W/IN THE DOCUMENT	CITY'S RESPONSE	APPLICANT'S RESPONSE
Public Notice	Was the Project noticed in a manner consistent with state law, city ordinance, and similar to all other Planning Commission project types?	October 19th and December 1st Staff Reports, located on the last few pages of the report.	The City published a written notification, in the Record Gazette, on October 8th which were prepared for the October 19th Planning Commission (PC) Public Hearing. Proof of publication, as received from the Record Gazette, is attached to this report. Furthermore, the City requested Property Owner Notification Labels, from the County of Riverside's Assessor's Office. These labels were generated on May 18, 2021. The labels conform to §65091(a) – (d) and Chapter 17.68.020 of the Banning Municipal Code (BMC), which (in-part) requires notification to be mailed to all property owners within a 300-foot radius. The labels generated 98 separate addresses, three of which include the Sun Lakes HOA (local and corporate offices) and the property owner for The Lakes Assisted Living facility as well. ***It is important to note that §65093 of the Planning and Zoning Laws, states, "Failure of any person or entity to receive notice given pursuant to this title, or pursuant to the procedures established by a charted city, shall not***	The Applicant has agreed with the City's request to generate property owner notification labels to increase the radius from 300-feet to 1,000-feet (more than 3-times greater than the minimum distance required by §65091(a) – (d) and Chapter 17.68.020 of the BMC. Again, these notices were physically mailed to the Sun Lakes HOA offices (both on-site and at their corporate headquarters). In addition, the property owner of The Lakes Assisted Living facility also received their fourth public notice regarding the Project. In addition, the City has provided noticed via email to the Sun Lakes HOA Manager, Mr. Jason Ewals and copied to C. Mitchell. This email notification was transmitted on November 17th and received the same day. Copies of these emails are attached herein.

			constitute grounds for any court to invalidate the actions of a local agency for which the notice was given.	
Traffic/Circulation	Daily & AM/PM Peak Hour Truck Trips; Queuing of trucks along Sun Lakes Blvd.; interaction between planned golf cart paths and truck traffic	Draft Environmental Impact Report (DEIR) Master Traffic Impact Analysis (MTIA) and CEQA Addendum and Project-level Traffic Impact Analysis (PTIA)	**TRUCK TRIPS:** The City's Traffic Consultant completed a Master TIA in September, 2020. Table 4-2, of the Master TIA, details that 21 (4+ axle truck) trips are inbound, and 5 trips are outbound, in the AM Peak Hour. Conversely, 5 (4+ axle truck) trips are inbound, and 17 (4+ axle truck) trips are outbound in the PM Peak Hour. In total, the Master TIA concluded that only 48 (4+ axle truck) trips would occur each weekday (M-F). In October, 2021 the Applicant's Traffic Consultant completed a Project-level TIA, which analyzed three separate industrial uses. According to Table 3, of the October 4, 2021 TIA the report concluded that a total of 26 truck trips would occur in ***both*** the AM and PM Peak Hours. This is a maximum of 13-trucks per day, during normal business days (M-F). This is a reduction of 25 truck trips (12.5 trucks per day) from the Master TIA.	
	Concerns regarding the stacking of trucks on both Sun Lakes Village Drive and Sun Lakes Blvd. was expressed during public testimony.	CEQA Addendum Site Plan		

	Concerns regarding the interaction between semitrailers and golf carts was raised during public testimony.	Site Plan	***The updated Project-level TIA evaluated a development plan that is approximately 70% the size of the Specific Plan. The updated TIA concludes that no more than 3 trucks per hour (per work day) will enter and exit the Project site.*** **TRUCK QUEUING:** The City's Public Works Department conditioned the Project to extend the left-handed turn pocket, from eastbound (E/B) Sun Lakes Blvd. into N/B Sun Lakes Village Drive, which provides direct access into the Albertson's shopping center. This improved turn pocket will be approximately 150-feet long and is adequate to remove trucks from the existing two E/B through lanes as drivers approach the Sun Lakes Main Gate. In addition, the City has conditioned the construction of a dedicated truck stacking lane, on the easterly R/W of Sun Lakes Village Drive that will be separate from either the N/B or S/B travel lanes within Sun Lakes Village Drive. As stated above, the Project-level TIA concluded that a maximum of ***3 trucks per hour***	

			will enter and exit the Project site. According to the Federal Department of Transportation (DOT), the maximum average length of a commercial semitrailer is 48-feet; however, semitrailers up to 53-feet may also operate without a permit.[1] By using the maximum semitrailer length (including the tractor and cab) of 53-feet, adequate travel area is provided to accommodate the maximum number of semitrailers to and from the project site. **GOLF CART PATH**: The City Council held a study session during the October 12, 2021 meeting, during which the Public Works Director presented three scenarios to accommodate golf cart travel from the Sun Lakes community, northerly across Sun Lakes Blvd., westerly along the northerly R/W of Sun Lakes Blvd. and accessing the Sun Lakes Shopping Center via Sun Lakes Village Drive. The Sun Lakes Village North Specific Plan requires the	

[1] https://ops.fhwa.dot.gov/freight/publications/size_regs_final_rpt/index.htm#length

			accommodation of golf cart access per Policy 2.2.3. As such, the City has conditioned the Project which requires a dedicated golf cart path to be constructed from the southerly Right-of-Way (R/W) of Sun Lakes, to the northerly R/W and into the Project's parking lot. This lot will be located adjacent to Sun Lakes Blvd. The required Golf Cart path will traverse northerly, to the ternal drive aisle that segregates the industrial and retail uses.	
Air Quality	Due to the increase in truck traffic, resulting from the Project, an unhealthy and potentially dangers	Concerns related to the emission of diesel particulate matter ('PM'), resulting from the travel and transport of Semitrailers.	According to the Air Quality/GHG Impact Analysis (prepared as part of the Specific Plan Amendment, dated July 9, 2020) the Project, which evaluated a square-footage maximum of 877,298 sq. ft. specifically for industrial/warehouse uses. The estimated generation of Particular Matter (PM) – for both 10 and 2.5 microns – is 42.93 pounds per day (lbs./day) of PM_{10} and 12.15 lbs./day of $PM_{2.5}$. The South Coast Air Quality Management District (SCAQMD) regulates the emission of several pollutants of concern, for both	

			construction and operational aspects of any new development project. Consequently, the SCAQMD is responsible for establishing *Mass Daily Thresholds* for the following pollutants of concern: NOx, CO, VOC, SOx, and PM_{10}. For Particulate Matter, SCAQMD Thresholds of Significance are 150 lbs./day for PM_{10} and 17 lbs./day for $PM_{2.5}$ (when a sensitive receptor is positioned at-least 100-feet from the Project property line.[2] According to Google Earth®, the nearest residential dwelling is in excess of 600-feet from any industrial operation. Compared to the SCAQMD established thresholds, the maximum daily emissions of PM2.5 is 166 lbs./day; again, the July 9, 2020 Air Quality Impact Analysis concluded that a maximum of 12.15 lbs./day will be generated from an anticipated project size of approximately 877,000 sq. ft. Therefore, the June 9, 2020 Air Quality Impact Analysis concluded that both measurements of Particulate Matter emissions are below the	

[2] Page B-1, http://www.aqmd.gov/docs/default-source/ceqa/handbook/localized-significance-thresholds/particulate-matter-(pm)-2.5-significance-thresholds-and-calculation-methodology/final_pm2_5methodology.pdf?sfvrsn=2

			established thresholds set forth by SCAQMD. As required by the Certified EIR, an updated Air Quality Impact Analysis is required, prior to the approval of any implementing project. As such, an updated Air Quality Impact Analysis was prepared by Urban Crossroads for the subject Project. The updated report evaluated the implementing project, which was reduced from 877,298 sq. ft. to 619,959 sq. ft. (which is approximately a 30% reduction in the overall development area). As shown on pages 7-9 (of the updated report), the Project will have a less than significant impact upon local air quality pollutants of concern, primarily those associated with diesel fuel and semitrailer truck trips (e.g., PM_{10} and $PM_{2.5}$). It is further stated within the report that the long-term operational impacts will not create an adverse impact upon the health of the surrounding community. As stated on Page 11, of the updated report, the Project will increase the potential cancer risk by ***1.32 in every one (1) million residents***). For example, this	

			would be an increase in approximately one (1) additional person developing a cancer related to negative Air Quality for a City approximately 33 times the size as the City of Banning.	
Increases to Noise	That the Project will result in a permanent and significant increase in the ambient noise levels which will negatively impact the surrounding community	CEQA Addendum; Sun Lakes Village North Specific Plan Noise Monitoring Report (dated July 9, 2020)	The Applicant's consultant conducted an ambient noise monitoring study on July 1, 2020. Based on recommendations of Caltrans and the FTA, it is not necessary to collect measurements at each individual building or residence, because each receiver measurement represents a group of buildings that share acoustical equivalence. The noise report concluded that Daytime ambient noise levels range from 59.0 to 64.0 dBA Leq and Nighttime noise levels range from 51.3 to 57.6 dBA Leq. The operational noise impacts will exceed the City's noise standards of 55 dBA, at three proposed locations: (1) Parking Lot; (2) Semitrailer loading and unloading; and (3) truck delivery area. The maximum daytime noise impacts are 75 dBA for all three measurements. Therefore, the Project has been conditioned to provide for	

			sufficient buffering, the construction of sound walls or similar features that reduces daytime noise.	
Light Pollution	Concerns that the parking lot and security lighting will increase light pollution and disturb surrounding residents.	Specific Plan Amendment No. 5 – Design Guidelines and Draft EIR – Chapter 4.1 (Aesthetics)	The City's Municipal Code requires all lighting to be directed downward and shielded from public view. In addition, 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.	
Building Location/Size	Concerns that the size and location of the proposed industrial building will obscure natural views and degrade the existing landscape	Specific Plan Amendment No. 5 – Design Guidelines and Draft EIR – Chapter 4.1 (Aesthetics)	The Specific Plan sets forth comprehensive design standards that separate semitrailers from passenger vehicles and pedestrians; provides an internal drive aisle linking the Retail & Service District to the Office & Professional District. The adopted 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.	

Future Job Growth	Concerns that the Project will not create sufficient employment in order to justify is operation	Sun Lakes – *Executive Summary of Economic Benefit Analysis* (DPFG)	According to an Economic Analysis, prepared by Development, Planning, & Financing Group, Inc. (DPFG) – dated November, 2020, the Project will create 722 permanent jobs at build-out. In the first phase, which is the Industrial Warehouse, the DPFG report concludes that 296 permanent jobs will be created. The second phase (Retail) will create 70, and the office park will contribute the remaining 356 job.	
Sun Lakes Blvd. Extension	Concerns that the extension Sun Lakes Blvd. will not be constructed until after the Project begins construction. Therefore, traffic will be irreparably harmed.	Sun Lakes Blvd. Construction Documents & Specific Plan Phasing Plan (Pg. 4.2-10 of the EIR)	The City anticipates the release of Bid Documents, associated with the Sun Lakes Extension Blvd. Roadway Project in late 2022. This will allow construction to start in early 2023 and be completed by the end of 2023. If approved, the Banning Point project can obtain Building Permits by Summer of 2022 and complete the construction of 619,969 sq. ft.in approximately 8-months. Assuming both of these timelines stay on track, the timeframe between construction of the Industrial warehouse versus the Sun Lakes Blvd. extension	

			roadway project will be approximately 6-months. Given that the extension will not likely be completed before a Certificate of Occupancy is issued, the Project has been condition for the additional circulation improvements as stated in the Traffic section above.	

SHEET 1 OF 1

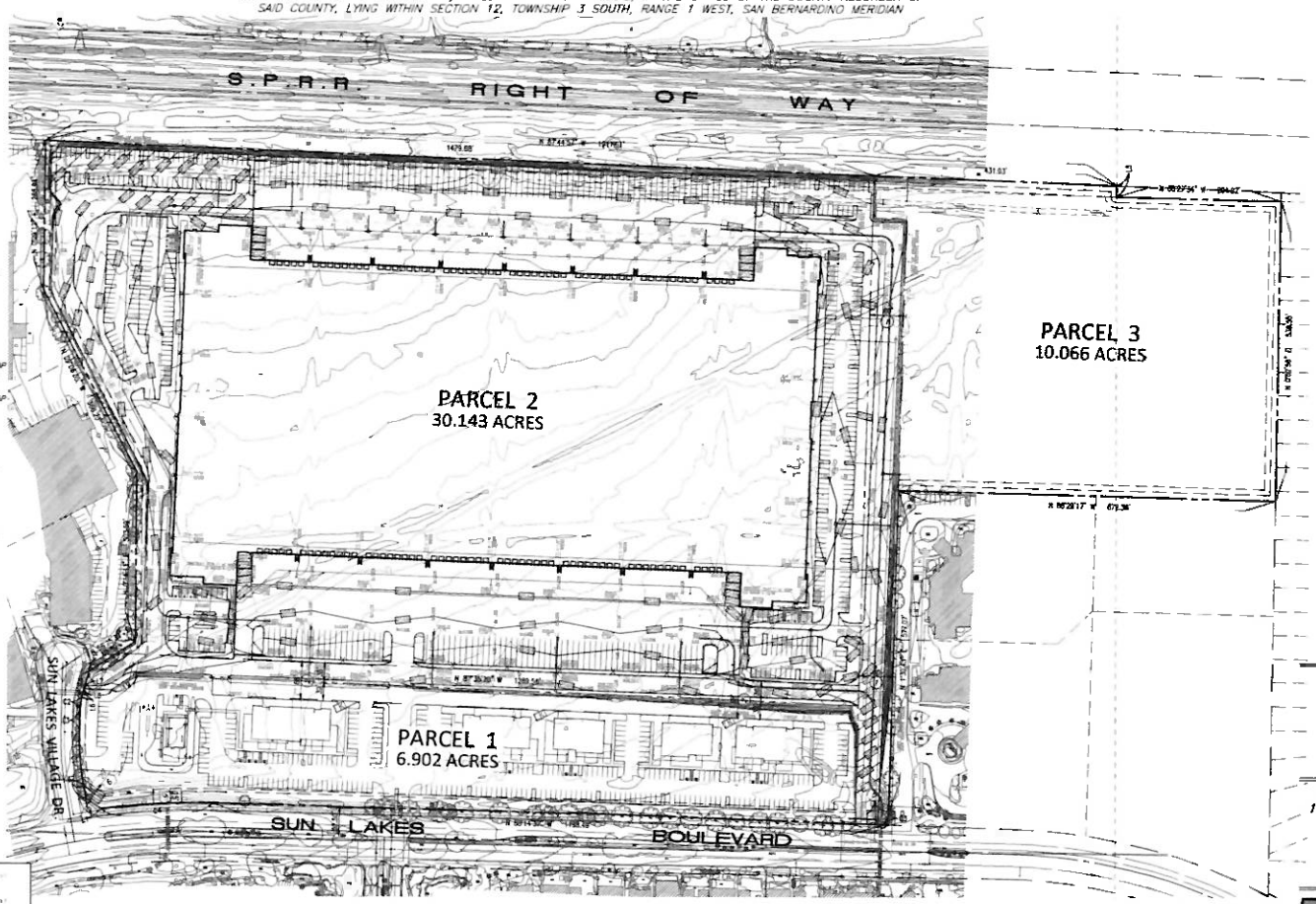
TENTATIVE PARCEL MAP NO. 38164

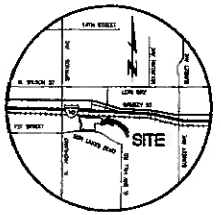
IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,

BEING A SUBDIVISION OF A PORTION OF THE REMAINDER PARCEL ON PARCEL MAP NO. 22175, AS PER MAP FILED IN BOOK 145 PAGES 61 THROUGH 67, INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WITHIN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN

APNs:
419-140-057

NOTES:
DATE OF PREPARATION: 04-19-2021
GROSS ACREAGE: 47.111
NET ACREAGE: 47.111
NUMBER OF PROPOSED PARCELS: 3





VICINITY MAP
N.T.S.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, SHOWN AS A PORTION OF THE REMAINDER PARCEL ON PARCEL MAP NO. 22175 ON FILE IN BOOK 145 PAGES 61 THROUGH 67, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY CALIFORNIA, LYING NORTH OF THE NORTH LINE OF SUN LAKES BOULEVARD AS DESCRIBED IN THE GRANT DEED TO THE CITY OF BANNING BY DEED RECORDED DECEMBER 12, 1988 AS INSTRUMENT NO. 88-318885 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND AS SHOWN ON SAID PARCEL MAP

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27430-3 IN BOOK 249 PAGES 58 THROUGH 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 23821 IN BOOK 159 PAGES 68 THROUGH 71 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 24,065 IN BOOK 185 PAGES 66 AND 67 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27430-1 IN BOOK 254 PAGES 85 THROUGH 94 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27430-2 IN BOOK 260 PAGES 34 THROUGH 38 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-1 IN BOOK 260 PAGES 37 THROUGH 39 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-2 IN BOOK 259 PAGES 67 THROUGH 70 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 30184 IN BOOK 321 PAGES 77 THROUGH 78 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28030 IN BOOK 254 PAGES 55 THROUGH 98 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

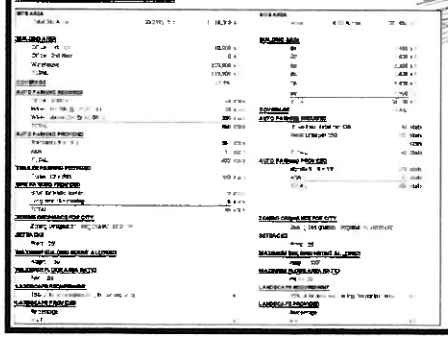
APN: 419-140-057

ZONING:

ZONING INFORMATION:
(THE FOLLOWING ZONE DESIGNATIONS ARE PER CITY OF BANNING PLANNING DEPARTMENT)

SPECIFIC PLAN DESIGNATIONS: SUN LAKES VILLAGE NORTH SPECIFIC PLAN

BUILDING TABULATION:



LEGEND:

CL	CENTERLINE		CONCRETE
CONC	CONCRETE		
DRW	DRAIN		TREE
DRWY	DRIVEWAY		
ELEC MTRS	ELECTRIC METERS		
GA	GUY ANCHOR		
GM	GAS METER		
PA	PLANTER AREA		PALM TREE
PL	PROPERTY LINE		
PP	POWER POLE		
SDMH	STORM DRAIN MANHOLE		IRON FENCE
SSMH	SEWER MANHOLE		
STLT	STREET LIGHT		BLOCK WALL
WDF	WOOD FENCE		
WM	WATER METER		
WV	WATER VALVE		
1005			INDICATES PROPOSED CONTOUR
1006			INDICATES EXISTING CONTOUR
1006.21			INDICATES PROPOSED ELEVATION/DESCRIPTION
EG (1008.21)			INDICATES EXISTING DESCRIPTION/ELEVATION

EXISTING EASEMENTS:

(1) AN EASEMENT FOR DRAINAGE, ACCESS AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF BANNING, RECORDED DECEMBER 12, 1988 AS INSTRUMENT NO. 88-318883 OF OFFICIAL RECORDS.
(SAID EASEMENT PLOTTED HEREON)

(2) AN EASEMENT FOR OFF-SITE DRAINAGE AND INCIDENTAL PURPOSES, IN FAVOR OF CITY OF BANNING, RECORDED SEPTEMBER 22, 1988 AS INSTRUMENT NO. 89-328681 OF OFFICIAL RECORDS.
(SAID EASEMENT PLOTTED HEREON)

PROPOSED EASEMENTS:

(1) AN EASEMENT FOR INGRESS, EGRESS, CROSS LOT DRAINAGE AND UTILITY CORRIDOR PURPOSES OVER PARCEL 3 FOR THE BENEFIT OF PARCELS 1 AND 2, TO BE RESERVED ON THE PARCEL MAP.

(2) AN EASEMENT FOR INGRESS, EGRESS, CROSS LOT DRAINAGE AND UTILITY CORRIDOR PURPOSES OVER PARCELS 1 AND 2 FOR THE BENEFIT OF PARCELS 1 AND 2, TO BE RESERVED ON THE PARCEL MAP.

LINE TABLE		
LINE #	BEARING	LENGTH
L1	S 55°49'51" E	32.14'
L2	S 1°17'08" W	41.06'
L3	S 14°55'48" W	46.04'
L4	N 56°25'39" E	99.69'
L5	N 0°02'06" W	19.70'
L6	S 14°55'48" W	13.41'
L7	S 14°55'48" W	30.63'
L8	N 88°43'24" W	49.54'
L9	S 56°30'41" W	52.19'

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	11°37'56"	467.00'	93.45'
C2	13°38'40"	190.00'	23.81'

UTILITY PROVIDERS:

TELEPHONE
FRONTIER
750 W. KETTERING AVENUE
LANCASTER, CA 93534
PHONE: (661) 945-8804
CONTACT: ALFRED TIGNO

CABLE
CHARTER COMMUNICATIONS
2357 CENTRE AVENUE
RIVERSIDE, CA 92504
PHONE: (951) 439-1613
CONTACT: CLAUDIA PAONE

WATER & SEWER
CITY OF BANNING
99 E. RAMSEY STREET
BANNING, CA 92220
PHONE: (951) 922-3130
CONTACT: LUIS CARDENAS

GAS
SOUTHERN CALIFORNIA GAS COMPANY
1919 S. STATE COLLEGE BLVD.
ANAHEIM, CA 92806
PHONE: 800-427-2000
CONTACT: NICOLE KRAHNKE

ELECTRIC
CITY OF BANNING
176 E. LINCOLN 92603
BANNING, CA 92220
PHONE: (951) 922-3265
CONTACT: TOM MILLER

DEVELOPER:

LGE DESIGN GROUP
1200 N. 52ND STREET
PHOENIX, AZ 85008
PHONE: (480) 966-4001

ARCHITECT:

HPA ARCHITECTURE
18831 BARDEEN AVE., STE # 100
IRVINE, CA 92612
PHONE: (949) 863-1770

ENGINEER:

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

DIAL TOLL FREE
1-800-422-4133
AT LEAST TWO DAYS
BEFORE YOU DIG

Underground Service Alert
Call TOLL FREE
1-800
227-2600

SURVEYOR:

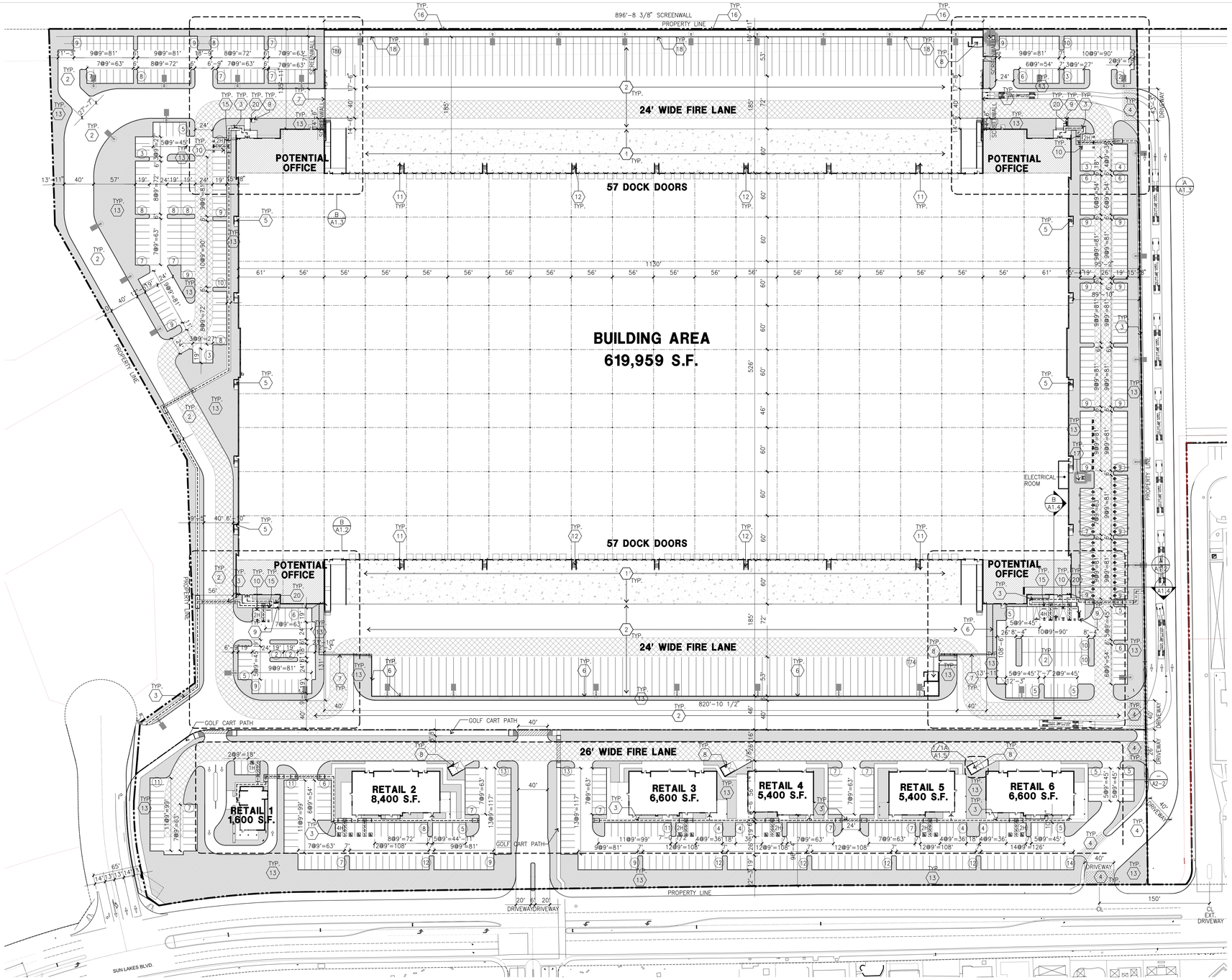
PREPARED UNDER THE DIRECTION OF:

BRIAN L. THIENES
P.L.S. NO. 5750
REG. EXP. 12/31/2021

04 / 19 / 21
DATE

PROFESSIONAL LAND SURVEYOR
BRIAN L. THIENES
No. 5750
STATE OF CALIFORNIA

Last Update: 4/19/21
O:\3600-3699\3638\TPM\3638_TPM.dwg



OVERALL SITE PLAN A

scale: 1" = 60'-0"

SCALE: 1" = 60'-0"

0 60' 120' 180'

TRUE NORTH

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT,
2. PAVING PER CIVIL
3. CONCRETE WALKWAY
4. DRIVEWAY APRON @ ENTRANCE
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX.
6. 8'H WROUGHT IRON FENCE
7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE, REFER TO DAB-A1.5
9. SMOKING AREA.
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST "6 DIA. U.N.O. 42" H,
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. HANDICAPPED ENTRY SIGN
15. HANDICAPPED PARKING STALL SIGN
16. 14' CONCRETE TILT WALL TO SCREEN THE TRUCK YARD
17. APPROXIMATE LOCATION OF THE TRANSFORMER AND GENERATOR
18. 12" CONCRETE CURB
19. CONCRETE SIDEWALK. SEE CIVIL PLAN.
20. BIKE RACK.

SITE PLAN GENERAL NOTES

1. NOT USED.
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES. DETAILS ON SHEET AD.1 ARE MINIMUM STANDARDS.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.
11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
14. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.
15. ALL NEW UTILITY CONNECTIONS WITHIN THE ROAD RIGHT OF WAY ARE PER SEPARATE REVIEW AND PERMIT
16. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.
17. NOT USED.
18. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING – SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

Property owner

LGE DESIGN GROUP
1200 NORTH 52ND STREET
PHOENIX, AZ 85008
ARCHITECT: BEN McRAE
PROJECT DIRECTOR: JOHN MOCARSKI
PHONE: 480-966-4001
E-MAIL: JOHNM@LGEDESIGNGROUP.COM

Address of the property

TBD

Assessor's Parcel Number

419-140-057

Zoning

REGIONAL IDUSTRIAL

Legal description

REAL PROPERTY IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SECTION 12, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, SHOWN AS A PORTION OF THE REMAINDER PARCEL ON PARCEL MAP NO. 22175 ON FILE IN BOOK 145 PAGES 61 THROUGH 67, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING NORTH OF THE NORTH LINE OF SUN LAKES BOULEVARD AS DESCRIBED IN THE GRANT DEED TO THE CITY OF BANNING BY DEED RECORDED DECEMBER 12, 1986 AS INSTRUMENT NO. 86-316895 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND AS SHOWN ON SAID PARCEL MAP.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27450-1 IN BOOK 269 PAGES 58 THROUGH 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 23921 IN BOOK 159 PAGES 68 THROUGH 71 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 29395 IN BOOK 195 PAGES 66 AND 67 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27450-1 IN BOOK 254 PAGES 85 THROUGH 94 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27450-2 IN BOOK 260 PAGES 34 THROUGH 36 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-1 IN BOOK 260 PAGES 37 THROUGH 39 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-2 IN BOOK 269 PAGES 67 THROUGH 70 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 30184 IN BOOK 321 PAGES 77 THROUGH 78 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28032 IN BOOK 254 PAGES 95 THROUGH 98 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

Applicant

LGE DESIGN GROUP
1200 NORTH 52ND STREET
PHOENIX, AZ 85008
ARCHITECT: BEN McRAE
PROJECT DIRECTOR: JOHN MOCARSKI
PHONE: 480-966-4001
E-MAIL: JOHNM@LGEDESIGNGROUP.COM

Applicant's respresentative

HPA, INC.
18831 BARDEEN AVE SUITE 100
IRVINE CA 92612
TEL: 949-862-2116
ATTN: SHA LIU MAHONEY

PROJECT DATA

INDUSTRIAL SITE

SITE AREA:
Total Site Area: 30.219215 s 1,316,349 s.f.

BUILDING AREA
Office - 1st floor 10,000 s.f.
Office - 2nd floor 0 s.f.
Warehouse 609,959 s.f.
TOTAL 619,959 s.f.

COVERAGE
AUTO PARKING REQUIRED
Office: 1/300 s.f. 40 stalls
Whse: 1st 20K @ 1/1,000 s.f. 20 stalls
Whse: above 20K @ 1/2,000 s.f. 300 stalls
TOTAL 360 stalls

AUTO PARKING PROVIDED
Standard (9' x 19') 345 stalls
Standard ADA (1 DV parking included) 8 stalls
Van ADA (1 DV parking included) 3 stalls
Standard DV Parking 23 stalls
Clean Air 8 stalls
TOTAL 391 stalls

TRAILER PARKING PROVIDED
Trailer (12' x 53') 160 stalls

BIKE PARKING PROVIDED
Short term bike parking 9 stalls
Long term bike parking 9 stalls
TOTAL 18 stalls

ZONING ORDINANCE FOR CITY:
Zoning Designation - Regional Industrial (RI)

SETBACKS
Front - 25'

MAXIMUM BUILDING HEIGHT ALLOWED
Height - 150'

MAXIMUM FLOOR AREA RATIO
FAR - 55

LANDSCAPE REQUIREMENT
10% of lot area subtracting the parking area s.f.

LANDSCAPE PROVIDED
Percentage
In s.f. s.f.

RETAIL SITE

SITE AREA
Acres: 6.63 Acres 297,492 s.f.

BUILDING AREA
B1 1,600 s.f.
B2 8,400 s.f.
B3 6,600 s.f.
B4 5,400 s.f.
B5 5,400 s.f.
B6 6,600 s.f.
TOTAL 34,000 s.f.

COVERAGE 11.4%

AUTO PARKING REQUIRED
Drive thru: 1stall per 100 16 stalls
Retail 1stall per 250 130 stalls
stalls
TOTAL 146 stalls

AUTO PARKING PROVIDED
Standard (9' x 19') 262 stalls
ADA 13 stalls
TOTAL 275 stalls

ZONING ORDINANCE FOR CITY:
Zoning Designation - Regional Industrial (RI)

SETBACKS
Front - 25'

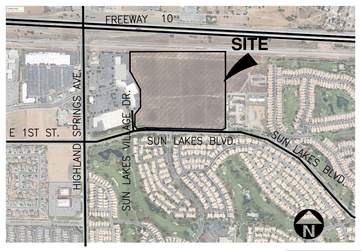
MAXIMUM BUILDING HEIGHT ALLOWED
Height - 150'

MAXIMUM FLOOR AREA RATIO
FAR - 55

LANDSCAPE REQUIREMENT
10% of lot area subtracting the parking area s.f.

LANDSCAPE PROVIDED
Percentage
In s.f. s.f.

VICINITY MAP



HPA architecture
hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchs.com

LICENSED ARCHITECT JONG NAM C-29457 3-31-23 RENEWAL DATE STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

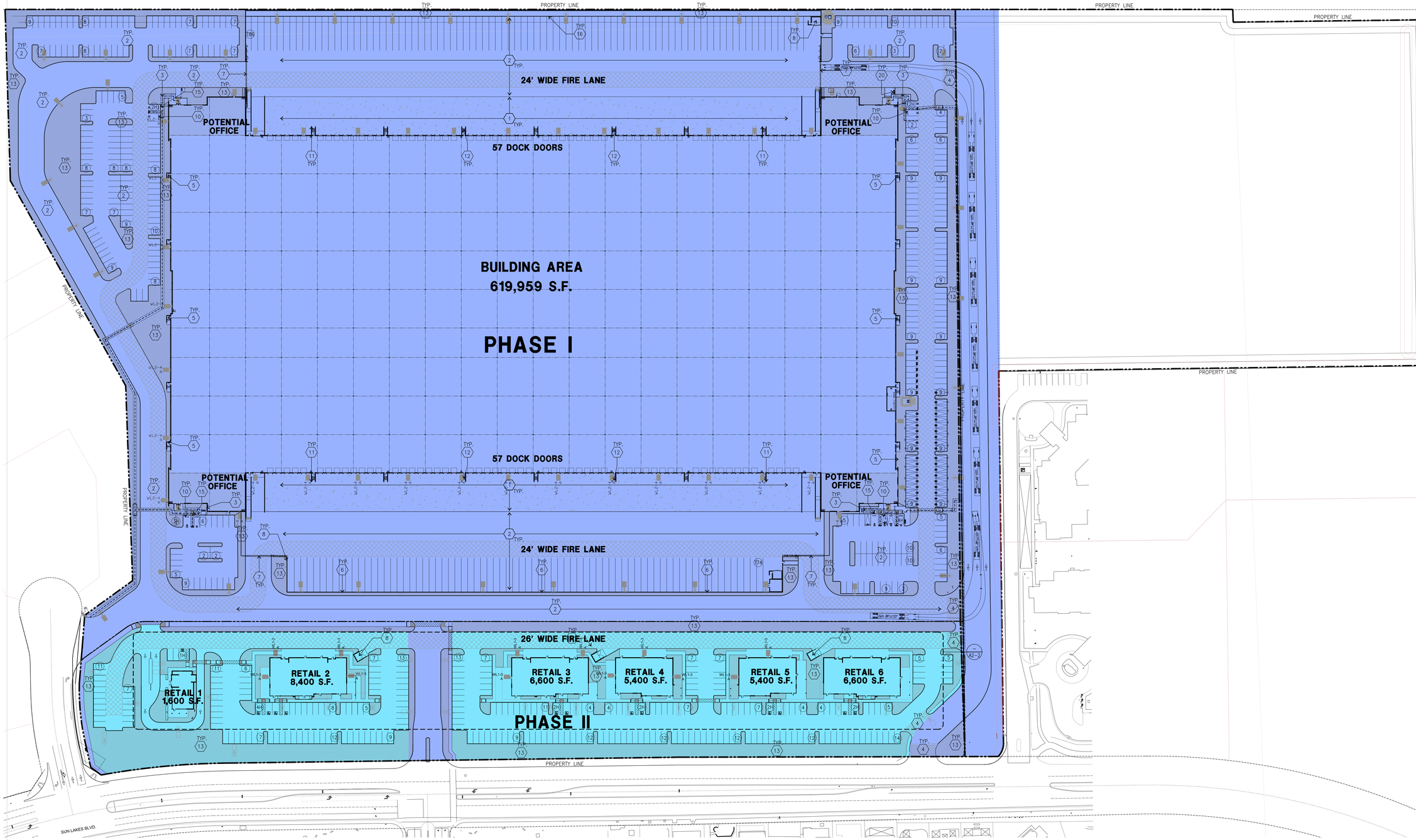
CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL SITE PLAN

Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

Sheet: DAB-A1.1

OFFICIAL USE ONLY



OVERALL SITE PLAN A
scale: 1" = 60'-0"

SCALE: 1" = 60'-0"
0 60' 120' 180'
N TRUE NORTH

LEGEND

- PHASE I
- PHASE II

HPA architecture

hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchs.com

LICENSED ARCHITECT — YOUNG NAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

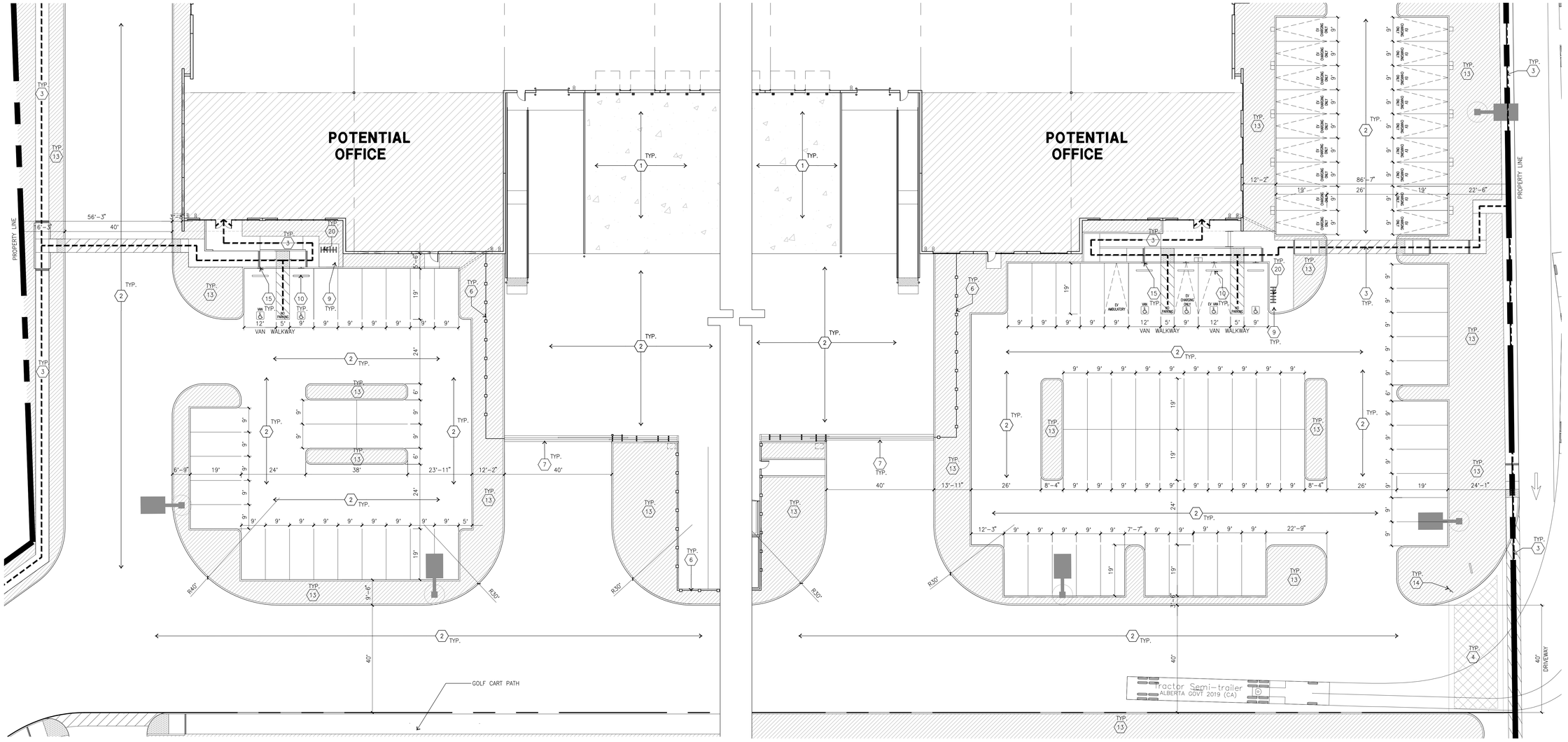
CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: PROJECT PLAN

Project Number:	20394
Drawn by:	SLM
Date:	11/12/21
Revision:	

Sheet:

DAB-A1.1A



ENLARGED SITE PLAN (B)
scale: 1/16" = 1'-0"

0 16' 32' 48' TRUE NORTH

ENLARGED SITE PLAN (A)
scale: 1/16" = 1'-0"

0 16' 32' 48' TRUE NORTH

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT,
2. PAVING PER CIVIL
3. CONCRETE WALKWAY
4. DRIVEWAY APRON @ ENTRANCE
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX.
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7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE, REFER TO DAB-A1.5
9. SMOKING AREA.
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST "6 DIA. U.N.O. 42" H,
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. HANDICAPPED ENTRY SIGN
15. HANDICAPPED PARKING STALL SIGN
16. 14' CONCRETE TILT WALL TO SCREEN THE TRUCK YARD
17. APPROXIMATE LOCATION OF THE TRANSFORMER AND GENERATOR
18. 12" CONCRETE CURB
19. CONCRETE SIDEWALK. SEE CIVIL PLAN.
20. BIKE RACK.

SITE PLAN GENERAL NOTES

1. NOT USED.
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES. DETAILS ON SHEET A0.1 ARE MINIMUM STANDARDS.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
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11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
14. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.
15. ALL NEW UTILITY CONNECTIONS WITHIN THE ROAD RIGHT OF WAY ARE PER SEPARATE REVIEW AND PERMIT
16. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.
17. NOT USED.
18. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING – SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

HPA architecture

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LICENSED ARCHITECT
JOHNG NAM
C-29457
3-31-23
RENEWAL DATE
STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

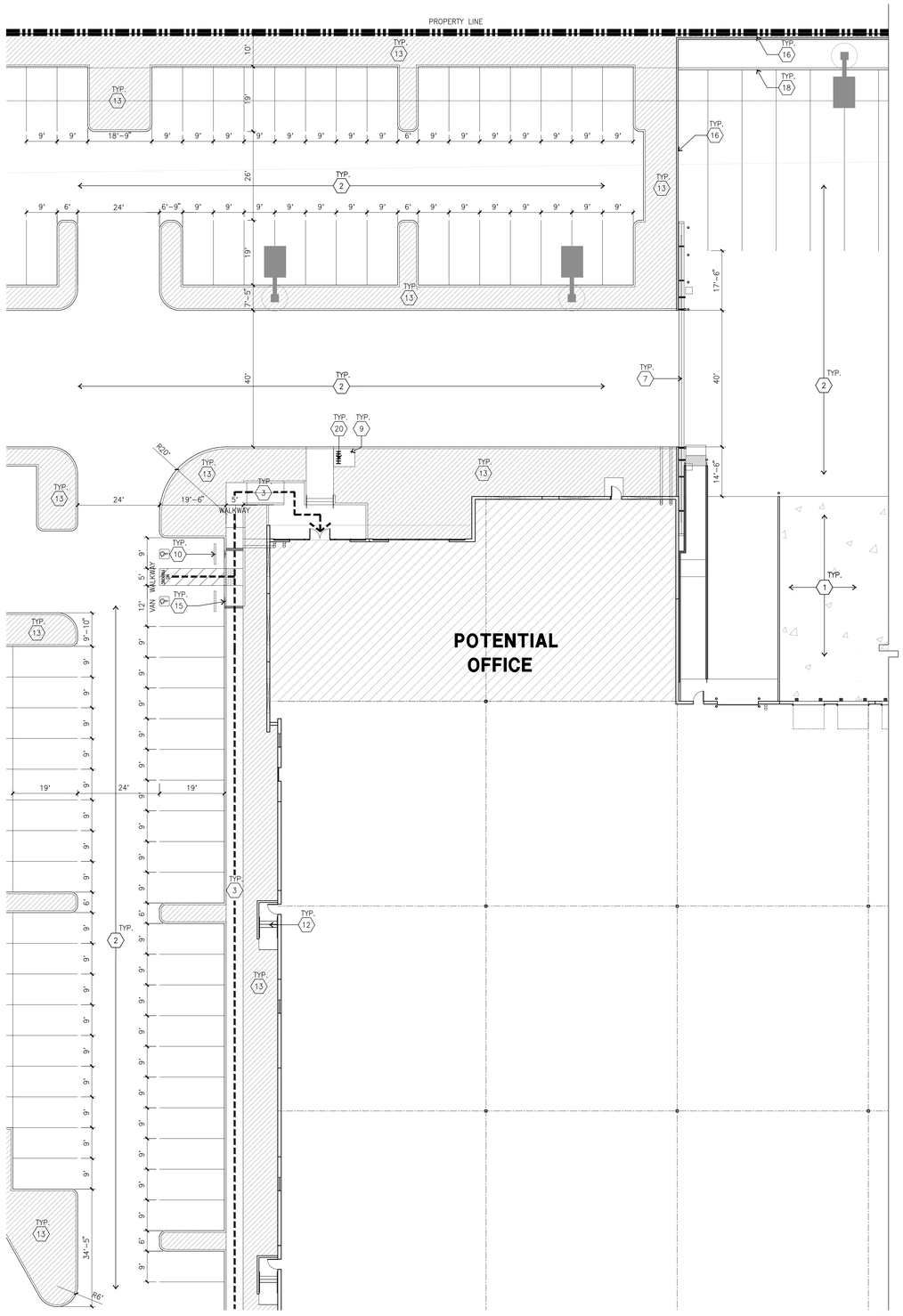
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STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: ENLARGED SITE PLAN

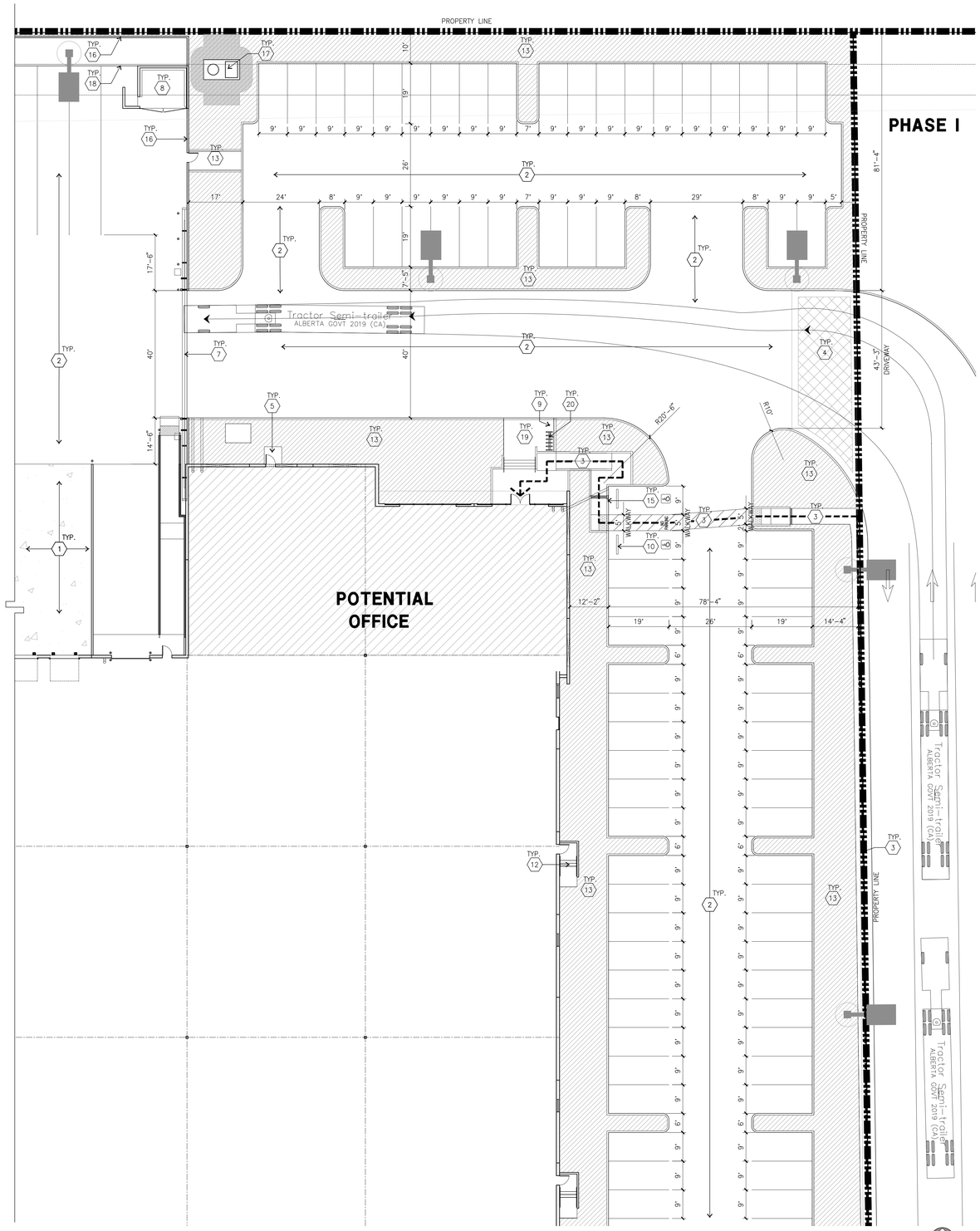
Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

Sheet:

DAB-A1.2



ENLARGED SITE PLAN B
scale: 1/16" = 1'-0"



ENLARGED SITE PLAN A
scale: 1/16" = 1'-0"

0 16' 32' 48'

TRUE NORTH

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT.
2. PAVING PER CIVIL
3. CONCRETE WALKWAY
4. DRIVEWAY APRON @ ENTRANCE
5. 5'-6"X5'-6"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX.
6. 8'H WROUGHT IRON FENCE
7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE, REFER TO DAB-A1.5
9. SMOKING AREA.
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST "6 DIA. U.N.O. 42" H,
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. HANDICAPPED ENTRY SIGN
15. HANDICAPPED PARKING STALL SIGN
16. 14" CONCRETE TILT WALL TO SCREEN THE TRUCK YARD
17. APPROXIMATE LOCATION OF THE TRANSFORMER AND GENERATOR
18. 12" CONCRETE CURB
19. CONCRETE SIDEWALK. SEE CIVIL PLAN.
20. BIKE RACK.

SITE PLAN GENERAL NOTES

1. NOT USED.
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES. DETAILS ON SHEET A0.1 ARE MINIMUM STANDARDS.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C"DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1:20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.
11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
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17. NOT USED.
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19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING – SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

HPA architecture

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LICENSED ARCHITECT — LONG NAME — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

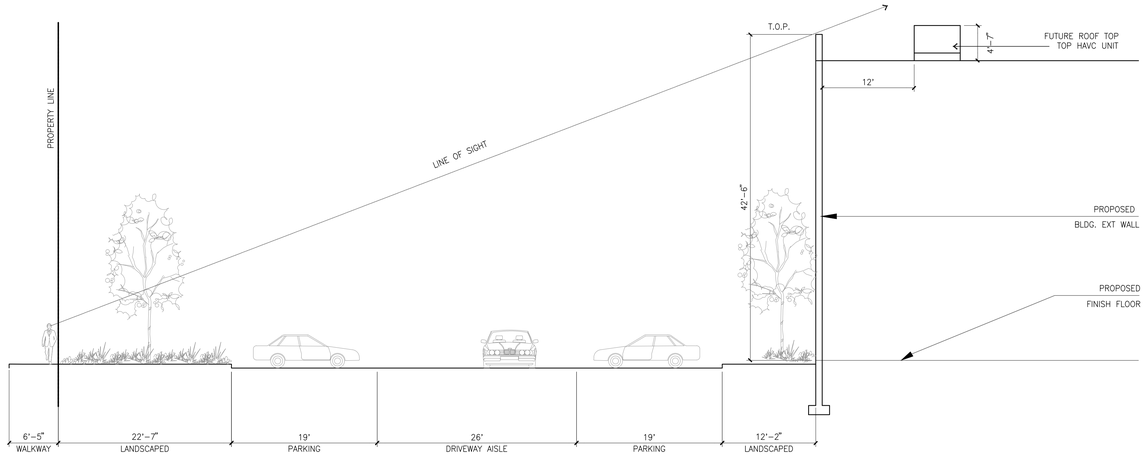
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Project Number:	20394
Drawn by:	SLM
Date:	11/12/21
Revision:	

Sheet:

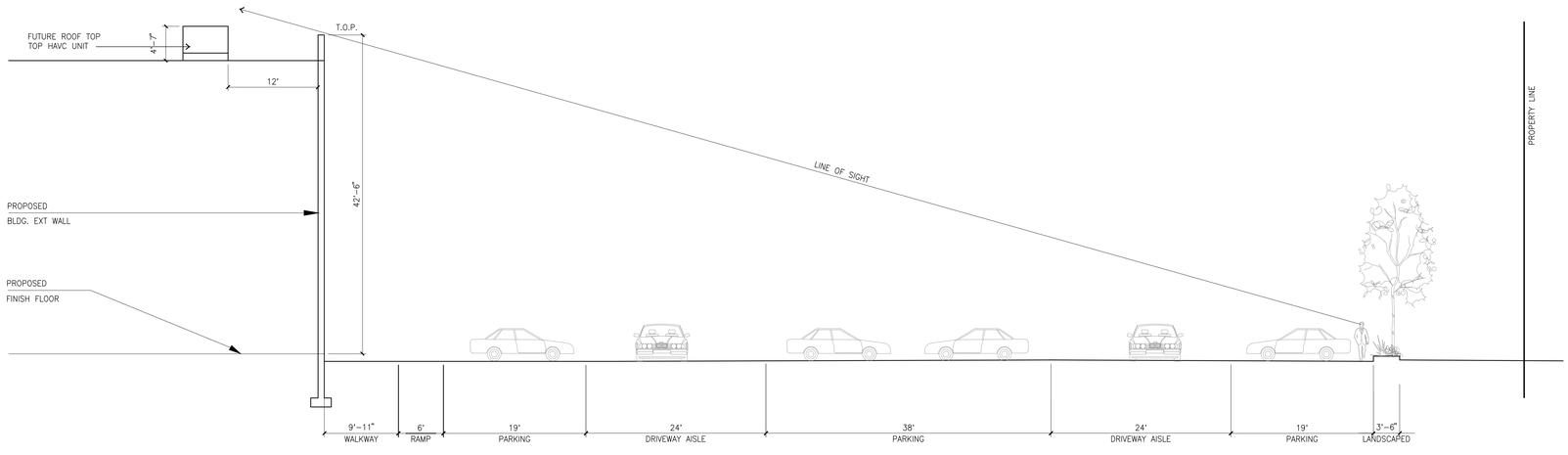
DAB-A1.3

1659



SECTION A
scale: 1/8" = 1'-0"

0 8' 16' 48' TRUE NORTH



SECTION B
scale: 1/8" = 1'-0"

0 8' 16' 24' TRUE NORTH

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LICENSED ARCHITECT
LIONEL MAK
C-29451
3-31-23
RENEWAL DATE
STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: SECTION

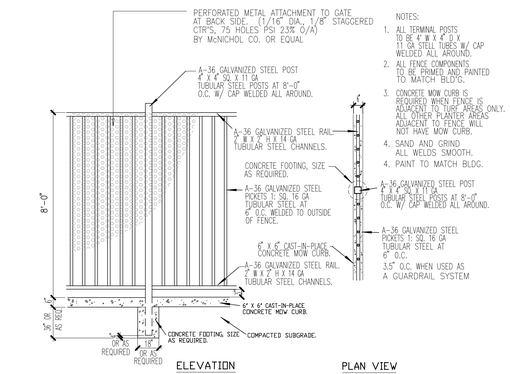
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Drawn by:	SLM
Date:	11/12/21

Revision:

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DAB-A1.4

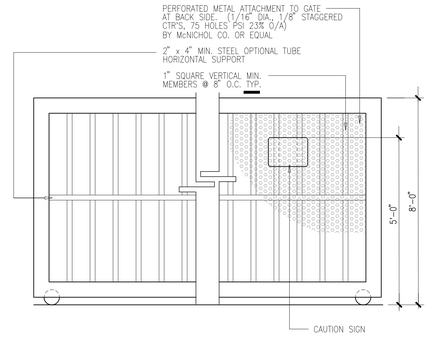
1660



WROUGHT IRON FENCE

SCALE: 1/2" = 1'-0"

3

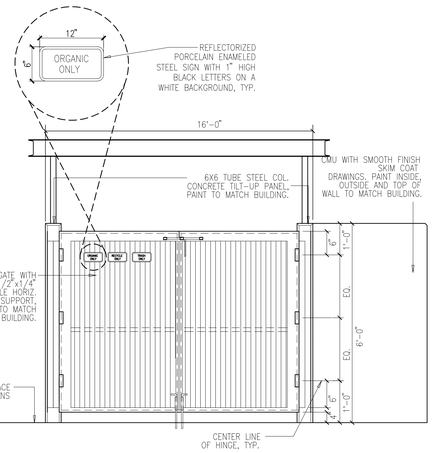


NOTES:
1. SAND AND GRIND ALL WELDS SMOOTH. PRIME AND PAINT TO BLACK
2. SEE SCREEN WALL ELEVATION FOR HEIGHT.
3. EXTERIOR GATES SHALL BE ABLE TO HAVE BUS PAD LOCK FIRE DEPARTMENT PAD LOCK.

METAL GATE

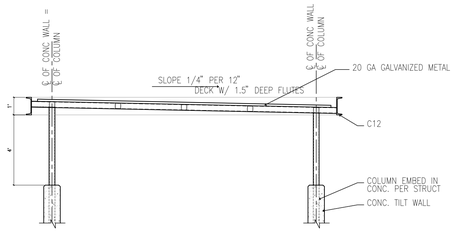
SCALE: 1/2" = 1'-0"

1



TRASH ENCLOSURE GATE ELEVATION

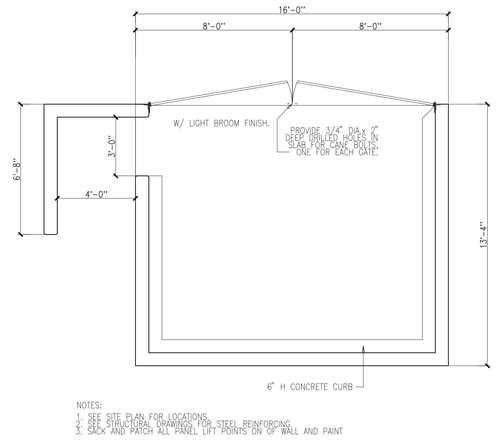
4



TRASH ENCLOSURE/ CANOPY DETAIL

SCALE: N.T.S.

5



NOTES:
1. SEE SITE PLAN FOR LOCATIONS.
2. SEE STRUCTURAL DRAWINGS FOR STEEL REINFORCING.
3. SACK AND PATCH ALL PANEL LIFT POINTS ON OF WALL AND PAINT

TRASH ENCLOSURE PLAN

SCALE: N.T.S.

2

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LICENSED ARCHITECT — KEVIN L. NAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: DETAILS

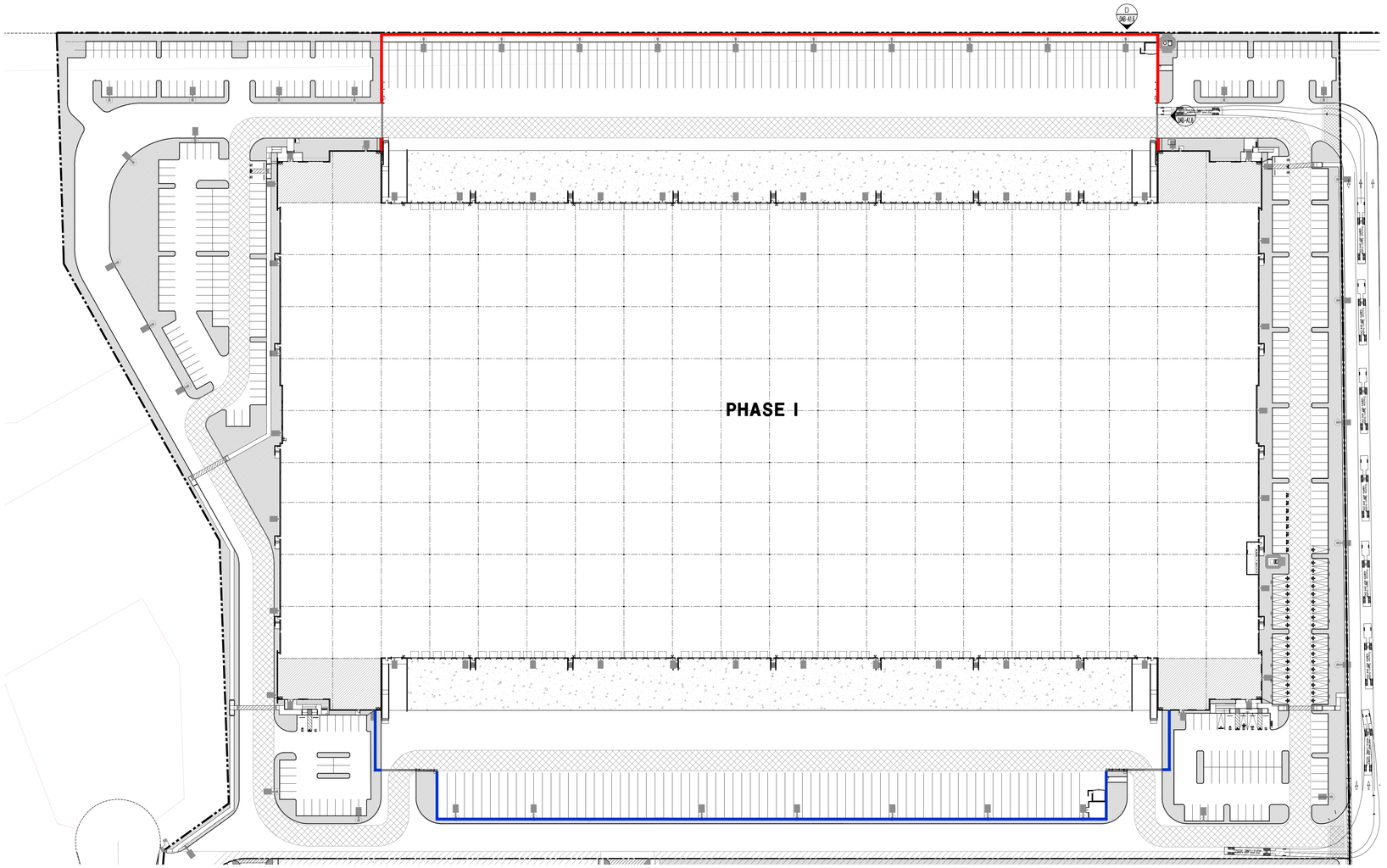
Project Number:	20394
Drawn by:	SLM
Date:	11/10/21

Revision:

Sheet:

DAB-A1.5

1661

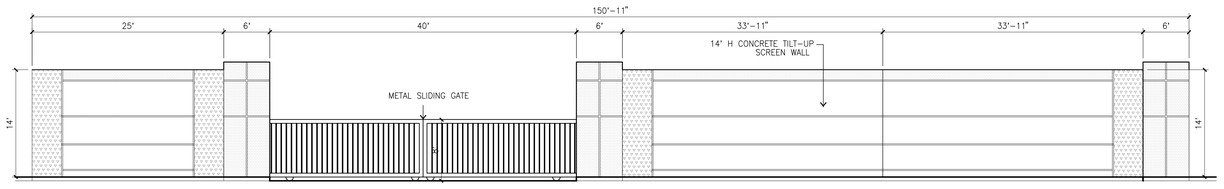


LEGEND

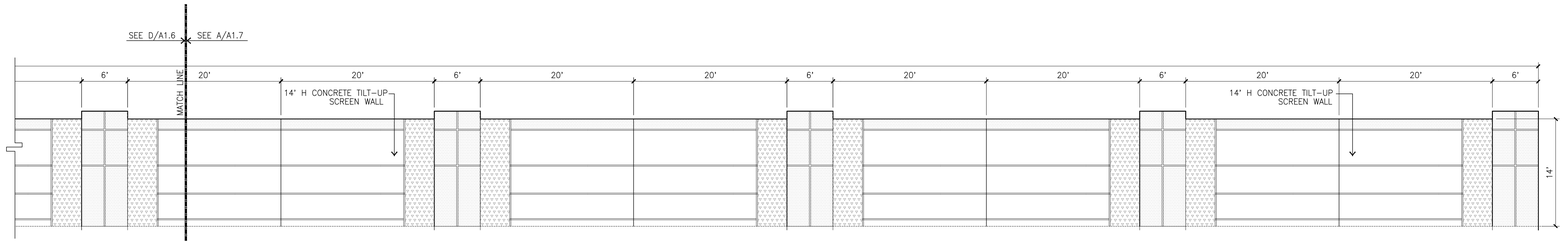
- FENCE
- SCREENWALL

OVERALL SITE PLAN A
scale: 1" = 60'-0"

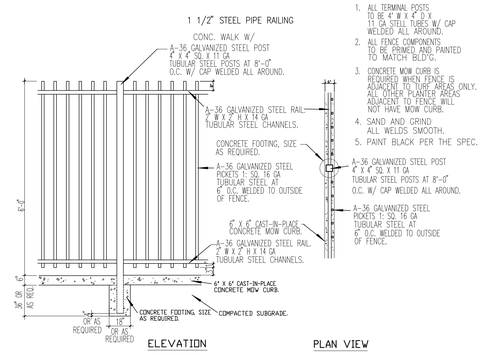
SCALE: 1" = 60'-0"
0 60' 120' 180'
TRUE NORTH



SCREEN WALL C
scale: 1/8"=1'-0"



SCREEN WALL D
scale: 1/8"=1'-0"



METAL FENCE DETAIL B
scale: 1/8"=1'-0"

HPA architecture

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email: hpa@hparchs.com

LICENSED ARCHITECT
LICENSE NAME
C-29451
3-31-23
RENEWAL DATE
STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

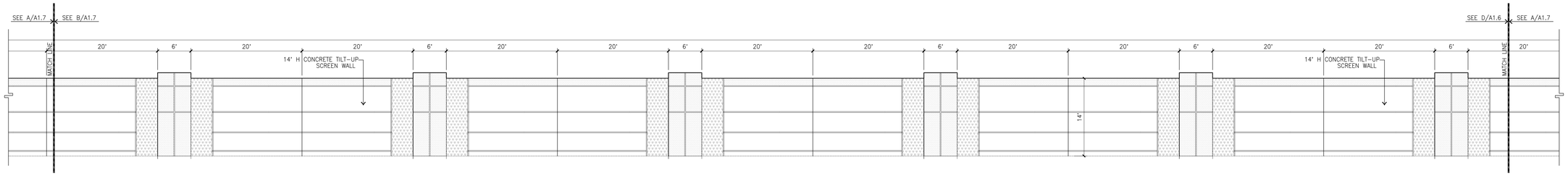
Title: SCREENWALL

Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

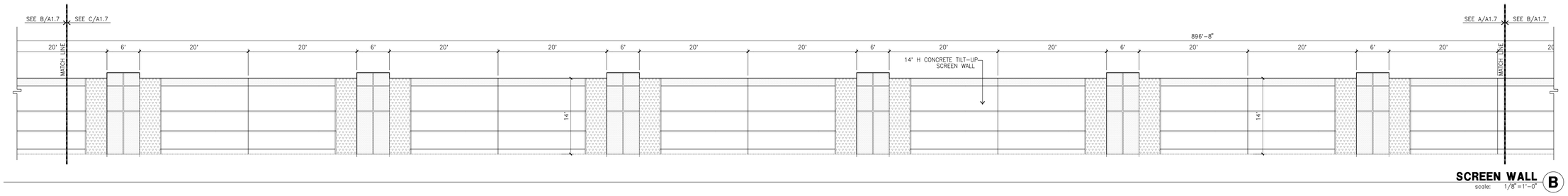
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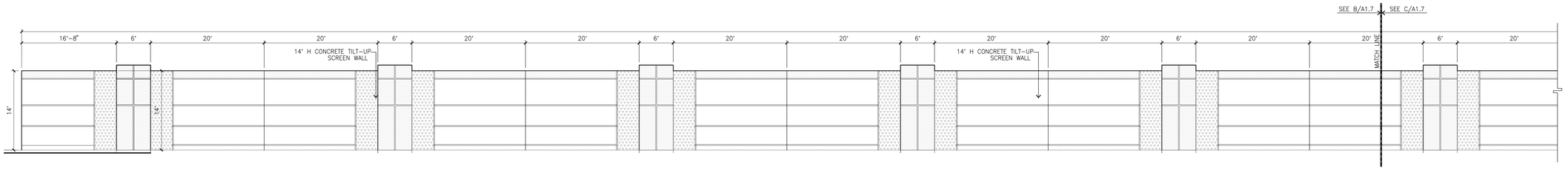
1662



SCREEN WALL A
scale: 1/8"=1'-0"

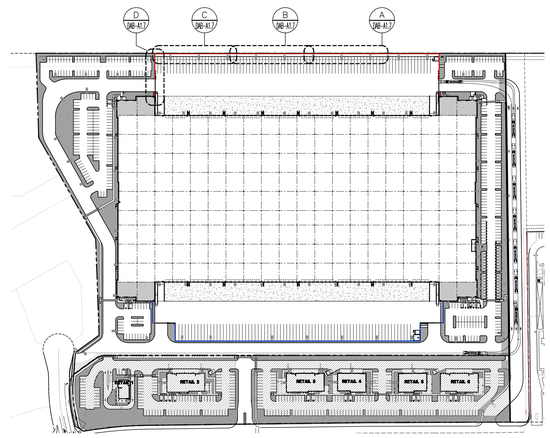


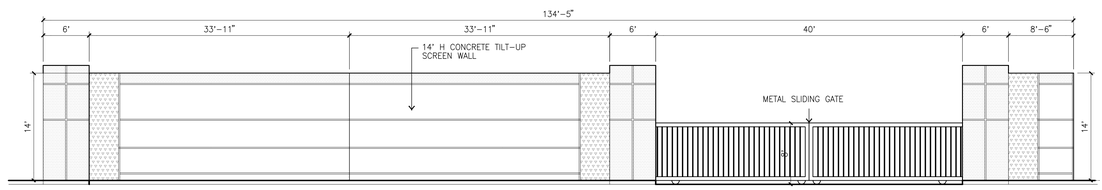
SCREEN WALL B
scale: 1/8"=1'-0"



SCREEN WALL C
scale: 1/8"=1'-0"

KEYMAP





SCREEN WALL D
scale: 1/8"=1'-0"

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email: hpa@hparchs.com

LICENSED ARCHITECT
JOHN NAM
C-29451
3-31-23
RENEWAL DATE
STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

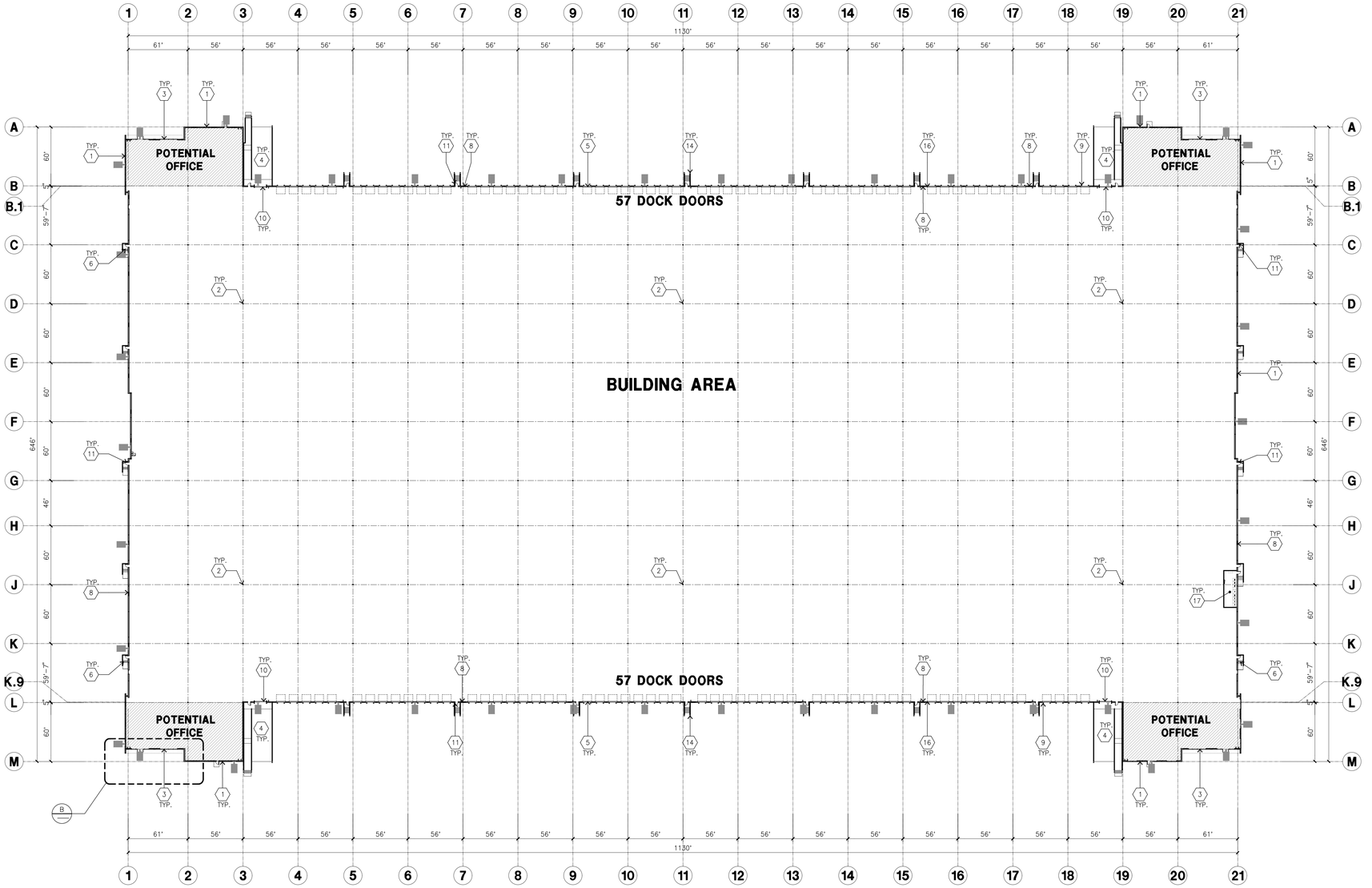
CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: SCREENWALL

Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

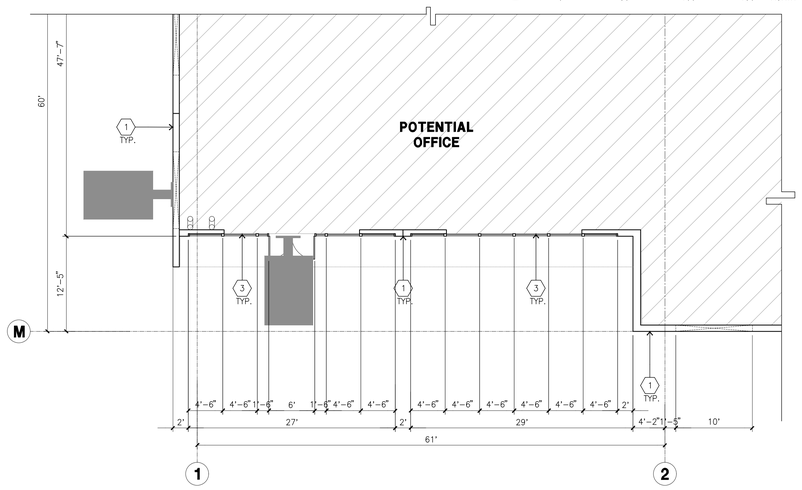
Sheet:

DAB-A1.7



OVERALL FLOOR PLAN A
scale: 1" = 50'-0"

SCALE: 1" = 50'-0"
0 50' 100' 150'
TRUE NORTH



ENLARGED FLOOR PLAN A
scale: 1/8" = 1'-0"

SCALE: 1/8" =1'-0"
0 8' 16' 24'
TRUE NORTH

KETNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL.
2. STRUCTURAL STEEL COLUMN.
3. TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
4. CONCRETE RAMP W/ 42"HIGH CONC TILT-UP GUARD WALL OR BUILDING WALL ON BOTH SIDE OF RAMP, SEE "S" DWG FOR DETAIL.
5. 9'-0" X 10' TRUCK DOOR, SECTIONAL O'H., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
6. EXTERIOR CONCRETE STAIR
7. 5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
8. LOUVERED OPENING FOR VENTILATION.
9. DOCK DOOR BUMPER
10. 12' X 14' DRIVE THRU. SECTIONAL OH., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
11. 3'X7' HOLLOW METAL EXTERIOR MAN DOOR. DESIGNED TO RESIST WIN 90 MPH., EXPOSURE "C".
12. NOT USED
13. NOT USED
14. CONC. FILLED GUARD POST. 6" DIA. U.N.O.. 42"H.
15. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER,
16. Z GUARD
17. APPROXIMATE LOCATION OF ELECTRICAL ROOM

GENERAL NOTES - FLOOR PLAN

A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.
B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.
C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWINGS FOR FINISH SURFACE ELEVATIONS.
D. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL GYP. BD. WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
E. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOOR EXITS. SEE "S" DRAWINGS FOR POUR STRIP LOCATION.
F. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.O.
G. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS. PLUMBING/ELECTRICAL COORDINATION.
H. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET AD.4. NOTE: ALL DOORS PER DOOR SCHEDULE ARE FINISH OPENINGS.
I. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DIAPERED INCLUDING CARS AND TRUCKS.
J. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HARDWARE.
K. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
L. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
M. NON-ACCESSIBLE DOOR. PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 1133B.1.1.1
N. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW, SEE A/A4.1 OFFICE SECTION.

FLOOR SLAB AND POUR STRIPS REQ.

THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS

1. FLOOR COMPACTION - 95%
2. TRENCH COMPACTION - 90%
3. BUILDING FLOOR SLAB:
   A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS
   B. 3/4" - 16"LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS
      3/4" - 16"LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS.
   C. 4,000 P.S.I. REQUIREMENT.
   D. SLUMP TO BE 4" +/- 1"
   E. JOINT SPACING PER A.C.I. 302-1R-96
   F. SAW-CUT DEPTH 1/4 T; SOFT SAW-CUTTING WITHIN 2 HRS OF FINISHING
4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-1R-96
5. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH.
6. CONTRACTOR TO CURE SLAB TO BE WET CURING USING BURLINE FOR 7 DAYS MIN.
7. ALL EQUIPMENT & MOVING VEHICLES SHALL BE DIAPERED.
8. NO CRANES, CONCRETE TRUCKS, OR ANYTHING HEAVIER WILL BE PLACED ON THE SLAB.
9. SLAB TO BE FF35 FL24 MEASURED WITHIN 24 HOURS.
10. NO FLY ASH IN THE CONCRETE
11. WHERE [ ] INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION.
    CONCRETE SLAB IN FUTURE OFFICE AREAS, WHERE SAND OVER VIQUEEN ARE REQUIRED, SHALL BE NATURALLY HYDRATED WITHOUT USE OF BURLENE, CURING COMPOUND, OR RELEASE AGENTS.
    CONTROL/CONSTRUCTION JOINTS SHALL NOT BE FILLED WITH MM-80 JOINT FILLER IN FUTURE OFFICE AREAS.
12. SEAL CONCRETE SLAB W/ "LIPIDOLITH" SEALER

HPA architecture
hpa, inc.
18831 bardeen avenue, - ste. #100
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email: hpa@hparchs.com

LICENSED ARCHITECT — JOHN G. HAAN — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

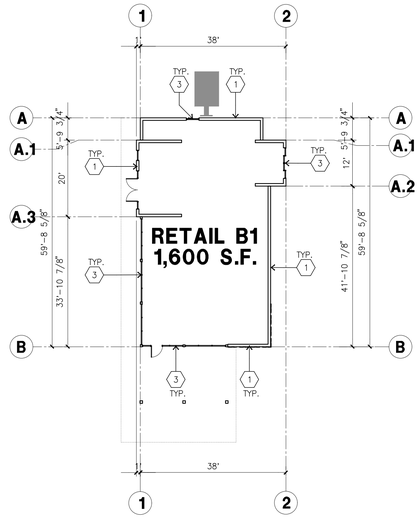
CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL FLOOR PLAN

Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

Sheet:

DAB-A2.1



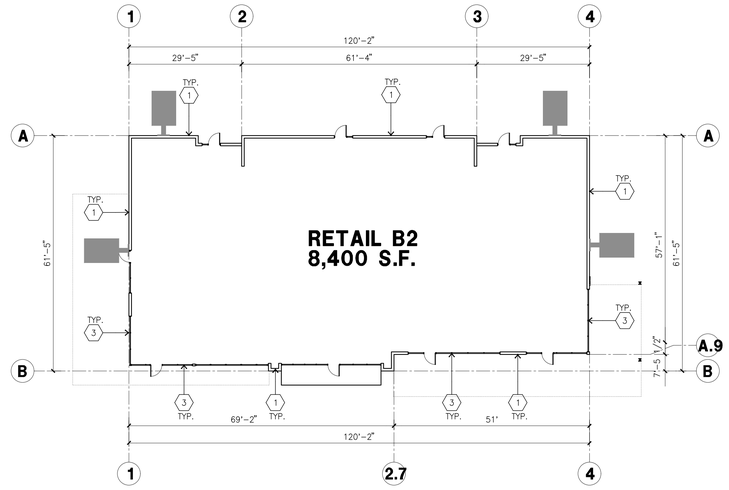
OVERALL FLOOR PLAN A

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SCALE: 1/16" = 1'-0"

0 16' 32' 46'

TRUE NORTH



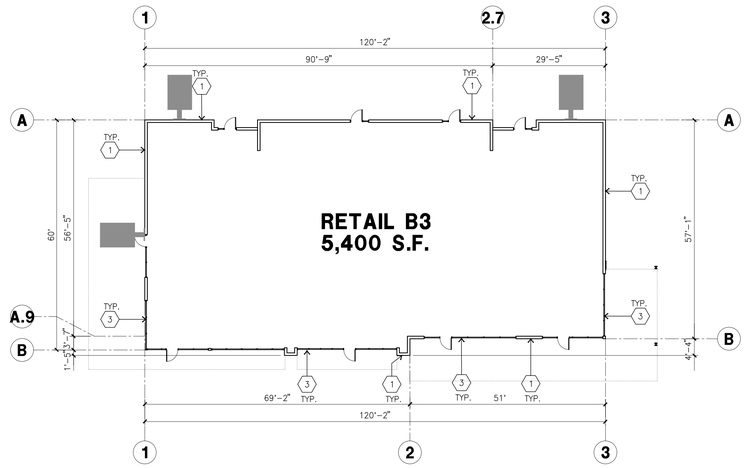
OVERALL FLOOR PLAN B

scale: 1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

0 16' 32' 46'

TRUE NORTH



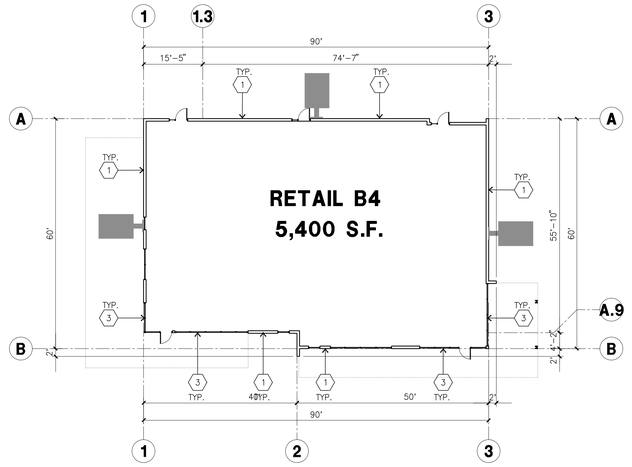
OVERALL FLOOR PLAN C

scale: 1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

0 16' 32' 46'

TRUE NORTH



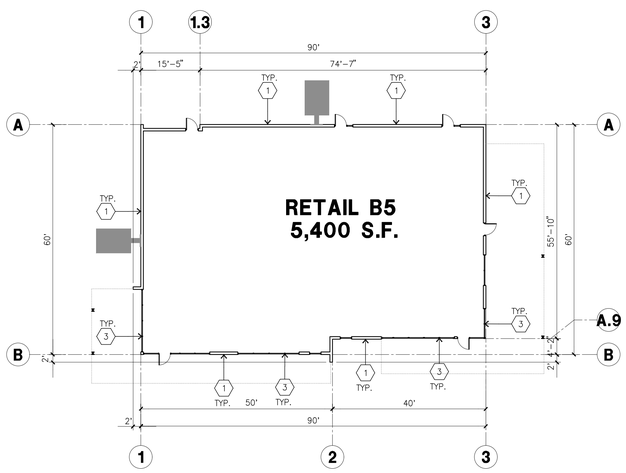
OVERALL FLOOR PLAN D

scale: 1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

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TRUE NORTH



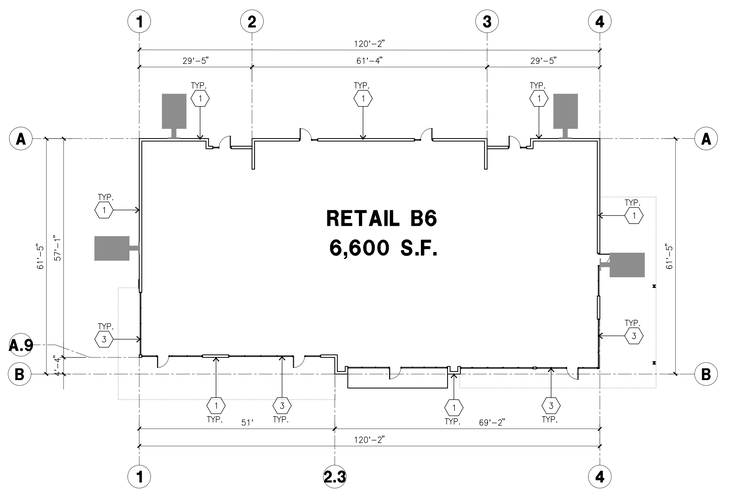
OVERALL FLOOR PLAN E

scale: 1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

0 16' 32' 46'

TRUE NORTH



OVERALL FLOOR PLAN F

scale: 1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

0 16' 32' 46'

TRUE NORTH

KETNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL.
2. STRUCTURAL STEEL COLUMN.
3. TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
4. CONCRETE RAMP W/ 42"HIGH CONC TILT-UP GUARD WALL OR BUILDING WALL ON BOTH SIDE OF RAMP, SEE "S" DWG FOR DETAIL.
5. 9'-0" X 10' TRUCK DOOR, SECTIONAL O/H., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
6. EXTERIOR CONCRETE STAIR
7. 5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BLOOM FINISH. SLOPE TO BE 1/4" : 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
8. LOUVERED OPENING FOR VENTILATION.
9. DOCK DOOR BUMPER
10. 12' X 14' DRIVE THRU. SECTIONAL OH., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
11. 3'X7' HOLLOW METAL EXTERIOR MAN DOOR DESIGNED TO RESIST WIN 90 MPH., EXPOSURE "C".
12. NOT USED
13. NOT USED
14. CONC. FILLED GUARD POST. 6" DIA. U.N.O.. 42"H.
15. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER.
16. Z GUARD
17. APPROXIMATE LOCATION OF ELECTRICAL ROOM

GENERAL NOTES - FLOOR PLAN

A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.

B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.

C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWINGS FOR FINISH SURFACE ELEVATIONS.

D. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL GYP. BD. WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.

E. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOOR EXITS. SEE "S" DRAWINGS FOR POUR STRIP LOCATION.

F. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.O.

G. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS. PLUMBING/ELECTRICAL COORDINATION.

H. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET A0.4. NOTE: ALL DOORS PER DOOR SCHEDULE ARE FINISH OPENINGS.

I. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DIAPERED INCLUDING CARS AND TRUCKS.

J. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HARDWARE.

K. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.

L. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.

M. NON-ACCESSIBLE DOOR. PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 1133B.1.1.1

N. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW, SEE A/A4.1 OFFICE SECTION.

FLOOR SLAB AND POUR STRIPS REQ.

THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS

1. FLOOR COMPACTION – 95%
2. TRENCH COMPACTION – 90%
3. BUILDING FLOOR SLAB:
   - A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS
   - B. 3/4" – 16"LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS
     3/4" – 16"LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS.
   - C. 4,000 P.S.I. REQUIREMENT.
   - D. SLUMP TO BE 4" +/- 1"
   - E. JOINT SPACING PER A.C.I. 302-IR-96
   - F. SAW-CUT DEPTH 1/4 T; SOFT SAW-CUTTING WITHIN 2 HRS OF FINISHING
4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-IR-96
5. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH.
6. CONTRACTOR TO CURE SLAB TO BE WET CURING USING BURLINE FOR 7 DAYS MIN.
7. ALL EQUIPMENT & MOVING VEHICLES SHALL BE DIAPERED.
8. NO CRANES, CONCRETE TRUCKS, OR ANYTHING HEAVIER WILL BE PLACED ON THE SLAB
9. SLAB TO BE FF35 FL24 MEASURED WITHIN 24 HOURS.
10. NO FLY ASH IN THE CONCRETE
11. WHERE [▨] INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION.
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12. SEAL CONCRETE SLAB W/ "LIPIDOLITH" SEALER

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LICENSED ARCHITECT — LICENSE NAME — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

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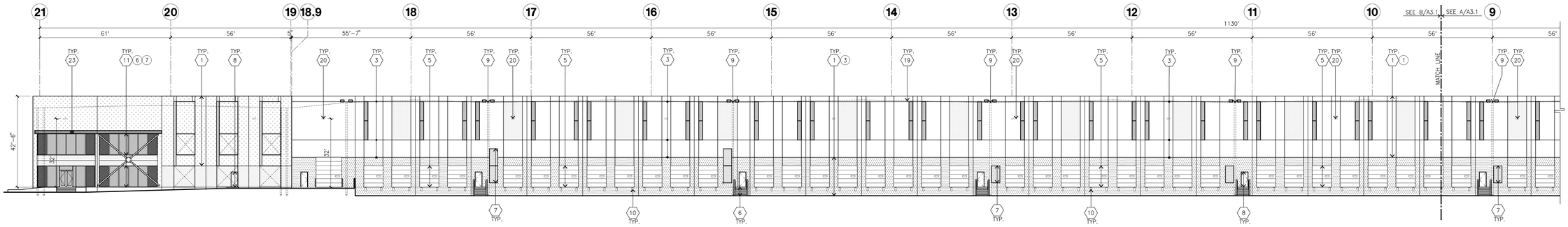
CIVIL	THIENES
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Title: RETAIL FLOOR PLAN

Project Number:	20394
Drawn by:	SLM
Date:	11/10/21
Revision:	

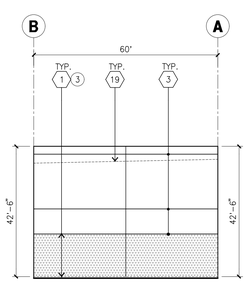
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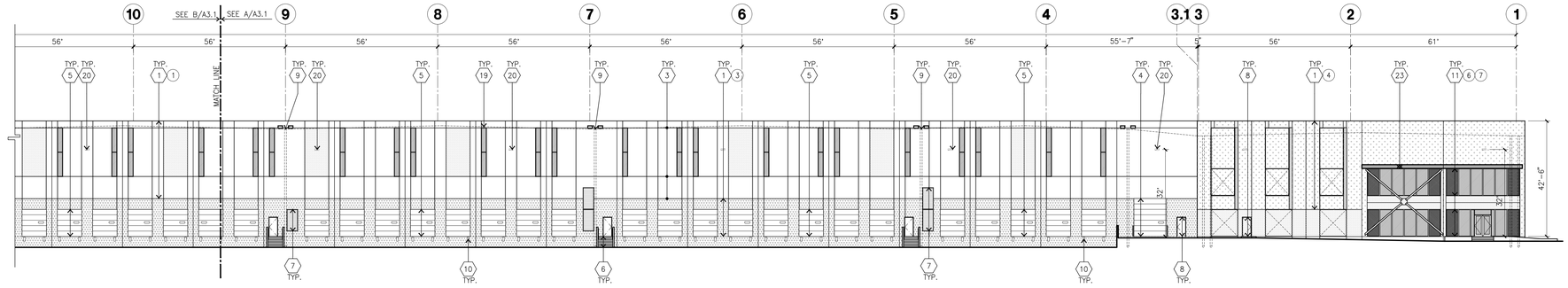
NORTH ELEVATION A

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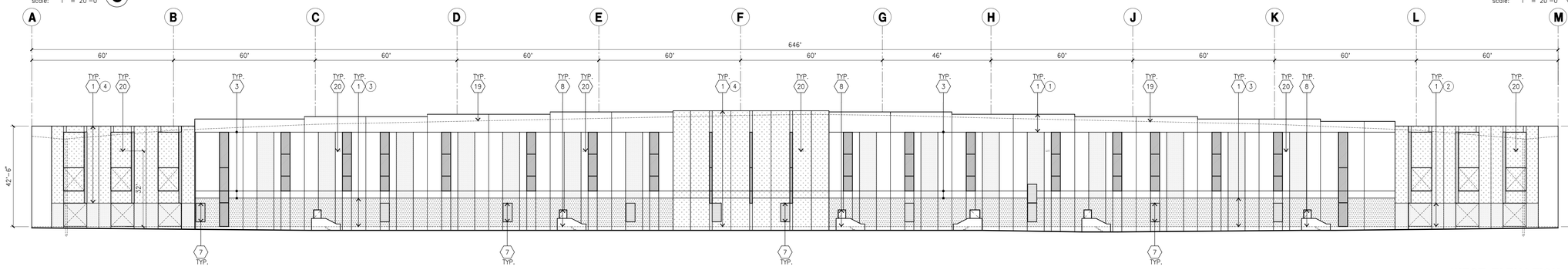
NORTHWEST ELEVATION C

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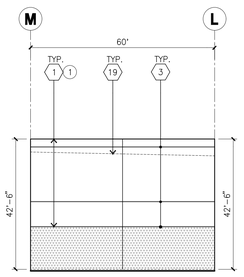
NORTH ELEVATION (CON'T.) B

scale: 1" = 20'-0"



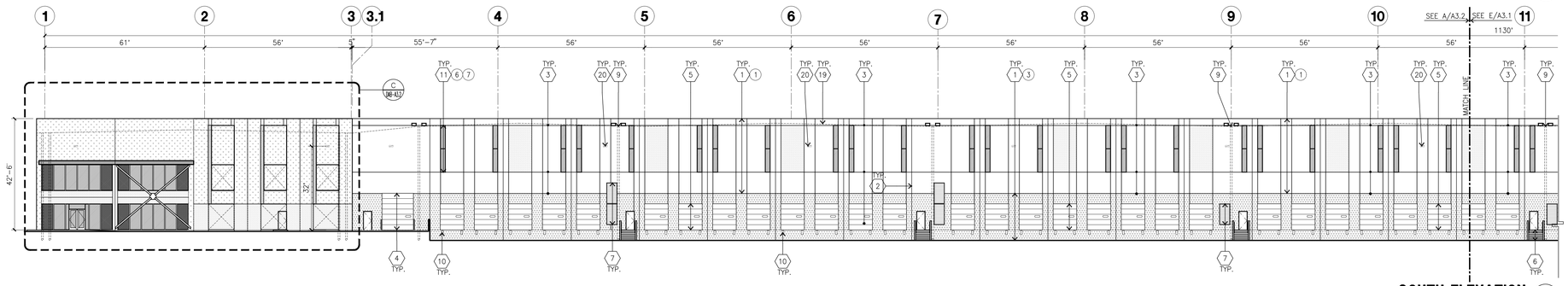
WEST ELEVATION D

scale: 1" = 20'-0"



SOUTHWEST ELEVATION F

scale: 1" = 20'-0"



SOUTH ELEVATION E

scale: 1" = 20'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE "C" DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. 12" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT RAMP WALLS.
2. PANEL JOINT. SEE "S" DRAWINGS. SEE 4/AD.3
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ DRIVE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
5. OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER, SEE DETAIL 8/AD.4. PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE FOR RAIN DIVERTER ABOVE DOOR. PAINT TO MATCH FIELD COLOR.
9. EXTERIOR METAL DOWNSPOUT WITH 2 OVERFLOW SCUPPERS. SEE DETAIL 12,13,14,15/AD.3.
10. DOCK BUMPER. SEE DETAIL 4/AD.4.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, AND WINDOWS. SEE DETAIL 12/AD.4
12. METAL GATE WITH KNOX BOX PER FIRE DEPARTMENT SEE 8/AD.2 PRIME AND PAINT BLACK
13. EXTERIOR METAL STAIR. SEE DETAILS 1, 2, 3, 3A, 5/AD.5.
14. INTERIOR ROOF DRAIN WITH 2 OVERFLOW SCUPPERS. CONTRACTOR TO VERIFY WITH "P" DWGS. SEE DETAIL 17/AD.3.
15. NOT USED.
16. ILLUMINATED BUILDING ADDRESS PER FIRE DEPT. REQUIREMENTS. 2" THICK HIGH DENSITY FOAM "HELVATIC BOLD" LETTER W/ 1/16" PVC FACES EPOXY TO WALL. COLOR TO BE SELECTED BY ARCHITECT.
17. CONCRETE RAMP AND GUARDRAIL W/ METAL HANDRAIL.
18. PARAPET RETURN. SEE ROOF PLAN AND "S" DWGS.
19. ROOF LINE BEYOND.
20. EXTERIOR LIGHTING FIXTURE. CENTER BETWEEN PANEL OR ON JOINT U.N.O. SEE "E" DWGS.
21. CONC. FILLED STEEL BOLLARDS, SEE FLR. PLAN.
22. NOT USED.
23. TUBE STEEL CANOPY. SEE "S" DWG. DETAILS 17, 19/AD.3A.
24. DOWNSPOUT PROTECTION. SEE DETAIL 2/AD.3A.

SAFETY NOTES - GLAZING

NOTE: EACH LIGHT OF SAFETY GLAZING MATERIAL INSTALLED IN HAZARDOUS LOCATIONS SHALL BE IDENTIFIED BY PERMANENT LABEL THAT SPECIFIES THE LABELER, AND STATES THAT SAFETY GLAZING MATERIAL HAS BEEN UTILIZED IN SUCH INSTALLATIONS.

A. GLAZING IN INGRESS AND EGRESS DOORS EXCEPT JALOUSIES.

B. GLAZING IN FIXED AND SLIDING PANELS OF SLIDING DOOR ASSEMBLIES AND PANELS IN SWING DOORS OTHER THAN WARDROBE DOORS

C. GLAZING IN STORM DOORS.

D. GLAZING IN ALL UNFRAMED SWINGING DOORS.

E. GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS, AND SHOWERS.

F. GLAZING IN FIXED OR OPENABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN 24 INCHES ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE.

G. GLAZING IN AN INDIVIDUAL FIXED OF OPENABLE PANEL, OTHER THAN DESCRIBED IN ITEMS E AND F, THAT MEET ALL OF THE FOLLOWING ARE PRESENT:
1. EXPOSED ARE OF AN INDIVIDUAL PANE GREATER THAN 9 SQUARE FEET.
2. EXPOSED BOTTOM EDGE LESS THAN 18 INCHES ABOVE THE FLOOR.
3. EXPOSED TOP EDGE GREATER THAN 36 INCHES ABOVE THE FLOOR.
4. ONE OR MORE WALKING SURFACES WITHIN 36 INCHES HORIZONTALLY OF THE PLANE OF THE GLAZING.

H. GLAZING IN RAILINGS REGARDLESS OF HEIGHT ABOVE A WALKING SURFACE. INCLUDING ARE STRUCTURAL BALUSTER PANELS AND NONSTRUCTURAL IN-FILL PANELS.

I. GLAZING IN WALLS AND FENCES USED AS THE BARRIER FOR INDOOR AND OUTDOOR SWIMMING POOLS AND SPAS WHEN ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:
1. THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE POOL SIDE OF THE GLAZING.
2. THE GLAZING IS WITHIN 5 FEET OF A SWIMMING POOL OR SPA WATER'S EDGE.

J. GLAZING IN WALLS ENCLOSING STAIRWAY LANDINGS OR WITHIN 5 FEET OF THE BOTTOM AND TOP OF STAIRWAYS WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60 INCHES ABOVE A WALKING SURFACE.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHED. - ELEVATIONS

1	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7006 EXTRA WHITE
2	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7071 GRAY SCREEN
3	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7074 SOFTWARE
4	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7076 CYBERSPACE
5	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7886 HEARTTHROB
6	GLAZING	COLOR BLUE REFLECTIVE GLAZING
7	MULLIONS	COLOR CLEAR ANODIZED MULLIONS
8	CANOPY	SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS HIGH GLOSS/HIGH PERFORMANCE SW 7076 CYBERSPACE COLOR METAL CANOPY

GLAZING LEGEND

TEMPERED SPANDREL GLASS 1/4" CLEAR WITH HARMONY BLUE OPACI #6-0025

TEMPERED VISION INSULATED GLASS PPG: VISTACOOL (2) PACIFICA + SOLARBAN SOLARBAN 60 (3) CLEAR U VALUE: 0.27, SHGC: 0.21 AND VLT: 26% 1" INSULATED GLASS WITH 1/2" AIRSPACE AND (2) 1/4" LITES.

HPA architecture

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LICENSED ARCHITECT — LIONEL NAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

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MECHANICAL
PLUMBING
ELECTRICAL
LANDSCAPE — HUNTER
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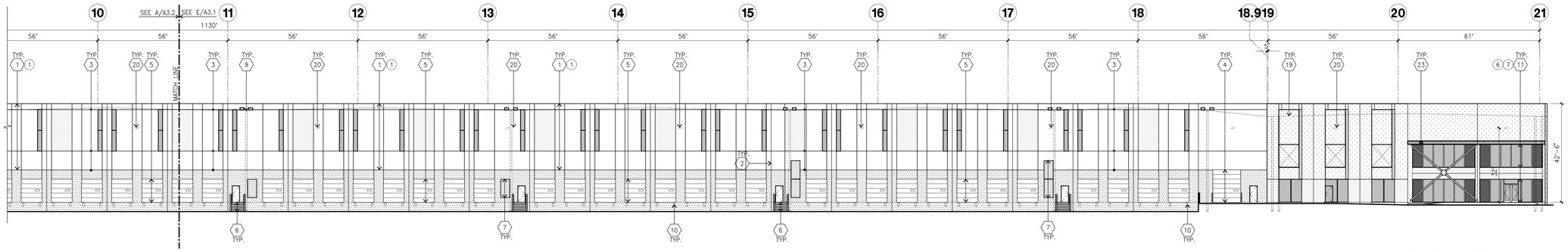
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Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

Sheet:

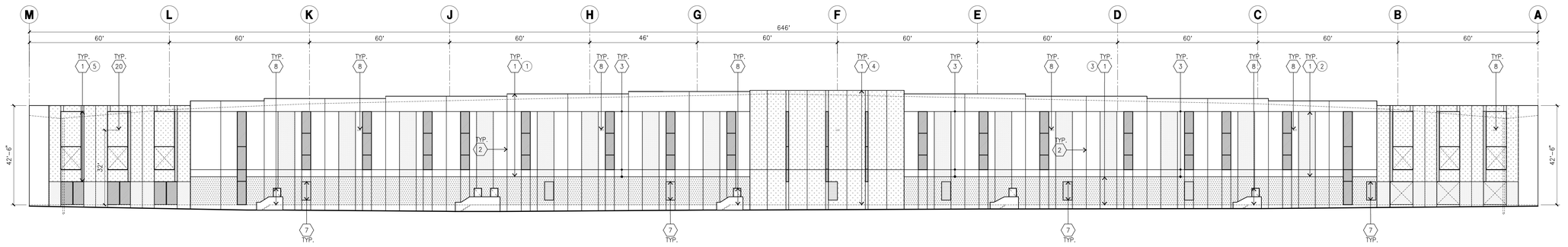
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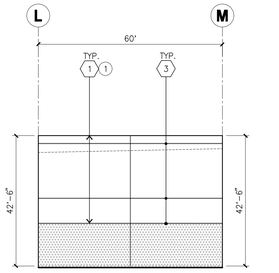
SOUTH ELEVATION (CON'T.) A

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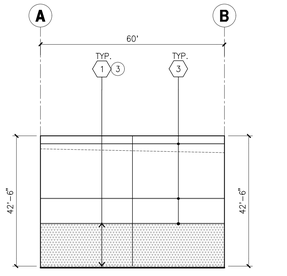
EAST ELEVATION B

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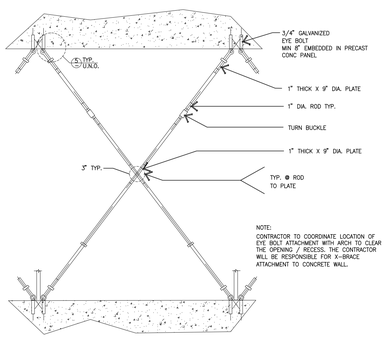
SOUTHEAST ELEVATION E

scale: 1" = 20'-0"



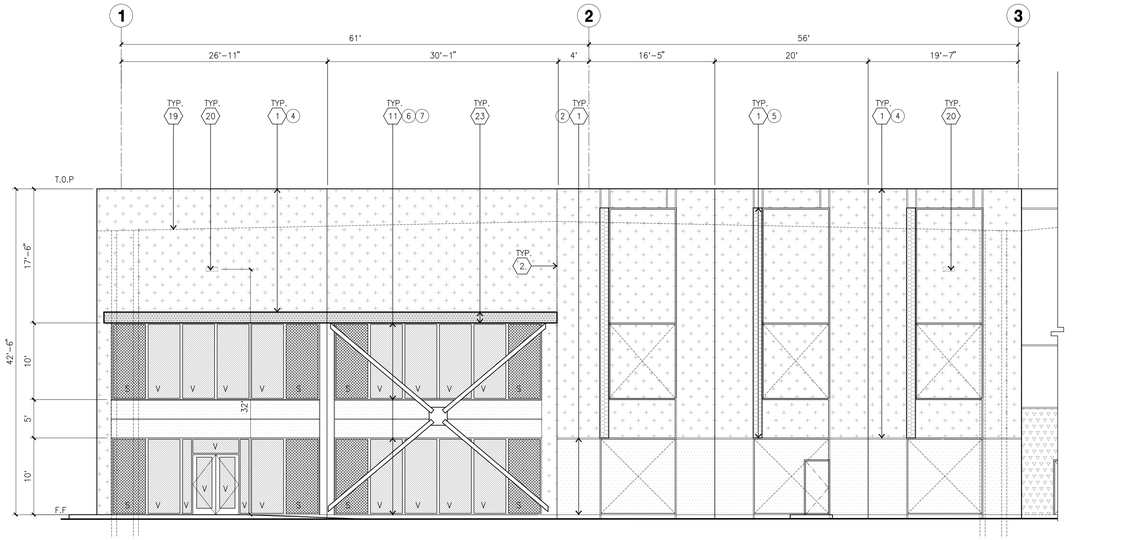
NORTHEAST ELEVATION D

scale: 1" = 20'-0"



X-BRACE ELEVATION AT STOREFRONT F

scale: NTS



ENLARGED NORTH ELEVATION C

scale: 1/18" = 1'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE "C" DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT RAMP WALLS.
2. PANEL JOINT. SEE "S" DRAWINGS. SEE 4/AD.3
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR ⊕ DRIVE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
5. OVERHEAD DOOR ⊕ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER, SEE DETAIL 8/AD.4. PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR. PAINT TO MATCH FIELD COLOR.
9. EXTERIOR METAL DOWNSPOUT WITH 2 OVERFLOW SCUPPERS. SEE DETAIL 12,13,14,15/AD.3.
10. DOCK BUMPER. SEE DETAIL 4/AD.4.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, AND WINDOWS. SEE DETAIL 12/AD.4
12. METAL GATE WITH KNOX BOX PER FIRE DEPARTMENT SEE 8/AD.2 PRIME AND PAINT BLACK
13. EXTERIOR METAL STAIR. SEE DETAILS 1, 2, 3, 3A, 5/AD.5.
14. INTERIOR ROOF DRAIN WITH 2 OVERFLOW SCUPPERS. CONTRACTOR TO VERIFY WITH "P" DWGS, SEE DETAIL 17/AD.3.
15. NOT USED.
16. ILLUMINATED BUILDING ADDRESS PER FIRE DEPT. REQUIREMENTS. 24"H x 2" THICK HIGH DENSITY FOAM "HELVATIC BOLD" LETTER W/ 1/16" PVC FACES EPOXY TO WALL. COLOR TO BE SELECTED BY ARCHITECT.
17. CONCRETE RAMP AND GUARDRAIL W/ METAL HANDRAIL.
18. PARAPET RETURN. SEE ROOF PLAN AND "S" DWGS.
19. ROOF LINE BEYOND.
20. EXTERIOR LIGHTING FIXTURE. CENTER BETWEEN PANEL OR ON JOINT U.N.O. SEE "E" DWGS.
21. CONC. FILLED STEEL BOLLARDS, SEE FLR. PLAN.
22. NOT USED.
23. TUBE STEEL CANOPY. SEE "S" DWG. DETAILS 17, 19/AD.3A.
24. DOWNSPOUT PROTECTION. SEE DETAIL 2/AD.3A.

SAFETY NOTES - GLAZING

NOTE: EACH LIGHT OF SAFETY GLAZING MATERIAL INSTALLED IN HAZARDOUS LOCATIONS SHALL BE IDENTIFIED BY PERMANENT LABEL THAT SPECIFIES THE LABELER, AND STATES THAT SAFETY GLAZING MATERIAL HAS BEEN UTILIZED IN SUCH INSTALLATIONS.

A. GLAZING IN INGRESS AND EGRESS DOORS EXCEPT JALQUSIES.
B. GLAZING IN FIXED AND SLIDING PANELS OF SLIDING DOOR ASSEMBLIES AND PANELS IN SWING DOORS OTHER THAN WARDROBE DOORS
C. GLAZING IN STORM DOORS.
D. GLAZING IN ALL UNFRAMED SWINGING DOORS.
E. GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS, AND SHOWERS.
F. GLAZING IN FIXED OR OPENABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN 24 INCHES ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE.
G. GLAZING IN AN INDIVIDUAL FIXED OF OPENABLE PANEL, OTHER THAN DESCRIBED IN ITEMS E AND F, THAT MEET ALL OF THE FOLLOWING ARE PRESENT:
   1. EXPOSED ARE OF AN INDIVIDUAL PANE GREATER THAN 9 SQUARE FEET.
   2. EXPOSED BOTTOM EDGE LESS THAN 18 INCHES ABOVE THE FLOOR.
   3. EXPOSED TOP EDGE GREATER THAN 36 INCHES ABOVE THE FLOOR.
   4. ONE OR MORE WALKING SURFACES WITHIN 36 INCHES HORIZONTALLY OF THE PLANE OF THE GLAZING.
H. GLAZING IN RAILINGS REGARDLESS OF HEIGHT ABOVE A WALKING SURFACE. INCLUDING ARE STRUCTURAL BALUSTER PANELS AND NONSTRUCTURAL IN-FILL PANELS.
I. GLAZING IN WALLS AND FENCES USED AS THE BARRIER FOR INDOOR AND OUTDOOR SWIMMING POOLS AND SPAS WHEN ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:
   1. THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE POOL SIDE OF THE GLAZING.
   2. THE GLAZING IS WITHIN 5 FEET OF A SWIMMING POOL OR SPA WATER'S EDGE.
J. GLAZING IN WALLS ENCLOSING STAIRWAY LANDINGS OR WITHIN 5 FEET OF THE BOTTOM AND TOP OF STAIRWAYS WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60 INCHES ABOVE A WALKING SURFACE.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL.= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS, ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHED. - ELEVATIONS

1	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7006 EXTRA WHITE
2	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7071 GRAY SCREEN
3	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7074 SOFTWARE
4	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7076 CYBERSPACE
5	CONCRETE TILT-UP PANEL	PAINT BRAND SHERWIN WILLIAMS SW 7666 HEARTTHROB
6	GLAZING	COLOR BLUE REFLECTIVE GLAZING
7	MULLIONS	COLOR CLEAR ANODIZED MULLIONS
8	CANOPY	SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS HIGH GLOSS/HIGH PERFORMANCE SW 7076 CYBERSPACE COLOR METAL CANOPY

GLAZING LEGEND

TEMPERED SPANDREL GLASS 1/4" CLEAR WITH HARMONY BLUE OPACI #6-0025

V — TEMPERED VISION INSULATED GLASS PPG: VISTACOOL (2) PACIFICA + SOLARBAN SOLARBAN 60 (3) CLEAR U VALUE: 0.27, SHGC: 0.21 AND VLT: 26% 1" INSULATED GLASS WITH 1/2" AIRSPACE AND (2) 1/4" LITES.

HPA architecture

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fax: 949•863•0851
email: hpa@hparchs.com

LICENSED ARCHITECT — JOHN G. NAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL
STRUCTURAL
MECHANICAL
PLUMBING
ELECTRICAL
LANDSCAPE
FIRE PROTECTION
SOILS ENGINEER

THIENES

HUNTER

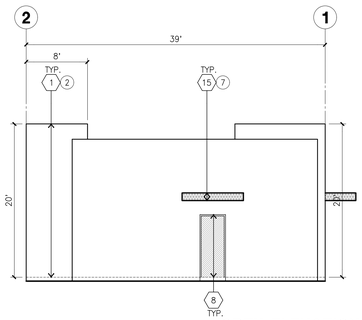
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Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

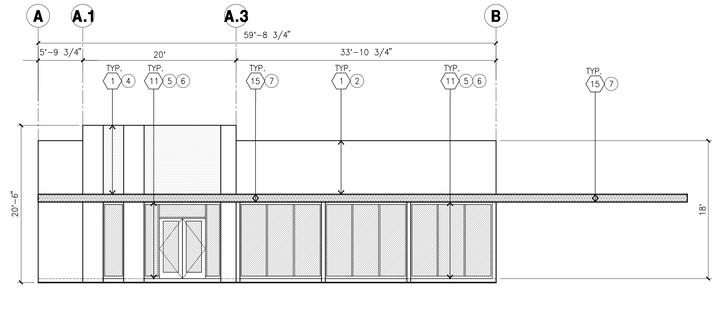
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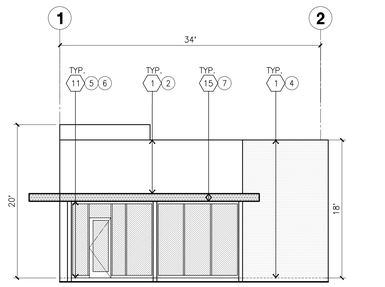
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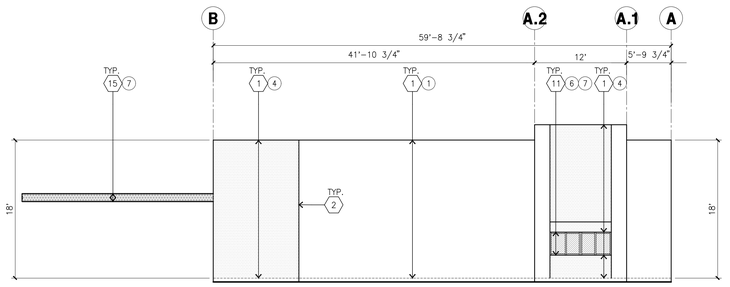
NORTH ELEVATION 1
scale: 1/8" = 1'-0"



WEST ELEVATION 2
scale: 1/8" = 1'-0"



SOUTH ELEVATION 3
scale: 1/8" = 1'-0"



EAST ELEVATION 4
scale: 1/8" = 1'-0"

RETAIL BUILDING 1 ELEVATION A
scale: 1/16"=1'-0"

KEYNOTES - ELEVATIONS

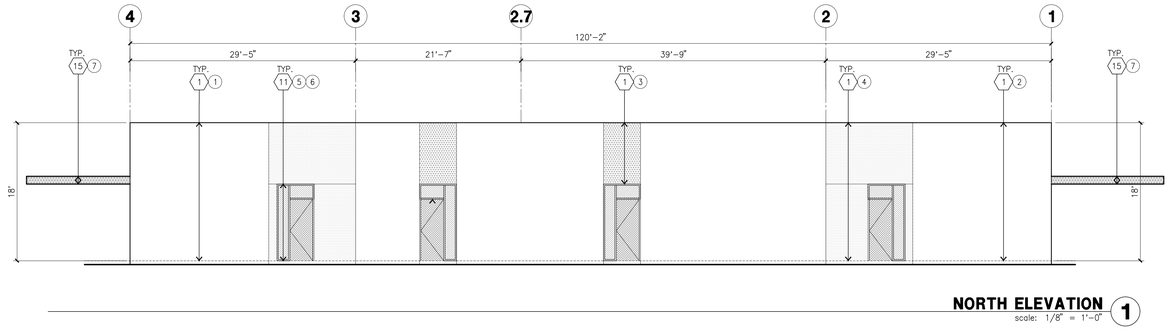
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4. OVERHEAD DOOR @ DRIVE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
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12. NOT USED.
13. NOT USED.
14. NOT USED.
15. ALUCOBOND METAL CANOPY
16. NOT USED.
17. NOT USED.

GENERAL NOTES - ELEVATIONS

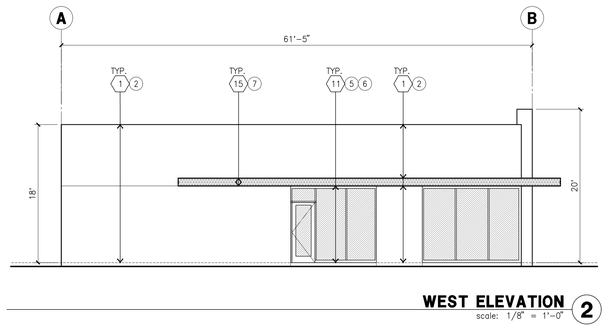
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COLOR SCHEDULE - ELEVATIONS

	1		SHERWIN WILLIAMS PAINT BRAND SW 7006 EXTRA WHITE
	2		PAINT BRAND WHITE BRICK
	3		PAINT BRAND WARM BRICK
	4		PAINT BRAND METAL SIDING
	5	GLAZING	COLOR BLUE REFLECTIVE
	6	MULLIONS	COLOR CLEAR ANODIZED
	7	METAL CANOPY	SHERWIN WILLIAMS ACRYLIC LATEX PAINT BRAND SYSTEMS-SW 7005 PURE WHITE



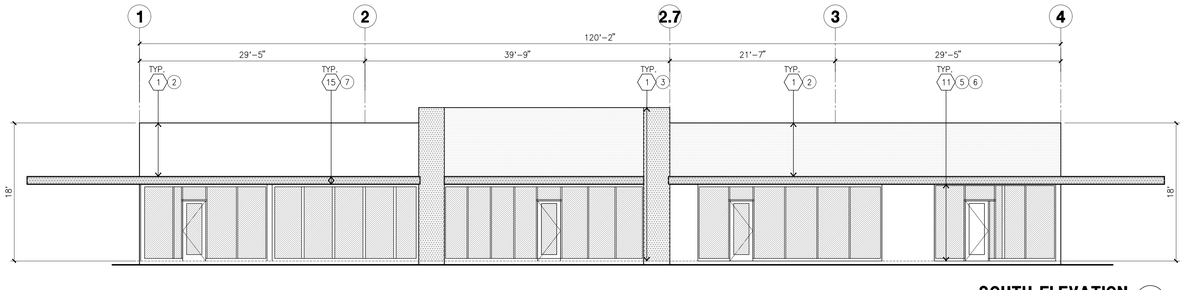
NORTH ELEVATION 1
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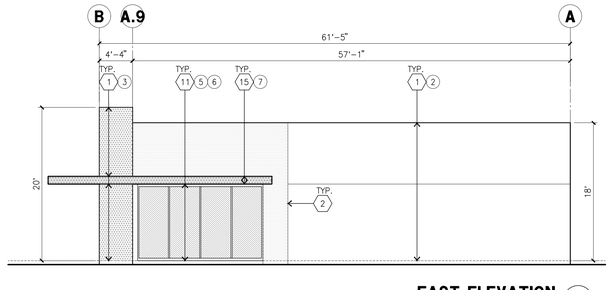
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scale: 1/8" = 1'-0"

GLAZING LEGEND

INSULATED VISION GLASS



SOUTH ELEVATION 3
scale: 1/8" = 1'-0"



EAST ELEVATION 4
scale: 1/8" = 1'-0"

RETAIL BUILDING 2 ELEVATION B
scale: 1/8" = 1'-0"

HPA architecture
hpa, inc.
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email: hpa@hparchs.com

LICENSED ARCHITECT — JOSEPH G. YAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

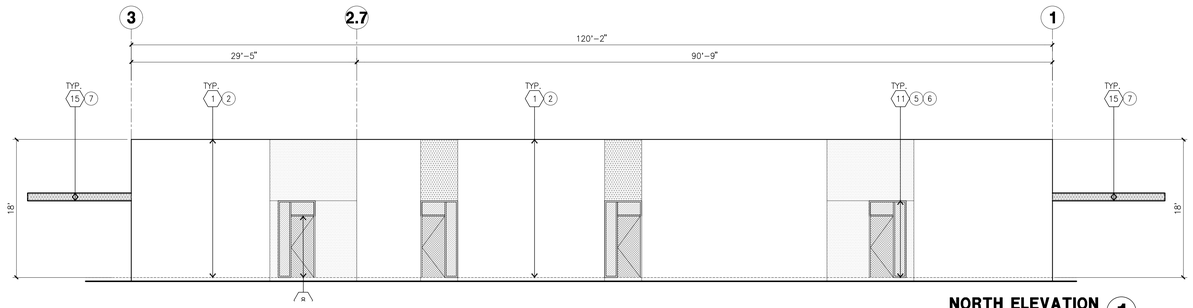
CIVIL THIENES
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LANDSCAPE HUNTER
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SOILS ENGINEER

Title: ELEVATIONS

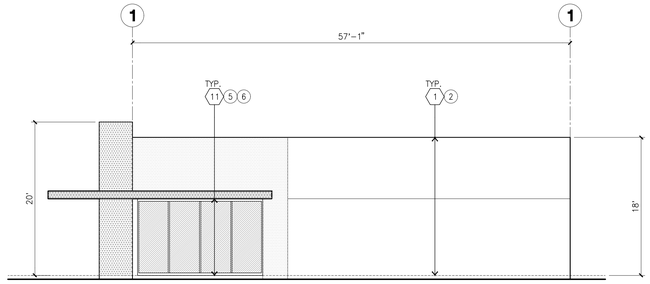
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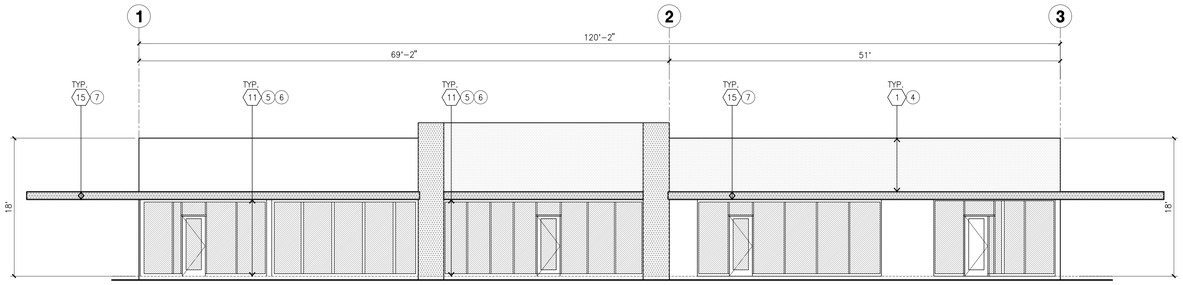
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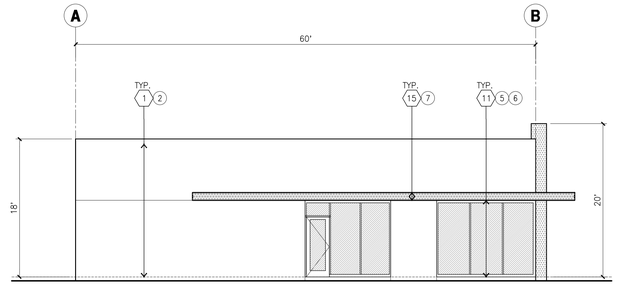
NORTH ELEVATION 1
scale: 1/8" = 1'-0"



WEST ELEVATION 2
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SOUTH ELEVATION 3
scale: 1/8" = 1'-0"



EAST ELEVATION 4
scale: 1/8" = 1'-0"

RETAIL BUILDING 3 ELEVATION A
scale: 1/8" = 1'-0"

KEYNOTES - ELEVATIONS

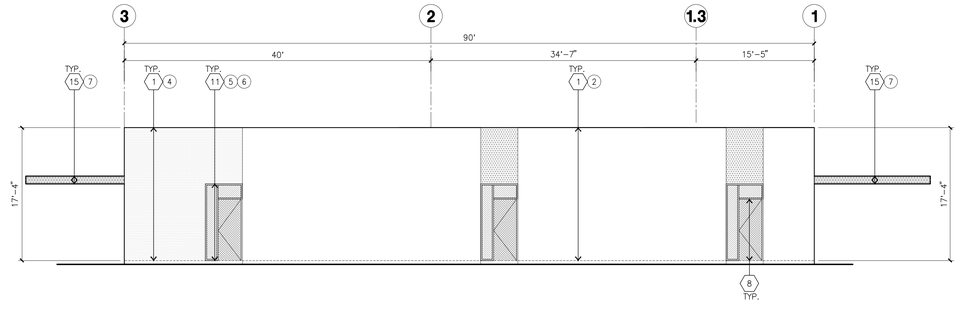
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GENERAL NOTES - ELEVATIONS

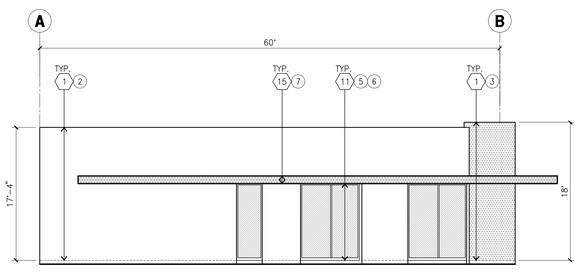
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COLOR SCHEDULE - ELEVATIONS

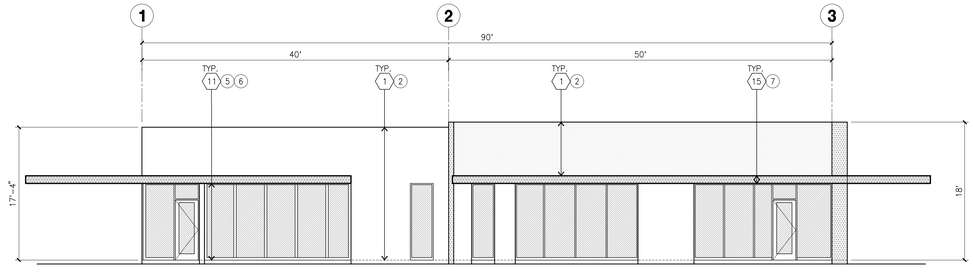
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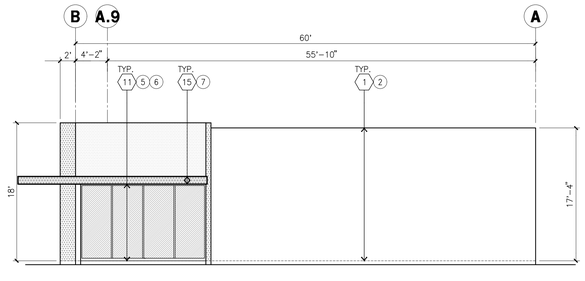
NORTH ELEVATION 1
scale: 1/8" = 1'-0"



WEST ELEVATION 2
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SOUTH ELEVATION 3
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EAST ELEVATION 4
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RETAIL BUILDING 4 ELEVATION B
scale: 1/8" = 1'-0"

GLAZING LEGEND

N INSULATED VISION GLASS

HPA architecture
hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchs.com

LICENSED ARCHITECT — LONG NAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

-

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
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PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

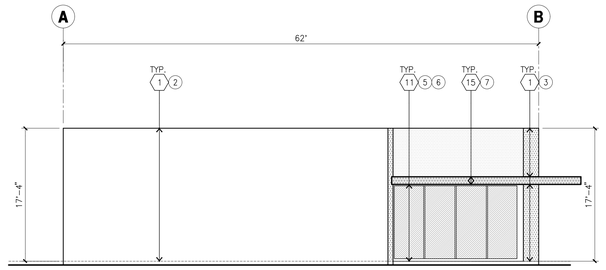
Title: ELEVATIONS

Project Number:	20394
Drawn by:	SLM
Date:	11/10/21
Revision:	

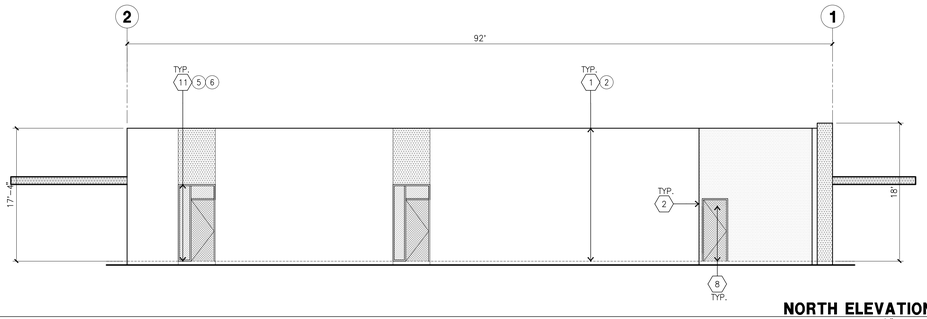
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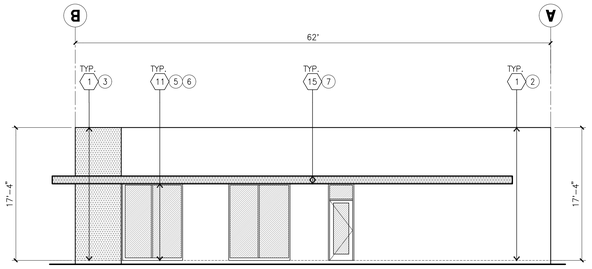
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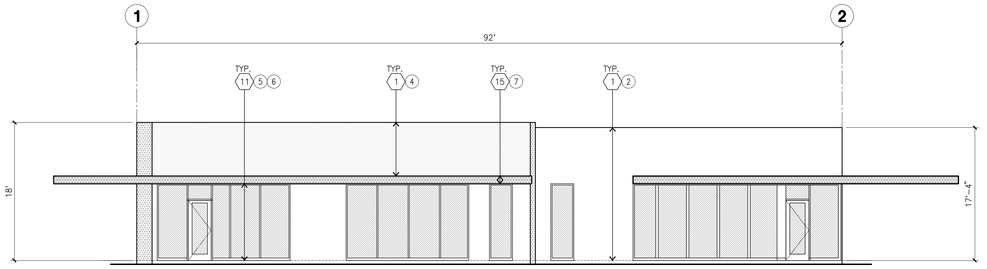
WEST ELEVATION 2
scale: 1/8" = 1'-0"



NORTH ELEVATION 1
scale: 1/8" = 1'-0"



EAST ELEVATION 4
scale: 1/8" = 1'-0"



SOUTH ELEVATION 3
scale: 1/8" = 1'-0"

RETAIL BUILDING 5 ELEVATION A
scale: 1/8" = 1'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ DRIVE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
5. OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C". PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
9. EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
10. DOCK BUMPER
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
12. NOT USED.
13. NOT USED.
14. NOT USED.
15. ALUCOBOND METAL CANOPY
16. NOT USED.
17. NOT USED.

GENERAL NOTES - ELEVATIONS

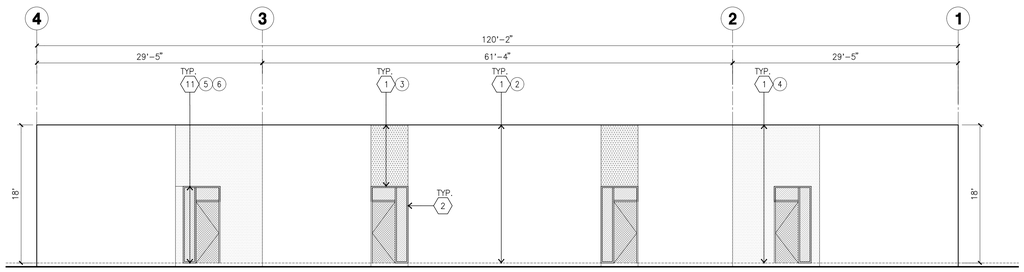
A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL.= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 90 MPH. EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHEDULE - ELEVATIONS

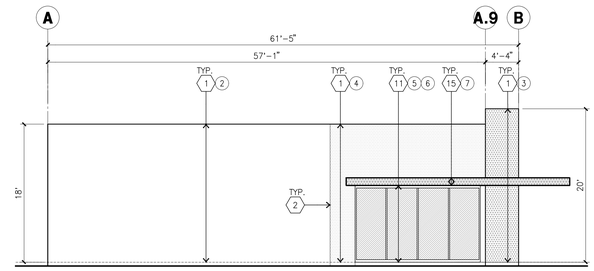
1		PAINT BRAND SHERWIN WILLIAMS SW 7006 EXTRA WHITE
2		PAINT BRAND WHITE BRICK
3		PAINT BRAND WARM BRICK
4		PAINT BRAND METAL SIDING
5	GLAZING	COLOR BLUE REFLECTIVE
6	MULLIONS	COLOR CLEAR ANODIZED
7	METAL CANOPY	PAINT BRAND SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS-SW 7005 PURE WHITE

GLAZING LEGEND

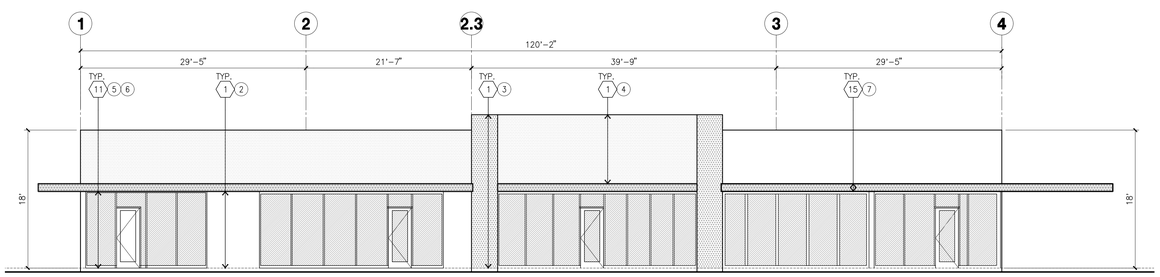
GL INSULATED VISION GLASS



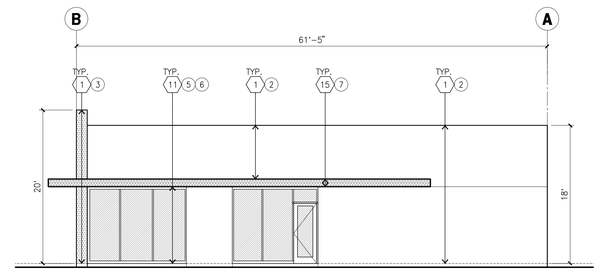
NORTH ELEVATION 1
scale: 1/8" = 1'-0"



WEST ELEVATION 2
scale: 1/8" = 1'-0"



SOUTH ELEVATION 3
scale: 1/8" = 1'-0"



EAST ELEVATION 2
scale: 1/8" = 1'-0"

RETAIL BUILDING 6 ELEVATION B
scale: 1/8" = 1'-0"

HPA architecture
hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchs.com

LICENSED ARCHITECT — JEFFREY S. HONG NAM — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

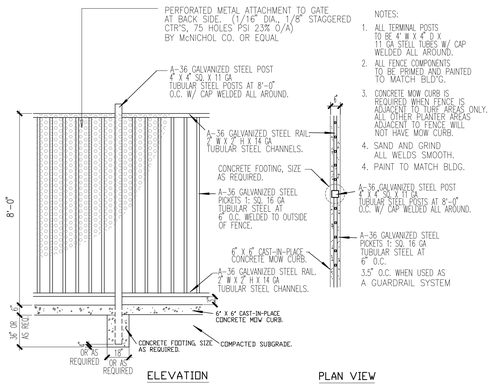
CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: ELEVATIONS

Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

Sheet:

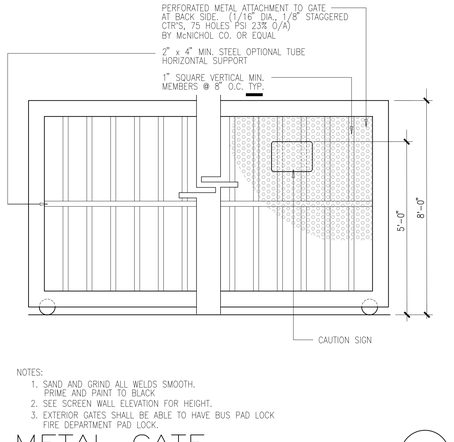
DAB-A3.5



WROUGHT IRON FENCE

SCALE: 1/2" = 1'-0"

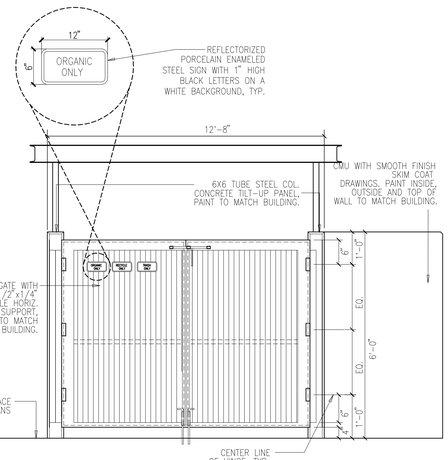
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METAL GATE

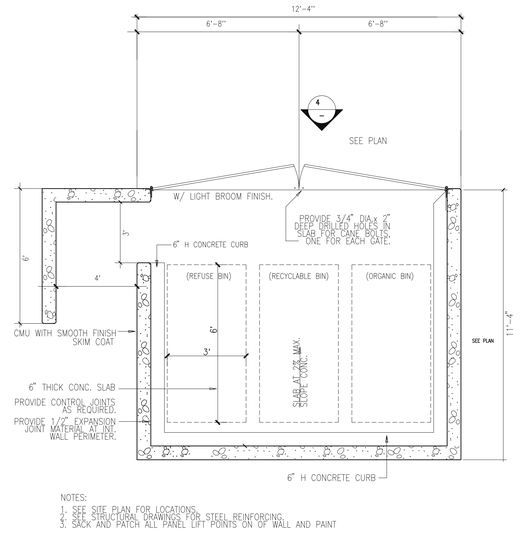
SCALE: 1/2" = 1'-0"

1



TRASH ENCLOSURE GATE ELEVATION

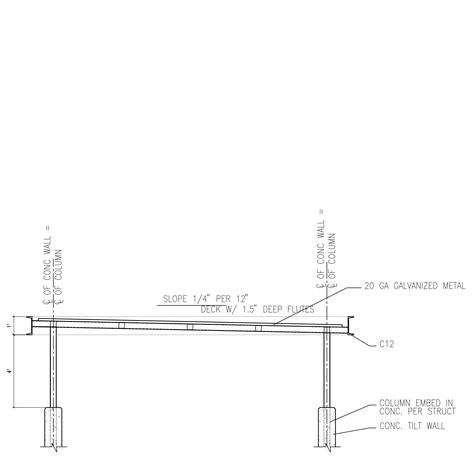
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TRASH ENCLOSURE PLAN

SCALE: N.T.S.

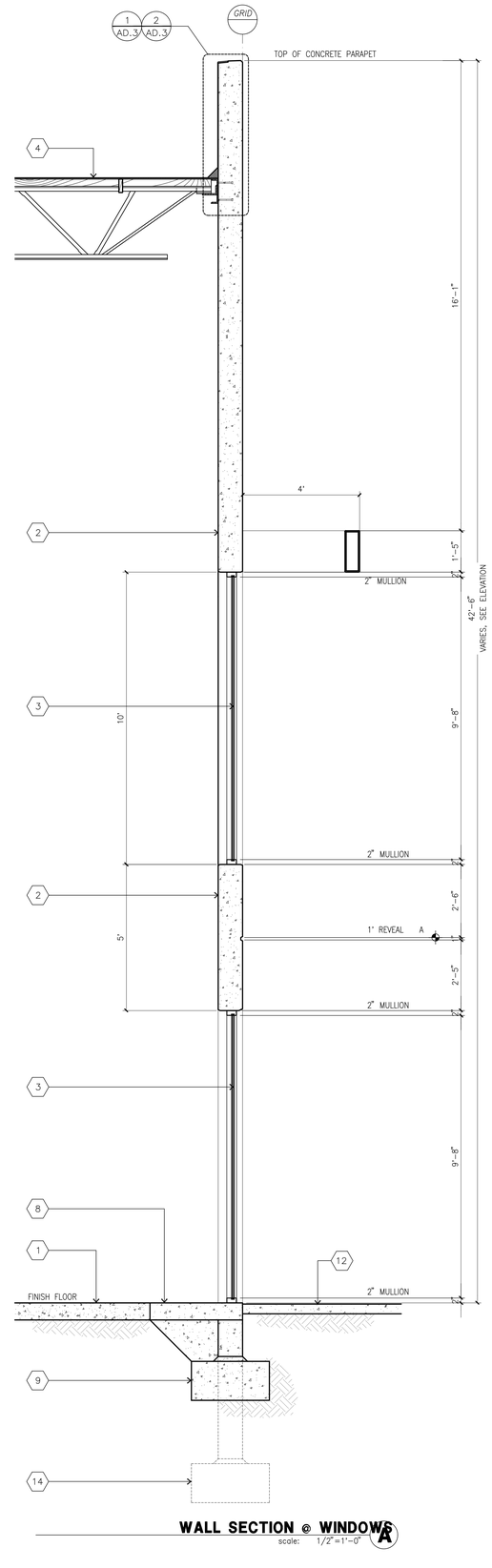
2



TRASH ENCLOSURE/ CANOPY DETAIL

SCALE: N.T.S.

5



WALL SECTION @ WINDOWS

scale: 1/2" = 1'-0"

A

hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchs.com

LICENSED ARCHITECT — JOHN G. HANNA — C-29451 — 3-31-23 RENEWAL DATE — STATE OF CALIFORNIA

Owner:

LGE DESIGNBUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: DETAILS

Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

Sheet:

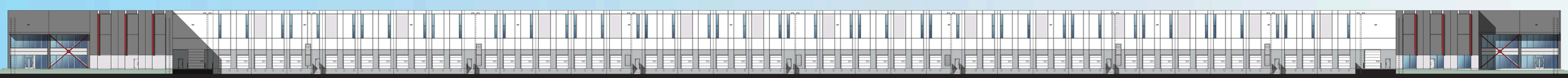
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North Elevation



West Elevation



South Elevation



East Elevation

BANNING POINT

CITY OF BANNING, CALIFORNIA

HPA architecture

1672

LGE | DESIGNBUILD

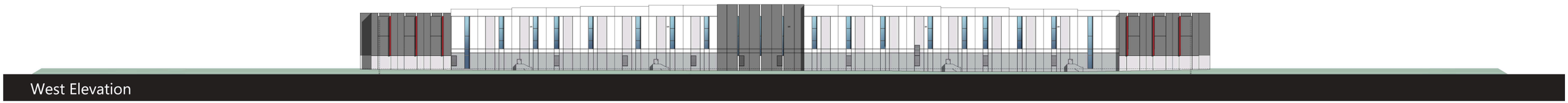
Job No. 20394.00

CONCEPTUAL COLORED ELEVATIONS - WAREHOUSE BLDG.

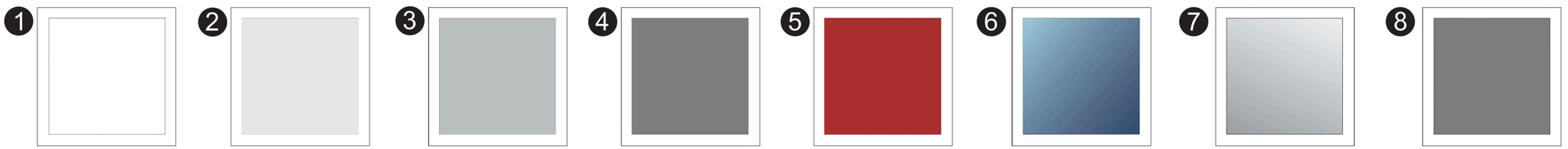
11.12.2021

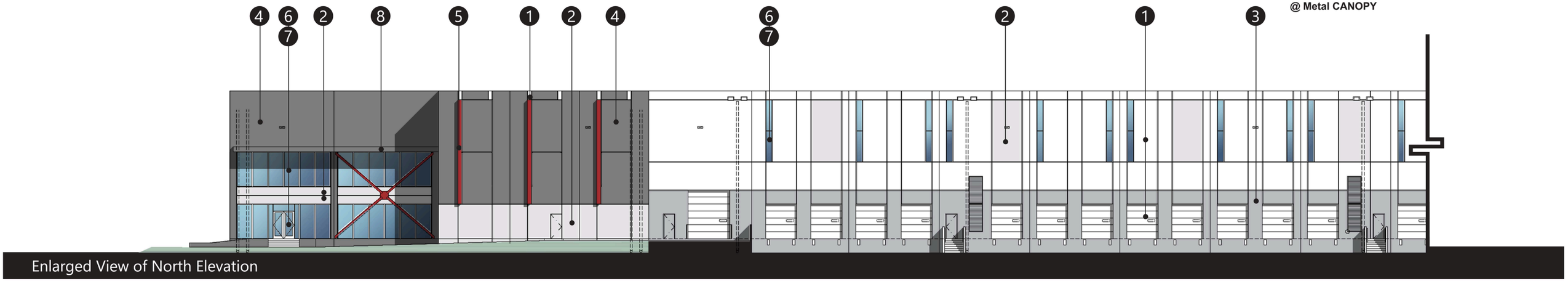


North Elevation



West Elevation





Enlarged View of North Elevation

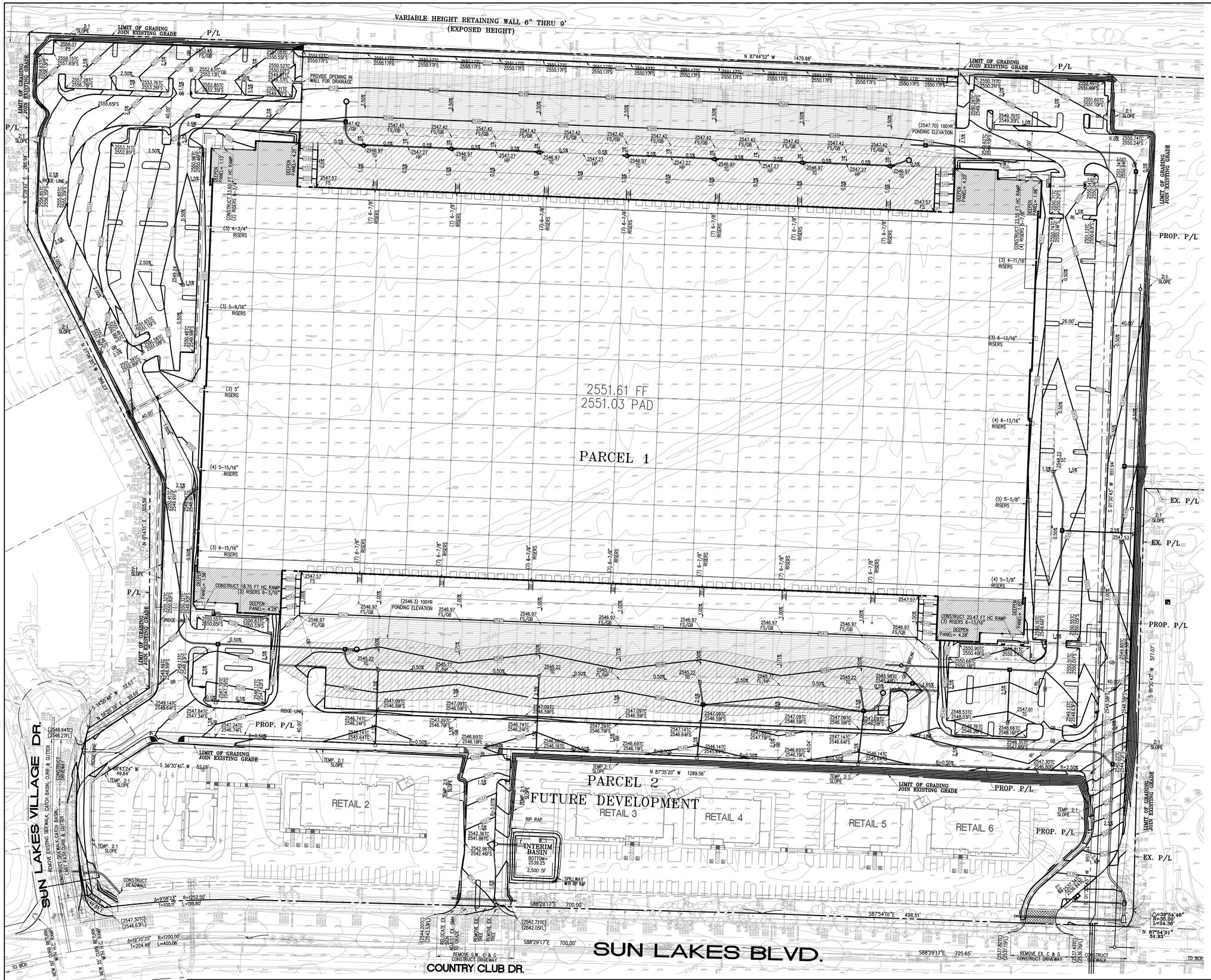
HPA architecture

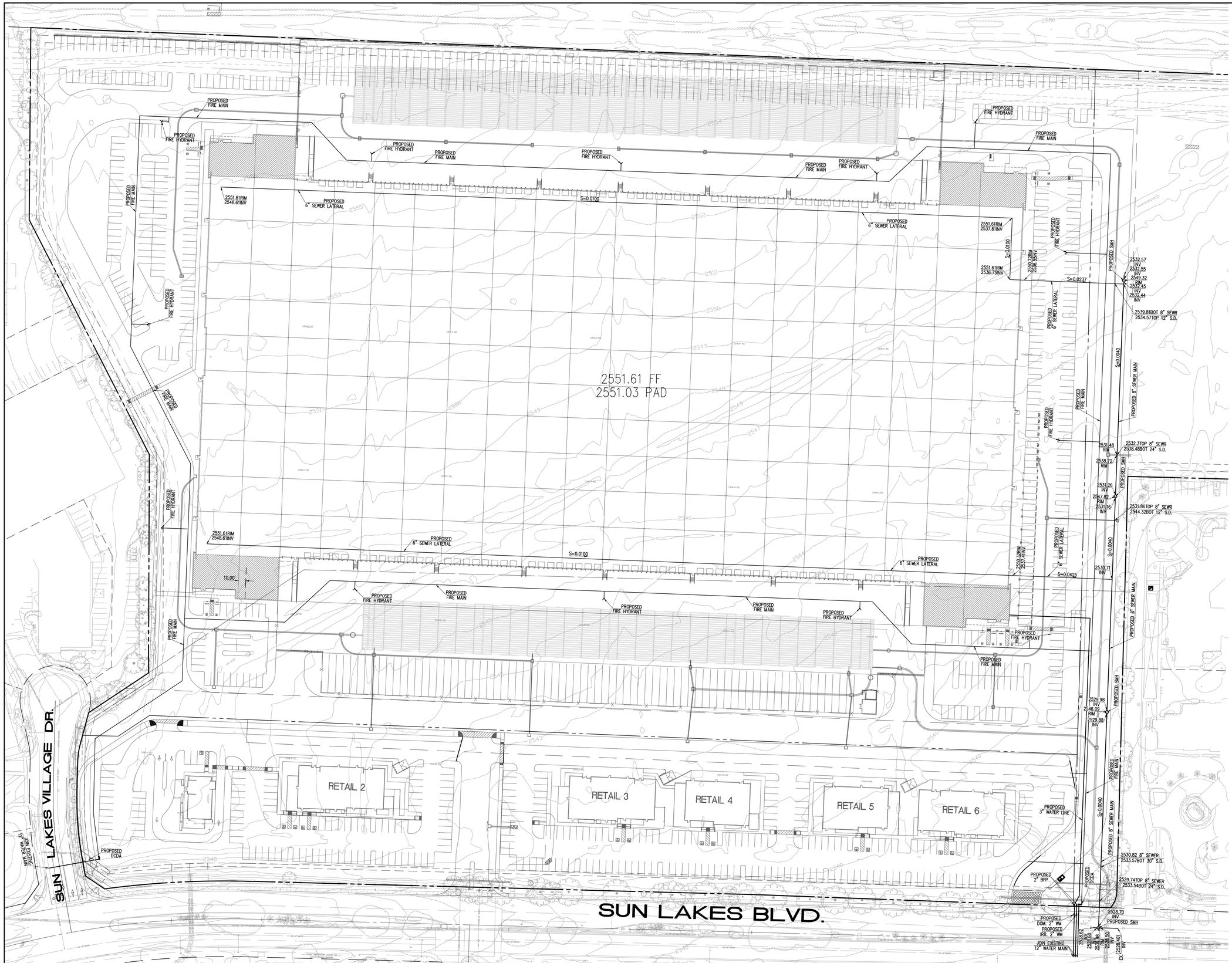
1673

BANNING POINT

CITY OF BANNING, CALIFORNIA

LGE | DESIGNBUILD


VARIABLE HEIGHT RETAINING WALL 6" THRU 9'
(EXPOSED HEIGHT)
LIMIT OF GRADING
JOIN EXISTING GRADE
P/L
N 87°44'52" W 1479.68'
PROVIDE OPENING IN WALL FOR DRAINAGE
(2547.70) 100YR POND ELEVATION
PROP. P/L
EX. P/L
2551.61 FF
2551.03 PAD
PARCEL 1
PARCEL 2
FUTURE DEVELOPMENT
RETAIL 2
RETAIL 3
RETAIL 4
RETAIL 5
RETAIL 6
INTERIM BASIN
BOTTOM=
2539.25
2,500 SF
SPILLWAY WITH RIP RAP
RIP RAP
SUN LAKES VILLAGE DR.
SUN LAKES BLVD.
COUNTRY CLUB DR.
CONSTRUCT 18.75 FT HC RAMP (3) RISERS 6-3/16"
CONSTRUCT 20.41 FT HC RAMP (3) RISERS 6-13/16"
CONSTRUCT 21.25 FT HC RAMP (4) RISERS 6-7/8"
CONSTRUCT 18.67 FT HC RAMP (3) RISERS 6-3/16"
DEEPEN PANEL= 4.28'
(3) 4-3/4" RISERS
(3) 5-9/16" RISERS
(3) 5" RISERS
(4) 5-15/16" RISERS
(7) 6-7/8" RISERS
(3) 4-11/16" RISERS
(3) 6-13/16" RISERS
(4) 6-13/16" RISERS
(5) 5-5/8" RISERS
(4) 5-3/8" RISERS
(3) 6-15/16" RISERS
CONSTRUCT HEADWALL
REMOVE EXISTING SIDEWALK, CATCH BASIN, CURB & GUTTER
CONSTRUCT NEW SIDEWALK, CATCH BASIN, CURB & GUTTER
CONSTRUCT NEW 50' CURB RETURN WITH H.C. RAMP
REMOVE EX. TREE
REMOVE EX. C & G CONSTRUCT DRIVEWAY
CONSTRUCT SIDEWALK
TO BCR
TEMP. 2:1 SLOPE
RIDGE LINE
2:1 SLOPE
2.5% RIDGE LINE
R=0.50%
R=2.50%
Δ=9°08'23" R=1252.50' T=100.11' L=199.80'
Δ=19°20'25" R=1200.00' T=204.48' L=405.06'
Δ=39°54'48" R=35.00' L=24.38'
N 87°54'01" W 51.93'
S 88°29'17" E 700.00'
S 87°54'01" E 498.51'
S 88°29'17" E 725.65'
N 87°35'20" W 1289.56'
S 56°30'41" W 52.19'
N 49°43'24" W 49.64'
N 07°29'17" E 265.94'
N 01°41'11" E 303.59'
S 01°30'43" W 951.94'
S 01°30'43" W 577.07'
S 11°35'45" W 33.67'
N 58°29'39" E 99.89'
S 87°54'01" E 51.93'
(2547.30TC) (2546.63FL)
(2544.20TC) (2543.53FL)
(2542.72TC) (2542.05FL)
(2537.83TC) (2537.15FL)
(2537.43TC) (2536.76FL)
(2548.94TC) (2548.27FL)
(2546.46TC) (2545.79FL)
(2546.24TC) (2545.57FL)
(2546.14TC) (2545.64FL)
(2547.30TC) (2546.80FL)
(2548.35TC) (2547.85FL)
(2548.76TC) (2548.26FL)
(2548.53TC) (2548.03FL)
(2547.61TC) (2547.11FL)
(2547.09TC) (2546.59FL)
(2547.29TC) (2546.79FL)
(2547.24TC) (2546.74FL)
(2547.14TC) (2546.64FL)
(2546.74TC) (2546.24FL)
(2546.69TC) (2546.19FL)
(2546.66TC) (2546.16TC)
(2546.97 TC)
(2547.27 HP)
(2545.22 TC)
(2545.77 FL/HP)
(2545.98TC) (2545.48FL)
(2546.14TC) (2545.64FL)
(2547.42 FS/GB)
(2547.57 FS)
(2546.3) 100YR PONDING ELEVATION
2547.61 TC
2548.66TC 2548.16FS
2548.53TC 2548.03FL
2548.76TC 2548.26FS
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Last Update:11/17/21
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DIGALERT
Call 2 Working Days Before You Dig!
811

BENCHMARK:

RIVERSIDE COUNTY BENCHMARK NO. "C-2"

BRASS DISK TOP CONCRETE FOOTING, STAMPED "C-2-65" ON PENNSYLVANIA AVENUE 680 FEET SOUTH, OF FIRST STREET, 12 FEET NORTH, OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 4 FOOT X 4 FOOT X 8 FOOT PALO VERDE STONE GATE POST, A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-65.

ELEVATION = 2571.976 FEET (NGVD '29 / 1970 ADJ.)

BY	MARK	DESCRIPTION	APPR.	DATE
ENGINEER		REVISIONS	CITY	

COMPANY NAME
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

REINHARD STENZEL R.C.E. 56155 EXPIRE 12-31-22 DATE

SEAL: REGISTERED PROFESSIONAL ENGINEER REINHARD STENZEL R.C.E. NO. 56155 Exp. 12-31-22 CIVIL STATE OF CALIFORNIA

DESIGN BY: J.P.
DRAWN BY: D.P.
CHECKED BY: R.S.
SCALE: 1" = 20'
DATE:
JOB NUMBER:

Reviewed By: _____ Date: _____ Staff Engineer

Recommended for Approval By: _____ Date: _____ Administrative Engineer

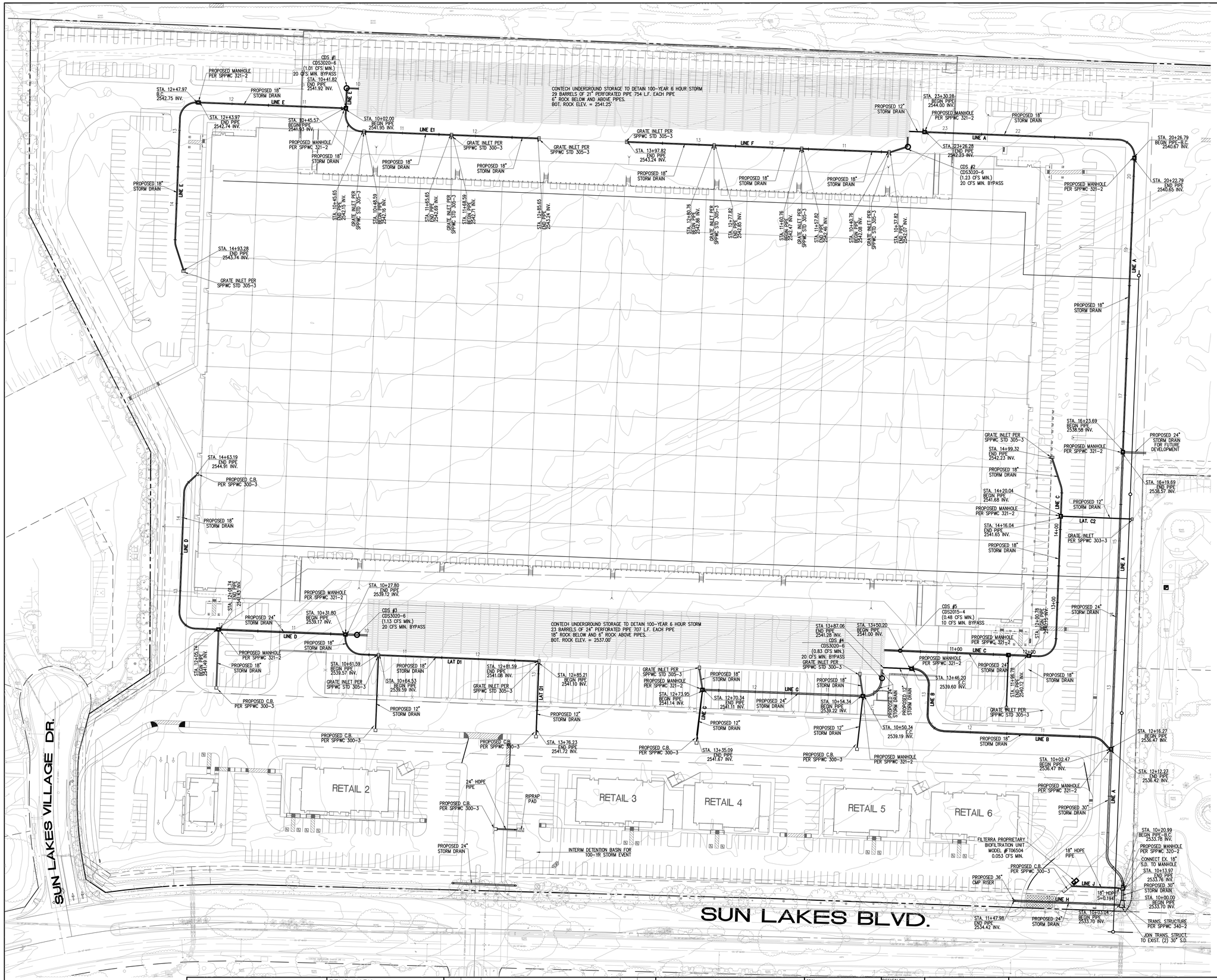
Approved By: _____ Date: _____ City Engineer/Director of Public Works

CITY OF BANNING, PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
99 E. Ramsey St.
Banning, CA 92220
TEL: (951) 922-3130 FAX: (951) 922-3141

CITY OF BANNING, CALIFORNIA

CONCEPTUAL UTILITY PLAN
FOR
NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

SHEET 2 OF 5 SHEETS
FILE NO:



Last Update:11/17/21
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DIGALERT
Call 2 Working Days Before You Dig
811

BENCHMARK:

RIVERSIDE COUNTY BENCHMARK NO. "C-2"

BRASS DISK TOP CONCRETE FOOTING, STAMPED "C-2-65" ON PENNSYLVANIA AVENUE 680 FEET SOUTH, OF FIRST STREET, 12 FEET NORTH, OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 4 FOOT X 4 FOOT X 8 FOOT PALO VERDE STONE GATE POST, A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-65.

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BY	MARK	DESCRIPTION	APPR.	DATE
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14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

REINHARD STENZEL DATE
R.C.E. 56155 EXPIRE 12-31-22

SEAL
REGISTERED PROFESSIONAL ENGINEER
REINHARD STENZEL
R.C.E. NO. 56155
Exp. 12-31-22
CIVIL
STATE OF CALIFORNIA

DESIGN BY: J.P.
DRAWN BY: D.P.
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Reviewed By: _____ Date: _____
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Recommended for Approval By: _____ Date: _____
Administrative Engineer

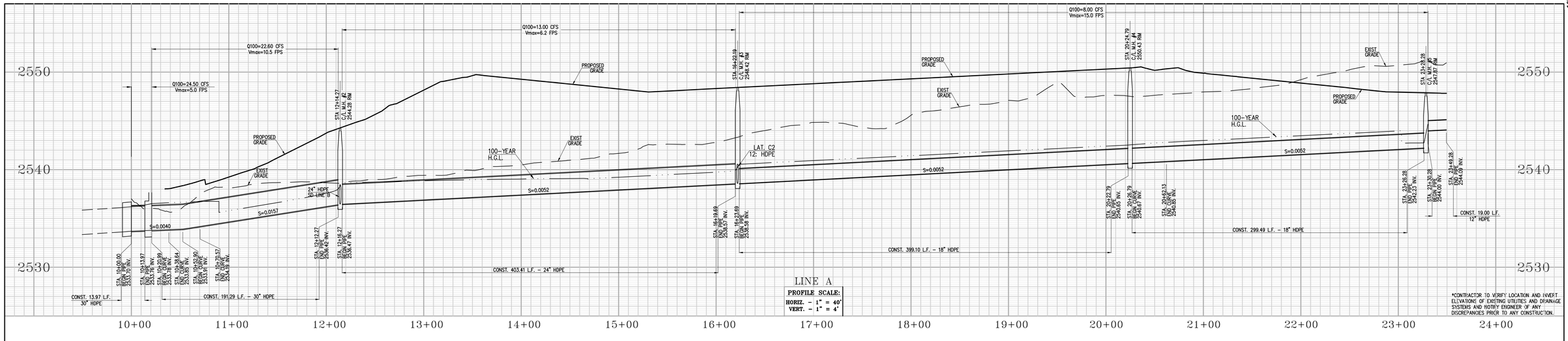
Approved By: _____ Date: _____
City Engineer/Director of Public Works

CITY OF BANNING, PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
99 E. Ramsey St.
Banning, CA 92220
TEL: (951) 922-3130 FAX: (951) 922-3141

CITY OF BANNING, CALIFORNIA

CONCEPTUAL STORM DRAIN PLAN
FOR
NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

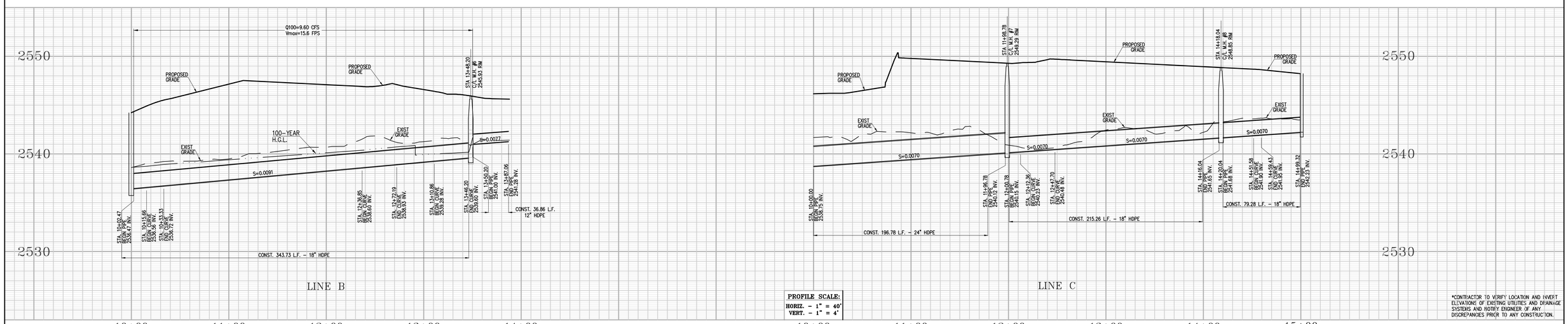
SHEET 3 OF 5 SHEETS
FILE NO:



LINE A

PROFILE SCALE:
HORIZ. – 1" = 40'
VERT. – 1" = 4'

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.

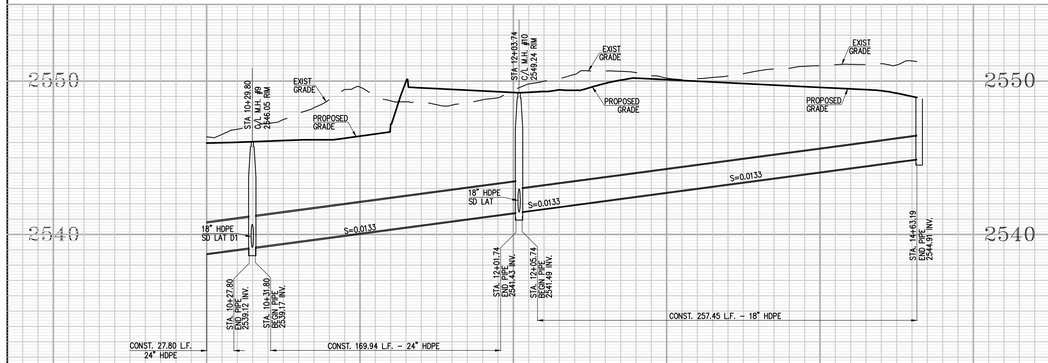


LINE B

LINE C

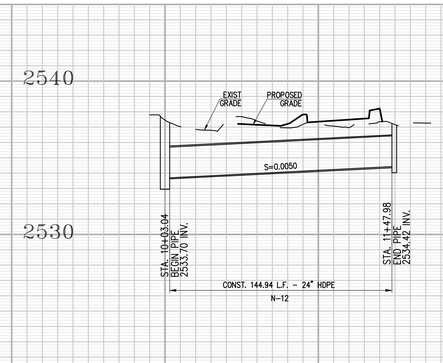
PROFILE SCALE:
HORIZ. – 1" = 40'
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*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.



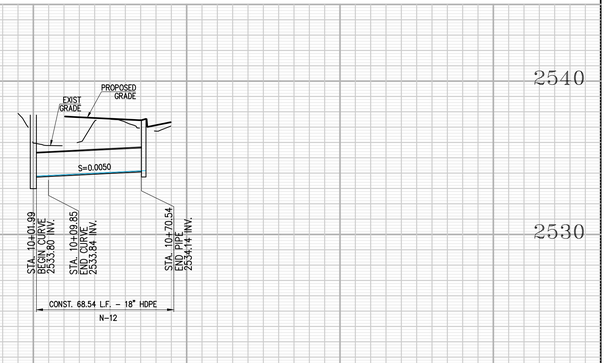
LINE D

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.



LINE H

PROFILE SCALE:
HORIZ. – 1" = 40'
VERT. – 1" = 4'



LINE J

Last Update:11/17/21
D:\3900-3999\3939\3939CGP-04-SD.dwg

DIGALERT
Call 2 Working Days Before You Dig!
811

BENCHMARK:

RIVERSIDE COUNTY BENCHMARK NO. "C-2"

BRASS DISK TOP CONCRETE FOOTING, STAMPED "C-2-65" ON PENNSYLVANIA AVENUE 680 FEET SOUTH, OF FIRST STREET, 12 FEET NORTH, OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 4 FOOT X 4 FOOT X 8 FOOT PALO VERDE STONE GATE POST, A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-65.

ELEVATION = 2571.976 FEET (NGVD '29 / 1970 ADJ.)

BY	MARK	DESCRIPTION	APPR.	DATE
ENGINEER		REVISIONS		CITY

COMPANY NAME
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

REINHARD STENZEL DATE
R.C.E. 56155 EXPIRE 12-31-22

SEAL
REGISTERED PROFESSIONAL ENGINEER
REINHARD STENZEL
R.C.E. NO. 56155
Exp. 12-31-22
CIVIL
STATE OF CALIFORNIA

DESIGN BY: J.P.
DRAWN BY: D.P.
CHECKED BY: R.S.
SCALE: 1" = 20'
DATE:
JOB NUMBER:

Reviewed By: _____ Date: _____
Staff Engineer

Recommended for Approval By: _____ Date: _____
Administrative Engineer

Approved By: _____ Date: _____
City Engineer/Director of Public Works

CITY OF BANNING, PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION
99 E. Ramsey St.
Banning, CA 92220
TEL: (951) 922-3130 FAX: (951) 922-3141

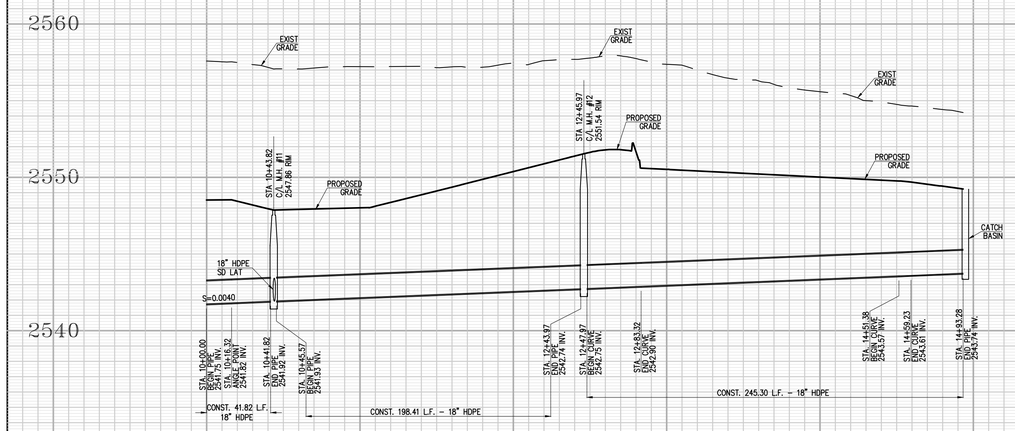
CITY OF BANNING, CALIFORNIA

CONCEPTUAL STORM DRAIN PROFILES

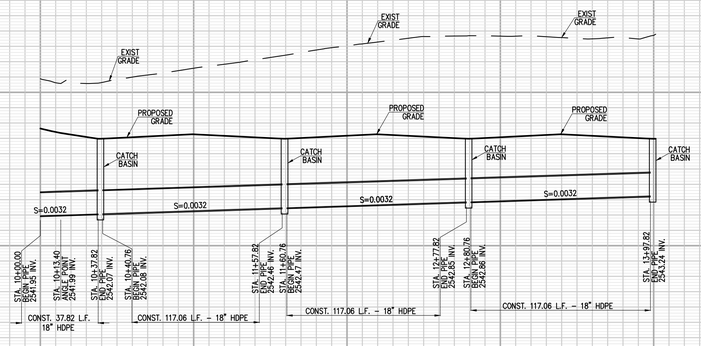
FOR

NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

SHEET 4 OF 5 SHEETS
FILE NO:



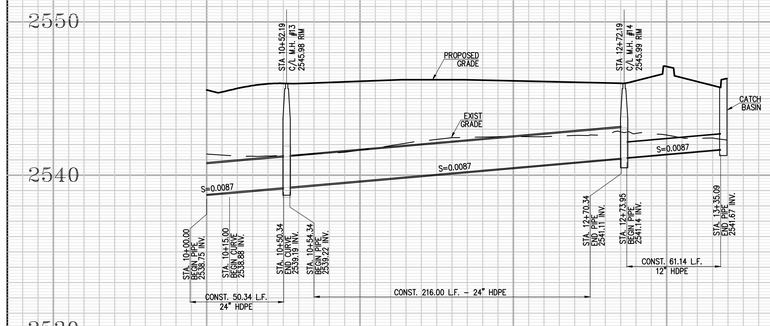
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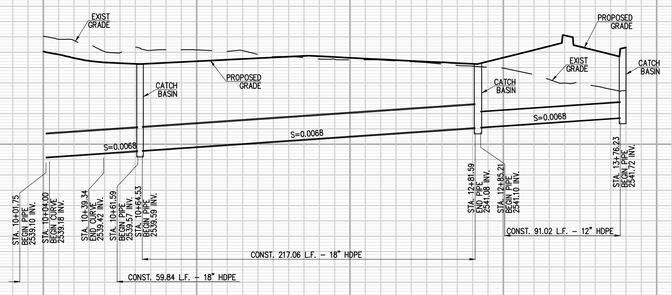
LINE F

PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.

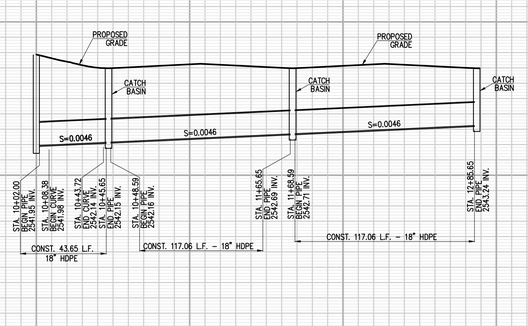


LINE G



LAT D1

PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'



LAT E1

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.

Last Update:11/17/21
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CITY OF BANNING
PUBLIC WORKS DEPARTMENT

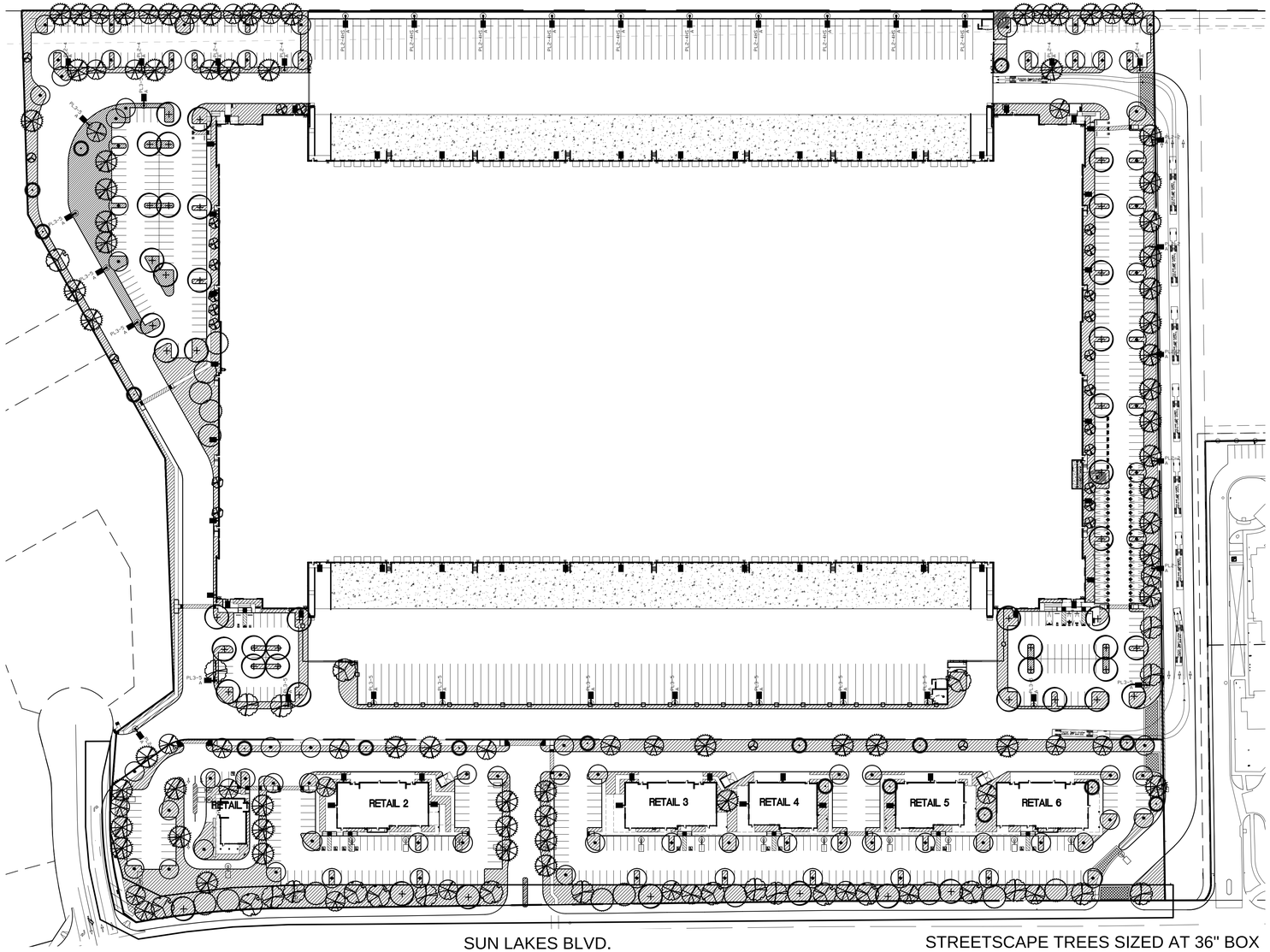
CONCEPTUAL STORM DRAIN PROFILES
BANNING 47
SUN LAKES BLVD.

3939/5 OF 5 SHEET

PREPARED FOR:
LGE DESIGN GROUP
1200 N. 52ND STREET
PHOENIX, AZ. 85008
PHONE: (480) 966-4001

Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

Designed by _____ Date _____
Checked by _____ Date _____
Designed by _____ Date _____
Checked by _____ Date _____
Approved by _____ Date _____
Public Works Director _____ R.C.E. XXXXX
Sheet 5 of 5 Sheets



STREETSCAPE TREES SIZED AT 36" BOX

PLANTING LEGEND

TREES					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Cercidium 'Desert Museum' Blue Palo Verde	24" Box 36" Box	59 3	L	Multi
	Chilopsis linearis Desert Willow	24" Box 36" Box	32 2	L	Multi
	Chitalpa tashkentensis Chitalpa	24" Box 36" Box	6 11	L	Standard
	Koelreuteria bipinnata Chinese Flame Tree	24" Box 36" Box	6 8	M	Multi
	Lagerstroemia i 'Muskogee' Crape Myrtle	24" Box	5	M	Multi
	Pinus eldarica Afghan Pine	24" Box	14	L	Standard
	Pistacia chinensis Chinese Pistache	24" Box 36" Box	39 8	L	Standard
	Prosopis chilensis Chilean Mesquite	24" Box	67	M	Multi
	Schinus molle California Pepper	36" Box	12	L	Multi
	Tristania conferta Brisbane Box	15 Gal	21	M	Standard

SHRUBS					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Baccharis p. 'Centenial' Coyote Bush	5 Gal	4' OC	L	Hedge
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal	3' OC	L	Foreground
	Dietes bicolor Fortnight Lily	5 Gal	3' OC	M	Flowering Accent
	Leonotis leonurus Lion's Tail	5 Gal	3' OC	M	Flowering Accent
	Ligustrum j. Texanum Texas Privet	5 Gal	3' OC	M	Hedge
	Muhlenbergia rigens Deer Grass	5 Gal	4' OC	M	Grass
	Rosmarinus o. 'Tuscan Blue' Rosemary	5 Gal	3' OC	L	Hedge
	Salvia c. 'Allen Chickering' Allen Chickering Sage	5 Gal	4' OC	L	Flowering Accent
	Salvia greggii Autumn Sage	5 Gal	3' OC	L	Flowering Accent
	Salvia leucantha Mexican Sage	5 Gal	3' OC	L	Foreground
	Westringia f. 'Grey Box Dwarf Coast Rosemary	5 Gal	3' OC	L	Foreground
	Westringia fruticosa Coast Rosemary	5 Gal	5' OC	L	Hedge

ACCENTS					
SYMBOL	BOTANICAL/COMMON NAME	SIZE		WUCOLS	REMARKS
	Agave attenuata Agave	5 Gal	3' OC	L	
	Agave 'Blue Glow Blue Glow Agave	5 Gal	3' OC	L	Foreground
	Aloe striata Coral Aloe	1 Gal	3' OC	L	Foreground
	Hesperaloe parviflora Red Yucca	5 Gal	3' OC	L	Foreground

GROUNDCOVER					
SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Acacia redolens 'Low Boy' Dwarf Acacia	1 Gal	8' O.C.	L	Foreground
	Baccharis p. 'Pigeon Point' Dwarf Coyote Bush	1 Gal	6' O.C.	L	No Shear
	Gazania 'Yellow Mitua' Yellow Gazania	4" Pots	12" O.C.	M	No Shear
	Carissa m. 'Green Carpet' Prostrate Natal Plum	1 Gal	36" O.C.	M	No Shear
	Trachelopspermum jasminiodes Star Jasmine	1 Gal	24" O.C.	M	Foreground
	Lantana 'Gold Mound' Yellow Lantana	1 Gal	36" O.C.	L	Foreground
	Lonicera j. 'Halliana' Hall's Honeysuckle	1 Gal	48" O.C.	L	Foreground
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	48" O.C.	L	Foreground

Landscape Area Calculations

Parking Lot Landscape Area	88,745 sf
Planting areas	128,855
Total Landscape Area	217,600 sf

N

0 40' 80' 160'

Banning Point

21-021
04.20.21
10.06.21
11.16.21

Banning, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408

CITY OF BANNING

N W E S

0 200 400 600
Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510

AERIAL BASE MAP

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057

ZONE: Sun Lakes North Specific Plan

PROJECT LOCATION

CITY OF BEAUMONT

Banning City Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Co

1680

CITY OF BANNING

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510

DEVELOPMENT OPPORTUNITIES

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057

ZONE: Sun Lakes North Specific Plan

N W E S

0 100 200 400 600 800

Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT LOCATION

JOSHUA PALMER WAY

I-10

UNION PACIFIC RAILROAD

HIGHLAND SPRINGS AVE

CITY OF BEAUMONT

Potrero Creek

APEX AVE

RAMSEY ST

CAVE

GRANDVIEW AVE

Smith Creek

CORRAL CIR

HIGHLAND HOME RD

SUN LAKES VILLAGE DR

SUN LAKES

NORTHWOOD AVE

SANDPIPER ST

BROOKLAWN DR

SKYVIEW CIR

ROLLING HILLS AVE

MEADOW LAKE LN

SILVER LAKES AVE

WINGFOOT AVE

OAKMONT DR

SAINT ANDREWS WAY

BROOKSIDE DR

RIVIERA AVE

MAIDSTONE ST

SUN LAKES BLVD

TWIN HILLS DR

ESSEX WAY

OAKHURST AVE

SALEM CIR

MERION CT

COUNTRY CLUB DR

INDIAN WELLS RD

SEMINOLE CT

SHOAL CREEK CT

PLAIN FIELD DR

BIG SPRING DR

LA COSTA DR

MAIRFIELD

LA QUINTA DR

AUGUSTA WAY

TORREY PINES RD

PINEHURST DR

LINKS AVE

EL DORADO CT

PEBBLE BEACH

PALMER DR

BERMUDA DUNES

HIGHLAND HOME

Legend

- California Geological Survey Liquefaction Hazard Zone
- FEMA SFHA - 1% (100-Year) Annual Chance Flood Hazard
- FEMA SFHA - 0.2% (500-Year) Annual Chance Flood Hazard
- USGS Blue Line Streams
- Banning City Boundary

No *California Department of Conservation* Earthquake Fault Zones within 1 mile of the project location.

No *CalFire* Fire Hazard Severity Zones within 1 mile of the project location.

No *Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP)* Criteria Cells within 1.7 miles of the project location.

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Com

CITY OF BANNING

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510

PROJECT VICINITY

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057

ZONE: Sun Lakes North Specific Plan

N W E S

0 200 400 600 800

Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT LOCATION

CITY OF BEAUMONT

Banning City Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Co

CITY OF BANNING

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510
GENERAL PLAN/ZONING

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057
ZONE: Sun Lakes North Specific Plan

0 100 200 300 400 500 600 700
Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT LOCATION

419-140-057

General Commercial

Specific Plan - Sun Lakes North

Business Park

High Density Residential (11-18 du/ac)

High Density Residential-20/ Affordable Housing Opportunity (20-24 du/ac)

Public Facilities - Railroad/Interstate

Low Density Residential (0-5 du/ac)

Mobile Home Parks

Medium Density Residential (0-10 du/ac)

Open Space - Parks

JOSHUA PALMER WAY
APEX AVE
CAVE
RAMSEY ST
GRANDVIEW AVE
HIGHLAND HOME RD
UNION PACIFIC RAILROAD
HIGHLAND SPRINGS AVE
NORTHWOOD AVE
SANDPIPER ST
BROOKLAWN DR
SKYVIEW CIR
ROLLING HILLS AVE
MEADOW LAKE LN
SILVER LAKES AVE
SUN LAKES BLVD
SUN LAKES VILLAGE DR
OAKMONT DR
RIVIERA AVE
BROOKSIDE DR
COUNTRY CLUB DR
LA QUINTA DR
INDIAN WELLS RD
AUGUSTA WAY
LA COSTA DR
EL DORADO CT
TORREY PINES DR
SEMINOLE CT
SHOAL CREEK ST
PINEHURST DR
PLAIN FIELD DR
ESSEX WAY
OAKHURST AVE
SALEM CIR
TWIN HILLS DR
LINKS AVE
BIG SPRING DR
2ND ST
CITY OF BEAUMONT
BEACH DR

LEGEND

General Plan/Zoning

- Business Park
- General Commercial
- Low Density Residential (0-5 du/ac)
- 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)
- Mobile Home Parks
- Open Space - Parks
- Public Facilities - Railroad/Interstate
- Specific Plan - Sun Lakes North

Banning City Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the

Banning Point Addendum / Consistency Checklist to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report

Lead Agency:

City of Banning
Community Development Department
99 East Ramsey Street
Banning, California 92220

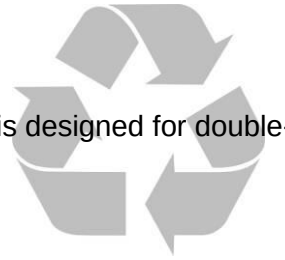
Applicant:

Sun Lakes Highland, LLC
473 E. Carnegie Drive, Suite 200
San Bernardino, California 92408

Prepared by:

MIG, Inc.
1650 Spruce Street, Suite 106
Riverside, California 92507

Original: November 2021
Updated: February 10, 2022



- This document is designed for double-sided printing -

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Appendix A Air Quality, Greenhouse Gas, & Health Risk Assessment Memorandum
Appendix B Traffic Assessment
Appendix C Vehicle Miles Traveled (VMT) Analysis
Appendix D Noise and Vibration Impact Analysis

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1 Introduction

1.1 – Introduction and Background

This Addendum / Consistency Checklist ("Addendum"), its appendices, and related supporting environmental documents have been prepared to determine whether and to what extent the City of Banning's ("City") Environmental Impact Report ("Program EIR" or "PEIR", Clearinghouse No. 2020029074) prepared for Amendment Number 5 (No. 5) to the Sun Lakes Village North Specific Plan ("SLVNSP") remains sufficient to address the potential impacts of the proposed Banning Point development ("Project" or "proposed Project"), or whether additional documentation (e.g., a subsequent EIR) is required under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, Section 21000, et seq.).

The City approved Amendment No. 5 to the SLVNSP in December 2020, which updated SLVNSP's Land Use Plan from Retail Commercial (Auto Dealer) to Business Park & Warehouse (BW), Office & Professional (OP), and Retail & Service (RS). Amendment No. 5 revised 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 of the SLVNSP. The City is the Lead Agency for the SLVNSP under CEQA, and the City prepared the PEIR as the CEQA compliance document for SLVNSP Amendment No 5. The PEIR concluded that Amendment No. 5 had the potential to result in a net increase of building square footage in the SLVNSP planning area and found that certain air quality, greenhouse gas emissions, and traffic impacts of Amendment No. 5 would be significant and unavoidable even with mitigation and regulatory compliance. The PEIR was certified by the City Council on December 8, 2020 (Ordinance 1571 for Zone Change 20-3501).

1.2 – Proposed Project

The Project applicant proposes warehouse/office and retail commercial development within the SLVNSP area. The City, as the Lead Agency, must determine if the Project complies with the SLVNSP and its PEIR and what type of CEQA compliance document, if any, must be prepared. The proposed Project includes development of a 619,959 square foot warehouse and development of six commercial-retail buildings ranging in size from 1,600 square feet to 8,400 square feet (34,000 total square feet) along with associated utility, parking, roadway, and landscaping improvements. The location of the Project site is shown in Exhibit 1 (Specific Plan Location Map), and the SLVNSP area is shown in Exhibit 2 (SLVNSP Area Map).

1.3 – Addendum / Consistency Checklist Analysis

This Addendum has been prepared pursuant to Public Resources Code § 21166 and CEQA Guidelines §§ 15162, 15164, and 15168(c). This Addendum evaluates the Project's potential environmental effects in light of those effects previously disclosed in the PEIR to determine whether any of the conditions described in Guidelines § 15162 calling for subsequent CEQA review have occurred. The PEIR is available for review at the City's Planning Department, 99 East Ramsey Street, Banning, California 92220.

CEQA Guidelines § 15164(a) provides that the lead agency "*shall prepare an addendum* to a previously certified EIR if *some changes or additions are necessary* but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." Subsection (c) further provides that an "addendum need not be circulated for public review but can be included in or attached to the final

EIR," and subsection (e) states that a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included" in the addendum, the agency's findings, or elsewhere in the administrative record.

CEQA Guidelines § 15168(c)(2) provides that "if the agency finds that pursuant to Section 15162, no subsequent EIR will be required, the agency can approve the activity as being within the scope of the project covered by the Program EIR" and that "[w]hether a later activity is within the scope of a Program EIR is a factual question that the lead agency determines based on substantial evidence in the record." Subsection (c)(4) further provides that "[w]here the later activities involve site-specific operations, the agency *should use a written checklist or similar device* to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were within the scope of the Program EIR."

Finally, CEQA Guidelines § 15162 (cross referenced by §§ 15164 and 15168) provides that

> (a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
>
> (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
>
> (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
>
> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
>
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
>
> (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
>
> (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Per the above, this Addendum functions as both an "addendum" and a "written checklist," as called for in CEQA Guidelines §§ 15164(a) and 15168(c)(4). As such, this Addendum analyzes the Project's potential environmental effects in light of those effects disclosed in the PEIR consistent with CEQA Guidelines § 15162.

As detailed in this Addendum, no further CEQA review is required for the Project beyond the PEIR and this Addendum because (1) the Project will not have new or substantially more severe impacts than what was disclosed in the PEIR, (2) all applicable mitigation measures in the PEIR will be incorporated into the Project's approval, and (3) the Project will not require any new mitigation measures.

This Addendum and its supporting documents constitute substantial evidence supporting the conclusion that preparation of a supplemental or subsequent EIR or ND is not required prior to approval of the Project.

1.4 – Summary of Results

The analyses in Sections 4.1 through 4.21 of this Addendum conclude that the Project reflects minor changes to the project described in the certified PEIR (i.e., the SLVNSP). Table 1 (Banning Point Project v. SLVNSP - Consistency Analysis) evaluates the consistency of the Project with the development identified in the PEIR and also shows that the Project is equal to or less intense than what was planned.

Table 1
Banning Point Project v. SLVNSP – Consistency Analysis

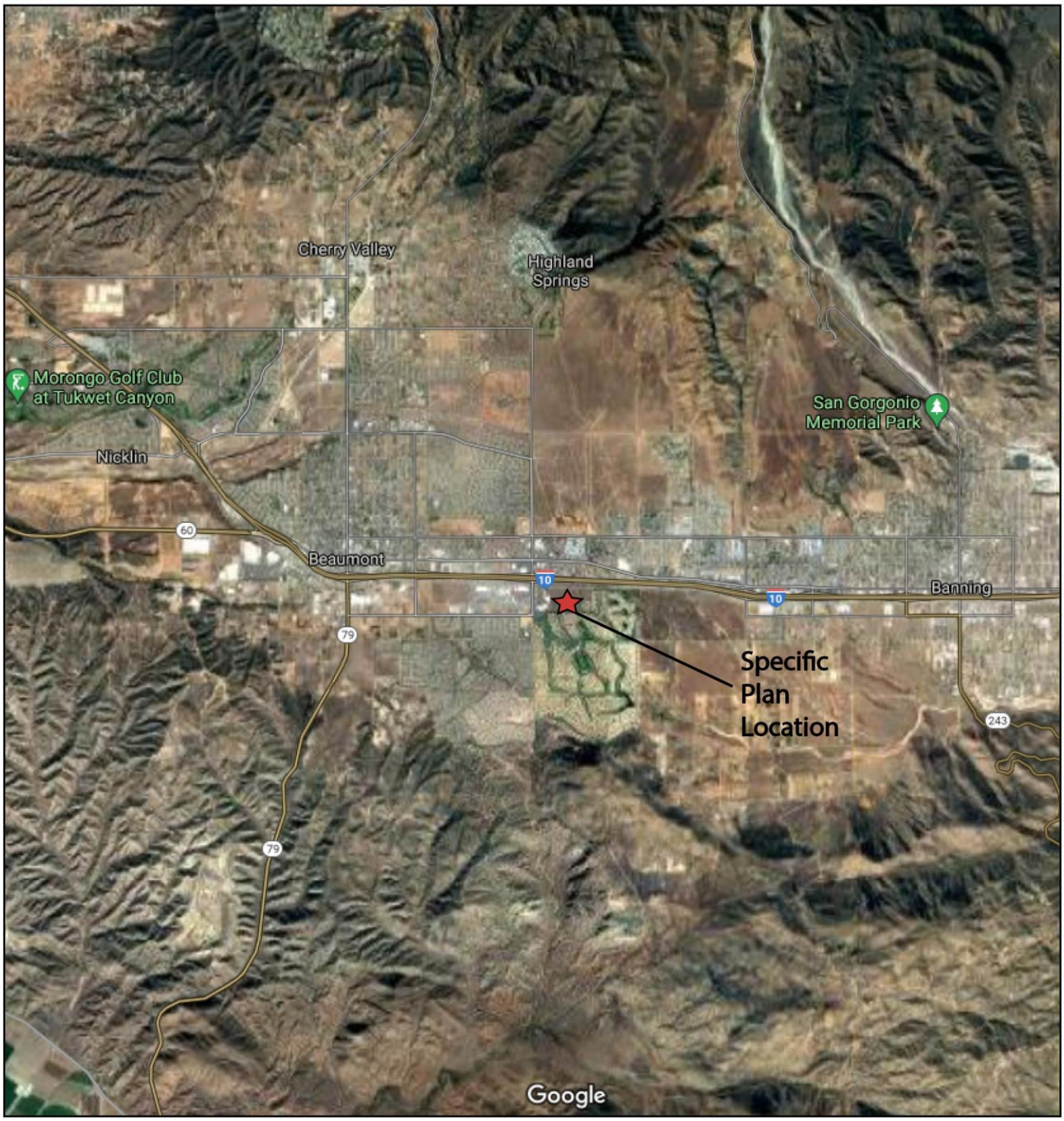
	SLVNSP Designation		Banning Point Project		
Characteristic	**BW**	**RS**	**Warehouse**	**Retail**	**Consistent?**
Land Use	Business & Warehouse	Retail & Service	Warehouse	Retail and Restaurant Pads	Yes
Allowed Uses[1]	Warehouses	Retail and restaurants	Warehouse	Retail and Restaurants	Yes
Acres	30.22	6.83	30.22	6.83	Yes
FAR (maximum)	0.55	0.60	0.47	0.11	Yes
Allowed Area (SF)[2]	877,298	37,189	619,959	34,000	Yes
Landscaping Setback (feet)					
Sun Lakes Blvd.	NA	20	NA	20	Yes
North SP Boundary	10	NA	10	NA	Yes
West SP Boundary	10	10	10	10	Yes
Building Setback (feet)					
Sun Lakes Blvd.	NA	25	NA	+100	Yes
North SP Boundary	20	NA	+120	NA	Yes
West SP Boundary	20	10	50	+50	Yes
Other Guidelines					
Interior Lot Line	20	0	NA	NA	NA
Building Height[3] (feet, maximum)	55	35	47.5	20.5	Yes
Parking[4]	360	146	402	289	Yes
Landscaping	15.0% Zoning Code Chapter 17.32		16.2% Will be built per Code		Yes
Lighting	Zoning Code Sect 17.12.170		Will be built per Code		Yes
Walls and Fences[5]	Zoning Code Sect 17.24.080		Will be built per Code and SLVNSP		Yes
Signs	Zoning Code Chapter 17.36		Will be built per Code		Yes

Sources: Sun Lakes Village North Specific Plan Amendment No. 5, Tables 1 and 2 (11-4-20), PEIR (10-28-20), Banning Point Conceptual Plan dated 9-29-20, Revised Landscape Plan (8-4-21), and revised Project Plans (August 2021).

NOTES
BW Business & Warehouse District
FAR Floor Area Ratio (building area/site area)
NA Not Applicable
RS Retail & Service District
SF Square Feet
SLVNSP Sun Lakes Village North Specific Plan
SP Specific Plan

[1] SLVNSP Table 1, Allowable Land Uses
[2] SP numbers based on industrial park and commercial retail uses evaluated in PEIR
[3] Architectural projections and focal elements may exceed the height limit up to 25 percent.
[4] Per Zoning Code Chapter 17.28 based on building type and square footage
[5] Per Code except walls and fences may exceed the maximum height specified in the Banning Zoning Code to satisfy the screening requirements of the SLVNSP Design Guidelines.

There are no substantial changes resulting from the Project or the circumstances in which the Project will be undertaken that require major revisions of the PEIR. The Project does not require preparation of a subsequent or supplemental EIR due to either the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As such, this Addendum analysis is the appropriate method of CEQA compliance for the Project.



Source: Google Maps

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Source: Google Earth

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Exhibit 2 Specific Plan Area Map

Banning Point LGE Design Build Project
Banning, California

http://www.migcom.com • 951-787-9222

MIG

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2 Project Description

2.1 – Project Title

Banning Point

2.2 – Lead Agency Name and Address

City of Banning
Community Development Department
99 East Ramsey Street
Banning, California 92220

2.3 – Contact Person and Phone Number

Adam Rush, Community Development Director
951-922-3131

2.4 – Sun Lakes Village North Specific Plan Area and Location

The SLVNSP area is located just north of Sun Lakes Boulevard and between Sun Lakes Village Drive and Silver Lake Avenue in the City of Banning, California (See Exhibit 1). The SLVNSP Area is approximately 47.11 acres and is divided into three districts: a 30.22-acre Business Park & Warehouse (BW) district in the northwest portion of the plan area, a 10.06-acre Office & Professional (OP) district in the northeast portion of the plan area, and a 6.83-acre Retail & Service (RS) district in the southwest portion of the plan area along Sun Lakes Boulevard (See Exhibit 2). The SLVNSP area is comprised of a single contiguous parcel.

- Latitude 33° 55’ 26.92” North, Longitude 116° 56’ 27.82” West
- APN: 419-140-057

2.5 – Sun Lakes Village North Specific Plan

The SLVNSP is a specific plan under state planning law and is one of several policy and regulatory tools used by the City to implement the City’s General Plan, which specifically incorporates the SLVNSP under a Specific Plan Overlay. The SLVNSP implements the General Plan through the establishment of more detailed policies, regulations, and actions specifically focused on the SLVNSP area. The SLVNSP generally provides for the use and focused development policies for properties within the 47.11-acre plan area. The Business & Warehouse District is the largest district under the SLVNSP at approximately 30.22 acres. It is located in the northwestern portion of the plan area, adjacent to the Sun Lakes Village Shopping Center, the Southern Pacific Railroad, and the Interstate-10 Freeway. The Office & Professional District is approximately 10.06 acres and is located in the east part of the plan area adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. The allowable land uses in this district are intended to be of a nature that limits impacts on the existing adjacent sensitive uses. The Office & Professional District also creates a buffer between its adjacent uses and development within the Business & Warehouse District. The Retail & Service District is the smallest district at approximately 6.83 acres. It is located on the southern edge of the plan area adjacent to Sun Lakes Boulevard. The land use objectives for this district are to provide convenient shopping and neighborhood-related

services to meet the daily needs of nearby residents, create high quality development adjacent to the Sun Lakes Boulevard frontage, and screen development within the Business & Warehouse District. The SLVNSP also provides for improvements to the circulation system, increased on-street parking, streetscape improvements, and enhanced development standards and design guidelines.

At the time the SLVNSP was prepared, there were no land use entitlements being sought. The following development assumptions for the SLVNSP planning area were assumed and analyzed in the PEIR:

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

2.6 – General Plan Land Use Designation

Business Park with Specific Plan Overlay
General Commercial with Specific Plan Overlay

2.7 – Zoning District

Specific Plan:
Business & Warehouse District
Retail & Service District
Office & Professional District

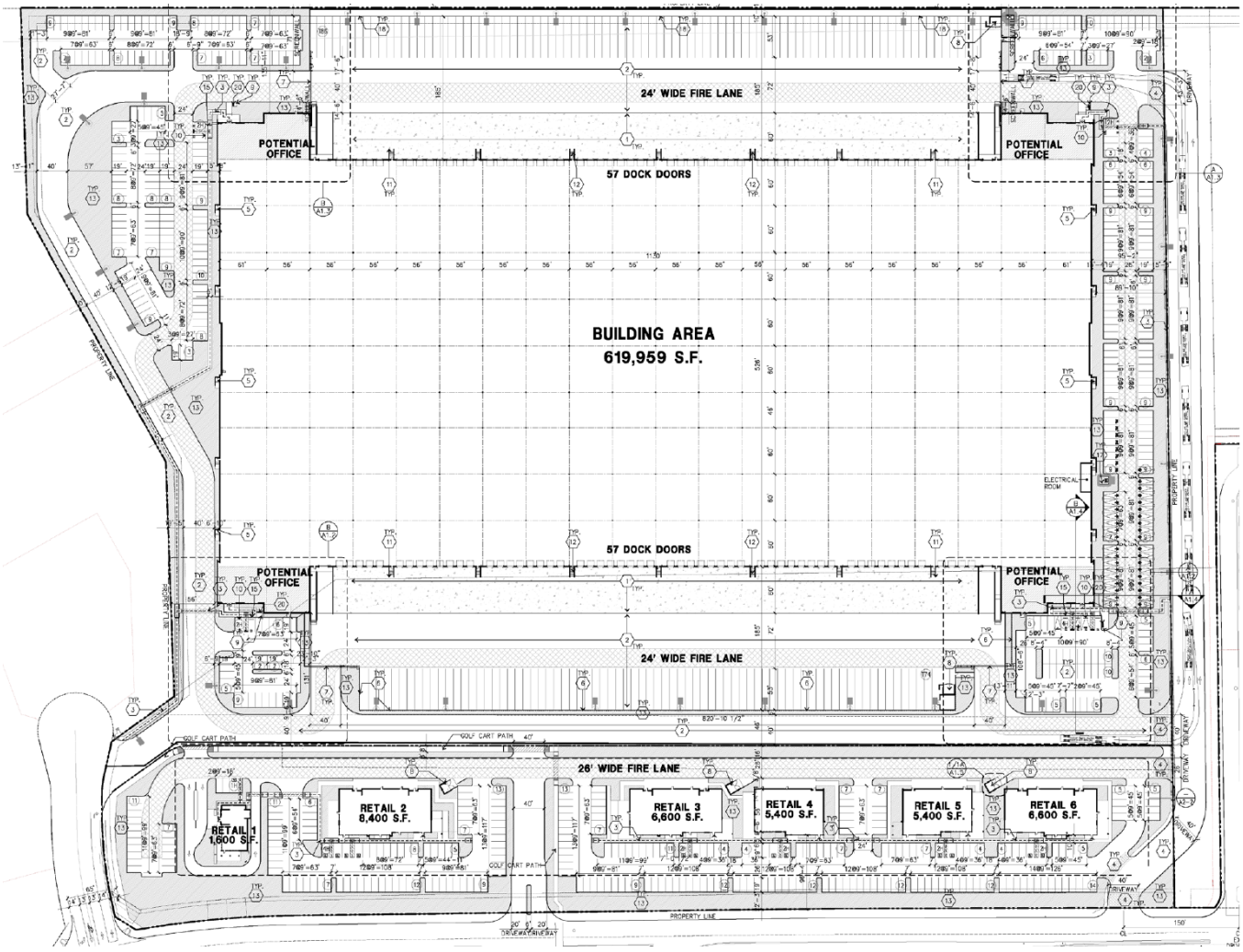
2.8 – Banning Point Project Description

Proposed Development Plan

The proposed Project includes construction of an approximately 619,959-square foot high-cube warehouse and development of six retail commercial buildings totaling approximately 34,000 square feet (See Exhibit 3, Site Plan). A Tentative Parcel Map, which would divide the site into three parcels, has been submitted as part of the Project application. Parcel 1, located on the southern part of the Project site, would accommodate six retail buildings. Parcel 2, located on the northern part of the site, would include the industrial warehouse building. Parcel 3, located on the eastern part of the site, is not proposed for development at this time, but an access road would be installed. The impacts associated with this access road are addressed in this Addendum. The following provides more details about each component of the Project site.

Industrial Warehouse. The industrial warehouse would be developed on the northern portion of the site that consists of 30.22 acres. The warehouse building would include approximately 619,959 square feet of high-cube warehouse space, with approximately 154,990 square feet dedicated to high-cube cold storage use (or 25% of floor area), a permitted use under the SLVNSP, and approximately 10,000 square feet dedicated to office uses; potential locations for office space are identified at the corners of the building. Approximately Fifty-seven (57) truck dock doors would be located along the northern side of the building and 57 dock doors would be located along the southern side. Parking spaces to accommodate trucks would be located in the vicinity of the truck dock doors. Car parking

Exhibit 3
Site Plan



PROJECT DATA

INDUSTRIAL SITE		
SITE AREA		
Total Site Area:	30.219215 s	1,316,349 s.f.
BUILDING AREA		
Office - 1st floor		10,000 s.f.
Office - 2nd floor		0 s.f.
Warehouse		609,959 s.f.
TOTAL		619,959 s.f.
COVERAGE		47.1%
AUTO PARKING REQUIRED		
Office: 1/300 s.f.		40 stalls
Whse: 1st 20K @ 1/1,000 s.f.		20 stalls
Whse: above 20K @ 1/2,000 s.f.		295 stalls
TOTAL		355 stalls
AUTO PARKING PROVIDED		
Standard (9' x 19')		337 stalls
Standard ADA (1 EV parking included)		7 stalls
Van ADA (1 EV parking included)		4 stalls
Standard EV Parking		34 stalls
Clean Air		8 stalls
TOTAL		390 stalls
TRAILER PARKING PROVIDED		
Trailer (12' x 53')		160 stalls
BIKE PARKING PROVIDED		
Short term bike parking		9 stalls
Long term bike parking		9 stalls
TOTAL		18 stalls
ZONING ORDINANCE FOR CITY		
Zoning Designation - Regional Industrial (IR)		
SETBACKS		
Front - 25'		
MAXIMUM BUILDING HEIGHT ALLOWED		
Height - 150'		
MAXIMUM FLOOR AREA RATIO		
FAR - .55		

RETAIL SITE		
SITE AREA		
Area:	6.83 Acres	297,492 s.f.
BUILDING AREA		
B1		1,600 s.f.
B2		8,400 s.f.
B3		6,600 s.f.
B4		5,400 s.f.
B5		5,400 s.f.
B6		6,600 s.f.
TOTAL		34,000 s.f.
COVERAGE		11.4%
AUTO PARKING REQUIRED		
Drive thru 1stall per 100		16 stalls
Retail 1stall per 250		130 stalls
		stalls
TOTAL		146 stalls
AUTO PARKING PROVIDED		
Standard (9' x 19')		262 stalls
ADA		13 stalls
TOTAL		275 stalls
ZONING ORDINANCE FOR CITY		
Zoning Designation - Regional Industrial (IR)		
SETBACKS		
Front - 25'		
MAXIMUM BUILDING HEIGHT ALLOWED		
Height - 150'		
MAXIMUM FLOOR AREA RATIO		
FAR - .55		

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would be generally located east and west of the building. The warehouse building would be single-story and approximately 47.5 feet tall. The northern portion of the site that would include the warehouse development would include approximately 112,998 square feet of landscaping, comprising approximately 16.23 percent of the site area. The warehouse development will provide approximately 391 standard parking stalls and 11 ADA accessible stalls (402 total stalls). The proposed industrial warehouse building would have a total of approximately 114 dock doors, 153 truck trailer parking stalls, 9 short term bicycle parking stalls, and 9 long-term bicycle parking stalls. Table 2 (Warehouse Specifications and Requirements) provides a summary of the warehouse specifications as well as relevant development provisions.

Although the industrial warehouse building is intended to be used as an industrial warehouse, an end user has not been identified at this time. However, the applicant requests approval of a 24 hours per day/7 days per week operational schedule to allow for flexibility for future tenants. This Addendum and accompanying technical appendices evaluate all Project impacts based upon the conservative, worst-case assumption that the Project will operate 24 hours per day/7 days per week.

Table 2
Warehouse Specifications and Requirements

Development Standards Industrial Warehouse Building	Development Standard	Proposed Warehouse[1]
Lot Size	10,000 SF	1,316,349 SF
Lot Width	70 feet	1,270 feet
Lot Depth	100 feet	876 feet
Building Height	55 feet	47'-6"
Building Setbacks: Front Side Rear	 20 feet 20 feet 20 feet	 185 feet 70 feet 185 feet
Building Coverage	55%	47%
Landscape Coverage	15% of lot minus building area	16.23%
Fence/Wall Height	8 feet	Fence – 8 feet Wall – 14 feet
Parking Requirements		
Office – 1 space per 300 s.f.	34	40
Warehouse Parking – 22 spaces plus 1 space per 2,000 s.f. over 20k s.f.	317	362

[1] NOTE: all numerical values are approximate

The industrial warehouse building would be constructed with concrete tilt-up walls with painted and scored accents. The design provides glazing and color variation along the length of the industrial warehouse building. The exterior elevations uses a combination of materials and colors. The warehouse building will use paint by Sherwin-Williams with colors *Extra White* with *Gray Screen, Software, and Cyberspace* with trims of *Heartthrob* between the gray panels. There are aluminum windows and door frames with tempered glazing in a blue reflective color that will be located on the wall panels, the building corners, and the four potential office areas. There are *Metal Canopies with Pure White* and *clear*

Anodized Mullions to accent the building. The proposed 14-foot concrete tilt-up walls will screen the truck yards and the colors will match the paint and color variations of the warehouse building.

Retail Buildings. The retail commercial building would be developed on the southern portion of the site that consists of 6.83 acres. The proposed retail commercial buildings range in size from approximately 1,400 square feet to 8,400 square feet. Building 1 will include a coffee or similar restaurant with a drive-thru and the remaining five buildings will be for retail and/or restaurant uses. The southern portion of the Project site would be developed with the retail commercial buildings and will include approximately 104,602 square feet of landscaping, comprising approximately 34.9 percent of the site area. The retail commercial development will provide approximately 276 standard parking stalls and 13 ADA accessible stalls (289 total stalls). Table 3 (Retail Buildings Specifications and Requirements) provides a summary the retail buildings specifications as well as relevant development provisions.

The main colors of the retail buildings will be Sherwin-Williams *Extra White* with accent colors of *White Brick, Warm Brick, and Metal Siding*. The storefront aluminum windows and door framing will use a blue reflective window glazing and is also located on the wall panels and the building corners. There are *Pure White Metal Canopies* with *clear Anodized Mullions* to provide distinction accents to the buildings.

Table 3
Retail Buildings Specifications and Requirements

Development Standards Retail and Restaurant Buildings	Required	Proposed Retail Buildings
Lot Size	6,000 s.f.	297,492 s.f.
Lot Width	60 feet	1,300 feet
Lot Depth	100 feet	200 feet
Building Height	35 feet	20’ – 6”
Building Setbacks: Front Side Rear	 0 feet 20 feet 20 feet	 100 feet 80 feet 30 feet
Building Coverage	55%	11.4%
Landscape Coverage	15% of lot minus parking area	34.9%
Fence/Wall Height	6 feet	N/A
Parking Requirements		
Drive Thru – 1 space per 100 s.f.	16	16
Retail – 1 space per 250 s.f.	130	273

[1] NOTE: all numerical values are approximate

Access and Circulation

The Project has one driveway on Sun Lakes Village Drive and two driveways on Sun Lakes Boulevard. All semi-truck access will be limited to the driveway on Sun Lakes Village Drive, and the two Sun Lakes Boulevard driveways will serve the commercial/retail portion of the Project.

The westerly Sun Lakes Boulevard driveway will be the main retail driveway, which will be signalized, allow full access, and be aligned with existing Country Club Drive. The easterly driveway on Sun Lakes Boulevard will be restricted to right-in/right-out access, which will be controlled by a raised median.

Onsite circulation will include a minimum 40-foot drive aisle around the perimeter of the business/warehouse building. A 26-foot wide emergency/fire access road will be provided on the north side of the commercial/retail portion.

Grading and Drainage

The Project's grading plan indicates the site will require approximately 120,663 cubic yards of cut and 120,663 cubic yards of fill, including over-excavation and shrinkage, so earthwork will be balanced onsite. 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 Project site currently drains south toward to Sun Lakes Boulevard. The portion of the site which drains to Sun Lakes Boulevard sheet flows to the existing storm drain system which then conveys the flows to Smith Creek to the east. The conceptual site plan for the Project (Exhibit 3) indicates a detention basin will be located in the southeast corner of the site which will provide long-term onsite and downstream flood protection. The basin will be designed to store runoff from rainfall events up to and including the 100-year, 3-hour duration event. Post development peak urban runoff discharge rates would not exceed pre-development peak urban runoff discharge rates (RPG 2021a, b).

Utilities

Existing utilities include a 12-inch potable water main and a 12-inch sewer main within Sun Lakes Boulevard. The Project site naturally flows to storm drains at the southwest and southeast corners of the site; stormwater is then conveyed to Smith Creek to the east or Potrero Creek to the west (RPG 2021b). Existing electricity, natural gas, and telecommunications utilities beneath Sun Lakes Boulevard will serve the Project via lateral connections.

Project Phasing and Construction Scheduling

The Project is planned in two phases over a period of 18-22 months. Phase 1 will consist of the industrial building with construction projected to begin in early 2022 and completed by the end of 2022. Phase 2 will consist of the retail buildings to start construction in early 2023 and be completed by late 2023.

2.9 – Surrounding Land Uses

The proposed Project is bounded on the north by railroad tracks, Interstate-10 (I-10), and commercial uses further north. Residential uses are located to the east, and commercial and industrial uses to the west. Sun Lakes Boulevard borders the site to the south, with residential uses further south. Surrounding uses are summarized in Table 4 (Surrounding Land Uses and General Plan and Zoning Designations) below and as shown in Exhibit 2.

Table 4
Surrounding Land Uses and General Plan and Zoning Designations

Direction	General Plan Designation	Zoning Designation	Existing Land Use
Project Site	Business Park with Specific Plan Overlay and General Commercial with Specific Plan Overlay	Specific Plan: Business & Warehouse, Office & Professional, and Retail & Service	Vacant Land
North	Public Facilities/ Rights-of-Way	N/A	Interstate-10 UPRR & SPR Railroads
South	Public Facilities/ Rights-of-Way Medium Density Residential	Sun Lakes Specific Plan	Sun Lakes Boulevard Single-Family Residences
East	Medium Density Residential High Density Residential Affordable Housing Opportunity	Sun Lakes Specific Plan	Senior Apartments Single-Family Residences
West	General Commercial (with Specific Plan Overlay)	Sun Lakes Specific Plan	Commercial Shopping Center

2.10 – Environmental Setting

The Project site is currently undeveloped but is surrounded on all sides by industrial, commercial, and residential development, as well as roadway and highway features. The site is comprised of mostly dirt and non-native weeds/ruderal vegetation that has little value as natural habitat, although there are a number of trees along the southern and southeastern boundaries of the site. The site is relatively flat and slopes slightly from northwest to southeast with an elevation ranging between approximately 2,565 feet above mean sea level (AMSL) at the northwest corner of the site to 2,545 feet AMSL on the southeast side of the site. There are no on-site water features indicative of potential riparian habitat or wetlands. The site is located just east of the Banning Pass and has views of Mt. San Gorgonio and the San Bernardino Mountains to the north and the San Jacinto mountains to the south. Air quality can be poor at times due to high winds and transport of air pollutants out of the Los Angeles Basin and the San Bernardino Valley to the west. The site was part of the Stewart Ranch, but no improvements from the ranch remain. Residential uses of the Sun Lakes Village community are located to the south (across Sun Lakes Boulevard) with a business park to the west and various residential neighborhoods to the east. Railroad tracks and the I-10 Freeway are located just north of the site and scattered residential uses are located further to the north across the freeway from the Project site.

2.11 – Required Approvals

The Project would require the following approvals:

- Design Review
- Tentative Parcel Map

2.12 – Other Public Agency Whose Approval is Required

- None

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3 Determination

3.1 – Environmental Categories Potentially Affected

The environmental categories checked below were identified in the SLVNSP PEIR as being a 'Potentially Significant Impact,' and the following sections of this Addendum will identify to what degree the proposed Project contributes to these previously identified significant impacts.

☐	Aesthetics	☐	Agriculture Resources	☑	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology /Soils	☑	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology / Water Quality	☑	Land Use / Planning	☐	Mineral Resources
☐	Noise	☐	Population / Housing	☐	Public Services
☐	Recreation	☑	Transportation/Traffic	☐	Tribal Cultural Resources
☐	Utilities / Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

3.2 – Determination

☐	The Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☐	Although the Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	The Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	The Project MAY have a 'potentially significant impact' or 'potentially significant unless mitigated' impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☑	The Project could have a significant effect on the environment, but all of its potentially significant effects (a) have been adequately analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION. As such, no further environmental documentation (e.g., a subsequent EIR) is required.

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4 Evaluation of Environmental Impacts

The purpose of this Addendum is to evaluate the environmental categories in terms of any changed conditions from the approved SLVNSP to the proposed Project (e.g., project changes, changed circumstances, or new information of substantial importance) that may produce a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) pursuant to CEQA Guidelines §§ 15162, 15164, and 15168(c). As such, the Addendum's checklist analysis uses the standard environmental categories provided in Appendix G of the CEQA Guidelines but provides answer columns for evaluation consistent with the considerations listed in Guidelines § 15162(a).

Mitigation measures identified in the PEIR and applicable to the proposed Project are discussed under each environmental section and are listed in Section 5 – Applicable Mitigation Measures.

As discussed in the following sections, the proposed Project would not result in new significant environmental effects or a substantial increase in the severity of impacts previously identified by the PEIR.

EXPLANATION OF CHECKLIST EVALUATION CATEGORIES (COLUMNS)

Effect Not Examined in Program EIR?

Pursuant to CEQA Guidelines § 15168(c)(1), this column indicates whether the Project would have effects that were not previously examined by the PEIR, which new effects could necessitate subsequent CEQA review.

Conclusion in Program EIR?

This column summarizes the conclusion of the SLVNSP PEIR concerning the environmental issue listed under each topic.

Proposed Changes Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines § 15162(a)(1), this column indicates whether any changes represented by the proposed Project will result in new significant environmental impacts not previously identified or mitigated by the PEIR or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

New Circumstances Involving New or More Severe Impacts?

Pursuant to CEQA Guidelines § 15162(a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the Project will be undertaken that will require major revisions to the PEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

New Information Showing New or More Severe Impacts?

Pursuant to CEQA Guidelines § 15162(a)(3), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the PEIR was certified, shows any of the following:

(A) The Project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous PEIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives that are considerably different from those analyzed in the previous PEIR would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the PEIR remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “No,” and no subsequent environmental review would be required.

DISCUSSION FOLLOWING CHECKLIST EVALUATION

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers regarding the proposed Project in relation to SLVNSP PEIR. The discussion provides information about the particular environmental issue, how the Project relates to the issue, and the status of any mitigation that may be required or that has already been implemented. Applicable mitigation measures from the PEIR that apply to the proposed Project are listed under each environmental category.

Conclusion

Each section ends with a summary of the conclusion of the preceding analysis.

4.1 – Aesthetics

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Have a substantial adverse effect on a scenic vista?	No	Less than Significant Impact	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within view from a state scenic highway?	No	Less than Significant Impact	No	No	No
c) In non-urbanized area, 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?	No	Less than Significant Impact	No	No	No
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) **Scenic Vistas.** The SLVNSP and surrounding areas contain no designated scenic vistas although San Gorgonio Mountain and the San Bernardino Mountains are visible to the north and northeast. The surrounding lands contain largely suburban scale developed land uses and neighborhoods. The SLVNSP PEIR determined the SLVNSP would have less than significant impacts and no mitigation was required. Since the proposed Project would be developed under the SLVNSP, it would have similar less-than-significant impacts to scenic vistas.

(b) **Visual Resources within a State Scenic Highway.** There are no roadways in the SLVNSP area that are designated or eligible for listing as a State Scenic Highway or locally designated scenic route. In addition, the SLVNSP area contains no visual resources or historic resources. Therefore, any development that implements the SLVNSP, such as the Project, would have no impacts on scenic resources.

(c) **Degrade Existing Visual Character.** The surrounding area is largely built out with industrial, office, commercial, and residential uses. In addition, there is undeveloped land in the Project vicinity that is designated for future development with similar uses. The PEIR concluded that the SLVNSP does not significantly change the existing development pattern and appearance of the surrounding area, although it would allow the area to develop with higher intensity of uses. The PEIR concluded that the SLVNSP would actually improve the visual quality and character of the area by adding an upgraded use to valuable undeveloped land along a major interstate. The SLVNSP implements development standards, design guidelines, and landscaping and streetscape requirements to enhance the visual quality of the planning area and surrounding area. With regard to building height, the SLVNSP does not change existing regulations. The PEIR determined impacts to be less than significant, and no mitigation was required.

The proposed Project would be developed consistent with the design and development requirements of the SLVNSP. Thus, the size and scale of the proposed buildings are consistent with the surrounding area. The overall appearance of new buildings within the Project would be consistent with the scale and size allowed under the SLVNSP. Therefore, the proposed Project would have less than significant impacts, and no mitigation is required.

(d) **Light and Glare.** The SLVNSP area and surrounding areas currently have high ambient levels of night lighting for private property security and street lighting. The PEIR found that although the level of development would increase through implementation of the SLVNSP, light and glare affecting residences and other light-sensitive uses was expected to be similar to current levels since City regulations regarding lighting would continue to apply. Therefore, the Project's light and glare impacts would be less than significant and no mitigation is required.

Conclusion. As analyzed in the PEIR, the proposed Project would comply with the City's night-time light regulation and would thus have less than significant impacts. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.2 – Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	No	No Impact	No	No	No
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	No	No Impact	No	No	No
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	No	No Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
d) Result in loss of forest land or conversion of forest land to non-forest use?	No	No Impact	No	No	No
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) Designated Farmland. As described in the PEIR Initial Study, which is included in Appendix A of the PEIR**,** according to the Riverside County Parcel Report obtained from the *Map My County* website on January 17, 2020, the site is identified as Farmland of Local Importance and Urban-Built Up Land. As such, the site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. The Project has no potential to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use and no impact would occur in this regard.

(b) Williamson Act. According to the Riverside County Parcel Report for the Project, the site is not under a Williamson Act Contract. The Project site is designated as Business Park (with Specific Plan Overlay) and General Commercial (with Specific Plan Overlay). There is no agricultural zoning or uses in close proximity to the Project site. Therefore, the Project would not conflict with existing zoning for agricultural use.

(c) Forest Zoning. The current General Plan land use designations are Business Park with Specific Plan Overlay and General Commercial with Specific Plan Overlay. The Specific Plan zoning designations are Business & Warehouse, Office & Professional, and Retail & Service. The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning. No impact would occur.

(d) Loss of Forestland. The Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the

Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use. No impact would occur.

(e) Conversion of Land. The Farmland Mapping and Monitoring Program classifies the Project site as Farmland of Local Importance. Farmland of Local Importance is either currently producing or has the capability of production; but does not meet the criteria of Prime, Statewide or Unique Farmland.

The site can be considered to be Fallow Agricultural Land. The description of this habitat and vegetation communities is based on the definitions found in MSHCP Section 2.1.3 and A Manual of California Vegetation: Second Edition (Sawyer et al. 2009). Fallow Agricultural Land includes fallow fields that have been recently disked, plowed, or are no longer used to produce crops and are slowly being encroached by non-native herbaceous plant species. In some cases, native annual wildflowers become established in fallow agricultural lands. As such, the Project site is not currently providing active agricultural land of use to the local economy.

In addition, the Project site has been planned for industrial, business park, and commercial uses by the General Plan since 1983 and this type of development has been anticipated for the Project site. Therefore, no unanticipated impact would occur.

Conclusion. There are no agricultural or forest related resources in or near the Project area that would be impacted. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.3 – Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Conflict with or obstruct implementation of the applicable air quality plan?	No	Significant Impact	No	No	No
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?	No	Significant Impact	No	No	No
c) Expose sensitive receptors to substantial pollutant concentrations?	No	Less than Significant Impact	No	No	No
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Conflict with AQMP. The SLVNSP area is within the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD) and subject to the 2016 Air Quality Management Plan (AQMP). Pursuant to the methodology provided in Chapter 12 of the SCAQMD *CEQA Air Quality Handbook*, a proposed project's consistency with the 2016 AQMP is assessed under two criteria:

- **Criterion 1**. Would the proposed project be consistent with the growth assumptions in the AQMP? Growth forecasts and associated assumptions are included in the 2016 AQMP, which are designed to achieve attainment for all criteria air pollutants within the Basin while still accommodating growth in the region. Projects that are consistent with the AQMP growth assumptions would not interfere with attainment of air quality standards because their growth is included in the projections used to formulate the AQMP.

- **Criterion 2**. Would the proposed project increase the frequency or severity of a violation of air quality standards or cause a new violation? This refers to violations of the California Ambient Air Quality Standards (CAAQS) and National Ambient Air Quality Standards (NAAQS). In developing its CEQA significance thresholds, SCAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable (page D-3, SCAQMD 2003).

The PEIR concluded that the SLVNSP was inconsistent with the 2016 AQMP under both of SCAQMD's criteria because the SLVNSP would result in exceedances of SCAQMD's daily pollutant emissions thresholds for volatile organic compounds (VOC) during construction and nitrogen dioxide (NOx) during construction and long-term operation, and this would occur even with implementation of the PEIR's mitigation measures AQ-1 through AQ-7.

The Project will include less square footage than what was approved in the SLVNSP. As discussed in Checklist Question 4.3(b) below and detailed in the Project's air quality report (Urban Crossroads, July 2021a, updated February 2022)(Appendix A), the Project will not exceed any of SCAQMD's daily pollutant emissions thresholds, either during construction or long-term operation. As such, the Project, unlike the SLVNSP project, will be consistent with the 2016 AQMP, and the Project impacts under this threshold will be less than significant.

(b) Cumulative Increase in Air Pollution. The South Coast Air Basin is in "non-attainment" status for several criteria pollutants. SCAQMD 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.

A detailed air quality assessment was prepared for the PEIR, which evaluated the development of 877,298 square feet of industrial park use and 37,189 square feet of commercial retail use within the area bounded by the currently proposed Project. There were also medical office uses evaluated in the EIR, but this portion of the SLVNSP is east and outside of the proposed Project boundary.

As noted, a detailed air quality and greenhouse gas report (Urban Crossroads, July 2021a, updated February 2022)(Appendix A) has been prepared for the proposed Project, which analyzes 619,959 square feet of warehousing space and 34,000 square feet of retail and fast-food commercial uses. This air quality report assumed up to a quarter of the warehouse space would be used for cold storage and the rest for high-cube logistics warehousing. This report assumed the commercial space along Sun Lakes Boulevard would be similar to that examined in the PEIR with the addition of a drive-through coffee establishment.

Construction-Related Impacts

The PEIR assumed that construction of the SLVNSP would occur over a 15-month period once construction commenced and concluded that construction-related emissions impacts would be significant for VOC emissions even with mitigation. As a result, the PEIR concluded that the SLVNSP would result in significant unavoidable project construction-related impacts and cumulatively considerable impacts related to construction.

The Project is planned in two phases over a period of 18-22 months. Phase 1 will consist of the industrial building with construction projected to begin in early 2022 and completed by the end of 2022. Phase 2 will consist of the retail buildings to start construction in early 2023 and be completed by late 2023. Table 5 (Air Quality Impacts from Project Construction) shows the estimated "worst case" maximum daily emissions from Project construction compared to the SCAQMD thresholds. Table 5 demonstrates

that construction of the proposed Project would not exceed the established SCAQMD thresholds, so unlike the SLVNSP project, this impact is less than significant. Although no Project-specific mitigation is required, during construction, the Project will still implement PEIR Mitigation Measures AQ-1 regarding painting and AQ-2 regarding grading, as well as SCAQMD construction-related regulations, such as for dust control.

Table 5
Air Quality Impacts from Project Construction

Pollutant Characteristics	**Emissions (pounds/day)[1]**					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Maximum Daily Emissions	19.30	61.52	64.23	0.17	14.13	6.85
SCAQMD Thresholds	75.0	100.0	550.0	150.0	150.0	55.0
Exceeds Thresholds?	No	No	No	No	No	No

Source: Table 3, UR 2021a
[1] Emission results rounded off from UR 2021 report

Long-Term Operation

The PEIR concluded that the long-term operational emissions impacts of the SLVNSP would be significant only for NOx as a result of vehicle traffic generation, even with the PEIR's mitigation measures AQ-3 through AQ-6. As a result, the PEIR concluded that the SLVNSP would result in significant unavoidable impacts and cumulatively considerable impacts related to long-term operation.

As detailed in the Project's air quality report, the Project's long-term operational emissions are anticipated to be less than significant for all SCAQMD thresholds. Table 6 (Air Quality Impacts from Project Operation) shows the estimated "worst case" maximum daily emissions from the Project's long-term operations compared to the SCAQMD thresholds. Table 6 also shows the air pollutant emissions estimated from the PEIR for the portion of the SLVNSP within the Project area.

Table 6
Air Quality Impacts from Project Operation

Total Maximum Daily Emissions	**Emissions (pounds/day)[1]**					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
PEIR Estimate (for Project area)	29.1	36.8	107.0	0.4	33.6	9.4
Proposed Project	28.6	49.1	161.9	0.5	48.9	13.7
SCAQMD Thresholds	55.0	55.0	550.0	150.0	150.0	55.0
Exceeds Thresholds?	No	No	No	No	No	No

Source: Tables 1 and 5, UR 2021a
[1] Emission results rounded off from UR 2021 report

Although no Project-specific mitigation is required, during operation, the Project will still implement EIR Mitigation Measures AQ-3 regarding electrical hookups at loading docks, AQ-4 regarding idling limits, AQ-5 requiring electric or natural gas "yard" equipment, and AQ-6 regarding electric vehicle charging stations.

It should also be noted that the Project will eventually have to comply with SCAQMD Rule 2305 regarding truck-related warehouse emissions. In May 2021, the SCAQMD adopted the Warehouse Indirect Source Rule which seeks to reduce nitrogen oxide and particulate matter emissions produced by light- and heavy-duty trucks and tractor-trailers (mainly diesel) traveling to and from warehouses by

regulating the owners and operators of warehouse facilities considered to be the "indirect source" of those emissions. Rule 2305 implements SCAQMD's Warehouse Actions and Investments to Reduce Emissions (WAIRE) Program and applies to owners and operators of existing and new warehouses within the South Coast Air Basin. Warehouse operators must earn a specific number of points (called WAIRE Points) through emissions-reducing activities or payment of mitigation fees to offset the number of truck trips to and from warehouses under their control. Warehouse operators incur their WAIRE Points obligations on a weighted basis, with, until 2026, larger obligations for larger warehouse facilities, and for warehouses hosting larger vehicles (e.g., tractors or tractor-trailers). Rule 2305 will be phased in over three years, applying to larger warehouses first. The Initial Compliance Period begins on January 1, 2022 for warehouses 250,000 square feet or more, on January 1, 2023 for warehouses 150,000 feet or more, and on January 1, 2024 for warehouses 100,000 square feet or more. Although it is likely that compliance with Rule 2305 will decrease the Project's emissions, in order to prepare a more conservative analysis, no reductions in emissions are assumed. While the PEIR concludes that the SLVNSP's construction and operational impacts are significant and unavoidable, the Project's impacts are not significant and thus less than the impacts specified in the PEIR.

Mitigation Measures

The PEIR recommended the following mitigation measures which will be implemented during grading, construction, and operation of the warehouse portion of the Project:

Grading/Construction

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 the 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.

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.

Operation

AQ-3 **Electrical Hookups for Loading Docks.** 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.

In addition to these six measures, the PEIR recommended Mitigation Measure ("MM") AQ-7 that required the preparation of a "Health Risk Assessment (HRA) during the City's review process for any future development applications under the Specific Plan that proposes a warehouse or distribution project." AQ-7 required that the (warehouse) applicant "shall submit a Health Risk Assessment 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* by the SCAQMD. If the modeling showed that emissions would exceed the SCAQMD's significance thresholds for those emissions, …performance-based measures shall be required in order reduce emissions to less than significant levels". Measure AQ-7 was to be completed as part of the City's review process. To comply with that measure, the air quality report for the Project includes an HRA, and the results are presented in Sub-Section (c) below. With implementation of Mitigation Measures AQ-1 through AQ-6 from the PEIR, the Project would not result in a cumulatively considerable net increase of any criteria pollutant, and no additional Project-specific mitigation is required. However, the PEIR concluded that air quality impacts would be significant, and thus would be cumulatively considerable, but the preceding analysis demonstrates that the air quality impacts of this Project will be less than significant with mitigation.

(c) Sensitive Receptors. The PEIR evaluated air quality impacts of the SLVNSP and determined that future warehousing could have significant impacts on nearby residential uses and their residents (referred to as "sensitive receptors"). EIR Mitigation Measure AQ-7 required preparation of a Health Risk Assessment (HRA) for any future warehouse uses to determine any specific impacts of an actual development proposal and to determine if mitigation would be required. Potential impacts may result from both construction and/or operation of warehousing. The first step in the analysis is to determine if the Project exceeds any of the Local Significance Thresholds (LSTs) established by the SCAQMD.

LSTs - Construction

Pursuant to MM AQ-2 of the PEIR, the following analysis is presented to determine if the proposed Project would be required to implement any limitations on grading activity to prevent localized air quality

impacts to nearby sensitive receptors. The analysis makes use of methodology included in the SCAQMD *Final Localized Significance Threshold Methodology*. The SCAQMD has established that air quality impacts are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, these are referred to as Localized Significance Thresholds (LSTs) which 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 sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses. Table 7 (Local Significance Thresholds – Impacts from Project Construction) summarizes the Project's localized construction emissions compared to the applicable thresholds. Table 7 indicates emissions from Project construction will not exceed the SCAQMD's LSTs and are therefore less than significant. No mitigation beyond that outlined in the PEIR would be required (MM AQ-1 and AQ-2) for construction impacts.

Table 7
Local Significance Thresholds – Impacts from Project Construction

Total Maximum Daily Emissions	Emissions (pounds/day)[1]			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Proposed Project	60.7	31.2	13.8	6.8
SCAQMD Thresholds	236.0	2,817.0	38.0	12.0
Exceeds Thresholds?	No	No	No	No

Source: Table 4, UR 2021a
[1] Emissions results rounded off from UR 2021 report

LSTs - Operation

Table 8 (Local Significance Thresholds – Impacts from Project Operation) summarizes the operational air quality localized emissions resulting from the Project. According to Table 8, the proposed Project's operational-related activity would not exceed the applicable regional significance thresholds, and a less than significant impact would occur, and no mitigation beyond that outlined in the PEIR would be required (MM AQ-3 through AQ-6) for operational impacts.

Table 8
Local Significance Thresholds – Impacts from Project Operation

Total Maximum Daily Emissions	Emissions (pounds/day)[1]			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Proposed Project	6.1	6.9	1.9	0.6
SCAQMD Thresholds	236.0	2,817.0	10.0	3.0
Exceeds Thresholds?	No	No	No	No

Source: Table 6, UR 2021a
[1] Emission results rounded off from UR 2021 report

Health Risk Assessment

Pursuant to PEIR MM AQ-7, a diesel health risk assessment (HRA) has been prepared for the proposed warehouse project. This analysis evaluates the potential mobile source health risk impacts to receptors (i.e., local residents or workers) associated with the development of the Project. Health risk exposures were modeled in accordance with guidelines issued by the SCAQMD and the State Office of Environmental Health Hazards Assessment (OEHHA). The boundaries of the modeled source area are shown in Exhibit 4 (Modeled Source Area Map). To assess the potential for long-term operational impacts, the HRA identified the following five (5) receptor locations, as shown on Exhibit 5 (Sensitive

Receptor Locations), as representative of the closest sensitive receptors to the Project site for more detailed analysis. All distances were measured from the Project site boundary to the outdoor living areas (e.g., private backyards) or at the building façade, whichever was closer to the Project site.

R1 Location R1 represents the existing residence at 5778 Joshua Palmer Way, approximately 543 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R1 is placed at the building façade.

R2 Location R2 represents the residence at 301 Northwood Avenue, approximately 725 feet east of the Project site. Receptor R2 is placed at the private outdoor living area (backyard).

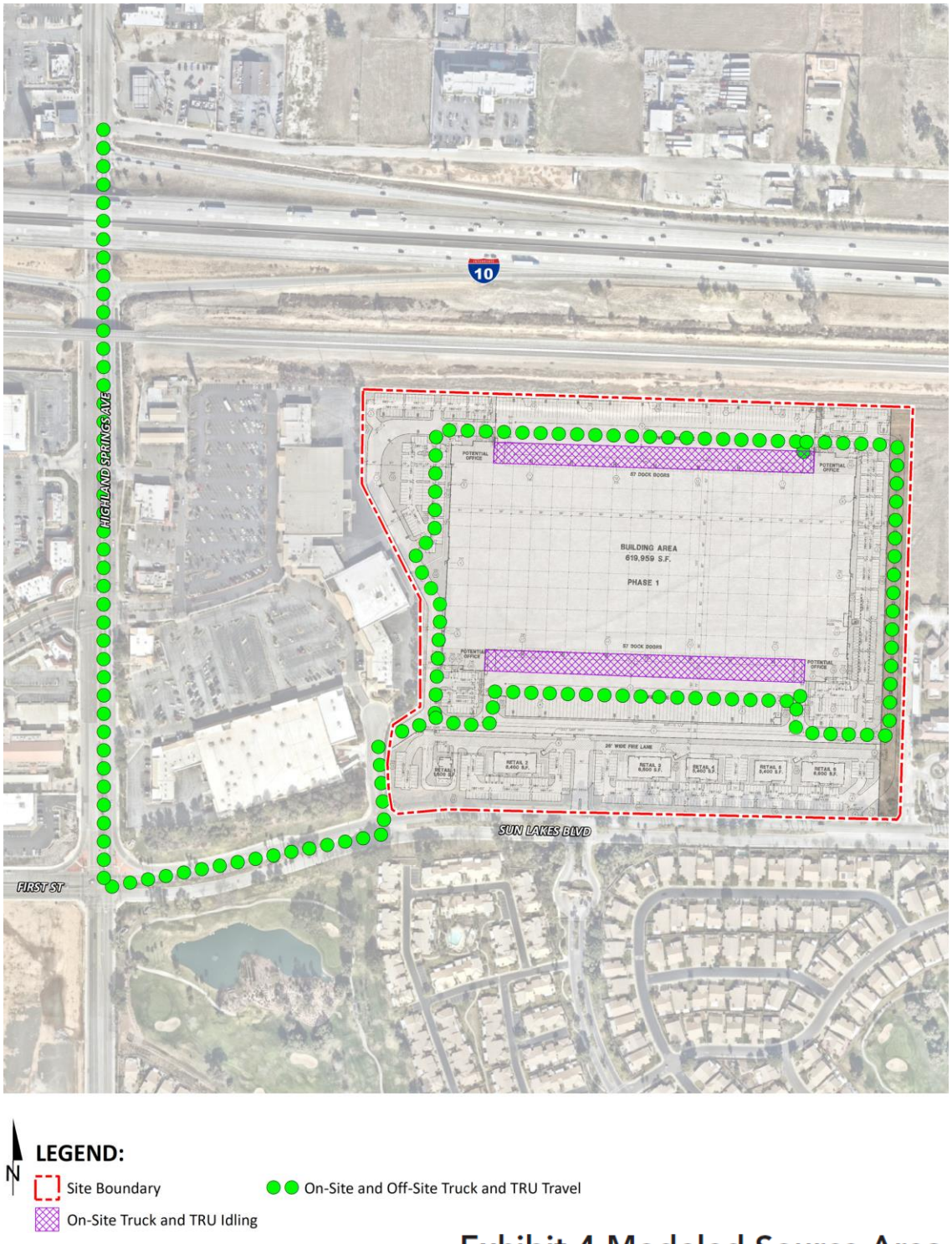
R3 Location R3 represents the existing Assisted Living and Memory Care at 5801 Sun Lakes Boulevard, approximately 110 feet east of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R3 is placed at the building façade.

R4 Location R4 represents the existing residence at 5831 Oakmont Drive, approximately 115 feet south of the Project site. Receptor R4 is placed at the private outdoor living area (backyard).

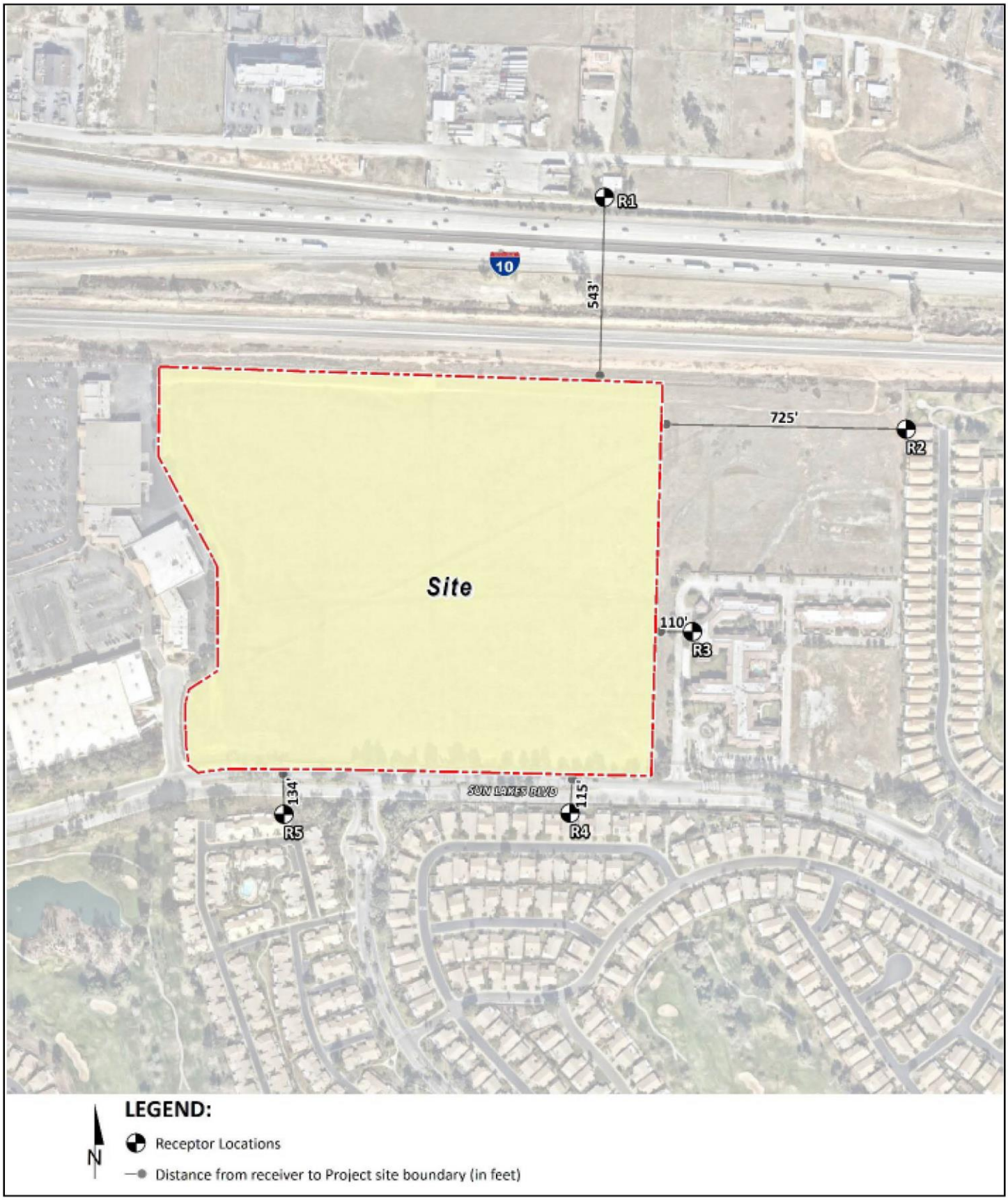
R5 Location R5 represents the existing residence at 6111 Wingfoot Avenue, approximately 134 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R5 is placed at the building façade.

The HRA evaluated potential health risk impacts that could result at the five closest sensitive receptor locations from exposure to Toxic Air Contaminants (TACs), including diesel particulate matter (DPM) generated by heavy-duty diesel trucks from on-site idling, on-site travel, and off-site travel. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk from Project-related emissions was estimated at 1.32 in one million, which is less than the SCAQMD significance threshold of 10 in one million. At these same locations, non-cancer risks were estimated to be less than 0.01, which would not exceed the applicable SCAQMD significance threshold of 1.0. Therefore, the Project will not cause a significant human health or cancer risk at any potentially affected receptors, and no specific HRA-related mitigation is required.

Exhibit 4
Modeled Source Area Map



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Source: Urban Crossroads

Exhibit 5 Sensitive Receptor Locations

Banning Point LGE Design Build Project
Banning, California

(d) Other Emissions. According to the SCAQMD *CEQA Air Quality Handbook*, land uses associated with odor complaints 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. The PEIR concluded that the SLVNSP would have a less than significant impact with respect to creating objectionable odors affecting a substantial number of people because it would not include any of these types of uses. Because the Project similarly does not include such uses, it would also have a less than significant impact, and no mitigation is required.

Conclusion. The PEIR indicated that development of the SLVNSP would result in significant air quality impacts in terms of AQMP consistency and cumulative air pollutant emissions exceeding established standards. However, the Project proposes approximately 30 percent less development on the site compared to that evaluated in the PEIR. The Project's Air Quality Assessment indicates the Project would not conflict with the AQMP and would not result in air pollutant emissions that would exceed or cause violations of established standards. A health risk assessment for the Project was also prepared per the PEIR's MM AQ-7. The Project will implement MMs AQ-1 through AQ-6 as recommended in the PEIR. In these ways, the Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.4 – Biological Resources

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
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?	No	Less than Significant with Mitigation	No	No	No
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?	No	No Impact	No	No	No
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?	No	No Impact	No	No	No
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	No	No Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	No	Less than Significant with Mitigation	No	No	No
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?	No	Less than Significant with Mitigation	No	No	No

Proposed Project in relation to PEIR

(a) Listed or Sensitive Species. As described in the PEIR, 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.

A total of 36 plant species were identified during the survey prepared as part of the P EIR. 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.

No special status plant species were identified during the PEIR's 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.

A total of 15 wildlife species (mostly birds) were detected during the PEIR's 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.

No burrowing owls, occupied burrows, or owl sign was observed during the PEIR's survey. However, because burrowing owls can occupy the site in the future, Mitigation Measure BIO-1 is required.

Mitigation Measures

BIO-1 **Pre-Construction Burrowing Owl Survey.** Within 30 calendar days prior to grading, a qualified biologist shall implement focused preconstruction surveys. Surveys shall be conducted by a CDVW-approved biologist prior to the initiation of ground disturbance (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading). In conformance with Burrowing Owl Survey instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (2006) and California Burrowing Owl Consortium's 1993 protocols (which are recommended by the CDFW), the surveys will consist of a minimum of three site visits. A brief biological technical report will be prepared and submitted to the City that describes the results of the preconstruction survey. The report shall be reviewed by the City prior to the issuance of a grading permit. If the preconstruction survey does not identify burrowing owls in the impact area, a grading permit may be issued without restriction. If it is determined that burrowing owls have colonized the project site prior to the initiation of construction, the project proponent shall immediately inform RCA, USFWS, and CDFW and will be required to prepare a Burrowing Owl Protection and Relocation Plan for approval by RCA, USFWS, and CDFW prior to initiation of ground disturbance. If burrowing owls are determined to be present in areas proposed for ground disturbance, the following avoidance measures will be implemented:

a. Occupied burrows shall not be disturbed during the nesting season (March 1 through August 31) unless a qualified biologist approved by CDFW verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls on-site after March 1 will be assumed to be nesting unless evidence indicates otherwise. This nest protection buffer will be maintained until August 31 or based on monitoring evidence, until the young owls are foraging independently or the nest is no longer active.

Unless otherwise authorized by CDFW and/or the RCA, a 250-foot buffer, within which no activity will be permissible, will be maintained between project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until August 31 or based upon monitoring evidence, until the young owls are foraging independently. For burrowing owls present during the nonbreeding season (generally September 1 to January 31), a 150-foot buffer zone will be maintained around the occupied burrow(s).

b. If there is any possibility that owls will be injured or killed as a result of construction activities, the birds may be passively relocated during the nonbreeding season in coordination with the City, RCA, and CDFW. Relocation of owls will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. Immediately prior to the initiation of grading, these one-way doors will be removed and the burrows backfilled. To avoid the potential for owls evicted from a burrow to occupy other burrows in the impact area,

one- way doors will be placed in all potentially suitable burrows in the impact area when eviction occurs.

c. Preparation of a Burrowing Owl Protection and Relocation Plan may be required if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provides options for avoidance and mitigation. The relocation plan will be approved by the RCA, USFWS, and CDFW prior to implementation.

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. Although no raptor nesting was observed during the period of time the PEIR's 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.

No federal or state-listed endangered or threatened wildlife species or special status wildlife species were observed during the PEIR's 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.

With implementation of Mitigation Measure BIO-1 and BIO-2, this potential impact would be considered less than significant.

(b) Riparian or Sensitive Habitat. As described in the PEIR, 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 Western Riverside County Multiple Species Habitat Conservation Plan (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). Therefore, there will be no impacts to riparian or sensitive habitat.

(c) Wetlands. As described in the PEIR, 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. There would be no impact to wetlands.

(d) Wildlife Movement. As described in the PEIR, 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. There would be no impact to wildlife migratory corridors.

(e) Local Policies. According to the PEIR, the Project site contains a number of trees along the southern and southeastern boundaries of the site. The PEIR stated that tree removals are strongly discouraged and require replacement under City of Banning Municipal Code Section 17.32.060. It was also indicated it was unknown if these trees would be removed as part of future development. The EIR required that Mitigation Measure BIO-3 in the event the trees were removed.

The Project landscape plan does not show preservation of any existing trees onsite, nor does it indicate if any existing trees will be reused onsite. It does show that dozens of new trees (ten different species) will be planted in and around the proposed commercial buildings and the warehouse property. Assuming the development plan will remove the onsite trees, the Project will be required to implement EIR Mitigation Measure BIO-3.

Mitigation Measures

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.

(f) Habitat Conservation Plans. As described in the PEIR, 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 D of the PEIR):

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.

With implementation of Mitigation Measures BIO-1 and BIO-2, potential impacts related to the MSHCP would be reduced to less than significant levels.

Conclusion. The Project site does not contain wetlands, riparian habitat, sensitive plants or animals, or other important biological resources. With implementation of Mitigation Measures BIO-1, BIO-2, and BIO-3, potential impacts to biological resources will be reduced to less than significant levels. In these ways, the Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.5 – Cultural Resources

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	No	No	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	No	No	No	No	No
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Historical Resources. The Project area lies within Stewart Ranch which was utilized for grazing, agricultural, and water control/conveyance purposes. This suggests that any buried historic artifacts and/or deposits that may be present 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 in and of themselves.

As described in the PEIR, 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, which prepared cultural resources reports for the PEIR, identified a linear resource (RPGX-1H) in the Project area consisting of an earthen bermed ditch constructed by a bulldozer sometime before 1953 and associated with water control/conveyance efforts instituted on the ranch along Potrero 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. Therefore, there would be no impact to a significant historic resource.

(b) Archaeological Resources. As described in the PEIR, 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. Grading of the site would therefore have a low to moderate sensitivity in terms of revealing archaeological resources. Thus, there are no impacts and no mitigation measures are required based on the results of the cultural resources assessment. For additional information on tribal cultural resources, which can be related to archaeological resources, see impacts and mitigation discussed in Section 4.17, Tribal Cultural Resources.

(c) Human Remains. As described in the PEIR, 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. 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. Compliance with established health and safety regulations will reduce potential impacts to less than significant levels and no mitigation is required.

Conclusion. There are no historic resources on the Project site, and the Project area appears to have low sensitivity for prehistoric archaeological resources. Additionally, compliance with established health and safety regulations will reduce potential human remains impacts to less than significant levels. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

NOTE. As a result of Native American Consultation (NAC) under SB 18, the PEIR did include mitigation for unanticipated discovery of cultural resources as outlined in this document under Section 4.17, Tribal Cultural Resources. No additional NAC is required for this consistency analysis.

4.6 – Energy

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	No	Less than Significant Impact	No	No	No
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency??	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Energy Consumption. As described in the PEIR, construction of the development anticipated in the SLVNSP would result in short-term energy demand from 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.

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 vehicle miles traveled (VMT) and estimated vehicle fuel economies of vehicles accessing the Project site.

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. As shown in Table 4.5-5 of the PEIR, the development of the SLVNSP 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. The proposed Project is a part of the planned development under the SLVNSP and proposes less development than evaluated within the PEIR. 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 of the PEIR, 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. The proposed Project is a part of the planned development under the SLVNSP and proposes less development than evaluated within the PEIR. 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.

It should be noted that the SLVNSP and its PEIR evaluated a warehouse with 877,298 square feet (sq. ft.) and retail uses with 37,189 sq. ft. while the current proposed Project has only 619,959 sq. ft. of warehousing and 34,000 sq. ft. of retail uses. This means the proposed Project is approximately 30 percent smaller or less intense than the development evaluated in the PEIR, so overall energy use of the Project would be proportionally less than that estimated in the PEIR.

Additionally, the Project would be required to include verification demonstrating compliance with the applicable Building and Energy Efficiency Standards and are required to be reviewed. The Project would also be required to 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; this potential impact would be considered less than significant.

(b) Conflict with Local Plan. The PEIR demonstrated that the SLVNSP's development, including that proposed on the Project site, was consistent with the CARB Scoping Plan for minimizing GHG emissions on a regional basis. The Project will be required to show verification demonstrating compliance with applicable Building and Energy Efficiency Standards and is also required to be reviewed prior to approval of building permits. The City was a participant in the Sub-Regional Climate Action Plan for the Western Riverside Council of Governments (WRCOG) which has energy conservation strategies and has its own municipally owned utilities. The Project would also be required to 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. Therefore, the Project is consistent with GHG management plans, and impacts are less than significant.

Conclusion. The Project would not result in a wasteful use of energy or conflict with energy plans. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.7 – Geology and Soils

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	No	Less than Significant Impact	No	No	No
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.	No	Less than Significant Impact	No	No	No
ii) Strong seismic ground shaking?	No	Less than Significant Impact	No	No	No
iii) Seismic-related ground failure, including liquefaction?	No	Less than Significant Impact	No	No	No
iv) Landslides?	No	Less than Significant Impact	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	No	Less than Significant Impact	No	No	No
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No	Less than Significant Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial direct or indirect risks to life or property?	No	Less than Significant Impact	No	No	No
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No	Less than Significant Impact	No	No	No
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	No	Less than Significant with Mitigation	No	No	No

Proposed Project in relation to PEIR

(a) Faults and Seismic Shaking. As described in the PEIR's Initial Study, the Project site is not located within an Alquist-Priolo (AP) Earthquake Fault Zone, and no known faults underlie the site. The Riverside County Parcel Report for the site indicates that the site has a "low" potential for liquefaction. The Project site is relatively flat and there are no slopes on the site that are subject to a landslide. The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. Detailed design-level geotechnical studies and building plans pursuant to the California Building Standards Code are required prior to approval of construction.

As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Code (CBC). Detailed design-level geotechnical studies and building plans pursuant to the California Building Standards Code are required prior to approval of construction. The City's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the building during construction, which would ensure that all required CBC seismic safety measures are incorporated into the building. Compliance with the CBC as verified by the City's review process, would reduce impacts related to strong seismic ground shaking to less than significant levels.

(b) Erosion. As described in the PEIR's Initial Study, the Project site has been historically graded and is regularly grubbed/disced, and the loss of topsoil is not a significant impact. Soils in the Project area are particularly prone to erosion during the grading phase, especially during heavy rains. Reduction of the erosion potential can be accomplished through implementation of a Storm Water Pollution Prevention Plan (SWPPP), which specifies Best Management Practices for temporary erosion controls. Such measures typically include temporary catch basins and/or sandbagging to control runoff and contain sediment transport within the Project site. The SWPPP is required for plan check and approval by the City's Building and Safety Department, prior to provision of permits for the Project, and would include construction BMPs. With adherence to existing regulations, this potential impact would be considered less than significant.

(c) Unstable Geologic Unit. As described in the PEIR's Initial Study, the Project site is relatively flat, and there are no slopes on the site that are susceptible to a landslide. Lateral spread or flow are terms referring to landslides that commonly form on gentle slopes and that have rapid fluid-like flow movement, like water. The Project site is relatively flat and there are no slopes on the site that are susceptible to lateral spreading. The Riverside County Parcel Report for the site indicates that the site is "susceptible" to subsidence. Soils in the Project area have been mapped as consisting primarily of well-drained, sandy loams of the Ramona sandy loam series. Sandy loams are not expansive and compact well for construction. The Riverside County Parcel Report for the site indicates that the site has a "low" potential for liquefaction. Sandy loams have a low potential for collapse and there are no mining activities occurring on or near the Project site.

Detailed design-level geotechnical studies and building plans pursuant to the California Building Standards Code are required prior to approval of construction. Compliance with the recommendations of a site specific geotechnical study for soils conditions is a standard practice and would be required by the City Building and Safety Department. Therefore, compliance with the requirements of the California Building Standards Code as identified in a site specific geotechnical design would be reviewed by the City for appropriate inclusion, as part of the building plan check and development review process, would reduce potential for the above described seismic issues to a less than significant level.

(d) Expansive Soils. As described in the PEIR's Initial Study, the Project site is generally underlain by Ramona sandy loam soil which is generally not considered to be expansive. In addition, detailed design-level geotechnical studies and building plans pursuant to the California Building Standards Code are required prior to approval of construction.

(e) Septic Systems. The Project does not include the use of septic tanks or alternative waste water disposal systems.

(f) Paleontological Resources. As described in the PEIR, the Project has a possibility of encountering paleontological resources underlying the Pleistocene deposits located on the site during grading activities. Implementation of Mitigation Measure GEO-1 will ensure impacts to paleontological resources are less than significant with mitigation incorporated.

Mitigation Measures

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.

Unique Geologic Features. As described in the PEIR, the Project site is relatively flat and the subsurface material encountered at the site consists of disturbed topsoil and native soils. The upper native soils consist of Ramona sandy loam and this type of soil feature is not considered “unique.” Based on the analysis above, the Project would not directly or indirectly destroy a unique geologic feature.

Conclusion. The proposed Project would either have no impacts or less than significant impacts related to geologic and soil constraints with implementation of standard grading, dust control, and erosion control measures and adhering to existing regulatory compliance. There are no unique geologic features at the Project site, and implementation of Mitigation Measure GEO-1 will ensure that potential impacts to paleontological resources would be less than significant. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.8 – Greenhouse Gas Emissions

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	No	Significant Impact	No	No	No
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	No	Less than Significant with Mitigation	No	No	No

Proposed Project in relation to PEIR

(a) Greenhouse Gas Emissions. A detailed assessment of Greenhouse Gas (GHG) emissions was prepared for the PEIR, which studied the development of 877,298 square feet of industrial park use and 37,189 square feet of commercial retail and fast food restaurant uses within the area bounded by the currently proposed Project. There were also medical office uses evaluated in the PEIR, but this portion of the SLVNSP is east and outside of the proposed Project boundary. The PEIR determined that buildout of the SLVNSP would result in total emissions from construction and long-term operation of 11,966.30 MTCO2e, which exceeds the SCAQMD Tier 3 screening thresholds for both a project-specific and cumulative impact. The PEIR concluded that the SLVNSP's GHG impacts would be significant even with implementation of Mitigation Measures GHG-1 through GHG-6.

A detailed GHG assessment (GHGA) was prepared for the proposed Project, which assumed 619,959 square feet of warehousing space and 34,000 square feet of retail and fast-food commercial uses (Urban Crossroads, July 2021a, updated February 2022)(Appendix A). The GHGA assumed that up to a quarter of the warehouse space would be dedicated to cold storage and the rest for high-cube logistics warehousing. The GHGA assumed the commercial space along Sun Lakes Boulevard would be similar to that examined in the PEIR with the addition of a drive-through coffee establishment.

Construction and operational GHG emissions associated with the proposed Project are summarized in Table 9. As shown, the proposed Project's GHG emissions would exceed the applicable significance thresholds consistent with the finding identified in the PEIR. The Project's GHG emissions would also slightly exceed what was anticipated in the PEIR, but this is not considered a new or substantially more severe impact than what was disclosed in the PEIR. The Project's increase is only approximately 7%, which would not itself exceed the applicable significance threshold. This slight increase is considered a de minimis increase in the context of GHG as a global, rather than a national, statewide, regional, or local impact; globally it is estimated that the world emits approximately 50 billion tons of GHG emissions

annually. The proposed Project would also have to implement Mitigation Measures GHG-1 through GHG-6 prior to and during Project construction.

Table 9: Project GHG Emissions	
Emission Source	**Emissions (MT/yr CO2e)[1]**
PEIR Estimate (for Project area)	8,190.5
Project's Total Annual Emissions (Amortized Construction + Operations)	8,795.4
SCAQMD Interim Threshold	3,000
Exceeds Threshold?	**Yes**

Source: Table 7, UC 2021a

[1] Metric Tons Per Year of Carbon Dioxide equivalents

Mitigation Measures

The PEIR recommended the following mitigation measures, which will be implemented prior to and during construction of the Project:

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 plans1``1, 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.

(b) Conflict with applicable plans. The PEIR determined that, 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 SLVNSP 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). The PEIR found the SLVNSP to be consistent with or not in conflict with applicable requirements of those plans (SLVNSP Draft PEIR, pp. 4.7-12 to 4.7-15).

The City still has not adopted a climate action plan, and the proposed Project will be required to show verification demonstrating compliance with the same standards applied to the SLVNSP, including the Building and Energy Efficiency Standards and will also be required to be reviewed prior to approval of building permits. The City was a participant in the Sub-Regional Climate Action Plan for the Western Riverside Council of Governments (WRCOG), which has energy conservation strategies and has its own municipally owned utilities. The Project would also be required to adhere to the provisions of CALGreen, which established planning and design standards for sustainable site development, energy efficiency, water conservation, and material conservation, all of which will contribute to reduced GHG emissions from the Project. Finally, the Project will be required to implement Mitigation Measures GHG-1 through GHG-6 which are consistent with regional and state plans to reduce GHG emissions in California. Therefore, because the Project is consistent with the SLVNSP, the Project is similarly consistent and would not conflict with all applicable GHG plans. As such, the Project's impact under this threshold is less than significant.

Conclusion. The PEIR determined that the entire SLVNSP would result in significant GHG emissions, including the planned development of the Project site for industrial and commercial uses. The proposed Project is anticipated to generate slightly higher emissions than what was disclosed in the PEIR, even after implementation of the mitigation identified in the PEIR. However, the Project's slight increase in emissions is not considered to result in a new or substantially more severe impact than what was disclosed by the PEIR. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.9 – Hazards and Hazardous Materials

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	No	Less than Significant Impact	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	No	Less than Significant Impact	No	No	No
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No	Less than Significant Impact	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No	No Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?	No	No Impact	No	No	No
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	No	Less than Significant Impact	No	No	No
h) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) and (b). Hazardous Materials. As described in the PEIR Initial Study, heavy equipment that would be used during construction of the Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonable consequence of the development of the Project than would occur on any other similar construction site. Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous

materials, including but not limited requirements imposed by the Environmental Protection Agency, California Department of Toxic Substances Control, South Coast Air Quality Management District, and the Regional Water Quality Control Board.

The Project is proposed as a speculative project and no actual tenants have been identified at this time. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (§ 25500 of California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit a Hazardous Materials Business Emergency Plan (HMBEP) to the Riverside County Department of Environmental Health (RCDEH) in order to register the business as a hazardous materials handler. Such a business is also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which require immediate reporting to Riverside County Fire Department and State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business. Potential hazardous materials impacts associated with long-term operation of the Project is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment because use, transport, handling, and disposal of any hazardous substances must comply with all federal, State and local laws regulating their management and use. As such, impacts are less than significant.

(c) Proximity to Schools. As described in the PEIR's Initial Study, the Project site is not located within one-quarter mile of an existing or proposed school. The nearest school is the San Gorgonio Middle School, located approximately 2 miles northwest of the Project site. In addition, as discussed in Section 4.9 (a) and (b) above, the use and handling of all hazardous or potentially hazardous materials must comply with all applicable federal, State, and local agencies and regulations. Impacts are less than significant.

(d) Government Code Section 65962. The PEIR's Initial Study notes that the Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5; no impact would occur.

(e) Airport Land Use Plan. As noted in the PEIR's Initial Study, the Project site is located approximately 4.5 miles west of the Banning Municipal Airport and is not within the Banning Municipal Airport Compatibility Plan. There is no impact.

(g) Emergency Plans. As described in the PEIR's Initial Study, 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.

(h) Wildfire Risks. As described in the PEIR's Initial Study, the Project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and no impact would occur.

Conclusion. As outlined above, the Project has no impact or less than significant impacts related to hazards, hazardous materials, or wildfires. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.10 – Hydrology and Water Quality

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water supply?	No	Less than Significant Impact	No	No	No
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	No	Less than Significant Impact	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:	No	Less than Significant Impact	No	No	No
i) result in substantial erosion or siltation on- or off-site;	No	Less than Significant Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	No	Less than Significant Impact	No	No	No
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; or	No	Less than Significant Impact	No	No	No
iv) impede or redirect flood flows?	No	Less than Significant Impact	No	No	No
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No	No Impact	No	No	No
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) **Violate Water Quality Standards.** The PEIR indicates the Project site is located within the Whitewater River Region, which includes the urbanized areas that lie approximately between Banning and the San Gorgonio Pass area to the northwest and the Salton Sea to the southeast. The area of Riverside County in the Whitewater River Region is under the jurisdiction of the Colorado River Regional Water Quality Control Board ("Regional Board"). The Project site is subject to the Whitewater River Region Stormwater Management Plan (SWMP) which 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 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).

Per the City's development review requirements, the Project applicant will prepare a Storm Water Pollution Prevention Plan (SWPPP) to demonstrate how it will control short-term water pollution during construction by implementation of Best Management Practices (BMPs). In addition, the Project will prepare a Water Quality Management Plan (WQMP) to demonstrate how it will control long-term water quality impacts during operation of the Project. The SWPPP and WQMP will be supported by hydrological calculations to demonstrate both short- and long-term water pollution related to the Project site will be protected and maintained within established MEP regulatory limits. Preparation of the SWPPP and WQMP are regulatory requirements of the City and Regional Board to comply with the MS4 permit, therefore, they are not considered project-specific mitigation under CEQA.

The conceptual site plan for the Project (see Exhibit 3) indicates a water quality/detention basin for the Project will be located in the southeast corner of the site, just east of the proposed commercial uses, which will provide long-term protection of water quality for the site. The Project will be subject to water quality standard requirements of the City and Regional Board and will be required to comply with the local MS4 permit; therefore, they are not considered project-specific mitigation under CEQA. With regulatory compliance, water quality impacts of the Project will be less than significant and no mitigation is required.

(b) **Groundwater Supplies.** The PEIR indicates 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 Gorgonio Pass Water Agency (SGPWA), which is one of 29 state water contractors. Quantities of SWP water purchased are recharged to the Beaumont Basin. Although the City may expect variable reliability in availability of SWP water due to ongoing drought conditions in the state. Fortunately, SWP is not the City's primary source of water and short-term declines in SWP water availability would be offset by the City's substantial reserves of stored groundwater. These fluctuations would therefore not result in a substantial impact to the City's water supply over the long-term.

The conceptual site plan for the Project (previous Exhibit 3) indicates a detention basin for the Project will be located in the southeast corner of the site which will prevent post-development increases in runoff from the site. To accomplish this the proposed basin will detain storm water much of which will eventually percolate back into the local groundwater supply. The design of the basin will be supported by hydrological calculations to demonstrate it will meet the established regulatory requirements of the City and County Flood Control District. Meeting these requirements is considered regulatory compliance and is not considered project-specific mitigation under CEQA. With regulatory compliance, water quality impacts of the Project will be less than significant and no mitigation is required.

(c) **Alter Drainage Patterns.** The PEIR indicates the Project 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 Project site currently drains south toward to Sun Lakes Boulevard. The portion of the site which drains to Sun Lakes Boulevard, sheet flows to the existing storm drain system which then conveys the flows to Smith Creek to the east. Section 13.24.110 of the

City's Municipal Code requires land development activities to manage stormwater runoff from the property. Control BMPs include constructing storage and/or infiltration facilities to store runoff from rainfall events up to and including the 100-year, 3-hour duration event. Post development peak urban runoff discharge rates would not exceed pre-development peak urban runoff discharge rates.

The conceptual site plan for the Project (previous Exhibit 3) indicates a detention basin for the Project will be located in the southeast corner of the site which will provide long-term onsite and downstream flood protection. The design of the basin will be supported by hydrological calculations to demonstrate it will meet the established regulatory requirements of the City and County Flood Control District. Meeting these requirements is considered regulatory compliance and is not considered project-specific mitigation under CEQA. With regulatory compliance, water quality impacts of the Project will be less than significant and no mitigation is required.

(d) **Other Water-Related Risks or Pollution.** The PEIR indicates FEMA is responsible for determining flood elevations and floodplain boundaries. According to FEMA Flood Insurance Rate Map Panel No. 060246, the Project site is not located within an Area of Minimal Flood Hazard (i.e., not within a 100-year flood plain). Therefore, the potential risk of flooding on the site is minimal. The Project site is 53 miles inland of the Pacific Ocean and at an elevation of 2,553 feet above the level of the ocean (there are also two mountain ranges between the ocean and Banning). Therefore, the Project will not have a significant risk from a tsunami. A seiche is a standing seismic wave in bodies of water that can cause dam or reservoir collapse during major earthquakes. There are no dams or large bodies of water in the general area of the Project so there is little risk from seiche. Since there is little risk of flooding, a tsunami, or a seiche affecting the Project, there is little to no risk of pollutants being released during flooding or inundation events. There are no impacts.

(e) **Conflict with Water Quality or Groundwater Management Plans**

Water Quality Control Plan. The PEIR indicates 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 indicated in Section 4.10.a above, the Project will implement drainage system improvements consistent with existing water quality regulatory requirements of the City and State. Therefore, the Project will not conflict with or obstruct implementation of a Water Quality Control Plan. With regulatory compliance, impacts are less than significant and no mitigation is required.

Sustainable Groundwater Management Plan. The PEIR indicates the Beaumont (groundwater) Basin has already been adjudicated and the City has the option of storing up to 80,000-acre feet of water in that basin. At the end of calendar year 2014, City of Banning had 46,774 AF of water available in Beaumont Basin storage. In addition, the City also purchases State Water Project (SWP) water from the San Gorgonio Pass Water Agency (SGPWA) to recharge to the Beaumont Basin.

The State Sustainable Groundwater Management Act (SGMA) classifies California's 515 groundwater basins into one of four categories high, medium, low, or very low-priority. The Project site is located within the Coachella Valley-San Gorgonio Pass Basin and is classified as "medium" priority. The SGMA requires medium- and high-priority basins to develop groundwater sustainability agencies (GSAs), develop groundwater sustainability plans (GSPs), and manage groundwater for long-term sustainability.

The City of Banning in conjunction with other agencies is currently developing the Groundwater Sustainability Plan for the San Gorgonio Pass Sub-basin of the Coachella Basin. At this time, the Plan is not adopted but when approved it will manage and monitor groundwater affecting the Project area.

Conclusion. The PEIR concludes that development of the SLVNSP, including the Project site, would not have significant impacts on hydrology, water quality, and other water-related resources and constraints, and no mitigation was recommended. With regulatory compliance, the preceding sections have demonstrated the proposed Project would also not have any significant water-related impacts The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.11 – Land Use and Planning

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Physically divide an established community?	No	No Impact	No	No	No
b) 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?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Divide neighborhoods. The PEIR Initial Study states: "An example of a project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site consists of approximately 47-acres of undeveloped land that is adjacent to railroad tracks and the I-10 Freeway to the north and existing development to the east, south, and west. There is no impact." (IS/NOP SLVNSP PEIR, p. 39.)

The Project site consists of approximately 37 acres of undeveloped land that is adjacent to railroad tracks and the I-10 Freeway to the north and existing development to the east, south, and west. Sidewalk and road improvements along the north side of Sun Lakes Boulevard will help connect existing neighborhoods east and west of the Project site. In addition, the Project has no components that would divide an established community (such as a new freeway through an established neighborhood). Therefore, similar to the PEIR Initial Study conclusion, the Project will have no impact.

(b) Conflict with Applicable Plans. The current General Plan land use designations are Business Park with Specific Plan Overlay and General Commercial with Specific Plan Overlay. The SLVNSP zoning

designations are Business & Warehouse, Office & Professional, and Retail & Service. The PEIR concluded that policies, standards, and regulations outlined in the SLVNSP were consistent with existing City land use regulations and would not conflict with existing General Plan policies, the Western Riverside County MSHCP, SCAG's RTP/SCS goals, as well as a variety of other regulatory documents identified and outlined in the Land Use section of the PEIR, with implementation of the mitigation measures identified in the PEIR.

The Project is a part of the planned development area under the SLVNSP and proposes approximately 30 percent less development than evaluated within the PEIR. The proposed Project is therefore consistent with the growth limits evaluated in the PEIR. The Project is also consistent with the various land use-related plans evaluated in the PEIR which have not changed substantially since the PEIR was certified in 2020. Therefore, impacts related to land use plans are less than significant, and no mitigation is required.

Conclusion. The Project is consistent with the various land use-related plans evaluated in the PEIR, which have not changed substantially since the PEIR was certified in 2020. Therefore, impacts related to land use plans are less than significant. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.12 – Mineral Resources

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	No	No Impact	No	No	No
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) Designated Mineral Resources. As described in the PEIR Initial Study, the Project site is located within a mineral resource zone area classified as MRZ-3 as identified in Exhibit IV-8 in the City of

Banning General Plan. Areas classified as MRZ-3 are defined as containing mineral deposits, the significance of which cannot be evaluated from available data. The City of Banning General Plan identifies one aggregate producer within its planning area; the Banning Quarry which is located in the eastern portion of the City approximately 1.25 miles northeast of the Project site. There are no mining operations on the Project site, and implementation of the Project would not result in the loss of known mineral resources.

(b) Local Mineral Designations. The SLVNSP identifies land uses within the Project site as Business & Warehouse District and Retail & Service District, which generally allow for warehouse, office, and retail uses. As such, the Project site is not delineated on a local general plan, specific plan or other land use plan as a locally important mineral resource recovery site. There is no impact.

Conclusion. The Project site does not contain identified mineral resources either at a state level or local level that can be reasonably extracted given existing onsite and surrounding land uses. Therefore, there would be no impacts regarding mineral resources The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.13 – Noise

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	No	Less than Significant with Mitigation	No	No	No
b) Generation of excessive groundborne vibration or groundborne noise levels?	No	No Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
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?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) Noise Exceeds Standards. The PEIR concluded that the background ambient noise levels in the Project study area are dominated by auto and heavy truck activities on Sunset Lakes Boulevard and parking lot vehicle movements. It should also be noted that the railroad tracks and the I-10 Freeway north of the site also contributes to ambient noise. The PEIR stated the maximum base ambient noise level in Municipal Code Section 8.44.050 applicable to the Project is 75 dB(A) while existing ambient noise levels in the vicinity of the site range from 60.4 to 66.2 dB(A).

Construction Noise. Noise from grading and construction is typically considered significant only if it occurs outside the allowable times as described by the City's Municipal Code Chapter 8.44.090 (7:00 AM and 6:00 PM). However, the PEIR determined that construction noise from the Project site could be significant for the closest noise sensitive uses, which are the single-family homes located approximately 15 feet east of the Office & Professional District of the SLVNSP planning area and the senior apartments/assisted living/memory care residential facility located 60 feet east of the planning area. The PEIR recommended Mitigation Measure NOI-1 to reduce this impact to less than significant levels. To minimize noise impacts of the proposed Project, Mitigation Measure NOI-1 from the PEIR will be implemented.

Operational Noise. According to the PEIR, the General Plan noise limit associated with the Business & Warehouse (BW) and Retail & Service (RS) Districts of the SLVNSP are 75 db(A) during the daytime and 65 dB(A) at night (10 PM – 7 AM). The noise assessment prepared for the PEIR determined that noise from parking lot vehicle movements and truck unloading/dock activities around the warehouse could exceed these indicated standards. In addition, the PEIR concluded that truck deliveries to the commercial uses could also exceed these standards (PEIR Table 4.10.4, Project Operational Noise Level Impacts to Sensitive Receptors (RPG 2020a)). The PEIR recommended Mitigation Measure NOI-2 once specific development plans were proposed to ensure the warehouse and commercial uses on the site would not have significant operational noise impacts on nearby sensitive receptors to the east and south of the Project site. PEIR Table 4.10-5 demonstrated that the SLVNSP would not have significant operational traffic-related noise impacts on surrounding land uses.

Mitigation Measures

Construction

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 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.

Operation

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 4.10 NOISE 4.10-11 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.

Per Mitigation Measure NOI-2, a detailed noise assessment was performed on the proposed Project Site Plan (Urban Crossroads, original November 2021, updated February 2022)(Appendix D).

Construction. Using appropriate reference construction equipment noise levels and the CadnaA noise prediction model, the noise assessment calculated the Project's construction noise level impacts at the nearest sensitive receiver locations, as shown in Exhibit 6, Sensitive Noise Receptor Locations. To assess the worst-case construction noise levels, the Project construction noise analysis relies on the highest noise level impacts when the equipment with the highest reference noise level is operating at the closest point from the edge of primary construction activity (Project site boundary) to each receiver location.



Exhibit 6: Sensitive Noise Receptor Locations

As shown in Table 10, Construction – Exterior Noise Levels, the exterior noise levels from construction are expected to range from 48.9 to 69.0 dBA Leq, and the highest construction levels are expected to range from 60.9 to 69.0 dBA Leq at the nearest receiver locations from the SLVNSP planning area.

Table 10: Construction - Exterior Noise Levels

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})					
	Site Preparation	Grading	Building Construction	Paving	Arch. Coatings	Highest Levels[2]
R1	65.9	67.9	60.9	58.9	55.9	67.9
R2	58.9	60.9	53.9	51.9	48.9	60.9
R3	67.0	69.0	62.0	60.0	57.0	69.0
R4	66.5	68.5	61.5	59.5	56.5	68.5
R5	66.2	68.2	61.2	59.2	56.2	68.2

Source: Table 8-2, Urban Crossroads, 2022

1 Noise Receiver Locations shown in Exhibit 6
2 Construction noise level calculations based on distance from the construction activity measured from the Project site boundary to the nearest receiver locations.

To evaluate whether the Project will generate potentially significant short-term noise levels at off-site sensitive receiver locations, the City's interior construction noise level limit for residential uses of 55 dBA Leq is used as the acceptable threshold for construction noise at the nearby sensitive receiver locations. Table 11, Construction – Interior Noise Impacts, shows the highest construction noise levels will range from 35.9 to 44.0 dBA Leq with the estimated interior noise reduction of 25 dBA Leq which will satisfy the City's 55 dBA Leq interior construction noise level standard. Therefore, unmitigated Project construction noise levels will be less than significant at the nearest sensitive receiver locations.

Table 11: Construction – Interior Noise Impacts

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})				
	Highest Construction Noise Levels[2]	Interior Noise Reduction	Interior Noise Level	Threshold	Threshold Exceeded?[3]
R1	67.9	-25	43	55	No
R2	60.9	-25	36	55	No
R3	69.0	-25	44	55	No
R4	68.5	-25	44	55	No
R5	68.2	-25	43	55	No

Source: Table 8-3, Urban Crossroads, 2022

[1] Noise Receiver Locations shown in Exhibit 6
[2] Highest construction noise level calculations based on distance from the construction noise source activity to the nearest receiver locations as shown on Table 10
[3] Do the estimated Project construction noise levels exceed the City's construction noise level threshold?

Operation. Using standard reference noise levels to represent the proposed Project operations, the noise assessment calculated noise levels from typical Project activities, including loading dock operations, roof-top air conditioning units, drive-through speakerphone, trash enclosure activity, parking lot vehicle movements, and truck movements (see Exhibit 7, Operational Noise Source Locations). Table 12, Operational Noise Levels, shows the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. The daytime hourly noise levels at the off-site receiver locations are expected to range from 38.4 to 47.5 dBA Leq.

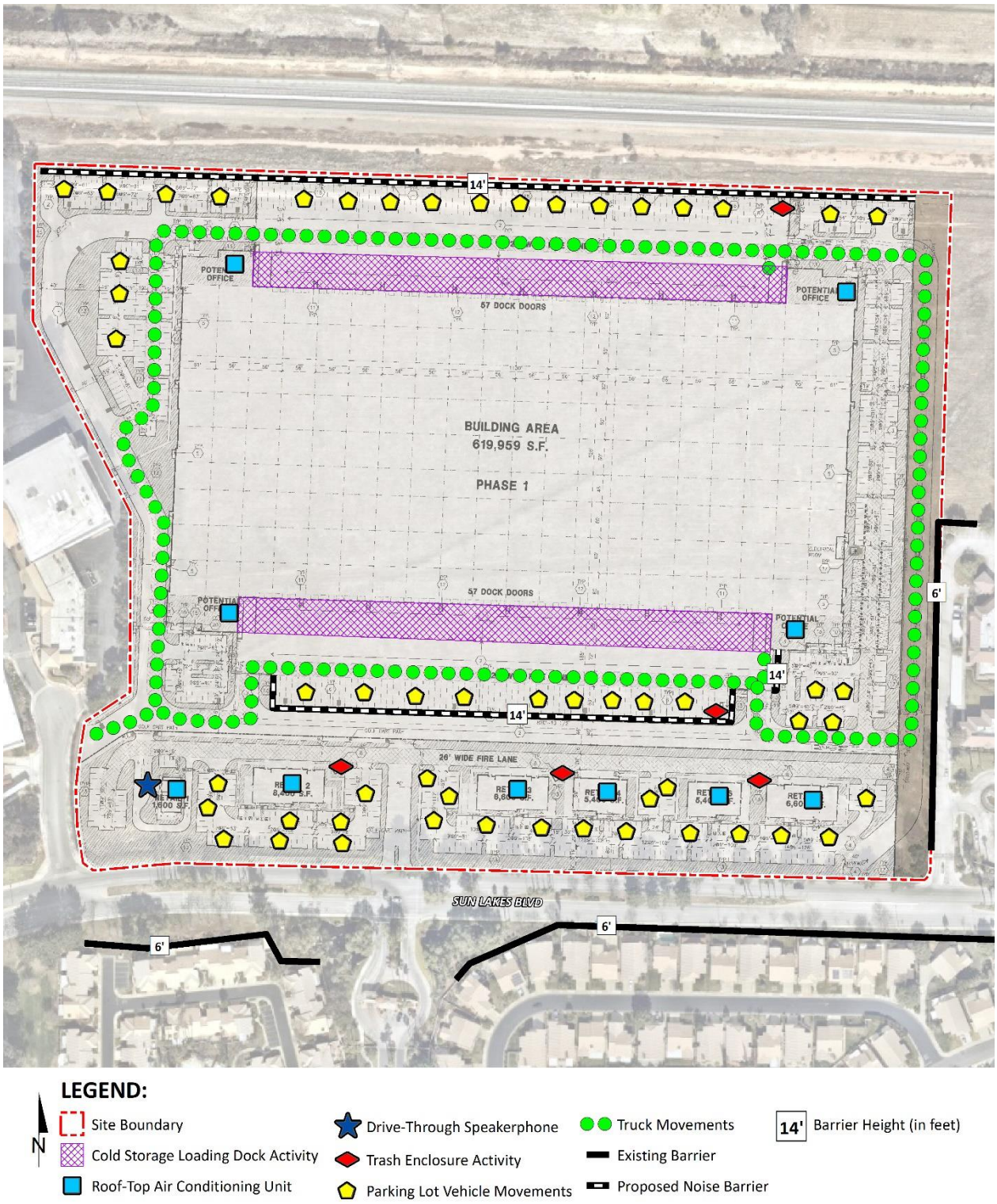


Exhibit 7: Operational Noise Source Locations

Table 12 also shows that the Project's operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the off-site receiver locations are expected to range from 37.4 to 46.5 dBA Leq.

Table 12: Operational Noise Levels

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA L_{eq})				
	R1	R2	R3	R4	R5
Daytime Hours (7:00 a.m. to 10:00 p.m.)					
Loading Dock Activities	47.3	37.3	34.7	44.1	44.5
Roof-Top Air Conditioners	31.0	26.8	36.1	39.1	37.7
Drive-Thru Activity	0.0	0.0	0.0	0.0	8.5
Trash Enclosure Activities	13.8	15.3	22.9	25.6	23.1
Parking Lot Vehicle Movements	22.3	22.5	31.5	34.7	35.1
Truck Movements	29.9	29.0	42.3	29.8	30.8
Total Daytime (all noise sources)	**47.5**	**38.4**	**44.1**	**45.8**	**45.9**
Nighttime Hours (10:00 p.m. to 7:00 a.m.)					
Loading Dock Activities	46.3	36.4	33.7	43.1	43.5
Roof-Top Air Conditioners	28.6	24.4	33.7	36.7	35.3
Drive-Thru Activity	0.0	0.0	0.0	0.0	4,5
Trash Enclosure Activities	12.9	14.4	21.9	24.6	22.1
Parking Lot Vehicle Movements	21.3	21.5	30.5	33.7	34.1
Truck Movements	29.9	28.1	41.3	28.9	29.8
Total Nighttime (all noise sources)	**46.5**	**37.4**	**42.9**	**44.5**	**44.7**

Source: Tables 7-2 and 7-3, Urban Crossroads, February 2022

[1] See Exhibit 7 for noise source locations

To demonstrate compliance with local noise regulations, noise levels from Project operations at the nearest sensitive receiver locations were compared to the City's applicable exterior noise level standards. Table 13, Operational Noise Level Compliance, shows the operational noise levels associated with the Project will satisfy the City's exterior noise level standards at the nearest receiver locations with the planned 14-foot-high screen wall on the northern Project boundary and the southern loading dock boundary as shown in Exhibit 7, Operational Noise Source Locations. Therefore, the Project's operational noise impacts are less than significant at the nearest noise-sensitive receiver locations.

Table 13: Operational Noise Level Compliance

Receiver Location[1]	Noise Levels (dBA L_{eq})[2]		Noise Standard (dBA L_{eq})		Exceeds Standard?[4]	
	Daytime	Nighttime	Daytime	Nighttime[3]	Daytime	Nighttime
R1	47.5	46.5	60	68.3	No	No
R2	38.4	37.4	60	60.4	No	No
R3	44.1	42.9	60	57.0	No	No
R4	45.8	44.5	60	64.5	No	No
R5	45.9	44.7	60	63.1	No	No

Source: Table 7-4, Urban Crossroads, February 2022 Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

[1] See Exhibit 6 for Sensitive Receiver Locations
[2] Proposed Project operational noise levels as shown in Table 12
[3] Exterior noise level standards adjusted to reflect the ambient noise levels per the City Municipal Code, Chapter 8.44.050
[4] Do the estimated Project operational noise source activities exceed the noise level standards?

Noise level increases resulting from the Project are evaluated based on the Appendix G CEQA Guidelines described above at the closest sensitive receiver locations. Under CEQA, consideration must be given to the magnitude of the increase, the existing ambient noise levels, and the location of noise-sensitive receivers to determine if a noise increase represents a significant adverse environmental impact. This approach recognizes that there is no single noise increase that renders the noise impact significant. The noise assessment uses the significance criteria shown in Table 14, Noise Impact Significance Criteria, to provide an additional assessment of Project noise impacts.

Table 14: Noise Impact Significance Criteria

Analysis	Land Use	Conditions	Significance Criteria	
			Daytime	Nighttime
Operational	Residential	Exterior Noise Level Limit[1]	55 dBA L_{eq}	45 dBA L_{eq}
	Noise-Sensitive[2]	if ambient is <60 dBA L_{eq}	$\geq$ 5 dBA L_{eq} Project increase	
		if ambient is 60-65 dBA L_{eq}	$\geq$ 3 dBA L_{eq} Project increase	
		if ambient is >65 dBA L_{eq}	$\geq$ 1.5 dBA L_{eq} Project increase	
Construction	Noise-Sensitive	Interior Noise Level Threshold[3]	55 dBA L_{eq}	NA
		Vibration Level Threshold[4]	0.3 PPV (in/sec)	NA

Source: Table 4-1, Urban Crossroads, February 2022 NA = construction activities are not planned during the nighttime hours
"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

[1] The City of Banning Municipal Code Chapter 8.44.050
[2] Federal Interagency Committee on Noise (FICON), 1992
[3] City of Banning Municipal Code, Sections 8.44.090
[4] Caltrans Transportation and Construction Vibration Manual, April 2020 Table 19

In addition to compliance with the City's noise standards, the noise assessment calculated the Project's operational noise level increases as discussed above. The Project's operational noise levels are combined with the existing ambient noise level measurements for the nearest receiver locations potentially impacted by Project operational noise sources. As shown in Table 15, Operational Noise Level Increase, the Project will generate daytime and nighttime operational noise level increases ranging from 0.0 to 0.4 dBA Leq at the nearest receiver locations. Project-related operational noise level increases will not exceed the operational noise level increase significance criteria presented in Table 14 above. Therefore, the incremental Project operational noise level increase is considered less than significant at all receiver locations.

Table 15: Operational Noise Level Increase

Noise Characteristics	Receiver Location[1]				
	R1	R2	R3	R4	R5
Daytime Hours (7:00 a.m. to 10:00 p.m.)					
Total Operational Noise Level[2]	47.5	38.4	44.1	45.8	45.9
Reference Ambient Noise Levels[3]	61.3	60.1	54.4	66.2	59.4
Combined Project and Ambient[4]	61.4	60.1	54.8	66.2	59.6
Project Increase[5]	0.1	0.0	0.4	0.0	0.2
Increase Criteria[6]	3.0	3.0	5.0	1.5	5.0
Increase Criteria Exceeded?[6]	No	No	No	No	No
Nighttime Hours (10:00 p.m. to 7:00 a.m.)					
Total Operational Noise Level[2]	46.5	37.4	42.9	44.5	44.7
Reference Ambient Noise Levels[3]	58.8	60.0	57.8	59.7	56.2
Combined Project and Ambient[4]	59.0	60.0	57.9	59.8	56.5
Project Increase[5]	0.2	0.0	0.1	0.1	0.3
Increase Criteria[6]	5.0	1.5	5.0	5.0	5.0
Increase Criteria Exceeded?[6]	No	No	No	No	No

Source: Tables 7-5 and 7-6, Urban Crossroads, February 2022
1 See Exhibit 6 for Sensitive Receiver Locations
2 Total Project nighttime operational noise levels as shown in Table 12

3 Observed nighttime ambient noise levels
4 Represents the combined ambient conditions plus the Project activities
5 The noise level increase expected with the addition of the proposed Project activities
6 Significance Criteria as shown on Table 14

Offsite Traffic Noise Analysis. The Project's noise assessment by Urban Crossroads (November 2021, updated February 2022) also includes an analysis of noise impacts from offsite Project-related traffic. This offsite analysis was based on traffic data from the Project's traffic assessment ("TA"), also prepared by Urban Crossroads (January 2022, updated February 2022). The noise assessment includes an analysis of existing traffic noise levels plus traffic noise generated by the proposed Project for informational purposes and to fully analyze all the existing traffic scenarios identified in the TA. However, this condition would not actually occur since the Project would not be fully constructed and operational until opening year conditions.

Table 16, Existing Plus Project Traffic Noise Impacts, shows that the Project off-site traffic noise level increases range from 0.0 to 0.9 dBA CNEL on the study area roadway segments. Based on the City's significance criteria for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels.

Table 16: Existing Plus Project Traffic Noise Impacts

Road/Segment	CNEL at Receiving Land Use (dBA)[1]			Incremental Noise Level Increase Threshold[2]	
	No Project	With Project	Project Increase	Limit	Exceeded?
Highland Springs Ave.					
North of I-10 Fwy WB Ramps[3]	76.0	76.0	0.0	1.5	No
North of 2nd Street[3]	74.4	74.7	0.3	1.5	No
North of 1st Street[3]	72.8	73.3	0.5	1.5	No
South of 1st Street	70.0	70.1	0.1	1.5	No
1st Street					
West of Highland Springs Ave.	74.9	74.9	0.0	1.5	No
Sun Lakes Blvd.					
West of Highland Springs Ave.	72.1	73.0	0.9	1.5	No
East of Sun Lakes Village Dr.	72.1	72.1	0.0	1.5	No
East of Country Club Dr.	71.6	71.6	0.0	1.5	No

Source: Table 7-5, Urban Crossroads, February 2022

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use. Exceeded? = Does the Project create an incremental noise level increase exceeding the City's significance criteria?
[3] These segments have non-sensitive land uses adjacent while the unmarked segments have sensitive (residential) uses adjacent.

In addition to the Existing plus Project scenario, the noise assessment examined offsite noise impacts from Project traffic in the horizon year 2040. Table 17 shows Year 2040 Traffic Noise Impacts with Project conditions, indicating that the Project's off-site traffic noise level increases range from 0.0 to 0.6 dBA CNEL on the study area roadway segments. Based on the City's significance criteria for off-site traffic noise, land uses adjacent to the study area roadway segments would experience less than significant noise level impacts due to unmitigated Project-related traffic noise levels.

Table 17: Year 2040 Traffic Noise Impacts

Road/Segment	CNEL at Receiving Land Use (dBA)[1]			Incremental Noise Level Increase Threshold[2]	
	No Project	With Project	Project Increase	Limit	Exceeded?
Highland Springs Ave.					
North of I-10 Fwy WB Ramps[3]	77.2	77.2	0.0	1.5	No
North of 2nd Street[3]	75.6	75.8	0.2	1.5	No
North of 1st Street[3]	74.2	74.6	0.4	1.5	No
South of 1st Street	74.3	74.3	0.0	1.5	No
1st Street					
West of Highland Springs Ave.	76.1	76.1	0.0	1.5	No
Sun Lakes Blvd.					
West of Highland Springs Ave.	74.3	74.9	0.6	1.5	No
East of Sun Lakes Village Dr.	73.2	73.2	0.0	1.5	No
East of Country Club Dr.	72.7	72.7	0.0	1.5	No

Source: Table 7-6, Urban Crossroads, February 2022

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use. Exceeded? = Does the Project create an incremental noise level increase exceeding the City's significance criteria?
[3] These segments have non-sensitive land uses adjacent while all the other segments have sensitive (residential) uses adjacent.

With implementation of the PEIR's Mitigation Measures NOI-1 and NOI-2, construction and operational noise impacts from the Project will be reduced to less than significant levels, and no additional mitigation is required.

(b) Excessive Vibration. The PEIR indicated that vibration generated by construction equipment or vehicles and trucks during operation can result in varying degrees of ground vibration, depending on the equipment or vehicle involved. Vibration is typically measured as peak particle velocity (PPV) in inches per second of movement. The operation of construction equipment causes 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. The PEIR indicated that potential vibration damage would occur at 0.3 PPV in/sec for old residential structures, 0.5 PPV in/sec for new residential structures.

The PEIR concluded that the closest residential structures to the SLVNSP planning area, are approximately 15 feet east of the Office & Professional District, would experience vibration levels of up to 0.04 PPV which is well below the damage threshold of 0.3 PPV for older residential structures and below the damage threshold of 0.5 PPV for new residential structures. Therefore, vibration levels generated during construction of the proposed Project, which is over 110 feet away from residential receptors, would be less than significant, and no mitigation measures are required.

The PEIR also determined that vehicle and truck movements from ongoing Project operations would not generate significant levels of vibration, so impacts would be less than significant and not require mitigation.

Construction. Based on vibration levels typical for various construction equipment types, the proposed Project's noise assessment estimated the potential for human response (annoyance) and building damage using the vibration methodology recommended by the Federal Transit Authority. Table 18, Construction Vibration Impacts, 8-5 presents the Project's related vibration levels at the nearby receiver locations. At distances ranging from 110 to 725 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.001 to 0.010 in/sec PPV. Based on maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec), the typical Project construction vibration levels will not exceed the building damage thresholds at any of the noise sensitive receiver locations. In addition, the typical construction vibration levels at the nearest sensitive receiver locations do not occur during the entire construction period but rather occur only during the times that heavy construction equipment is operating adjacent to the Project site boundaries.

Table 18: Construction Vibration Impacts

Construction Activity	Receivers[1]				
	R1	R2	R3	R4	R5
Distance to Construction Activities (feet)[2]	543	725	110	115	134
Typical Construction Vibration Levels PPV (in/sec)[3]					
Small bulldozer	0.000	0.000	0.000	0.000	0.000
Jackhammer	0.000	0.000	0.004	0.004	0.003
Loaded Trucks	0.001	0.001	0.008	0.008	0.006
Large Bulldozer	0.001	0.001	0.010	0.009	0.007
Highest Vibration Level	0.001	0.001	0.010	0.009	0.007
Thresholds PPV (in/sec)[4]	0.3	0.3	0.3	0.3	0.3
Threshold Exceeded?[5]	No	No	No	No	No

Source: Table 8-5, Urban Crossroads, January 2022 "PPV" = Peak Particle Velocity

1 Receiver locations are shown on Exhibit 6
2 Distance from receiver location to Project construction boundary (Project site boundary)
3 Based on typical vibration source levels of construction equipment (UC Table 8-4)
4 Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Tables 19, p. 38
5 Does the peak vibration exceed the acceptable vibration thresholds?

(c) Airport/Airstrip Noise. The PEIR states that 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. Therefore, there are no impacts and no mitigation required.

Conclusion. The PEIR concluded that the SLVNSP, including development of the Project site, would have less than significant noise impacts with implementation of Mitigation Measures NOI-1 and NOI-2. The proposed Project is of the same type but less intense than the development evaluated in the PEIR. The Project will implement PEIR Mitigation Measures NOI-1 and NOI-2. Pursuant to MM NOI-2, a noise assessment has been prepared for the Project, and it confirms that the Project will not have any significant noise or vibration impacts. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.14 – Population and Housing

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	No	Less than Significant Impact	No	No	No
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) Induce Population Growth. As described in the PEIR Initial Study, the implementation of the SLVNSP would not directly result in population growth because it does not propose any residential dwelling units. It is anticipated that new employees generated by the Project could come from within the local area and would not generate the need for any housing. The proposed Project would be consistent with the development anticipated under the SLVNSP and would provide additional employment as outlined in the PEIR, but it does not include any residential uses. This potential impact would be considered less than significant.

(b) Displace Housing. The Project site does not contain any existing residential housing. Therefore, implementation of the Project would not displace existing housing, nor would it necessitate the construction of replacement housing elsewhere, so there would be no impact.

Conclusion. The new warehouse and retail uses to be developed by the Project may result in some amount of indirect or induced housing and/or population growth to the degree that the new Project attracts residents choosing to buy a house or rent an apartment and move into the City. However, the Project is not expected to result in the displacement of any existing City residents (population) or housing by its development. Therefore, potential impacts are considered to be less than significant. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.15 – Public Services

Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Fire protection?	No	Less than Significant Impact	No	No	No
b) Police protection?	No	Less than Significant Impact	No	No	No
c) Schools?	No	Less than Significant Impact	No	No	No
d) Parks?	No	Less than Significant Impact	No	No	No
e) Other public facilities?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Fire protection. As described in the PEIR Initial Study, fire protection services for the Project site would be provided by the City through a contractual agreement with the Riverside County Fire Department, which contracts with the California Department of Forestry. Through a mutual aid agreement with surrounding communities, including Beaumont, Calimesa, and Cabazon, each city has access to and benefits from the services provided by fire stations in other cities.

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. The Project would not result in the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times or other performance objectives, and this potential impact would be considered less than significant.

(b) Police protection. As described in the PEIR Initial Study, the Project site is currently serviced by the City's 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 police protection services by placing an additional demand on existing police 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 located in a developed area of the City which is routinely patrolled. It is not anticipated that new police facilities would need to be constructed to serve the Project in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, and this potential impact would be considered less than significant.

(c) Schools. As described in the PEIR Initial Study, the Project does not include housing which would generate additional students to be served by the Banning Unified School District. The Project would be required to pay applicable development 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; this potential impact would be considered less than significant.

(d) Parks. As described in the PEIR Initial Study, the Project does not create a direct additional need for parkland as it does not propose residential uses. However, new employees of the Project may create an incremental indirect increase in the use of local parks. The payment of development impact fees would reduce any indirect Project impacts related to parks; this potential impact would be considered less than significant.

(e) Other public facilities. As noted above, development of the Project would not result in a direct increase in the population and would not increase the demand for public services which would require the construction of new or expanded public facilities. 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 applicable Development Impact Fees would ensure that the Project provides fair share of funds for additional public facilities; this potential impact would be considered less than significant.

Conclusion. The Project would increase the need for fire and police services, but not to the extent that new facilities would be required. As the Project does not includes residential uses, no significant impact to schools or parks is expected, and the Project applicant would be required to pay all applicable development impact fees. The potential impacts are considered to be less than significant. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.16 – Recreation

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	No	Less than Significant Impact	No	No	No
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) Increase Park Use. As described in the PEIR Initial Study, the Project would not cause a substantial physical deterioration of any park facilities or would accelerate the physical deterioration of any park facilities because the Project does not propose residential dwelling units which would increase the population that would use parks. New employees of the Project may create an incremental indirect increase in the use of local parks, however, this potential impact would be considered less than significant.

(b) Need for New Parks. As described in the PEIR Initial Study, the Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no offsite parks or recreational improvements are proposed or required as part of the Project; there would be no impact related to construction or expansion of recreational facilities.

Conclusion. The proposed project does not include residential uses, and any increase in park or recreational facility usage associated with construction of the Project would be considered minimal as the Project would not increase the population that would use park facilities. Furthermore, the Project applicant would need to pay applicable parks related development impact fees. The potential recreation impacts are considered to be less than significant. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or

substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.17 – Transportation

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Conflict with a program plan, ordinance or policy addressing the circulation system including transit, roadway, bicycle and pedestrian facilities?	No	Less than Significant Impact	No	No	No
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	No	Significant Impact	No	No	No
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	No	Less than Significant Impact	No	No	No
d) Result in inadequate emergency access?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Circulation Plan Consistency. Although the vehicle miles traveled (VMT) methodology is now applied in evaluating potential transportation impacts of a project, the City's General Plan identifies standards for maintaining an adequate level of service (LOS) for City streets and intersections. To be consistent with the 2020 State CEQA Guidelines, a LOS analysis is not required for purposes of this CEQA analysis. However, a trip generation and a VMT assessment of the Project were prepared to determine if the Project would generate more traffic than was estimated for the SLVNSP or evaluated in its PEIR (UC 2021b-c)(see Appendices B and C).

Trip Generation. A traffic study was prepared for the PEIR, which evaluated the development of 877,298 square feet of industrial park use and 37,189 square feet of commercial retail use within the area bounded by the currently proposed Project. There were also medical office uses evaluated in the PEIR, but this portion of the SLVNSP is east and outside of the proposed Project boundary. Table 19 (Project Trip Generation vs. PEIR Estimate) indicates the portion of the SLVNSP within the Project boundaries would generate 3,844 actual-vehicle trips, or 4,530 Passenger Car Equivalent (PCE) trips, under the assumptions of the PEIR, which takes into account truck lengths when estimating vehicle trips.

A detailed Traffic Assessment (TA) was prepared for the proposed Project based on 619,959 square feet of warehousing space and 34,000 square feet of retail and fast-food commercial uses (Urban Crossroads, January 2021b, updated February 2022)(Appendix B). The TA assumed up to a quarter of the warehouse space was for cold storage, and the rest was for high-cube logistics warehousing. The TA assumed the commercial space along Sun Lakes Boulevard would be similar to that examined in the PEIR with the addition of a drive-through coffee establishment. The TA shows that the proposed Project would generate 2,292 actual-vehicle trips, or to 2,730 PCE trips, as shown in Table 19.

Table 19
Project Trip Generation vs. PEIR Estimate

Traffic Condition	AM Peak Hour	PM Peak Hour	Daily Total
PEIR Estimate (for Project area)			
Actual Vehicles	375	445	3,844
PCE[1]	440	498	4,530
Proposed Project			
Actual Vehicles	317	337	2,292
PCE[1]	340	359	2,730

Source: Tables 3 and 4, UC 2021b
[1] PCE = Passenger Car Equivalents based on the number of passenger cars and truck trips

As shown, the Project generates fewer trips than what was anticipated by the PEIR for the SLVNSP. This analysis is presented for informational purposes only because generation of trips, which affects the performance of intersections and road segments, no longer needs to be analyzed under CEQA, as automobile delay is no longer considered a significant environmental impact.

Transit. The PEIR stated that 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. Beaumont Transit has bus service along Highland Springs Avenue, 2nd Street, and 1st Street via Route, Route 4, and Community Link 120/125. Pass Transit has bus service along Highland Springs Avenue, 2nd Street, and 1st Street via Route 1, Route 5, and Route 6. The closest 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 currently 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 applicant 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 when it is completed. The existing transit routes could potentially serve the Project since 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. Therefore, any Project impacts will be less than significant and no mitigation is required.

Bicycle and Pedestrian Trails. According to the PEIR, there are existing pedestrian facilities, including sidewalks and crosswalks in the vicinity of the Project site that are available to serve the Project. The Circulation Element of the City General Plan does not indicate that this portion of Sun Lakes Boulevard will have a bicycle lane or trail associated with full improvements. However, Highland Springs Avenue south of Sun Lakes Boulevard has a bicycle lane on the west side of the street. Section 5.106.4.1.2 of the CalGreen Code requires that the Project provide secure bicycle parking which will be included at various locations throughout the Project site. Therefore, any Project impacts will be less than significant, and no mitigation is required.

Summary. Based on this information, the Project will not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Any impacts will be less than significant, and no mitigation is required.

(b) CEQA Guidelines Section 15064.3(b). The PEIR included an assessment of VMT impacts from the SLVNSP and concluded that VMT impacts were significant and could not be reduced to less than significant levels, even with implementation of Mitigation Measure VMT-1.

In response to Senate Bill (SB) 743, the California Natural Resource Agency certified and adopted new CEQA Guidelines in December 2018, which now identify Vehicle Miles Traveled (VMT) as the most appropriate metric to evaluate a project's transportation impact under CEQA (Section 15064.3). Effective July 1, 2020, the previous CEQA metric of level of service (LOS), typically measured in terms of automobile delay, roadway capacity and congestion, will no longer constitute a significant environmental impact.

In addition to the trip generation assessment (UC 2021b), a detailed VMT assessment was prepared for the Project (UC 2021c). To aid in the transition to VMT assessment, the Governor's Office of Planning and Research (OPR) released a Technical Advisory on Evaluating Transportation Impacts in CEQA Based on OPR's Technical Advisory. The City of Banning has developed their own *Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis* (City Guidelines), which is currently in draft form and pending final City Council adoption. The draft City Guidelines were utilized to prepare this Project VMT analysis, which is consistent with the City's Guidelines.

Project Screening

The City's Guidelines provide details on appropriate "screening thresholds" that can be used to identify when a proposed land development project is anticipated to result in a less than significant impact without conducting a more detailed analysis. The applicable screening thresholds to the Project are broken into the following types: Transit Priority Area (TPA) Screening; Map-Based Screening based on Low VMT Area; Local-Serving Retail Screening; and Project Type Screening. A land development project need only meet one of the above screening thresholds to result in a less than significant impact. For the purposes of this analysis, the initial VMT screening process where applicable has been conducted using the WRCOG VMT Screening Tool (Screening Tool), which uses screening criteria consistent with the screening thresholds recommended in the City's Guidelines.

(1) TPA Screening

Consistent with guidance identified in the OPR Technical Advisory and City Guidelines, projects located within a Transit Priority Area (TPA) (i.e., within ½ mile of an existing "major transit stop"[i] or an existing stop along a "high-quality transit corridor"[ii]) 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.

Based on the Screening Tool results, the Project site is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor. Therefore, the TPA screening threshold is not met.

(2) Low VMT Area Screening

The City Guidelines state that, "proposed residential, office, industrial, or mixed-use projects, which are located within the low VMT zones identified after applying appropriate VMT analysis thresholds (provided later in this chapter) in the screening tool, and which do not require a GPA or COZ would be deemed to have less than significant impact." The Screening Tool uses the sub-regional Riverside County Transportation Analysis Model (RIVTAM) to measure VMT performance within individual traffic analysis zones (TAZ's) within the WRCOG region. The Project's physical location based on parcel number was selected within the Screening Tool to determine the relevant TAZ's VMT as compared to the jurisdictional average (see Attachment B). The Project boundary is located in TAZ 4344 and would appear to be within a low VMT generating TAZ based on daily home-based work (HBW) VMT per worker. Based on a review of the land use information contained within TAZ 4344 for the RIVTAM base year (2012) model, the zone includes very low levels of employment and low amounts of population and household data. The proposed Project would significantly increase the quantity and type of employment uses in the zone and would therefore not be entirely consistent with the underlying land use assumptions. Therefore, the Low VMT Area screening threshold is not met.

(3) Local Serving Retail Screening

The City Guidelines provide that local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition to local serving retail, other types of local serving uses such as day care centers, non-destination hotels, affordable housing, places of worship, municipal services, and other local serving uses may also be

[i] Pub. Resources Code, § 21064.3 ("'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.").

[ii] Pub. Resources Code, § 21155 ("For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.").

presumed to have a less than significant impact as they tend to shorten vehicle trips. The retail uses within the proposed Project do not exceed the 50,000 square feet screening threshold, and the retail uses are designed to be local-serving. The Project Type screening threshold is met for the Project's retail component only.

(4) Project Trip Screening

The City's Guidelines identifies that projects generating fewer than 500 daily vehicle trips (for projects requiring a GPA and fewer than 1,000 daily vehicle trips (for projects not requiring a GPA) are anticipated to meet the City's Project Trip Screening threshold and result in a less than significant impact. Based on the Project's forecasted trip generation (see UC 2021b), the Project would generate more than 1,000 daily vehicle trips. Therefore, the Project Trip screening threshold is not met.

Summary of Project Screening. The Project's retail component is anticipated to have a less than significant impact. Since none of the applicable land development screening criteria were met for the Project's industrial component, the VMT Analysis included more in-depth VMT analysis for the Project's industrial component only.

Industrial Assessment

The Riverside Transportation Analysis Model (RIVTAM) is a tool to estimate VMT as it considers interaction between different land uses based on socio-economic data such as population, households, and employment. The City Guidelines provide that until RIVCOM is released by WRCOG, RIVTAM is the appropriate tool for conducting VMT analysis for land use projects in the City. The Project's VMT was calculated using the most current version of RIVTAM. Adjustments in socioeconomic data (SED) (i.e., Project employment) was made to a separate TAZ within the RIVTAM model to reflect the Project's proposed employment uses (i.e., industrial). Table 20 (Project Employment Estimate) summarizes the employment estimate for the Project which is consistent with the land use to employment generation factors from the Riverside County General Plan.

Table 210
Project Employment Estimate

Land Use	Building Area (SF)	Building Area Per Employee (SF)	Estimated Employees[1]
Industrial	619,959	1,030	602

Source: Table 1, UC 2021c
[1] Riverside County General Plan Employment Factors

Consistent with recommendations contained in the City's Guidelines, calculation of VMT for "other land uses" that are not residential or retail land use types are evaluated using VMT per employee. For land uses where VMT per capita or VMT per employee are suitable metrics, the City Guidelines suggest the use of the Production-Attraction (PA) trip matrices be utilized. Using these matrices, Project generated VMT was calculated consistent with the PA matrices methodology identified in Section 5.4, Detail VMT Forecasting Methodology, of the City Guidelines. VMT is then normalized by dividing by the number of Project employees. As shown in Table 21 (Project VMT Per Employee), the Project's VMT per employee is 14.26 miles per worker.

Table 11
Project VMT Per Employee

VMT Characteristic	Baseline
Employment	602
VMT	8,582
HBW VMT/Workers[1]	14.26

Source: Table 2, UC 2021c
[1] HBW VMT/Workers is a measure of all auto trips between home and work and does not include heavy duty truck trips or freight, which is consistent with OPR direction and Riverside County VMT calculation guidelines.

The City's Guidelines provide VMT thresholds for their predominant land use types such as residential, office, and retail. For "other land uses," City Guidelines state the threshold as "any net increase in VMT per employee for uses that are consistent with the General Plan, and for projects seeking a GPA the threshold would be 10.9 VMT per employee". As the proposed Project is consistent with the SLVNSP Amendment No. 5, which is consistent with the General Plan, a threshold of no net increase in VMT per employee was utilized. The VMT per employee value previously calculated for the Amendment No. 5 is utilized as the impact threshold.

Table 22 (VMT Per Employee Comparison) provides a comparison between the Project's generated VMT per employee to the VMT per employee previously calculated by the PEIR for the SLVNSP Amendment No. 5. The VMT per employee value for the approved Amendment No. 5 was 14.33, while the Project's calculated VMT per employee value is 14.26. As shown in Table 22, the Project would not result in a net increase in VMT per employee and would therefore not result in a significant impact relative to VMT and CEQA Guidelines.

Table 12
VMT Per Employee Comparison

VMT Characteristic	Baseline VMT Per Employee
PEIR (Amendment No. 5)	14.33
Proposed Project	14.26
Difference (Project vs. PEIR)	-0.07
Net Increase?	No

Source: Table 3, UC 2021c

VMT Impact Summary. The Project's retail component falls below the City's adopted local serving retail screening threshold, and therefore the retail component of the Project has a less than significant VMT impact. The Project's industrial component was then evaluated and compared to the City's adopted impact threshold of no net increase in VMT per employee. The Project generated VMT per employee value was found to be less than that already disclosed by the PEIR for the approved Amendment No. 5 to the SLVNSP. Therefore, the Project's potential VMT impacts are less than significant, and no additional mitigation is required. However, the PEIR recommended Mitigation Measure VMT-1, which will be implemented as part of the proposed Project.

Mitigation Measures

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 will have less than significant impacts regarding VMT, and although mitigation is therefore not required, the Project will include implementation of PEIR Mitigation Measure VMT-1.

(c) **Circulation Design Hazards.** The PEIR indicates this section of Sun Lakes Boulevard is fully improved with a curvilinear alignment but contains no geometric design features (e.g., sharp curves or dangerous intersections) that are considered hazardous. Final Project site plans will be subject to City review and approval, which will ensure that driveway intersections and internal circulation are safe, with adequate sight distance, driveway widths and stop signs for entering and exiting the site. The Project area is suburban in nature with no agricultural uses, so there is little potential for conflict with other uses. Therefore, the Project will have no impacts due to a hazardous geometric design feature or incompatible uses, and no mitigation is required.

(d) **Emergency Access.** Sun Lakes Boulevard provides immediate emergency access to the Project site, while regional access is provided by Highland Springs Avenue a quarter mile to the west with ramps to the I-10 Freeway immediately north of the site. Per state Fire and Building Codes, sufficient space will be provided around the building for emergency personnel and equipment to access the site. The warehouse will be required to comply with the California Fire Code in terms of emergency access to the building itself. The Project site plan includes three ingress/egress access points, one 40-foot wide signalized intersection off of Sun Lakes Boulevard, one 40-foot access road at the southeast corner of the site, and one 40-foot point from Sun Lakes Village Drive at the southwest corner of the Project site. The site plan also shows a minimum 24-foot wide fire lane around both the warehouse building and the commercial buildings. Therefore, the Project will not result in inadequate emergency access. Impacts will be less than significant, and no mitigation is required.

Conclusion. The PEIR concluded that VMT impacts of the SLVNSP/ Amendment No. 5 were significant even with mitigation. The PEIR determined the other transportation-related impacts were less than significant. A VMT assessment of the currently proposed Project shows that the Project would have less than significant impacts based on its current design. For consistency, the Project will also implement PEIR Mitigation Measure VMT-1. The Project's TA also shows that the Project will generate fewer trips than what was disclosed by the PEIR for the SLVNSP. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.18 – 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 Cultural Native American tribe, and that is:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
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), or	No	No Impact	No	No	No
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 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	No	Less than Significant with Mitigation	No	No	No

Proposed Project in relation to PEIR

(a) Eligible for Listing. As described in the PEIR, the Project area has 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. However, the Project area lies within Stewart Ranch, and the land within the Project area was utilized for grazing, agricultural, and water control/conveyance purposes. This suggests that any subsurface historic artifacts and/or deposits that may be present 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, there is no impact, and no mitigation measures are required.

(b) Significant Tribal Resources. As described in the PEIR, the City consulted with the Morongo Band of Mission Indians under SB 18 and AB 52, and it was determined that tribal cultural resources may be encountered during grading activities. Therefore, the PEIR recommended Mitigation Measures TCR-1 through TCR-6, which will be implemented by the Project. No additional consultation is required for this consistency analysis.

Mitigation Measures

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.

Conclusion: With implementation of PEIR Mitigation Measures TCR-1 through TCR-6, the potential impacts to tribal cultural resources will be less than significant. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.19 – Utilities and Service Systems

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
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?	No	Less than Significant Impact	No	No	No
b) Have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years?	No	Less than Significant Impact	No	No	No
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?	No	Less than Significant Impact	No	No	No

Would the Project:

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	No	Less than Significant Impact	No	No	No
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	No	Less than Significant Impact	No	No	No

Proposed Project in relation to PEIR

(a) Utility Infrastructure. The PEIR indicated construction of the SLVNSP would require connections to existing water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities. The PEIR stated the Project area was already served by these utilities. Off-site utility improvements needed to serve the Project site would occur within existing improved rights of way and on-site within areas already planned for development by the Project. The PEIR concluded there were no components of the Project's proposed utility connections that would result in significant environmental impacts, and no mitigation was required.

(b) Sufficient Water Supplies. To assess the ultimate effect of the SLVNSP's water demands and service needs, the City of Banning Water Department has prepared a Water Supply Assessment (WSA) in accordance with SB 610 as part of the PEIR process. The SLVNSP was estimated to have a total annual water demand of 279 acre-feet per year (afy). The expected water demand for the entire SLVNSP was within the City's total projected water supplies available during normal, single dry, and multiple dry water years for the next 20 years. Therefore, the PEIR concluded there would be adequate water supplies to meet the projected water demand associated with the SLVNSP in addition to the existing and other planned future uses of the City's water system.

The proposed Project represents a large portion but not all of the approved SLVNSP land uses (i.e., it does not include 52,065 square feet of medical offices within the Office & Professional District). The proposed Project is also approximately 30 percent less intense (i.e., less warehouse and commercial development) than was evaluated in the PEIR. Since the WSA prepared for the SLVNSP addressed development in excess of the proposed Project, it can be concluded the City can provide sufficient water over the long-term to serve the proposed Project. Impacts are less than significant, and no mitigation is required.

(c) Wastewater Treatment Capacity. The PEIR indicated that wastewater flows collected within the City's service area are currently treated at one facility, the Banning Wastewater Treatment Plant. The plant has capacity to treat up to 3.6 million gallons per day (MGD) and treated an average of 2.07 MGD in 2016. According to the City, the entire SLVNSP was estimated to generate approximately 53,580 gpd (0.5 MGD) which represented 1.78% of the treatment plant's capacity in 2025 and 1.16% in 2040 (PEIR Table 12). The PEIR concluded this represented a less than significant impact, and no mitigation was required.

The proposed Project represents a large portion but not all of the development proposed within the SLVNSP. Since the PEIR concluded the wastewater from the entire SLVNSP was less than significant, then wastewater generated by the proposed Project would likewise be less than significant in terms of wastewater treatment capacity, and no mitigation is required.

(d) Solid Waste Infrastructure. The PEIR indicated that Waste Management Inc. is the franchise waste hauler for all customers in the City of Banning. The Riverside County Waste Management Department provides recycling and disposal services for the City. Solid waste generated by the SLVNSP would be disposed of at three landfill facilities in Riverside County, the Badlands Sanitary Landfill, the El Sobrante Landfill, and the Lamb Canyon Sanitary Landfill. These three landfills have a total combined capacity of 282.5 million cubic yards and a remaining (residual) capacity of approximately 180 million cubic yards of waste. The Badlands facility is expected to close in 2022, the Lamb Canyon facility in 2029, and the El Sobrante facility in 2051 (PEIR Table 13). The PEIR estimated the entire SLVNSP would generate approximately 1,689 tons or 6,255 cubic yards of solid waste per year. At that time, that amount of waste represented 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. Therefore, the PEIR concluded the Project's solid waste would not make a significant contribution to the landfill capacity and that current landfill facilities were sufficient. Impacts would be less than significant, and no mitigation was required.

The proposed Project represents a large portion but not all of the development proposed within the SLVNSP. Since the PEIR concluded the solid waste generated by the entire SLVNSP was less than significant in terms of landfill capacity, the wastes generated by the proposed Project would likewise be less than significant, and no mitigation is required.

(e) Solid Waste Regulations. As described in the PEIR Initial Study, the Project operator(s) would be required to coordinate with the waste hauler to develop collection of recyclable materials for the commercial facility on a common schedule as set forth in applicable local, regional, and State programs. Recyclable materials that would be recycled by the commercial facility include paper products, glass, aluminum, and plastic. Additionally, the Project's waste hauler would be required to comply with all applicable local, State, and Federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the commercial facility are reduced in accordance with existing regulations. This potential impact would be considered less than significant.

Conclusion. The PEIR concluded that utility and service demands of the entire SLVNSP were less than significant, and no mitigation was required. Since the proposed Project is a large portion but not all of the development planned under the SLVNSP, the proposed Project would also have less than significant impacts related to utilities and services. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.20 – Wildfire

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

		Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a)	Substantially impair an adopted emergency response plan or emergency evacuation plan?	No	No Impact	No	No	No
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire?	No	No Impact	No	No	No
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities), that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	No	No Impact	No	No	No
d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	No	No Impact	No	No	No

Proposed Project in relation to PEIR

(a) through (d). As described in the PEIR Initial Study, the Project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones, and no impact would occur. The Project would be within the scope of what is permitted by the SLVNSP and what was evaluated in the PEIR and would not produce new or substantially more severe environmental impacts. As such, no subsequent environmental analysis and no new mitigation are required.

4.21 – Mandatory Findings of Significance

	Effect Not Examined in Program EIR?	Conclusion in Program EIR?	Proposed Changes Involving New or More Severe Impacts?	New Circumstances Involving New or More Severe Impacts?	New Information Showing New or More Severe Impacts?
a) Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	No	Less than Significant with Mitigation	No	No	No
b) Does the Project have impacts that are individually limited, but cumulatively considerable?	No	Less than Significant with Mitigation	No	No	No
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	No	Less than Significant Impact	No	No	No

(a) **Significant Biological or Cultural Impacts.** The PEIR identified no endangered or threatened species on or supported by the Project site. As stated in Section 4.4, development of the proposed Project would not cause a fish or wildlife population to drop below self-sustaining levels or restrict the movement/distribution of a rare or endangered species. Development of the proposed Project would result in the conversion of approximately 37.05 acres of vacant, disturbed land to industrial warehouse and retail commercial uses. The proposed Project would not affect any threatened or endangered species or habitat. Impacts to migratory birds, the burrowing owl, and nesting bird species would be mitigated to a less than significant level with adherence to **Mitigation Measures BIO-1 through BIO-3** from the PEIR, which require burrowing owl and nesting surveys prior to ground-disturbing activities, as well as protection for native trees. Potential impacts to onsite biological resources are reduced to a less than significant level with adherence to the identified mitigation measures.

The site once supported the Stewart Ranch but there are no known unique ethnic or cultural values associated with the site, nor are there any Native American, religious, or sacred uses associated with the Project site. There are also no structures present that would be eligible for listing in either the National Register of Historic Places or the California Register of Historical Resources, so they are not considered historical resources under CEQA, and thus there will be no significant impacts resulting from the development of the Project on these resources. **Mitigation Measures TCR-1 through TCR-6 and GEO-1** have been identified to mitigate potential impacts associated with the discovery of unanticipated subsurface historical, archaeological, tribal cultural, and/or paleontological resources (respectively) during excavation operations. Adherence to regulatory requirements and the recommended mitigation measures would reduce potential impacts associated with cultural, historic, or paleontological resources to a less than significant level.

(b) **Cumulative Impacts.** The proposed Project site is located within an area that has been designated for industrial and commercial uses. The PEIR determined that air quality and greenhouse gas impacts from short-term construction and long-term operation of the SLVNSP would be significant, even with adherence to **Mitigation Measures AQ-1 through AQ-6 and GHG-1 through GHG-6** identified in the PEIR. Potential cumulative impacts related to geology and soils (regarding erosion) and water quality are addressed by regulatory compliance regarding erosion control.

The type, scale, and location of the proposed Project is consistent with and less intense than that evaluated in the PEIR, and the Project is consistent with the General Plan and the SLVNSP (zoning) for the Project site. Because of this consistency, the other potential cumulative environmental effects of the proposed Project would fall within those already identified in the PEIR. Therefore, no cumulative impact greater than those identified in the PEIR would result from either the construction or occupation of the proposed Project and implementation of the recommended Project mitigation.

(c) **Substantial Adverse Effects on Human Beings.** As detailed in the preceding responses, development of the proposed Project would not result, either directly or indirectly, in adverse effects to human beings. Short- and long-term construction noise impacts are addressed by **Mitigation Measures NOI-1 and NOI-2**, and no significant noise impacts are anticipated to occur with the implementation of the proposed Project.

As documented in the PEIR, development of the Project site will not result in any significant direct or cumulative impacts related to hydrology (in terms of flooding), hazards, or hazardous materials. In addition, the Health Risk Assessment prepared for the Project shows that there would be no significant cancer or non-cancer health risks from the proposed warehouse or commercial uses on nearby sensitive receptors, so mitigation is not required.

Mitigation Monitoring and Reporting Program

Project: City of Banning – Banning Point Project ***Date: February 10, 2022***

**** denotes mitigation measure is from the Sun Lakes Village North Specific Plan EIR***

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
Air Quality	**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.	Prior to issuance of a building permit	Building and Safety Division	Plans to specify use of Low VOC coatings
Air Quality	**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.	Prior to issuance of a grading permit	Planning Division	Submit air quality study for review and approval
Air Quality	**AQ-3* Electrical Hookups for Loading Docks.** Trucks accessing the Project site may have auxiliary power units (APU) and/or transport refrigeration units (TRUs). Therefore, electrical hookups shall be	Prior to issuance of a Certificate of Occupancy	City Inspectors	Verify installation of electrical hookups

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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.			
Air Quality	**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.	Prior to issuance of a Certificate of Occupancy	City Inspectors	Verify installation of signs
Air Quality	**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.	Prior to issuance of a Certificate of Occupancy	Planning Division	Owner/Lessee to provide documentation of vehicle fuel sources
Air Quality	**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.	Prior to approval of implementing plot plan and Certificate of Occupancy	Planning Division	Verify charging stations on site plan
	AQ-7* Heath 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 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 to reduce emissions to less than significant levels. The measures shall include the following:	During project application review and processing	Planning Division	Submit Health Risk Assessment report. This report has been prepared and is included with this Addendum for review and approval by the City

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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.			
Biological Resources	**BIO-1* Pre-Construction Burrowing Owl Survey.** Within 30 calendar days prior to grading, a qualified biologist shall implement focused preconstruction surveys. Surveys shall be conducted by a	Within 30 days prior to the start of grading	Planning Division	Developer shall retain qualified biologist and

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	CDVW-approved biologist prior to the initiation of ground disturbance (including but not limited to mobilization and staging, clearing, grubbing, vegetation removal, fence installation, demolition, and grading). In conformance with Burrowing Owl Survey instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (2006) and California Burrowing Owl Consortium's 1993 protocols (which are recommended by the CDFW), the surveys will consist of a minimum of three site visits. A brief biological technical report will be prepared and submitted to the City that describes the results of the preconstruction survey. The report shall be reviewed by the City prior to the issuance of a grading permit. If the preconstruction survey does not identify burrowing owls in the impact area, a grading permit may be issued without restriction. If it is determined that burrowing owls have colonized the project site prior to the initiation of construction, the project proponent shall immediately inform RCA, USFWS, and CDFW and will be required to prepare a Burrowing Owl Protection and Relocation Plan for approval by RCA, USFWS, and CDFW prior to initiation of ground disturbance. If burrowing owls are determined to be present in areas proposed for ground disturbance, the following avoidance measures will be implemented: a. Occupied burrows shall not be disturbed during the nesting season (March 1 through August 31) unless a qualified biologist approved by CDFW verifies through noninvasive methods that either the birds have not begun egg laying and incubation or that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Owls on-site after March 1 will be assumed to be nesting unless evidence indicates otherwise. This nest protection buffer will be maintained until August 31 or based on monitoring evidence, until the young owls are foraging independently or the nest is no longer active. Unless otherwise authorized by CDFW and/or the RCA, a 250-foot buffer, within which no activity will be permissible, will be maintained between project activities and nesting burrowing owls during the nesting season. This protected area will remain in effect until August 31 or based upon monitoring evidence, until the young owls are foraging independently. For burrowing owls present during the	If owls found onsite prior to grading	Planning Division	submit study to City for review and approval Biologist to prepare a Burrowing Owl Protection and Relocation Plan and submit to resource agencies for review and approval

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	nonbreeding season (generally September 1 to January 31), a 150-foot buffer zone will be maintained around the occupied burrow(s). b. If there is any possibility that owls will be injured or killed as a result of construction activities, the birds may be passively relocated during the nonbreeding season in coordination with the City, RCA, and CDFW. Relocation of owls will be performed by a qualified biologist using one-way doors, which should be installed in all burrows within the impact area and left in place for at least two nights. Immediately prior to the initiation of grading, these one-way doors will be removed and the burrows backfilled. To avoid the potential for owls evicted from a burrow to occupy other burrows in the impact area, one- way doors will be placed in all potentially suitable burrows in the impact area when eviction occurs. c. Preparation of a Burrowing Owl Protection and Relocation Plan may be required if active and/or passive relocation is necessary. The relocation plan will outline the basic process and provides options for avoidance and mitigation. The relocation plan will be approved by the RCA, USFWS, and CDFW prior to implementation.			
Biological Resources	**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	Provide setbacks if active nests are found per BIO-1	Planning Division	Monitoring by qualified biologist if needed during grading with final report upon completion

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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.			
Biological Resources	**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.	Prior to removal of onsite trees	Planning Division	Arborist to certify removal of trees as appropriate per tree removal and replacement plan
Geology and Soils	**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	Prior to issuance of a grading permit	Planning Division	Proof qualified paelontologist has been retained and PRIMP has been prepared, approved, and implemented

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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. 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. 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. 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.			
Greenhouse Gas Emissions	**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.) 1. The project shall devise a comprehensive water conservation strategy to reduce water use during project operation. The strategy will include the following: • Install drought-tolerant plants for landscaping. • Install water-efficient irrigation systems, such as weather-based and soil-moisture- based irrigation controllers and sensors, for landscaping according to the California	Prior to issuance of a building permit	Planning Division	Verification letter accepted demonstrating compliance

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	Department of Water Resources Model Efficient Landscape Ordinance. • Ensure that all landscape and irrigation measures follow the City of Banning's Landscaping and Water Conservation requirements.			
Greenhouse Gas Emissions	**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).	Prior to issuance of a building permit	Community Development Department	Review and approve Title 24 calculations
Greenhouse Gas Emissions	**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.	Prior to issuance of a building permit	Community Development Department	Provide proof of LEED compliance
Greenhouse Gas Emissions	**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.	Prior to issuance of a building permit	Community Development Department	Plans demonstrate high efficiency lighting to be installed
Greenhouse Gas Emissions	**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.	Prior to issuance of a building permit	Community Development Department	Plans demonstrate specified materials and equipment provided
Greenhouse Gas Emissions	**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.	Prior to issuance of a building permit	Community Development Department	Plans demonstrate specified materials and equipment provided
Noise	**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	Prior to issuance of a grading or building permit	Planning Division	Plans demonstrate compliance with restrictions

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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 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.			
Noise	**NOI-2* Final Acoustical Report.** Prior to issuance of the first building permit for any project, the property owner/developer shall submit a	Prior to issuance of the first building permit	Planning Division	Submit final acoustical report

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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 4.10 NOISE 4.10-11 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.			for review and approval. This report has been prepared and is included with this Addendum for review and approval by the City
Trans-poration	**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.	Prior to issuance of a building permit	Planning Division	Verify plans show required pedestrian network improvements
Tribal Cultural Resources	**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.	Prior to issuance of grading permits or any ground-disturbing activities	Planning Division	Provide staff training and monitor grading

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
Tribal Cultural Resources	**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.	Prior to issuance of grading permits or any ground-disturbing activities	Planning Division	Prepare, submit, and obtain approval of Archaeological Monitoring and Treatment Plan
Tribal Cultural Resources	**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.	Prior to issuance of grading permits or any ground-disturbing activities	Planning Division	Provide signed copy of tribal agreement to the City
Tribal 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.	During grading or other ground-disturbing activities	Planning Division	Contact/coordinate with County Coroner and tribal groups as appropriate

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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.			
Tribal Cultural Resources	**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	During grading or other ground-disturbing activities	Planning Department	Halt work and development/ implement a treatment plan

Impact Category	Mitigation Measures*	Implementation Timing	Responsible Monitoring Party	Monitoring/ Reporting Method
	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.			
Tribal Cultural Resources	**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.	Within 60 days of completion of grading if AMTP documents produced	Planning Department	Qualified archaeologist provides AMTP documents to City

**** denotes mitigation measure is from the Sun Lakes Village North Specific Plan EIR***

6 References

6.1 – List of Preparers

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- Pamela Steele, Principal
- Bob Prasse, Director of Environmental Services
- Kent Norton, AICP, REPA, Senior Project Manager
- Chris Dugan, Director of Air Quality, GHG, and Noise Services
- Phillip Gleason, Senior Environmental Analyst
- Cameron Hile, Senior Analyst
- Amy Paulsen, Senior Analyst

Urban Crossroads, Inc. (Air Quality, GHG, Trip Generation, and VMT Technical Studies)
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- Haseeb Qureshi, Associate Principal
- Alex So, Senior Analyst

6.2 – Persons and Organizations Consulted

None

6.3 – Bibliography

City of Banning (City), 2006a. City of Banning General Plan. City Community Development Department and Terra Nova Planning & Research, Inc. January 31, 2006.

City of Banning (City), 2006b. General Plan Final Environmental Impact Report (SCH# 2005011039). City Community Development Department and Terra Nova Planning & Research, Inc. January 18, 2006.

Romo Planning Group (RPG), 2020a. Sun Lakes Village North Specific Plan, Amendment 5, Draft Environmental Impact Report (SCH# 2020029074) and Appendices (including Appendix A – Initial Study and Notice of Preparation). September 9, 2020.

Romo Planning Group (RPG), 2020b. Sun Lakes Village North Specific Plan, Amendment 5. November 4, 2020.

Urban Crossroads, Inc. (UC), 2021a. Banning Point Air Quality, Greenhouse Gas, and Health Risk Assessment Memorandum. July 19, 2021, updated February 10, 2022 (Appendix A).

Urban Crossroads, Inc. (UC), 2021b. Banning Point (TPM 38164) Traffic Assessment. January 3, 2022, updated February 8, 2022 (Appendix B).

Urban Crossroads, Inc. (UC), 2021c. Banning Point Vehicle Miles Traveled (VMT) Analysis. October 20, 2021 (Appendix C).

Urban Crossroads, Inc. (UC). 2022. Banning Point Noise and Vibration Impact Assessment. November 29, 2021, updated February 7, 2022 (Appendix D).

Appendix A

Air Quality, Greenhouse Gas, & Health Risk Assessment Memorandum

February 10, 2022

Mr. Adam Rush
City of Banning
99 E. Ramsey Street
Banning, CA 92220

SUBJECT: BANNING POINT AIR QUALITY, GREENHOUSE GAS, & HEALTH RISK ASSESSMENT MEMORANDUM

Dear Mr. Adam Rush:

Urban Crossroads, Inc. is pleased to provide the following Air Quality, Greenhouse Gas, & Health Risk Assessment Memorandum for the Banning Point Project ("Project"), which is located on the northeast corner of Sun Lake Village Drive and Sun Lake Boulevard in the City of Banning, as shown on Exhibit A. The nearest sensitive residential land uses are located east and south of the project site. Specifically, the following assessment has been prepared in support of the proposed Project CEQA Addendum/Consistency Checklist to determine whether the proposed Project would result in new or substantially different air quality, greenhouse gas, or health risk impacts than those considered and addressed in the Sun Lakes Village North Specific Plan Amendment No. 5 Final Environmental Impact Report (referred to as "Certified EIR") dated October 28, 2020.

PROJECT DESCRIPTION

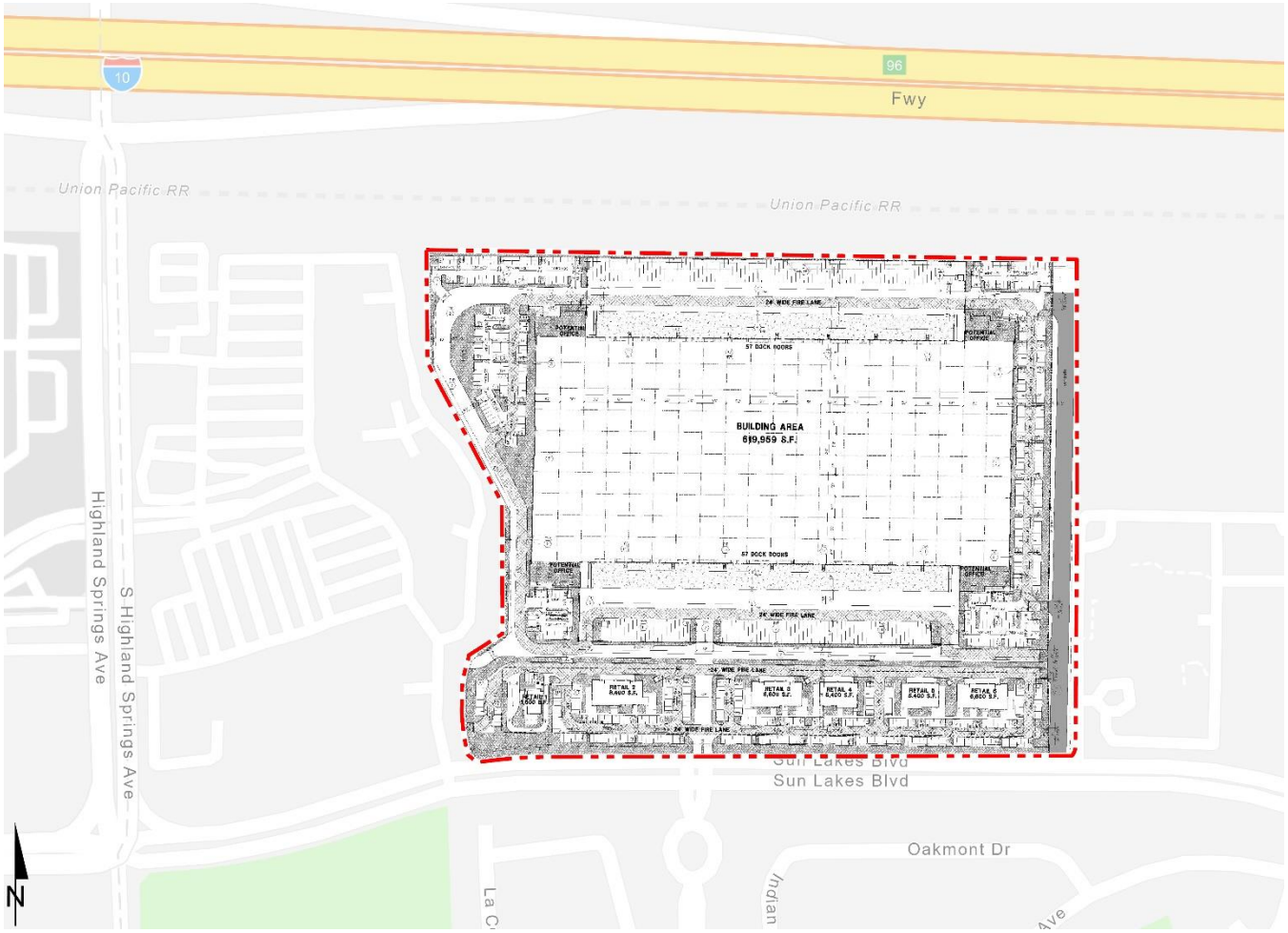
The Certified EIR evaluated the development of 877,298 square feet of industrial park use and 37,189 square feet of commercial retail use within the area bounded by the proposed Project. There was also 52,065 square feet of medical office use evaluated in the Certified EIR, however, this portion of the Specific Plan lies outside of the proposed Project boundary. As such, only the industrial park and commercial retail uses have been contemplated for the purposes of this assessment.

The Project is proposed to consist of 464,969 square feet of high-cube fulfillment center warehouse use (75% of the industrial use), 154,990 square feet of high-cube cold storage warehouse use (25% of the industrial use), 16,200 square feet of fast-food restaurant without drive-through window use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of shopping center use as shown on Exhibit B. Consistent with the Certified EIR, the industrial uses are proposed on the northern end of the site with the commercial retail uses fronting Sun Lakes Boulevard to the south.

EXHIBIT A: LOCATION MAP



EXHIBIT B: SITE PLAN



CERTIFIED EIR MITIGATION MEASURES

The Certified EIR included the following mitigation measures. The proposed Project is required to implement the following mitigation measures as follows.

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.

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.

AQ 3-Electrical Hookups for Loading Docks: *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-Idiling 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.

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, …performance-based measures shall be required in order reduce emissions to less than significant levels.

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.*

CURRENTLY APPROVED PROJECT EMISSIONS

The Certified EIR evaluated the development of 877,298 square feet of industrial park use and 37,189 square feet of commercial retail use within the area bounded by the proposed Project. There was also 52,065 square feet of medical office use evaluated in the Certified EIR, however, this portion of the Specific Plan lies outside of the proposed Project boundary. As such, only the impacts of the industrial park and commercial retail uses have been addressed in this assessment. This portion of the project approved in the Specific Plan and analyzed in the Certified EIR is called the "Currently Approved Project". Tables 1 and 2 summarize the operational air quality and greenhouse gas emissions that would result from the Currently Approved Project.

TABLE 1: CURRENTLY APPROVED PROJECT MAXIMUM DAILY OPERATIONAL AIR QUALITY EMISSIONS SUMMARY

	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Total Maximum Daily Emissions	29.14	36.80	106.96	0.39	33.62	9.42

TABLE 2: CURRENTLY APPROVED GHG EMISSIONS SUMMARY

Emission Source	Emissions (MT/yr)
	Total CO_2E
Total CO_2E (All Sources)	8,190.53

PROPOSED PROJECT EMISSIONS

AIR QUALITY

CONSTRUCTION ACTIVITY

Construction emissions associated with the proposed Project are summarized on Table 3. As shown, the proposed Project's construction-related activity would not exceed the applicable regional significance thresholds and a less than significant impact would occur and no mitigation beyond the required mitigation from the Certified EIR would be required.

TABLE 3: PROPOSED PROJECT MAXIMUM DAILY CONSTRUCTION AIR QUALITY EMISSIONS SUMMARY

Year	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
2021	5.45	61.48	32.60	0.08	14.13	6.85
2022	19.30	51.68	64.23	0.17	13.55	6.36
2023	7.89	39.86	40.89	0.09	7.82	2.84
Winter						
2021	5.44	61.52	32.46	0.08	14.13	6.85
2022	19.11	52.13	59.20	0.16	13.55	6.36
2023	7.85	39.96	39.78	0.09	7.82	2.84
Maximum Daily Emissions	**19.30**	**61.52**	**64.23**	**0.17**	**14.13**	**6.85**
SCAQMD Regional Threshold	75	100	550	150	150	55
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

LOCALIZED CONSTRUCTION EMISSIONS

Pursuant to MM AQ-2 of the Certified EIR, the following analysis is presented to determine if the proposed Project would be required to implement any limitations on grading activity to prevent localized impacts to nearby receptors. The analysis makes use of methodology included in the SCAQMD *Final Localized Significance Threshold Methodology* (LST Methodology) (5). The SCAQMD has established that impacts to air quality are significant if there is a potential to contribute or cause localized exceedances of the federal and/or state ambient air quality standards (NAAQS/CAAQS). Collectively, these are referred to as Localized Significance Thresholds (LSTs). The SCAQMD established LSTs in response to the

SCAQMD Governing Board's Environmental Justice Initiative I-4[1]. LSTs 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 sensitive receptor. The SCAQMD states that lead agencies can use the LSTs as another indicator of significance in its air quality impact analyses. Table 4 includes a summary of the Project's construction localized emissions compared to the applicable thresholds.

TABLE 4: PROJECT CONSTRUCTION LOCALIZED SIGNIFICANCE AIR QUALITY EMISSIONS SUMMARY

Maximum On-Site Construction Emissions	Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	60.71	31.21	13.82	6.75
SCAQMD Localized Threshold	236	2,817	38	12
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

OPERATIONAL ACTIVITY

Operational emissions associated with the proposed Project are summarized on Table 5. As shown, the proposed Project's operational-related activity would not exceed the applicable regional significance thresholds and a less than significant impact would occur and no mitigation beyond the required mitigation from the Certified EIR would be required. Table 6 summarizes the operational air quality localized emissions resulting from the Project. These emissions totals include potential emissions that may result from transport refrigeration units (TRUs) associated with the refrigerated portion of the Project.

TABLE 5: PROJECT OPERATIONAL MAXIMUM DAILY OPERATIONAL AIR QUALITY EMISSIONS SUMMARY

	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Total Maximum Daily Emissions	28.67	49.96	162.6	0.54	48.91	13.72
SCAQMD Regional Threshold	55	55	550	150	150	55
Significant?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

[1] The purpose of SCAQMD's Environmental Justice program is to ensure that everyone has the right to equal protection from air pollution and fair access to the decision-making process that works to improve the quality of air within their communities. Further, the SCAQMD defines Environmental Justice as "…equitable environmental policymaking and enforcement to protect the health of all residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location, from the health effects of air pollution."

TABLE 6: PROJECT OPERATIONAL LOCALIZED SIGNIFICANCE AIR QUALITY EMISSIONS SUMMARY

Maximum On-Site Construction Emissions	Emissions (lbs/day)			
	NO_X	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions	6.95	7.65	1.96	0.63
SCAQMD Localized Threshold	236	2,817	10	3
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**

GREENHOUSE GAS EMISSIONS

Construction and operational GHG emissions associated with the proposed Project are summarized on Table 7. These emissions totals include potential emissions that may result from transport refrigeration units (TRUs) associated with the refrigerated portion of the Project. As shown, the proposed Project's GHG emissions would exceed the applicable significance thresholds consistent with the finding identified in the Certified EIR. This is not a new or more severe impact than what was already disclosed in the Certified EIR.

TABLE 7: PROJECT GHG EMISSIONS SUMMARY

Emission Source	Emissions (MT/yr)
	Total CO_2E
Total Annual Emissions (Amortized Construction + Operations)	8,812.61
SCAQMD Interim Threshold	3,000
Significant?	**YES**

HEALTH RISK ASSESSMENT

Pursuant to MM AQ-7, a diesel health risk assessment has been prepared. This analysis evaluates the potential mobile source health risk impacts to receptors (residents or workers) associated with the development of the Project. Health risk exposures were modeled in accordance with the guidelines in the SCAQMD's Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. SCAQMD recommends using the Environmental Protection Agency's (U.S. EPA's) AERMOD model which has been employed accordingly. Risk calculations were conducted consistent with the Office of Environmental Health Hazards Assessment (OEHHA)'s 2015 Risk Assessment Guidelines. Detailed health risk modeling results are presented at Appendix B to this Memorandum.

RECEPTOR LOCATIONS

To assess the potential for long-term operational impacts, the following receptor locations, as shown on Exhibit C, were identified as representative locations for focused analysis. To describe the potential off-site Project health risks, five receptor locations in the vicinity of the Project site were identified. All distances are measured from the Project site boundary to the outdoor living areas (e.g., private backyards) or at the building façade, whichever is closer to the Project site.

R1: Location R1 represents the existing residence at 5778 Joshua Palmer Way, approximately 543 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R1 is placed at the building façade.

R2: Location R2 represents the residence at 301 Northwood Avenue, approximately 725 feet east of the Project site. Receptor R2 is placed at the private outdoor living area (backyard).

R3: Location R3 represents the existing Assisted Living and Memory Care at 5801Sun Lakes Boulevard, approximately 110 feet east of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R3 is placed at the building façade.

R4: Location R4 represents the existing residence at 5831 Oakmont Drive, approximately 115 feet south of the Project site. Receptor R4 is placed at the private outdoor living area (backyard).

R5: Location R5 represents the existing residence at 6111 Wingfoot Avenue, approximately 134 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receptor R5 is placed at the building façade.

TAC EMISSIONS AND RISK ESTIMATE

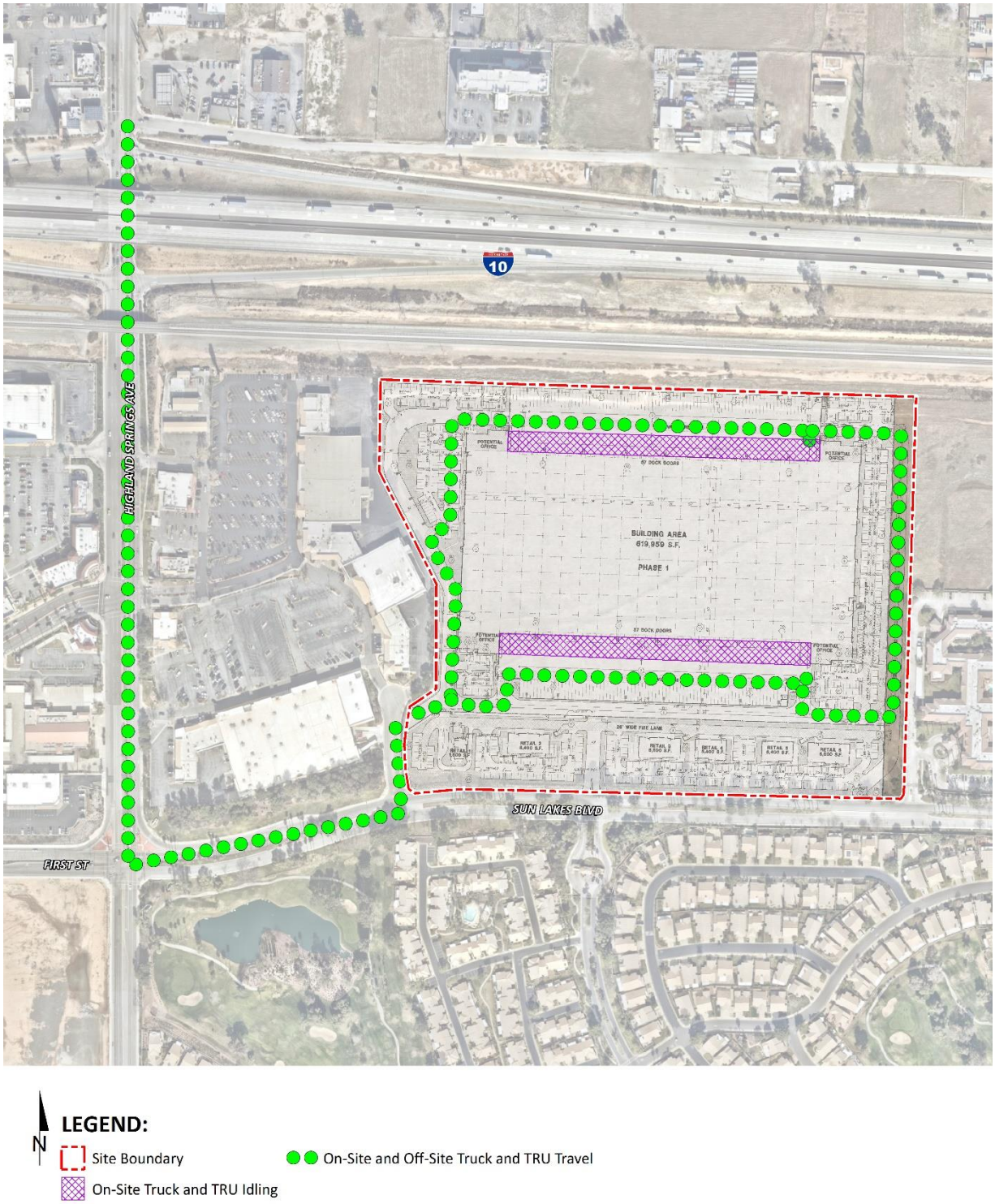
More specifically the analysis presented here evaluates potential health risk impacts that could result from exposure to Toxic Air Contaminants (TACs), including diesel particulate matter (DPM) generated by heavy-duty diesel trucks from on-site idling, on-site travel, and off-site travel, and emissions associated with TRUs. The modeled source area is shown on Exhibit D.

At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to the Project is estimated at 1.67 in one million, which is less than the SCAQMD threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable SCAQMD threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk at any potentially affected receptors.

EXHIBIT C: RECEPTOR LOCATIONS



EXHIBIT D: MODELED SOURCE LOCATIONS



AIR QUALITY AND GREENHOUSE GAS EMISSIONS COMPARISON

Tables 8 and 9 compare air quality and greenhouse gas emissions associated with the Currently Approved Project to the proposed Project. As shown, emissions would result in a slight increase with respect to air quality and greenhouse gas emissions associated with the Project. Notwithstanding, the Project would not result in a new or substantially more severe air quality or greenhouse gas impact than what was previously disclosed in the Certified EIR. As shown on Table 8, the Currently Approved Project, the proposed Project, and the variance between the two projects, *do not* exceed the applicable SCAQMD regional thresholds of significance.

TABLE 8: AIR QUALITY EMISSIONS COMPARISON

Project	Emissions (lbs/day)					
	VOC	**NO_X**	**CO**	**SO_X**	**PM_{10}**	**$PM_{2.5}$**
Currently Approved Project	29.14	36.80	106.96	0.39	33.62	9.42
SCAQMD Regional Threshold	55	55	550	150	150	55
Significant?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**
Proposed Project	28.67	49.96	162.6	0.54	48.91	13.72
SCAQMD Regional Threshold	55	55	550	150	150	55
Significant?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**
Variance	***-0.47***	***13.16***	***55.64***	***0.15***	***15.29***	***4.30***
SCAQMD Regional Threshold	55	55	550	150	150	55
Significant?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Similarly, as shown on Table 9, the Currently Approved Project and proposed Project both exceed the SCAQMD interim GHG threshold. Although the proposed Project results in a slight increase of 604.87 metric tons of GHG emissions compared to the Currently Approved Project, this increase does not constitute a substantially more severe GHG impact than what was disclosed in the Certified EIR. There is no established metric for determining whether an increase in GHG emissions constitutes a substantially more severe impact. As such, it is appropriate to use the SCAQMD interim threshold to determine whether the increase is substantially more severe. As shown on Table 9, the increase in emissions would *not* exceed the SCAQMD interim numeric threshold, therefore the potential impact is not substantially more severe than what was previously disclosed in the Certified EIR.

TABLE 9: GHG EMISSIONS COMPARISON

Project	Annual Emissions ($MTCO_2e$)
Currently Approved Project	8,190.53
SCAQMD Interim Threshold	3,000
Significant?	**YES**
Proposed Project	8,812.61
SCAQMD Interim Threshold	3,000
Significant?	**YES**
Variance	***622.08***
SCAQMD Interim Threshold	3,000
Significant?	**NO**

Respectfully submitted,

URBAN CROSSROADS, INC.



Haseeb Qureshi,
Associate Principal

REFERENCES

1. **South Coast Air Quality Management District.** *Localized Significance Thresholds Methodology.* s.l. : South Coast Air Quality Managment District, 2003.

ATTACHMENT A

CURRENTLY APPROVED PROJECT CALEEMOD OPERATIONAL MODEL OUTPUTS

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Currently Approved Operations)

Riverside-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Industrial Park	877.30	1000sqft	20.14	877,298.00	0
Other Asphalt Surfaces	16.06	Acre	16.06	699,573.60	0
Regional Shopping Center	37.19	1000sqft	0.85	37,189.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use -

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip characteristics based on information provided in the Traffic analysis

Operational Off-Road Equipment - Based on SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Busniess Survey Results (2014)

Fleet Mix - Passenger Car Mix estimated based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, & MCY). Truck Mix based on information in the Traffic analysis

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	50.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblFleetMix	HHD	0.02	0.04
tblFleetMix	HHD	0.02	0.02
tblFleetMix	LDA	0.53	0.50
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDT1	0.06	0.05
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT2	0.17	0.16
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LHD1	0.03	0.06
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD2	7.4220e-003	0.02
tblFleetMix	LHD2	7.4220e-003	8.0000e-003
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.14
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MHD	0.01	0.03
tblFleetMix	MHD	0.01	0.01
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	365.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperHorsePower	97.00	200.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	4.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	3.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	46.12	44.15
tblVehicleTrips	SU_TR	21.10	20.20
tblVehicleTrips	WD_TR	3.37	3.37
tblVehicleTrips	WD_TR	37.75	36.14

2.0 Emissions Summary

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

		Highest		

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	3.7844	1.1000e-004	0.0119	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.0231	0.0231	6.0000e-005	0.0000	0.0246
Energy	0.0167	0.1515	0.1273	9.1000e-004		0.0115	0.0115		0.0115	0.0115	0.0000	1,528.7445	1,528.7445	0.1190	0.0185	1,537.2243
Mobile	1.1503	5.1595	14.6949	0.0552	5.0604	0.0666	5.1270	1.3574	0.0630	1.4203	0.0000	5,148.5714	5,148.5714	0.1273	0.3062	5,243.0007
Offroad	0.0668	0.6940	0.4153	1.7400e-003		0.0240	0.0240		0.0220	0.0220	0.0000	152.3763	152.3763	0.0493	0.0000	153.6083
Waste						0.0000	0.0000		0.0000	0.0000	228.7505	0.0000	228.7505	13.5188	0.0000	566.7197
Water						0.0000	0.0000		0.0000	0.0000	65.2370	431.9053	497.1423	6.7372	0.1631	714.1765
Total	**5.0182**	**6.0052**	**15.2494**	**0.0579**	**5.0604**	**0.1021**	**5.1625**	**1.3574**	**0.0965**	**1.4539**	**293.9876**	**7,261.6205**	**7,555.6081**	**20.5516**	**0.4878**	**8,214.7542**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	3.7844	1.1000e-004	0.0119	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.0231	0.0231	6.0000e-005	0.0000	0.0246
Energy	0.0167	0.1515	0.1273	9.1000e-004		0.0115	0.0115		0.0115	0.0115	0.0000	1,528.7445	1,528.7445	0.1190	0.0185	1,537.2243
Mobile	1.1503	5.1595	14.6949	0.0552	5.0604	0.0666	5.1270	1.3574	0.0630	1.4203	0.0000	5,148.5714	5,148.5714	0.1273	0.3062	5,243.0007
Offroad	0.0668	0.6940	0.4153	1.7400e-003		0.0240	0.0240		0.0220	0.0220	0.0000	152.3763	152.3763	0.0493	0.0000	153.6083
Waste						0.0000	0.0000		0.0000	0.0000	228.7505	0.0000	228.7505	13.5188	0.0000	566.7197
Water						0.0000	0.0000		0.0000	0.0000	65.2370	431.9053	497.1423	6.7372	0.1631	714.1765
Total	**5.0182**	**6.0052**	**15.2494**	**0.0579**	**5.0604**	**0.1021**	**5.1625**	**1.3574**	**0.0965**	**1.4539**	**293.9876**	**7,261.6205**	**7,555.6081**	**20.5516**	**0.4878**	**8,214.7542**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	10/4/2021	10/3/2021	5	0	

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 16.06

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.1503	5.1595	14.6949	0.0552	5.0604	0.0666	5.1270	1.3574	0.0630	1.4203	0.0000	5,148.5714	5,148.5714	0.1273	0.3062	5,243.0007
Unmitigated	1.1503	5.1595	14.6949	0.0552	5.0604	0.0666	5.1270	1.3574	0.0630	1.4203	0.0000	5,148.5714	5,148.5714	0.1273	0.3062	5,243.0007

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Industrial Park	2,957.99	2,228.34	1087.85	10,286,566	10,286,566
Other Asphalt Surfaces	0.00	0.00	0.00		
Regional Shopping Center	1,344.00	1,641.99	751.21	2,972,244	2,972,244
Total	4,301.98	3,870.33	1,839.06	13,258,810	13,258,810

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Industrial Park	16.60	8.40	6.90	59.00	28.00	13.00	79	19	2
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34

4.4 Fleet Mix

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Industrial Park	0.500000	0.053000	0.162000	0.135000	0.063000	0.017000	0.027000	0.043000	0.000000	0.000000	0.000000	0.000000	0.000000
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Regional Shopping Center	0.549000	0.058000	0.178000	0.148000	0.028000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	1,363.7997	1,363.7997	0.1159	0.0155	1,371.2994
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	1,363.7997	1,363.7997	0.1159	0.0155	1,371.2994
NaturalGas Mitigated	0.0167	0.1515	0.1273	9.1000e-004		0.0115	0.0115		0.0115	0.0115	0.0000	164.9448	164.9448	3.1600e-003	3.0200e-003	165.9249
NaturalGas Unmitigated	0.0167	0.1515	0.1273	9.1000e-004		0.0115	0.0115		0.0115	0.0115	0.0000	164.9448	164.9448	3.1600e-003	3.0200e-003	165.9249

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Industrial Park	3.00913e+006	0.0162	0.1475	0.1239	8.9000e-004		0.0112	0.0112		0.0112	0.0112	0.0000	160.5788	160.5788	3.0800e-003	2.9400e-003	161.5330
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	81815.8	4.4000e-004	4.0100e-003	3.3700e-003	2.0000e-005		3.0000e-004	3.0000e-004		3.0000e-004	3.0000e-004	0.0000	4.3660	4.3660	8.0000e-005	8.0000e-005	4.3920
Total		**0.0167**	**0.1515**	**0.1273**	**9.1000e-004**		**0.0115**	**0.0115**		**0.0115**	**0.0115**	**0.0000**	**164.9448**	**164.9448**	**3.1600e-003**	**3.0200e-003**	**165.9249**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Industrial Park	3.00913e+006	0.0162	0.1475	0.1239	8.9000e-004		0.0112	0.0112		0.0112	0.0112	0.0000	160.5788	160.5788	3.0800e-003	2.9400e-003	161.5330
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	81815.8	4.4000e-004	4.0100e-003	3.3700e-003	2.0000e-005		3.0000e-004	3.0000e-004		3.0000e-004	3.0000e-004	0.0000	4.3660	4.3660	8.0000e-005	8.0000e-005	4.3920
Total		**0.0167**	**0.1515**	**0.1273**	**9.1000e-004**		**0.0115**	**0.0115**		**0.0115**	**0.0115**	**0.0000**	**164.9448**	**164.9448**	**3.1600e-003**	**3.0200e-003**	**165.9249**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Industrial Park	8.06237e+006	1,291.4798	0.1097	0.0146	1,298.5817
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	451474	72.3200	6.1400e-003	8.2000e-004	72.7177
Total		**1,363.7997**	**0.1159**	**0.0155**	**1,371.2994**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Industrial Park	8.06237e+006	1,291.4798	0.1097	0.0146	1,298.5817
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	451474	72.3200	6.1400e-003	8.2000e-004	72.7177
Total		**1,363.7997**	**0.1159**	**0.0155**	**1,371.2994**

6.0 Area Detail

6.1 Mitigation Measures Area

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	3.7844	1.1000e-004	0.0119	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.0231	0.0231	6.0000e-005	0.0000	0.0246
Unmitigated	3.7844	1.1000e-004	0.0119	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.0231	0.0231	6.0000e-005	0.0000	0.0246

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.4336					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	3.3497					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.1100e-003	1.1000e-004	0.0119	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.0231	0.0231	6.0000e-005	0.0000	0.0246
Total	**3.7844**	**1.1000e-004**	**0.0119**	**0.0000**		**4.0000e-005**	**4.0000e-005**		**4.0000e-005**	**4.0000e-005**	**0.0000**	**0.0231**	**0.0231**	**6.0000e-005**	**0.0000**	**0.0246**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.4336					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	3.3497					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	1.1100e-003	1.1000e-004	0.0119	0.0000		4.0000e-005	4.0000e-005		4.0000e-005	4.0000e-005	0.0000	0.0231	0.0231	6.0000e-005	0.0000	0.0246
Total	**3.7844**	**1.1000e-004**	**0.0119**	**0.0000**		**4.0000e-005**	**4.0000e-005**		**4.0000e-005**	**4.0000e-005**	**0.0000**	**0.0231**	**0.0231**	**6.0000e-005**	**0.0000**	**0.0246**

7.0 Water Detail

7.1 Mitigation Measures Water

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	497.1423	6.7372	0.1631	714.1765
Unmitigated	497.1423	6.7372	0.1631	714.1765

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Industrial Park	202.876 / 0	487.5178	6.6467	0.1609	701.6281
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	2.75476 / 1.6884	9.6246	0.0905	2.2200e-003	12.5484
Total		**497.1424**	**6.7372**	**0.1631**	**714.1765**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Industrial Park	202.876 / 0	487.5178	6.6467	0.1609	701.6281
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	2.75476 / 1.6884	9.6246	0.0905	2.2200e-003	12.5484
Total		**497.1424**	**6.7372**	**0.1631**	**714.1765**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	228.7505	13.5188	0.0000	566.7197
Unmitigated	228.7505	13.5188	0.0000	566.7197

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Industrial Park	1087.85	220.8237	13.0503	0.0000	547.0814
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	39.05	7.9268	0.4685	0.0000	19.6383
Total		**228.7505**	**13.5188**	**0.0000**	**566.7197**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Industrial Park	1087.85	220.8237	13.0503	0.0000	547.0814
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	39.05	7.9268	0.4685	0.0000	19.6383
Total		**228.7505**	**13.5188**	**0.0000**	**566.7197**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Tractors/Loaders/Backhoes	3	4.00	365	200	0.37	CNG

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	tons/yr										MT/yr					
Tractors/Loaders/ Backhoes	0.0668	0.6940	0.4153	1.7400e-003		0.0240	0.0240		0.0220	0.0220	0.0000	152.3763	152.3763	0.0493	0.0000	153.6083
Total	**0.0668**	**0.6940**	**0.4153**	**1.7400e-003**		**0.0240**	**0.0240**		**0.0220**	**0.0220**	**0.0000**	**152.3763**	**152.3763**	**0.0493**	**0.0000**	**153.6083**

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Currently Approved Operations)

Riverside-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Industrial Park	877.30	1000sqft	20.14	877,298.00	0
Other Asphalt Surfaces	16.06	Acre	16.06	699,573.60	0
Regional Shopping Center	37.19	1000sqft	0.85	37,189.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use -

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip characteristics based on information provided in the Traffic analysis

Operational Off-Road Equipment - Based on SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Busniess Survey Results (2014)

Fleet Mix - Passenger Car Mix estimated based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, & MCY). Truck Mix based on information in the Traffic analysis

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	50.00	0.00

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblFleetMix	HHD	0.02	0.04
tblFleetMix	HHD	0.02	0.02
tblFleetMix	LDA	0.53	0.50
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDT1	0.06	0.05
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT2	0.17	0.16
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LHD1	0.03	0.06
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD2	7.4220e-003	0.02
tblFleetMix	LHD2	7.4220e-003	8.0000e-003
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.14
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MHD	0.01	0.03
tblFleetMix	MHD	0.01	0.01
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	365.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperHorsePower	97.00	200.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	4.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	3.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	46.12	44.15
tblVehicleTrips	SU_TR	21.10	20.20
tblVehicleTrips	WD_TR	3.37	3.37
tblVehicleTrips	WD_TR	37.75	36.14

2.0 Emissions Summary

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Energy	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969
Mobile	8.8284	31.2178	106.7092	0.3734	33.0624	0.4256	33.4880	8.8553	0.4023	9.2576		38,338.2099	38,338.2099	0.8827	2.1287	38,994.6265
Offroad	0.3661	3.8029	2.2758	9.5100e-003		0.1312	0.1312		0.1207	0.1207	0.0000	920.3632	920.3632	0.2977		927.8048
Total	**30.0251**	**35.8518**	**109.7775**	**0.3879**	**33.0624**	**0.6203**	**33.6827**	**8.8553**	**0.5864**	**9.4417**	**0.0000**	**40,255.0533**	**40,255.0533**	**1.2000**	**2.1470**	**40,924.8453**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Energy	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969
Mobile	8.8284	31.2178	106.7092	0.3734	33.0624	0.4256	33.4880	8.8553	0.4023	9.2576		38,338.2099	38,338.2099	0.8827	2.1287	38,994.6265
Offroad	0.3661	3.8029	2.2758	9.5100e-003		0.1312	0.1312		0.1207	0.1207	0.0000	920.3632	920.3632	0.2977		927.8048
Total	**30.0251**	**35.8518**	**109.7775**	**0.3879**	**33.0624**	**0.6203**	**33.6827**	**8.8553**	**0.5864**	**9.4417**	**0.0000**	**40,255.0533**	**40,255.0533**	**1.2000**	**2.1470**	**40,924.8453**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	10/4/2021	10/3/2021	5	0	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Paving: 16.06

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	8.8284	31.2178	106.7092	0.3734	33.0624	0.4256	33.4880	8.8553	0.4023	9.2576		38,338.2099	38,338.2099	0.8827	2.1287	38,994.6265
Unmitigated	8.8284	31.2178	106.7092	0.3734	33.0624	0.4256	33.4880	8.8553	0.4023	9.2576		38,338.2099	38,338.2099	0.8827	2.1287	38,994.6265

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Industrial Park	2,957.99	2,228.34	1087.85	10,286,566	10,286,566
Other Asphalt Surfaces	0.00	0.00	0.00		
Regional Shopping Center	1,344.00	1,641.99	751.21	2,972,244	2,972,244
Total	4,301.98	3,870.33	1,839.06	13,258,810	13,258,810

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Industrial Park	16.60	8.40	6.90	59.00	28.00	13.00	79	19	2
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Industrial Park	0.500000	0.053000	0.162000	0.135000	0.063000	0.017000	0.027000	0.043000	0.000000	0.000000	0.000000	0.000000	0.000000
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Regional Shopping Center	0.549000	0.058000	0.178000	0.148000	0.028000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969
NaturalGas Unmitigated	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Industrial Park	8244.2	0.0889	0.8083	0.6789	4.8500e-003		0.0614	0.0614		0.0614	0.0614		969.9056	969.9056	0.0186	0.0178	975.6693
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	224.153	2.4200e-003	0.0220	0.0185	1.3000e-004		1.6700e-003	1.6700e-003		1.6700e-003	1.6700e-003		26.3709	26.3709	5.1000e-004	4.8000e-004	26.5276
Total		**0.0913**	**0.8302**	**0.6974**	**4.9800e-003**		**0.0631**	**0.0631**		**0.0631**	**0.0631**		**996.2765**	**996.2765**	**0.0191**	**0.0183**	**1,002.1969**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Industrial Park	8.2442	0.0889	0.8083	0.6789	4.8500e-003		0.0614	0.0614		0.0614	0.0614		969.9056	969.9056	0.0186	0.0178	975.6693
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0.224153	2.4200e-003	0.0220	0.0185	1.3000e-004		1.6700e-003	1.6700e-003		1.6700e-003	1.6700e-003		26.3709	26.3709	5.1000e-004	4.8000e-004	26.5276
Total		**0.0913**	**0.8302**	**0.6974**	**4.9800e-003**		**0.0631**	**0.0631**		**0.0631**	**0.0631**		**996.2765**	**996.2765**	**0.0191**	**0.0183**	**1,002.1969**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Unmitigated	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	2.3759					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	18.3546					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	8.8500e-003	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Total	**20.7393**	**8.7000e-004**	**0.0952**	**1.0000e-005**		**3.4000e-004**	**3.4000e-004**		**3.4000e-004**	**3.4000e-004**		**0.2037**	**0.2037**	**5.4000e-004**		**0.2171**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	2.3759					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	18.3546					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	8.8500e-003	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Total	**20.7393**	**8.7000e-004**	**0.0952**	**1.0000e-005**		**3.4000e-004**	**3.4000e-004**		**3.4000e-004**	**3.4000e-004**		**0.2037**	**0.2037**	**5.4000e-004**		**0.2171**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Tractors/Loaders/Backhoes	3	4.00	365	200	0.37	CNG

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	lb/day										lb/day					
Tractors/Loaders/ Backhoes	0.3661	3.8029	2.2758	9.5100e-003		0.1312	0.1312		0.1207	0.1207	0.0000	920.3632	920.3632	0.2977		927.8048
Total	**0.3661**	**3.8029**	**2.2758**	**9.5100e-003**		**0.1312**	**0.1312**		**0.1207**	**0.1207**	**0.0000**	**920.3632**	**920.3632**	**0.2977**		**927.8048**

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Currently Approved Operations)

Riverside-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Industrial Park	877.30	1000sqft	20.14	877,298.00	0
Other Asphalt Surfaces	16.06	Acre	16.06	699,573.60	0
Regional Shopping Center	37.19	1000sqft	0.85	37,189.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use -

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip characteristics based on information provided in the Traffic analysis

Operational Off-Road Equipment - Based on SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Busniess Survey Results (2014)

Fleet Mix - Passenger Car Mix estimated based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, & MCY). Truck Mix based on information in the Traffic analysis

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	50.00	0.00

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblFleetMix	HHD	0.02	0.04
tblFleetMix	HHD	0.02	0.02
tblFleetMix	LDA	0.53	0.50
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDT1	0.06	0.05
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT2	0.17	0.16
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LHD1	0.03	0.06
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD2	7.4220e-003	0.02
tblFleetMix	LHD2	7.4220e-003	8.0000e-003
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.14
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MHD	0.01	0.03
tblFleetMix	MHD	0.01	0.01
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	365.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperHorsePower	97.00	200.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	4.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	3.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	46.12	44.15
tblVehicleTrips	SU_TR	21.10	20.20
tblVehicleTrips	WD_TR	3.37	3.37
tblVehicleTrips	WD_TR	37.75	36.14

2.0 Emissions Summary

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Energy	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969
Mobile	7.3330	32.7451	91.2748	0.3495	33.0624	0.4261	33.4885	8.8553	0.4027	9.2580		35,913.1806	35,913.1806	0.9114	2.1503	36,576.7461
Offroad	0.3661	3.8029	2.2758	9.5100e-003		0.1312	0.1312		0.1207	0.1207	0.0000	920.3632	920.3632	0.2977		927.8048
Total	**28.5297**	**37.3790**	**94.3432**	**0.3640**	**33.0624**	**0.6207**	**33.6831**	**8.8553**	**0.5868**	**9.4421**	**0.0000**	**37,830.0240**	**37,830.0240**	**1.2287**	**2.1685**	**38,506.9648**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Energy	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969
Mobile	7.3330	32.7451	91.2748	0.3495	33.0624	0.4261	33.4885	8.8553	0.4027	9.2580		35,913.1806	35,913.1806	0.9114	2.1503	36,576.7461
Offroad	0.3661	3.8029	2.2758	9.5100e-003		0.1312	0.1312		0.1207	0.1207	0.0000	920.3632	920.3632	0.2977		927.8048
Total	**28.5297**	**37.3790**	**94.3432**	**0.3640**	**33.0624**	**0.6207**	**33.6831**	**8.8553**	**0.5868**	**9.4421**	**0.0000**	**37,830.0240**	**37,830.0240**	**1.2287**	**2.1685**	**38,506.9648**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	10/4/2021	10/3/2021	5	0	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Paving: 16.06

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	7.3330	32.7451	91.2748	0.3495	33.0624	0.4261	33.4885	8.8553	0.4027	9.2580		35,913.1806	35,913.1806	0.9114	2.1503	36,576.7461
Unmitigated	7.3330	32.7451	91.2748	0.3495	33.0624	0.4261	33.4885	8.8553	0.4027	9.2580		35,913.1806	35,913.1806	0.9114	2.1503	36,576.7461

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Industrial Park	2,957.99	2,228.34	1087.85	10,286,566	10,286,566
Other Asphalt Surfaces	0.00	0.00	0.00		
Regional Shopping Center	1,344.00	1,641.99	751.21	2,972,244	2,972,244
Total	4,301.98	3,870.33	1,839.06	13,258,810	13,258,810

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Industrial Park	16.60	8.40	6.90	59.00	28.00	13.00	79	19	2
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Industrial Park	0.500000	0.053000	0.162000	0.135000	0.063000	0.017000	0.027000	0.043000	0.000000	0.000000	0.000000	0.000000	0.000000
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Regional Shopping Center	0.549000	0.058000	0.178000	0.148000	0.028000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969
NaturalGas Unmitigated	0.0913	0.8302	0.6974	4.9800e-003		0.0631	0.0631		0.0631	0.0631		996.2765	996.2765	0.0191	0.0183	1,002.1969

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Industrial Park	8244.2	0.0889	0.8083	0.6789	4.8500e-003		0.0614	0.0614		0.0614	0.0614		969.9056	969.9056	0.0186	0.0178	975.6693
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	224.153	2.4200e-003	0.0220	0.0185	1.3000e-004		1.6700e-003	1.6700e-003		1.6700e-003	1.6700e-003		26.3709	26.3709	5.1000e-004	4.8000e-004	26.5276
Total		**0.0913**	**0.8302**	**0.6974**	**4.9800e-003**		**0.0631**	**0.0631**		**0.0631**	**0.0631**		**996.2765**	**996.2765**	**0.0191**	**0.0183**	**1,002.1969**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Industrial Park	8.2442	0.0889	0.8083	0.6789	4.8500e-003		0.0614	0.0614		0.0614	0.0614		969.9056	969.9056	0.0186	0.0178	975.6693
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0.224153	2.4200e-003	0.0220	0.0185	1.3000e-004		1.6700e-003	1.6700e-003		1.6700e-003	1.6700e-003		26.3709	26.3709	5.1000e-004	4.8000e-004	26.5276
Total		**0.0913**	**0.8302**	**0.6974**	**4.9800e-003**		**0.0631**	**0.0631**		**0.0631**	**0.0631**		**996.2765**	**996.2765**	**0.0191**	**0.0183**	**1,002.1969**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Unmitigated	20.7393	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	2.3759					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	18.3546					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	8.8500e-003	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Total	**20.7393**	**8.7000e-004**	**0.0952**	**1.0000e-005**		**3.4000e-004**	**3.4000e-004**		**3.4000e-004**	**3.4000e-004**		**0.2037**	**0.2037**	**5.4000e-004**		**0.2171**

Banning Point (Currently Approved Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	2.3759					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	18.3546					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	8.8500e-003	8.7000e-004	0.0952	1.0000e-005		3.4000e-004	3.4000e-004		3.4000e-004	3.4000e-004		0.2037	0.2037	5.4000e-004		0.2171
Total	**20.7393**	**8.7000e-004**	**0.0952**	**1.0000e-005**		**3.4000e-004**	**3.4000e-004**		**3.4000e-004**	**3.4000e-004**		**0.2037**	**0.2037**	**5.4000e-004**		**0.2171**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Tractors/Loaders/Backhoes	3	4.00	365	200	0.37	CNG

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	lb/day										lb/day					
Tractors/Loaders/ Backhoes	0.3661	3.8029	2.2758	9.5100e-003		0.1312	0.1312		0.1207	0.1207	0.0000	920.3632	920.3632	0.2977		927.8048
Total	**0.3661**	**3.8029**	**2.2758**	**9.5100e-003**		**0.1312**	**0.1312**		**0.1207**	**0.1207**	**0.0000**	**920.3632**	**920.3632**	**0.2977**		**927.8048**

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

ATTACHMENT B

PROPOSED PROJECT CALEEMOD CONSTRUCTION AND OPERATIONAL MODEL OUTPUTS

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Commercial Construction - Unmitigated)

Riverside-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Asphalt Surfaces	214.07	1000sqft	4.91	214,073.00	0
Parking Lot	289.00	Space	1.14	49,419.00	0
Fast Food Restaurant w/o Drive Thru	16.20	1000sqft	0.37	16,200.00	0
Fast Food Restaurant with Drive Thru	1.60	1000sqft	0.04	1,600.00	0
Regional Shopping Center	16.20	1000sqft	0.37	16,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2023
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	340.53	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2023

Land Use - Total Project Area (Commercial Uses) is 6.83 acres

Construction Phase - Construction anticipated to be completed in 2023

Off-road Equipment - Hours are based on an 8-hour workday

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment -

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT - Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction

Grading - Analysis conservatively assumes that up to 10 acres can be disturbed per day

Architectural Coating - AQ-1: Use Low VOC Paint

Vehicle Trips - Construction run only

Energy Use - Construction run only

Water And Wastewater - Construction run only

Solid Waste - Construction run only

Construction Off-road Equipment Mitigation - Rule 403

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	100.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	100.00	10.00
tblConstructionPhase	NumDays	20.00	40.00
tblConstructionPhase	PhaseEndDate	2/9/2024	12/15/2023
tblConstructionPhase	PhaseEndDate	1/12/2024	12/15/2023
tblConstructionPhase	PhaseStartDate	1/13/2024	10/23/2023
tblConstructionPhase	PhaseStartDate	12/16/2023	11/20/2023
tblEnergyUse	LightingElect	6.62	0.00
tblEnergyUse	LightingElect	6.62	0.00
tblEnergyUse	LightingElect	0.35	0.00
tblEnergyUse	LightingElect	5.61	0.00
tblEnergyUse	NT24E	28.48	0.00
tblEnergyUse	NT24E	28.48	0.00
tblEnergyUse	NT24E	2.44	0.00
tblEnergyUse	NT24NG	195.77	0.00
tblEnergyUse	NT24NG	195.77	0.00
tblEnergyUse	NT24NG	0.30	0.00
tblEnergyUse	T24E	11.06	0.00
tblEnergyUse	T24E	11.06	0.00

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblEnergyUse	T24E	4.09	0.00
tblEnergyUse	T24NG	76.89	0.00
tblEnergyUse	T24NG	76.89	0.00
tblEnergyUse	T24NG	1.90	0.00
tblGrading	AcresOfGrading	50.00	200.00
tblGrading	AcresOfGrading	35.00	100.00
tblLandUse	LandUseSquareFeet	115,600.00	49,419.00
tblLandUse	LotAcreage	2.60	1.14
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	340.53
tblSolidWaste	SolidWasteGenerationRate	186.61	0.00
tblSolidWaste	SolidWasteGenerationRate	18.43	0.00
tblSolidWaste	SolidWasteGenerationRate	17.01	0.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	VendorTripNumber	0.00	4.00
tblTripsAndVMT	VendorTripNumber	49.00	43.00
tblVehicleTrips	CC_TL	8.40	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TTP	79.50	0.00
tblVehicleTrips	CC_TTP	78.80	0.00
tblVehicleTrips	CC_TTP	64.70	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TTP	1.50	0.00
tblVehicleTrips	CW_TTP	2.20	0.00
tblVehicleTrips	CW_TTP	16.30	0.00
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	12.00	0.00
tblVehicleTrips	PB_TP	50.00	0.00
tblVehicleTrips	PB_TP	11.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	PR_TP	51.00	0.00
tblVehicleTrips	PR_TP	29.00	0.00
tblVehicleTrips	PR_TP	54.00	0.00
tblVehicleTrips	ST_TR	696.00	0.00
tblVehicleTrips	ST_TR	616.12	0.00
tblVehicleTrips	ST_TR	46.12	0.00
tblVehicleTrips	SU_TR	500.00	0.00
tblVehicleTrips	SU_TR	472.58	0.00
tblVehicleTrips	SU_TR	21.10	0.00
tblVehicleTrips	WD_TR	346.23	0.00
tblVehicleTrips	WD_TR	470.95	0.00
tblVehicleTrips	WD_TR	37.75	0.00
tblWater	IndoorWaterUseRate	4,917,246.14	0.00
tblWater	IndoorWaterUseRate	485,653.94	0.00
tblWater	IndoorWaterUseRate	1,199,974.85	0.00
tblWater	OutdoorWaterUseRate	313,866.77	0.00
tblWater	OutdoorWaterUseRate	30,999.19	0.00
tblWater	OutdoorWaterUseRate	735,468.46	0.00

2.0 Emissions Summary

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0227	0.2524	0.1031	2.9000e-004	0.2505	0.0108	0.2613	0.0671	9.9300e-003	0.0770	0.0000	25.9447	25.9447	8.1000e-003	5.0000e-005	26.1615
2023	0.4486	3.6387	2.8719	7.9100e-003	0.3620	0.1489	0.5109	0.0973	0.1388	0.2361	0.0000	703.5598	703.5598	0.1389	0.0157	711.7160
Maximum	**0.4486**	**3.6387**	**2.8719**	**7.9100e-003**	**0.3620**	**0.1489**	**0.5109**	**0.0973**	**0.1388**	**0.2361**	**0.0000**	**703.5598**	**703.5598**	**0.1389**	**0.0157**	**711.7160**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0227	0.2524	0.1031	2.9000e-004	0.0983	0.0108	0.1091	0.0263	9.9300e-003	0.0363	0.0000	25.9446	25.9446	8.1000e-003	5.0000e-005	26.1614
2023	0.4486	3.6387	2.8718	7.9100e-003	0.2606	0.1489	0.4095	0.0701	0.1388	0.2089	0.0000	703.5592	703.5592	0.1389	0.0157	711.7155
Maximum	**0.4486**	**3.6387**	**2.8718**	**7.9100e-003**	**0.2606**	**0.1489**	**0.4095**	**0.0701**	**0.1388**	**0.2089**	**0.0000**	**703.5592**	**703.5592**	**0.1389**	**0.0157**	**711.7155**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**41.40**	**0.00**	**32.84**	**41.34**	**0.00**	**21.70**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**12-17-2022**	**3-16-2023**	1.1225	1.1225
2	**3-17-2023**	**6-16-2023**	1.0153	1.0153
3	**6-17-2023**	**9-16-2023**	1.0150	1.0150
4	**9-17-2023**	**9-30-2023**	0.1545	0.1545
		Highest	1.1225	1.1225

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.1600**	**6.0000e-005**	**6.8500e-003**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0133**	**0.0133**	**3.0000e-005**	**0.0000**	**0.0142**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.1600**	**6.0000e-005**	**6.8500e-003**	**0.0000**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0133**	**0.0133**	**3.0000e-005**	**0.0000**	**0.0142**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	12/17/2022	12/30/2022	5	10	
2	Grading	Grading	12/31/2022	1/27/2023	5	20	
3	Building Construction	Building Construction	1/28/2023	12/15/2023	5	230	

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4	Paving	Paving	11/20/2023	12/15/2023	5	20	
5	Architectural Coating	Architectural Coating	10/23/2023	12/15/2023	5	40	

Acres of Grading (Site Preparation Phase): 100

Acres of Grading (Grading Phase): 200

Acres of Paving: 6.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 51,000; Non-Residential Outdoor: 17,000; Striped Parking Area: 15,810 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Crawler Tractors	4	8.00	212	0.43
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Grading	Crawler Tractors	3	8.00	212	0.43
Grading	Excavators	1	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Crawler Tractors	3	8.00	212	0.43
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	8.00	78	0.48

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	2.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	4.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	123.00	43.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	25.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Site Preparation - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1434	0.0000	0.1434	0.0554	0.0000	0.0554	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0224	0.2517	0.0999	2.8000e-004		0.0108	0.0108		9.9200e-003	9.9200e-003	0.0000	24.9873	24.9873	8.0800e-003	0.0000	25.1894
Total	**0.0224**	**0.2517**	**0.0999**	**2.8000e-004**	**0.1434**	**0.0108**	**0.1541**	**0.0554**	**9.9200e-003**	**0.0653**	**0.0000**	**24.9873**	**24.9873**	**8.0800e-003**	**0.0000**	**25.1894**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.0000e-005	4.4000e-004	1.5000e-004	0.0000	6.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	1.0000e-005	2.0000e-005	0.0000	0.1751	0.1751	0.0000	3.0000e-005	0.1829
Worker	3.1000e-004	2.4000e-004	3.0700e-003	1.0000e-005	9.9000e-004	1.0000e-005	9.9000e-004	2.6000e-004	0.0000	2.7000e-004	0.0000	0.7822	0.7822	2.0000e-005	2.0000e-005	0.7892
Total	**3.3000e-004**	**6.8000e-004**	**3.2200e-003**	**1.0000e-005**	**1.0500e-003**	**2.0000e-005**	**1.0600e-003**	**2.8000e-004**	**1.0000e-005**	**2.9000e-004**	**0.0000**	**0.9573**	**0.9573**	**2.0000e-005**	**5.0000e-005**	**0.9721**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0559	0.0000	0.0559	0.0216	0.0000	0.0216	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0224	0.2517	0.0999	2.8000e-004		0.0108	0.0108		9.9200e-003	9.9200e-003	0.0000	24.9873	24.9873	8.0800e-003	0.0000	25.1893
Total	**0.0224**	**0.2517**	**0.0999**	**2.8000e-004**	**0.0559**	**0.0108**	**0.0667**	**0.0216**	**9.9200e-003**	**0.0315**	**0.0000**	**24.9873**	**24.9873**	**8.0800e-003**	**0.0000**	**25.1893**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	2.0000e-005	4.4000e-004	1.5000e-004	0.0000	6.0000e-005	1.0000e-005	7.0000e-005	2.0000e-005	1.0000e-005	2.0000e-005	0.0000	0.1751	0.1751	0.0000	3.0000e-005	0.1829
Worker	3.1000e-004	2.4000e-004	3.0700e-003	1.0000e-005	9.9000e-004	1.0000e-005	9.9000e-004	2.6000e-004	0.0000	2.7000e-004	0.0000	0.7822	0.7822	2.0000e-005	2.0000e-005	0.7892
Total	**3.3000e-004**	**6.8000e-004**	**3.2200e-003**	**1.0000e-005**	**1.0500e-003**	**2.0000e-005**	**1.0600e-003**	**2.8000e-004**	**1.0000e-005**	**2.9000e-004**	**0.0000**	**0.9573**	**0.9573**	**2.0000e-005**	**5.0000e-005**	**0.9721**

3.3 Grading - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1061	0.0000	0.1061	0.0115	0.0000	0.0115	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.1061**	**0.0000**	**0.1061**	**0.0115**	**0.0000**	**0.0115**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0414	0.0000	0.0414	4.4700e-003	0.0000	4.4700e-003	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0414**	**0.0000**	**0.0414**	**4.4700e-003**	**0.0000**	**4.4700e-003**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

3.3 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1663	0.0000	0.1663	0.0446	0.0000	0.0446	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0259	0.2866	0.1477	4.4000e-004		0.0114	0.0114		0.0105	0.0105	0.0000	38.4322	38.4322	0.0124	0.0000	38.7430
Total	**0.0259**	**0.2866**	**0.1477**	**4.4000e-004**	**0.1663**	**0.0114**	**0.1777**	**0.0446**	**0.0105**	**0.0551**	**0.0000**	**38.4322**	**38.4322**	**0.0124**	**0.0000**	**38.7430**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.0000e-005	1.3700e-003	5.5000e-004	1.0000e-005	2.5000e-004	1.0000e-005	2.6000e-004	7.0000e-005	1.0000e-005	8.0000e-005	0.0000	0.6730	0.6730	1.0000e-005	1.0000e-004	0.7028
Worker	4.9000e-004	3.6000e-004	4.7100e-003	1.0000e-005	1.6500e-003	1.0000e-005	1.6600e-003	4.4000e-004	1.0000e-005	4.5000e-004	0.0000	1.2695	1.2695	3.0000e-005	3.0000e-005	1.2802
Total	**5.3000e-004**	**1.7300e-003**	**5.2600e-003**	**2.0000e-005**	**1.9000e-003**	**2.0000e-005**	**1.9200e-003**	**5.1000e-004**	**2.0000e-005**	**5.3000e-004**	**0.0000**	**1.9425**	**1.9425**	**4.0000e-005**	**1.3000e-004**	**1.9830**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.0649	0.0000	0.0649	0.0174	0.0000	0.0174	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0259	0.2866	0.1477	4.4000e-004		0.0114	0.0114		0.0105	0.0105	0.0000	38.4322	38.4322	0.0124	0.0000	38.7429
Total	**0.0259**	**0.2866**	**0.1477**	**4.4000e-004**	**0.0649**	**0.0114**	**0.0763**	**0.0174**	**0.0105**	**0.0279**	**0.0000**	**38.4322**	**38.4322**	**0.0124**	**0.0000**	**38.7429**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.0000e-005	1.3700e-003	5.5000e-004	1.0000e-005	2.5000e-004	1.0000e-005	2.6000e-004	7.0000e-005	1.0000e-005	8.0000e-005	0.0000	0.6730	0.6730	1.0000e-005	1.0000e-004	0.7028
Worker	4.9000e-004	3.6000e-004	4.7100e-003	1.0000e-005	1.6500e-003	1.0000e-005	1.6600e-003	4.4000e-004	1.0000e-005	4.5000e-004	0.0000	1.2695	1.2695	3.0000e-005	3.0000e-005	1.2802
Total	**5.3000e-004**	**1.7300e-003**	**5.2600e-003**	**2.0000e-005**	**1.9000e-003**	**2.0000e-005**	**1.9200e-003**	**5.1000e-004**	**2.0000e-005**	**5.3000e-004**	**0.0000**	**1.9425**	**1.9425**	**4.0000e-005**	**1.3000e-004**	**1.9830**

3.4 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2930	3.0086	1.9928	4.9400e-003		0.1283	0.1283		0.1197	0.1197	0.0000	427.9349	427.9349	0.1156	0.0000	430.8249
Total	**0.2930**	**3.0086**	**1.9928**	**4.9400e-003**		**0.1283**	**0.1283**		**0.1197**	**0.1197**	**0.0000**	**427.9349**	**427.9349**	**0.1156**	**0.0000**	**430.8249**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	5.3600e-003	0.1695	0.0675	8.6000e-004	0.0312	1.4100e-003	0.0327	9.0100e-003	1.3500e-003	0.0104	0.0000	83.1999	83.1999	8.4000e-004	0.0123	86.8870
Worker	0.0459	0.0340	0.4441	1.2900e-003	0.1555	7.4000e-004	0.1562	0.0413	6.8000e-004	0.0420	0.0000	119.7136	119.7136	2.9500e-003	3.1400e-003	120.7229
Total	**0.0513**	**0.2036**	**0.5116**	**2.1500e-003**	**0.1867**	**2.1500e-003**	**0.1889**	**0.0503**	**2.0300e-003**	**0.0523**	**0.0000**	**202.9135**	**202.9135**	**3.7900e-003**	**0.0154**	**207.6099**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.2930	3.0086	1.9928	4.9400e-003		0.1283	0.1283		0.1197	0.1197	0.0000	427.9344	427.9344	0.1156	0.0000	430.8244
Total	**0.2930**	**3.0086**	**1.9928**	**4.9400e-003**		**0.1283**	**0.1283**		**0.1197**	**0.1197**	**0.0000**	**427.9344**	**427.9344**	**0.1156**	**0.0000**	**430.8244**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	5.3600e-003	0.1695	0.0675	8.6000e-004	0.0312	1.4100e-003	0.0327	9.0100e-003	1.3500e-003	0.0104	0.0000	83.1999	83.1999	8.4000e-004	0.0123	86.8870
Worker	0.0459	0.0340	0.4441	1.2900e-003	0.1555	7.4000e-004	0.1562	0.0413	6.8000e-004	0.0420	0.0000	119.7136	119.7136	2.9500e-003	3.1400e-003	120.7229
Total	**0.0513**	**0.2036**	**0.5116**	**2.1500e-003**	**0.1867**	**2.1500e-003**	**0.1889**	**0.0503**	**2.0300e-003**	**0.0523**	**0.0000**	**202.9135**	**202.9135**	**3.7900e-003**	**0.0154**	**207.6099**

3.5 Paving - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0103	0.1019	0.1458	2.3000e-004		5.1000e-003	5.1000e-003		4.6900e-003	4.6900e-003	0.0000	20.0269	20.0269	6.4800e-003	0.0000	20.1888
Paving	7.9300e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0183**	**0.1019**	**0.1458**	**2.3000e-004**		**5.1000e-003**	**5.1000e-003**		**4.6900e-003**	**4.6900e-003**	**0.0000**	**20.0269**	**20.0269**	**6.4800e-003**	**0.0000**	**20.1888**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.9000e-004	3.6000e-004	4.7100e-003	1.0000e-005	1.6500e-003	1.0000e-005	1.6600e-003	4.4000e-004	1.0000e-005	4.5000e-004	0.0000	1.2695	1.2695	3.0000e-005	3.0000e-005	1.2802
Total	**4.9000e-004**	**3.6000e-004**	**4.7100e-003**	**1.0000e-005**	**1.6500e-003**	**1.0000e-005**	**1.6600e-003**	**4.4000e-004**	**1.0000e-005**	**4.5000e-004**	**0.0000**	**1.2695**	**1.2695**	**3.0000e-005**	**3.0000e-005**	**1.2802**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0103	0.1019	0.1458	2.3000e-004		5.1000e-003	5.1000e-003		4.6900e-003	4.6900e-003	0.0000	20.0268	20.0268	6.4800e-003	0.0000	20.1888
Paving	7.9300e-003					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0183**	**0.1019**	**0.1458**	**2.3000e-004**		**5.1000e-003**	**5.1000e-003**		**4.6900e-003**	**4.6900e-003**	**0.0000**	**20.0268**	**20.0268**	**6.4800e-003**	**0.0000**	**20.1888**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	4.9000e-004	3.6000e-004	4.7100e-003	1.0000e-005	1.6500e-003	1.0000e-005	1.6600e-003	4.4000e-004	1.0000e-005	4.5000e-004	0.0000	1.2695	1.2695	3.0000e-005	3.0000e-005	1.2802
Total	**4.9000e-004**	**3.6000e-004**	**4.7100e-003**	**1.0000e-005**	**1.6500e-003**	**1.0000e-005**	**1.6600e-003**	**4.4000e-004**	**1.0000e-005**	**4.5000e-004**	**0.0000**	**1.2695**	**1.2695**	**3.0000e-005**	**3.0000e-005**	**1.2802**

3.6 Architectural Coating - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0524					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	5.1100e-003	0.0348	0.0483	8.0000e-005		1.8900e-003	1.8900e-003		1.8900e-003	1.8900e-003	0.0000	6.8087	6.8087	4.1000e-004	0.0000	6.8189
Total	**0.0575**	**0.0348**	**0.0483**	**8.0000e-005**		**1.8900e-003**	**1.8900e-003**		**1.8900e-003**	**1.8900e-003**	**0.0000**	**6.8087**	**6.8087**	**4.1000e-004**	**0.0000**	**6.8189**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2023

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.6200e-003	1.2000e-003	0.0157	5.0000e-005	5.5000e-003	3.0000e-005	5.5200e-003	1.4600e-003	2.0000e-005	1.4800e-003	0.0000	4.2317	4.2317	1.0000e-004	1.1000e-004	4.2673
Total	**1.6200e-003**	**1.2000e-003**	**0.0157**	**5.0000e-005**	**5.5000e-003**	**3.0000e-005**	**5.5200e-003**	**1.4600e-003**	**2.0000e-005**	**1.4800e-003**	**0.0000**	**4.2317**	**4.2317**	**1.0000e-004**	**1.1000e-004**	**4.2673**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.0524					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	5.1100e-003	0.0348	0.0483	8.0000e-005		1.8900e-003	1.8900e-003		1.8900e-003	1.8900e-003	0.0000	6.8087	6.8087	4.1000e-004	0.0000	6.8189
Total	**0.0575**	**0.0348**	**0.0483**	**8.0000e-005**		**1.8900e-003**	**1.8900e-003**		**1.8900e-003**	**1.8900e-003**	**0.0000**	**6.8087**	**6.8087**	**4.1000e-004**	**0.0000**	**6.8189**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2023

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	1.6200e-003	1.2000e-003	0.0157	5.0000e-005	5.5000e-003	3.0000e-005	5.5200e-003	1.4600e-003	2.0000e-005	1.4800e-003	0.0000	4.2317	4.2317	1.0000e-004	1.1000e-004	4.2673
Total	**1.6200e-003**	**1.2000e-003**	**0.0157**	**5.0000e-005**	**5.5000e-003**	**3.0000e-005**	**5.5200e-003**	**1.4600e-003**	**2.0000e-005**	**1.4800e-003**	**0.0000**	**4.2317**	**4.2317**	**1.0000e-004**	**1.1000e-004**	**4.2673**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Fast Food Restaurant w/o Drive Thru	0.00	0.00	0.00		
Fast Food Restaurant with Drive Thru	0.00	0.00	0.00		
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Fast Food Restaurant w/o Drive	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Fast Food Restaurant with Drive	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Other Asphalt Surfaces	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Regional Shopping Center	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant w/o Drive Thru	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Fast Food Restaurant with Drive Thru	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Other Asphalt Surfaces	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Parking Lot	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Regional Shopping Center	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Unmitigated	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0194					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1399					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	6.3000e-004	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Total	**0.1599**	**6.0000e-005**	**6.8500e-003**	**0.0000**		**2.0000e-005**	**2.0000e-005**		**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0133**	**0.0133**	**3.0000e-005**	**0.0000**	**0.0142**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0194					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1399					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	6.3000e-004	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Total	**0.1599**	**6.0000e-005**	**6.8500e-003**	**0.0000**		**2.0000e-005**	**2.0000e-005**		**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0133**	**0.0133**	**3.0000e-005**	**0.0000**	**0.0142**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Fast Food Restaurant w/o Drive Thru	0 / 0	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0 / 0	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Fast Food Restaurant w/o Drive Thru	0 / 0	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0 / 0	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Commercial Construction - Unmitigated)

Riverside-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Asphalt Surfaces	214.07	1000sqft	4.91	214,073.00	0
Parking Lot	289.00	Space	1.14	49,419.00	0
Fast Food Restaurant w/o Drive Thru	16.20	1000sqft	0.37	16,200.00	0
Fast Food Restaurant with Drive Thru	1.60	1000sqft	0.04	1,600.00	0
Regional Shopping Center	16.20	1000sqft	0.37	16,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2023
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	340.53	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2023

Land Use - Total Project Area (Commercial Uses) is 6.83 acres

Construction Phase - Construction anticipated to be completed in 2023

Off-road Equipment - Hours are based on an 8-hour workday

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment -

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT - Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction

Grading - Analysis conservatively assumes that up to 10 acres can be disturbed per day

Architectural Coating - AQ-1: Use Low VOC Paint

Vehicle Trips - Construction run only

Energy Use - Construction run only

Water And Wastewater - Construction run only

Solid Waste - Construction run only

Construction Off-road Equipment Mitigation - Rule 403

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	100.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	100.00	10.00
tblConstructionPhase	NumDays	20.00	40.00
tblConstructionPhase	PhaseEndDate	2/9/2024	12/15/2023
tblConstructionPhase	PhaseEndDate	1/12/2024	12/15/2023
tblConstructionPhase	PhaseStartDate	1/13/2024	10/23/2023
tblConstructionPhase	PhaseStartDate	12/16/2023	11/20/2023
tblEnergyUse	LightingElect	6.62	0.00
tblEnergyUse	LightingElect	6.62	0.00
tblEnergyUse	LightingElect	0.35	0.00
tblEnergyUse	LightingElect	5.61	0.00
tblEnergyUse	NT24E	28.48	0.00
tblEnergyUse	NT24E	28.48	0.00
tblEnergyUse	NT24E	2.44	0.00
tblEnergyUse	NT24NG	195.77	0.00
tblEnergyUse	NT24NG	195.77	0.00
tblEnergyUse	NT24NG	0.30	0.00
tblEnergyUse	T24E	11.06	0.00
tblEnergyUse	T24E	11.06	0.00

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblEnergyUse	T24E	4.09	0.00
tblEnergyUse	T24NG	76.89	0.00
tblEnergyUse	T24NG	76.89	0.00
tblEnergyUse	T24NG	1.90	0.00
tblGrading	AcresOfGrading	50.00	200.00
tblGrading	AcresOfGrading	35.00	100.00
tblLandUse	LandUseSquareFeet	115,600.00	49,419.00
tblLandUse	LotAcreage	2.60	1.14
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	340.53
tblSolidWaste	SolidWasteGenerationRate	186.61	0.00
tblSolidWaste	SolidWasteGenerationRate	18.43	0.00
tblSolidWaste	SolidWasteGenerationRate	17.01	0.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	VendorTripNumber	0.00	4.00
tblTripsAndVMT	VendorTripNumber	49.00	43.00
tblVehicleTrips	CC_TL	8.40	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TTP	79.50	0.00
tblVehicleTrips	CC_TTP	78.80	0.00
tblVehicleTrips	CC_TTP	64.70	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TTP	1.50	0.00
tblVehicleTrips	CW_TTP	2.20	0.00
tblVehicleTrips	CW_TTP	16.30	0.00
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	12.00	0.00
tblVehicleTrips	PB_TP	50.00	0.00
tblVehicleTrips	PB_TP	11.00	0.00

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	PR_TP	51.00	0.00
tblVehicleTrips	PR_TP	29.00	0.00
tblVehicleTrips	PR_TP	54.00	0.00
tblVehicleTrips	ST_TR	696.00	0.00
tblVehicleTrips	ST_TR	616.12	0.00
tblVehicleTrips	ST_TR	46.12	0.00
tblVehicleTrips	SU_TR	500.00	0.00
tblVehicleTrips	SU_TR	472.58	0.00
tblVehicleTrips	SU_TR	21.10	0.00
tblVehicleTrips	WD_TR	346.23	0.00
tblVehicleTrips	WD_TR	470.95	0.00
tblVehicleTrips	WD_TR	37.75	0.00
tblWater	IndoorWaterUseRate	4,917,246.14	0.00
tblWater	IndoorWaterUseRate	485,653.94	0.00
tblWater	IndoorWaterUseRate	1,199,974.85	0.00
tblWater	OutdoorWaterUseRate	313,866.77	0.00
tblWater	OutdoorWaterUseRate	30,999.19	0.00
tblWater	OutdoorWaterUseRate	735,468.46	0.00

2.0 Emissions Summary

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	4.5477	50.4758	20.7264	0.0591	28.8853	2.1586	31.0439	11.1328	1.9860	13.1188	0.0000	5,733.3887	5,733.3887	1.7867	0.0153	5,781.1241
2023	7.8929	39.8633	40.8856	0.0932	16.8204	1.7406	17.9643	4.5072	1.6240	5.5596	0.0000	9,121.5153	9,121.5153	1.8901	0.1560	9,215.2441
Maximum	**7.8929**	**50.4758**	**40.8856**	**0.0932**	**28.8853**	**2.1586**	**31.0439**	**11.1328**	**1.9860**	**13.1188**	**0.0000**	**9,121.5153**	**9,121.5153**	**1.8901**	**0.1560**	**9,215.2441**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	4.5477	50.4758	20.7264	0.0591	11.3958	2.1586	13.5544	4.3766	1.9860	6.3626	0.0000	5,733.3887	5,733.3887	1.7867	0.0153	5,781.1241
2023	7.8929	39.8633	40.8856	0.0932	6.6779	1.7406	7.8218	1.7894	1.6240	2.8419	0.0000	9,121.5153	9,121.5153	1.8901	0.1560	9,215.2441
Maximum	**7.8929**	**50.4758**	**40.8856**	**0.0932**	**11.3958**	**2.1586**	**13.5544**	**4.3766**	**1.9860**	**6.3626**	**0.0000**	**9,121.5153**	**9,121.5153**	**1.8901**	**0.1560**	**9,215.2441**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	60.46	0.00	56.38	60.58	0.00	50.72	0.00	0.00	0.00	0.00	0.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**	**0.0000**	**2.0000e-004**	**2.0000e-004**	**0.0000**	**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**	**0.0000**	**0.1253**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**	**0.0000**	**2.0000e-004**	**2.0000e-004**	**0.0000**	**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**	**0.0000**	**0.1253**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	12/17/2022	12/30/2022	5	10	
2	Grading	Grading	12/31/2022	1/27/2023	5	20	
3	Building Construction	Building Construction	1/28/2023	12/15/2023	5	230	
4	Paving	Paving	11/20/2023	12/15/2023	5	20	
5	Architectural Coating	Architectural Coating	10/23/2023	12/15/2023	5	40	

Acres of Grading (Site Preparation Phase): 100

Acres of Grading (Grading Phase): 200

Acres of Paving: 6.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 51,000; Non-Residential Outdoor: 17,000; Striped Parking Area: 15,810 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Crawler Tractors	4	8.00	212	0.43
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Grading	Crawler Tractors	3	8.00	212	0.43
Grading	Excavators	1	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Crawler Tractors	3	8.00	212	0.43
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	8.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	2.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	4.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	123.00	43.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	25.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					28.6713	0.0000	28.6713	11.0758	0.0000	11.0758			0.0000			0.0000
Off-Road	4.4735	50.3453	19.9794	0.0569		2.1564	2.1564		1.9839	1.9839		5,508.7626	5,508.7626	1.7817		5,553.3037
Total	**4.4735**	**50.3453**	**19.9794**	**0.0569**	**28.6713**	**2.1564**	**30.8277**	**11.0758**	**1.9839**	**13.0597**		**5,508.7626**	**5,508.7626**	**1.7817**		**5,553.3037**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.2500e-003	0.0846	0.0294	3.6000e-004	0.0128	1.2200e-003	0.0140	3.6900e-003	1.1700e-003	4.8600e-003		38.5891	38.5891	4.1000e-004	5.7200e-003	40.3046
Worker	0.0709	0.0460	0.7176	1.8300e-003	0.2012	1.0000e-003	0.2022	0.0534	9.2000e-004	0.0543		186.0370	186.0370	4.6100e-003	4.5800e-003	187.5158
Total	**0.0742**	**0.1305**	**0.7470**	**2.1900e-003**	**0.2140**	**2.2200e-003**	**0.2162**	**0.0571**	**2.0900e-003**	**0.0591**		**224.6261**	**224.6261**	**5.0200e-003**	**0.0103**	**227.8204**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					11.1818	0.0000	11.1818	4.3196	0.0000	4.3196			0.0000			0.0000
Off-Road	4.4735	50.3453	19.9794	0.0569		2.1564	2.1564		1.9839	1.9839	0.0000	5,508.7626	5,508.7626	1.7817		5,553.3037
Total	**4.4735**	**50.3453**	**19.9794**	**0.0569**	**11.1818**	**2.1564**	**13.3382**	**4.3196**	**1.9839**	**6.3035**	**0.0000**	**5,508.7626**	**5,508.7626**	**1.7817**		**5,553.3037**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.2500e-003	0.0846	0.0294	3.6000e-004	0.0128	1.2200e-003	0.0140	3.6900e-003	1.1700e-003	4.8600e-003		38.5891	38.5891	4.1000e-004	5.7200e-003	40.3046
Worker	0.0709	0.0460	0.7176	1.8300e-003	0.2012	1.0000e-003	0.2022	0.0534	9.2000e-004	0.0543		186.0370	186.0370	4.6100e-003	4.5800e-003	187.5158
Total	**0.0742**	**0.1305**	**0.7470**	**2.1900e-003**	**0.2140**	**2.2200e-003**	**0.2162**	**0.0571**	**2.0900e-003**	**0.0591**		**224.6261**	**224.6261**	**5.0200e-003**	**0.0103**	**227.8204**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					16.6271	0.0000	16.6271	4.4553	0.0000	4.4553			0.0000			0.0000
Off-Road	2.9262	33.8015	15.4839	0.0438		1.3487	1.3487		1.2408	1.2408		4,239.0719	4,239.0719	1.3710		4,273.3470
Total	**2.9262**	**33.8015**	**15.4839**	**0.0438**	**16.6271**	**1.3487**	**17.9758**	**4.4553**	**1.2408**	**5.6962**		**4,239.0719**	**4,239.0719**	**1.3710**		**4,273.3470**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	6.5100e-003	0.1691	0.0588	7.3000e-004	0.0256	2.4400e-003	0.0281	7.3800e-003	2.3300e-003	9.7100e-003		77.1781	77.1781	8.2000e-004	0.0115	80.6092
Worker	0.0591	0.0383	0.5980	1.5200e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		155.0309	155.0309	3.8400e-003	3.8100e-003	156.2632
Total	**0.0656**	**0.2075**	**0.6568**	**2.2500e-003**	**0.1933**	**3.2800e-003**	**0.1966**	**0.0519**	**3.1000e-003**	**0.0549**		**232.2090**	**232.2090**	**4.6600e-003**	**0.0153**	**236.8724**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.4846	0.0000	6.4846	1.7376	0.0000	1.7376			0.0000			0.0000
Off-Road	2.9262	33.8015	15.4839	0.0438		1.3487	1.3487		1.2408	1.2408	0.0000	4,239.0719	4,239.0719	1.3710		4,273.3470
Total	**2.9262**	**33.8015**	**15.4839**	**0.0438**	**6.4846**	**1.3487**	**7.8333**	**1.7376**	**1.2408**	**2.9784**	**0.0000**	**4,239.0719**	**4,239.0719**	**1.3710**		**4,273.3470**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	6.5100e-003	0.1691	0.0588	7.3000e-004	0.0256	2.4400e-003	0.0281	7.3800e-003	2.3300e-003	9.7100e-003		77.1781	77.1781	8.2000e-004	0.0115	80.6092
Worker	0.0591	0.0383	0.5980	1.5200e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		155.0309	155.0309	3.8400e-003	3.8100e-003	156.2632
Total	**0.0656**	**0.2075**	**0.6568**	**2.2500e-003**	**0.1933**	**3.2800e-003**	**0.1966**	**0.0519**	**3.1000e-003**	**0.0549**		**232.2090**	**232.2090**	**4.6600e-003**	**0.0153**	**236.8724**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					16.6271	0.0000	16.6271	4.4553	0.0000	4.4553			0.0000			0.0000
Off-Road	2.5856	28.6596	14.7689	0.0438		1.1420	1.1420		1.0507	1.0507		4,236.4284	4,236.4284	1.3702		4,270.6821
Total	**2.5856**	**28.6596**	**14.7689**	**0.0438**	**16.6271**	**1.1420**	**17.7691**	**4.4553**	**1.0507**	**5.5060**		**4,236.4284**	**4,236.4284**	**1.3702**		**4,270.6821**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.5100e-003	0.1307	0.0538	7.0000e-004	0.0256	1.1400e-003	0.0268	7.3800e-003	1.0900e-003	8.4700e-003		74.1084	74.1084	7.6000e-004	0.0110	77.3907
Worker	0.0548	0.0339	0.5503	1.4700e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		150.9305	150.9305	3.4500e-003	3.5200e-003	152.0653
Total	**0.0593**	**0.1645**	**0.6041**	**2.1700e-003**	**0.1933**	**1.9300e-003**	**0.1952**	**0.0519**	**1.8100e-003**	**0.0537**		**225.0389**	**225.0389**	**4.2100e-003**	**0.0145**	**229.4560**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.4846	0.0000	6.4846	1.7376	0.0000	1.7376			0.0000			0.0000
Off-Road	2.5856	28.6596	14.7689	0.0438		1.1420	1.1420		1.0507	1.0507	0.0000	4,236.4284	4,236.4284	1.3702		4,270.6821
Total	**2.5856**	**28.6596**	**14.7689**	**0.0438**	**6.4846**	**1.1420**	**7.6266**	**1.7376**	**1.0507**	**2.7882**	**0.0000**	**4,236.4284**	**4,236.4284**	**1.3702**		**4,270.6821**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.5100e-003	0.1307	0.0538	7.0000e-004	0.0256	1.1400e-003	0.0268	7.3800e-003	1.0900e-003	8.4700e-003		74.1084	74.1084	7.6000e-004	0.0110	77.3907
Worker	0.0548	0.0339	0.5503	1.4700e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		150.9305	150.9305	3.4500e-003	3.5200e-003	152.0653
Total	**0.0593**	**0.1645**	**0.6041**	**2.1700e-003**	**0.1933**	**1.9300e-003**	**0.1952**	**0.0519**	**1.8100e-003**	**0.0537**		**225.0389**	**225.0389**	**4.2100e-003**	**0.0145**	**229.4560**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.5481	26.1615	17.3283	0.0429		1.1152	1.1152		1.0406	1.0406		4,101.8909	4,101.8909	1.1081		4,129.5928
Total	**2.5481**	**26.1615**	**17.3283**	**0.0429**		**1.1152**	**1.1152**		**1.0406**	**1.0406**		**4,101.8909**	**4,101.8909**	**1.1081**		**4,129.5928**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0485	1.4048	0.5785	7.5100e-003	0.2754	0.0122	0.2877	0.0793	0.0117	0.0910		796.6653	796.6653	8.1200e-003	0.1177	831.9499
Worker	0.4494	0.2777	4.5124	0.0121	1.3749	6.4500e-003	1.3813	0.3646	5.9400e-003	0.3706		1,237.6297	1,237.6297	0.0283	0.0289	1,246.9352
Total	**0.4979**	**1.6825**	**5.0908**	**0.0196**	**1.6503**	**0.0187**	**1.6690**	**0.4439**	**0.0176**	**0.4616**		**2,034.2950**	**2,034.2950**	**0.0364**	**0.1466**	**2,078.8851**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.5481	26.1615	17.3283	0.0429		1.1152	1.1152		1.0406	1.0406	0.0000	4,101.8909	4,101.8909	1.1081		4,129.5927
Total	**2.5481**	**26.1615**	**17.3283**	**0.0429**		**1.1152**	**1.1152**		**1.0406**	**1.0406**	**0.0000**	**4,101.8909**	**4,101.8909**	**1.1081**		**4,129.5927**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0485	1.4048	0.5785	7.5100e-003	0.2754	0.0122	0.2877	0.0793	0.0117	0.0910		796.6653	796.6653	8.1200e-003	0.1177	831.9499
Worker	0.4494	0.2777	4.5124	0.0121	1.3749	6.4500e-003	1.3813	0.3646	5.9400e-003	0.3706		1,237.6297	1,237.6297	0.0283	0.0289	1,246.9352
Total	**0.4979**	**1.6825**	**5.0908**	**0.0196**	**1.6503**	**0.0187**	**1.6690**	**0.4439**	**0.0176**	**0.4616**		**2,034.2950**	**2,034.2950**	**0.0364**	**0.1466**	**2,078.8851**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0327	10.1917	14.5842	0.0228		0.5102	0.5102		0.4694	0.4694		2,207.5841	2,207.5841	0.7140		2,225.4336
Paving	0.7926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.8253**	**10.1917**	**14.5842**	**0.0228**		**0.5102**	**0.5102**		**0.4694**	**0.4694**		**2,207.5841**	**2,207.5841**	**0.7140**		**2,225.4336**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0548	0.0339	0.5503	1.4700e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		150.9305	150.9305	3.4500e-003	3.5200e-003	152.0653
Total	**0.0548**	**0.0339**	**0.5503**	**1.4700e-003**	**0.1677**	**7.9000e-004**	**0.1685**	**0.0445**	**7.2000e-004**	**0.0452**		**150.9305**	**150.9305**	**3.4500e-003**	**3.5200e-003**	**152.0653**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0327	10.1917	14.5842	0.0228		0.5102	0.5102		0.4694	0.4694	0.0000	2,207.5841	2,207.5841	0.7140		2,225.4336
Paving	0.7926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.8253**	**10.1917**	**14.5842**	**0.0228**		**0.5102**	**0.5102**		**0.4694**	**0.4694**	**0.0000**	**2,207.5841**	**2,207.5841**	**0.7140**		**2,225.4336**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0548	0.0339	0.5503	1.4700e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		150.9305	150.9305	3.4500e-003	3.5200e-003	152.0653
Total	**0.0548**	**0.0339**	**0.5503**	**1.4700e-003**	**0.1677**	**7.9000e-004**	**0.1685**	**0.0445**	**7.2000e-004**	**0.0452**		**150.9305**	**150.9305**	**3.4500e-003**	**3.5200e-003**	**152.0653**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	2.6199					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2556	1.7373	2.4148	3.9600e-003		0.0944	0.0944		0.0944	0.0944		375.2641	375.2641	0.0225		375.8253
Total	**2.8755**	**1.7373**	**2.4148**	**3.9600e-003**		**0.0944**	**0.0944**		**0.0944**	**0.0944**		**375.2641**	**375.2641**	**0.0225**		**375.8253**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0913	0.0564	0.9172	2.4600e-003	0.2794	1.3100e-003	0.2808	0.0741	1.2100e-003	0.0753		251.5508	251.5508	5.7400e-003	5.8600e-003	253.4421
Total	**0.0913**	**0.0564**	**0.9172**	**2.4600e-003**	**0.2794**	**1.3100e-003**	**0.2808**	**0.0741**	**1.2100e-003**	**0.0753**		**251.5508**	**251.5508**	**5.7400e-003**	**5.8600e-003**	**253.4421**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	2.6199					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2556	1.7373	2.4148	3.9600e-003		0.0944	0.0944		0.0944	0.0944	0.0000	375.2641	375.2641	0.0225		375.8253
Total	**2.8755**	**1.7373**	**2.4148**	**3.9600e-003**		**0.0944**	**0.0944**		**0.0944**	**0.0944**	**0.0000**	**375.2641**	**375.2641**	**0.0225**		**375.8253**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0913	0.0564	0.9172	2.4600e-003	0.2794	1.3100e-003	0.2808	0.0741	1.2100e-003	0.0753		251.5508	251.5508	5.7400e-003	5.8600e-003	253.4421
Total	**0.0913**	**0.0564**	**0.9172**	**2.4600e-003**	**0.2794**	**1.3100e-003**	**0.2808**	**0.0741**	**1.2100e-003**	**0.0753**		**251.5508**	**251.5508**	**5.7400e-003**	**5.8600e-003**	**253.4421**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Fast Food Restaurant w/o Drive Thru	0.00	0.00	0.00		
Fast Food Restaurant with Drive Thru	0.00	0.00	0.00		
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Fast Food Restaurant w/o Drive	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Fast Food Restaurant with Drive	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Regional Shopping Center	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant w/o Drive Thru	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Fast Food Restaurant with Drive Thru	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Other Asphalt Surfaces	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Parking Lot	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Regional Shopping Center	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Unmitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Commercial Construction - Unmitigated)

Riverside-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Asphalt Surfaces	214.07	1000sqft	4.91	214,073.00	0
Parking Lot	289.00	Space	1.14	49,419.00	0
Fast Food Restaurant w/o Drive Thru	16.20	1000sqft	0.37	16,200.00	0
Fast Food Restaurant with Drive Thru	1.60	1000sqft	0.04	1,600.00	0
Regional Shopping Center	16.20	1000sqft	0.37	16,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2023
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	340.53	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2023

Land Use - Total Project Area (Commercial Uses) is 6.83 acres

Construction Phase - Construction anticipated to be completed in 2023

Off-road Equipment - Hours are based on an 8-hour workday

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment -

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT - Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction

Grading - Analysis conservatively assumes that up to 10 acres can be disturbed per day

Architectural Coating - AQ-1: Use Low VOC Paint

Vehicle Trips - Construction run only

Energy Use - Construction run only

Water And Wastewater - Construction run only

Solid Waste - Construction run only

Construction Off-road Equipment Mitigation - Rule 403

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	100.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	100.00	10.00
tblConstructionPhase	NumDays	20.00	40.00
tblConstructionPhase	PhaseEndDate	2/9/2024	12/15/2023
tblConstructionPhase	PhaseEndDate	1/12/2024	12/15/2023
tblConstructionPhase	PhaseStartDate	1/13/2024	10/23/2023
tblConstructionPhase	PhaseStartDate	12/16/2023	11/20/2023
tblEnergyUse	LightingElect	6.62	0.00
tblEnergyUse	LightingElect	6.62	0.00
tblEnergyUse	LightingElect	0.35	0.00
tblEnergyUse	LightingElect	5.61	0.00
tblEnergyUse	NT24E	28.48	0.00
tblEnergyUse	NT24E	28.48	0.00
tblEnergyUse	NT24E	2.44	0.00
tblEnergyUse	NT24NG	195.77	0.00
tblEnergyUse	NT24NG	195.77	0.00
tblEnergyUse	NT24NG	0.30	0.00
tblEnergyUse	T24E	11.06	0.00
tblEnergyUse	T24E	11.06	0.00

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblEnergyUse	T24E	4.09	0.00
tblEnergyUse	T24NG	76.89	0.00
tblEnergyUse	T24NG	76.89	0.00
tblEnergyUse	T24NG	1.90	0.00
tblGrading	AcresOfGrading	50.00	200.00
tblGrading	AcresOfGrading	35.00	100.00
tblLandUse	LandUseSquareFeet	115,600.00	49,419.00
tblLandUse	LotAcreage	2.60	1.14
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	340.53
tblSolidWaste	SolidWasteGenerationRate	186.61	0.00
tblSolidWaste	SolidWasteGenerationRate	18.43	0.00
tblSolidWaste	SolidWasteGenerationRate	17.01	0.00
tblTripsAndVMT	VendorTripNumber	0.00	2.00
tblTripsAndVMT	VendorTripNumber	0.00	4.00
tblTripsAndVMT	VendorTripNumber	49.00	43.00
tblVehicleTrips	CC_TL	8.40	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TTP	79.50	0.00
tblVehicleTrips	CC_TTP	78.80	0.00
tblVehicleTrips	CC_TTP	64.70	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CNW_TTP	19.00	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TTP	1.50	0.00
tblVehicleTrips	CW_TTP	2.20	0.00
tblVehicleTrips	CW_TTP	16.30	0.00
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	12.00	0.00
tblVehicleTrips	PB_TP	50.00	0.00
tblVehicleTrips	PB_TP	11.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	PR_TP	51.00	0.00
tblVehicleTrips	PR_TP	29.00	0.00
tblVehicleTrips	PR_TP	54.00	0.00
tblVehicleTrips	ST_TR	696.00	0.00
tblVehicleTrips	ST_TR	616.12	0.00
tblVehicleTrips	ST_TR	46.12	0.00
tblVehicleTrips	SU_TR	500.00	0.00
tblVehicleTrips	SU_TR	472.58	0.00
tblVehicleTrips	SU_TR	21.10	0.00
tblVehicleTrips	WD_TR	346.23	0.00
tblVehicleTrips	WD_TR	470.95	0.00
tblVehicleTrips	WD_TR	37.75	0.00
tblWater	IndoorWaterUseRate	4,917,246.14	0.00
tblWater	IndoorWaterUseRate	485,653.94	0.00
tblWater	IndoorWaterUseRate	1,199,974.85	0.00
tblWater	OutdoorWaterUseRate	313,866.77	0.00
tblWater	OutdoorWaterUseRate	30,999.19	0.00
tblWater	OutdoorWaterUseRate	735,468.46	0.00

2.0 Emissions Summary

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	4.5429	50.4821	20.5915	0.0589	28.8853	2.1586	31.0439	11.1328	1.9860	13.1188	0.0000	5,715.9050	5,715.9050	1.7866	0.0154	5,763.6750
2023	7.8520	39.9622	39.7809	0.0917	16.8204	1.7406	17.9643	4.5072	1.6241	5.5596	0.0000	8,969.4694	8,969.4694	1.8898	0.1573	9,063.5751
Maximum	**7.8520**	**50.4821**	**39.7809**	**0.0917**	**28.8853**	**2.1586**	**31.0439**	**11.1328**	**1.9860**	**13.1188**	**0.0000**	**8,969.4694**	**8,969.4694**	**1.8898**	**0.1573**	**9,063.5751**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	4.5429	50.4821	20.5915	0.0589	11.3958	2.1586	13.5544	4.3766	1.9860	6.3626	0.0000	5,715.9050	5,715.9050	1.7866	0.0154	5,763.6750
2023	7.8520	39.9622	39.7809	0.0917	6.6779	1.7406	7.8218	1.7894	1.6241	2.8419	0.0000	8,969.4694	8,969.4694	1.8898	0.1573	9,063.5751
Maximum	**7.8520**	**50.4821**	**39.7809**	**0.0917**	**11.3958**	**2.1586**	**13.5544**	**4.3766**	**1.9860**	**6.3626**	**0.0000**	**8,969.4694**	**8,969.4694**	**1.8898**	**0.1573**	**9,063.5751**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	60.46	0.00	56.38	60.58	0.00	50.72	0.00	0.00	0.00	0.00	0.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**	**0.0000**	**2.0000e-004**	**2.0000e-004**	**0.0000**	**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**	**0.0000**	**0.1253**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**	**0.0000**	**2.0000e-004**	**2.0000e-004**	**0.0000**	**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**	**0.0000**	**0.1253**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	12/17/2022	12/30/2022	5	10	
2	Grading	Grading	12/31/2022	1/27/2023	5	20	
3	Building Construction	Building Construction	1/28/2023	12/15/2023	5	230	
4	Paving	Paving	11/20/2023	12/15/2023	5	20	
5	Architectural Coating	Architectural Coating	10/23/2023	12/15/2023	5	40	

Acres of Grading (Site Preparation Phase): 100

Acres of Grading (Grading Phase): 200

Acres of Paving: 6.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 51,000; Non-Residential Outdoor: 17,000; Striped Parking Area: 15,810 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Crawler Tractors	4	8.00	212	0.43
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Grading	Crawler Tractors	3	8.00	212	0.43
Grading	Excavators	1	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Crawler Tractors	3	8.00	212	0.43
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38
Architectural Coating	Air Compressors	1	8.00	78	0.48

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	2.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	6	15.00	4.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	123.00	43.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	25.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					28.6713	0.0000	28.6713	11.0758	0.0000	11.0758			0.0000			0.0000
Off-Road	4.4735	50.3453	19.9794	0.0569		2.1564	2.1564		1.9839	1.9839		5,508.7626	5,508.7626	1.7817		5,553.3037
Total	**4.4735**	**50.3453**	**19.9794**	**0.0569**	**28.6713**	**2.1564**	**30.8277**	**11.0758**	**1.9839**	**13.0597**		**5,508.7626**	**5,508.7626**	**1.7817**		**5,553.3037**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.1200e-003	0.0891	0.0305	3.6000e-004	0.0128	1.2200e-003	0.0140	3.6900e-003	1.1700e-003	4.8600e-003		38.6312	38.6312	4.0000e-004	5.7300e-003	40.3497
Worker	0.0663	0.0477	0.5816	1.6600e-003	0.2012	1.0000e-003	0.2022	0.0534	9.2000e-004	0.0543		168.5113	168.5113	4.5800e-003	4.6800e-003	170.0216
Total	**0.0694**	**0.1368**	**0.6121**	**2.0200e-003**	**0.2140**	**2.2200e-003**	**0.2162**	**0.0571**	**2.0900e-003**	**0.0591**		**207.1424**	**207.1424**	**4.9800e-003**	**0.0104**	**210.3713**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					11.1818	0.0000	11.1818	4.3196	0.0000	4.3196			0.0000			0.0000
Off-Road	4.4735	50.3453	19.9794	0.0569		2.1564	2.1564		1.9839	1.9839	0.0000	5,508.7626	5,508.7626	1.7817		5,553.3037
Total	**4.4735**	**50.3453**	**19.9794**	**0.0569**	**11.1818**	**2.1564**	**13.3382**	**4.3196**	**1.9839**	**6.3035**	**0.0000**	**5,508.7626**	**5,508.7626**	**1.7817**		**5,553.3037**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.1200e-003	0.0891	0.0305	3.6000e-004	0.0128	1.2200e-003	0.0140	3.6900e-003	1.1700e-003	4.8600e-003		38.6312	38.6312	4.0000e-004	5.7300e-003	40.3497
Worker	0.0663	0.0477	0.5816	1.6600e-003	0.2012	1.0000e-003	0.2022	0.0534	9.2000e-004	0.0543		168.5113	168.5113	4.5800e-003	4.6800e-003	170.0216
Total	**0.0694**	**0.1368**	**0.6121**	**2.0200e-003**	**0.2140**	**2.2200e-003**	**0.2162**	**0.0571**	**2.0900e-003**	**0.0591**		**207.1424**	**207.1424**	**4.9800e-003**	**0.0104**	**210.3713**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					16.6271	0.0000	16.6271	4.4553	0.0000	4.4553			0.0000			0.0000
Off-Road	2.9262	33.8015	15.4839	0.0438		1.3487	1.3487		1.2408	1.2408		4,239.0719	4,239.0719	1.3710		4,273.3470
Total	**2.9262**	**33.8015**	**15.4839**	**0.0438**	**16.6271**	**1.3487**	**17.9758**	**4.4553**	**1.2408**	**5.6962**		**4,239.0719**	**4,239.0719**	**1.3710**		**4,273.3470**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	6.2300e-003	0.1782	0.0611	7.3000e-004	0.0256	2.4400e-003	0.0281	7.3800e-003	2.3400e-003	9.7200e-003		77.2623	77.2623	8.0000e-004	0.0115	80.6995
Worker	0.0552	0.0398	0.4846	1.3800e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		140.4261	140.4261	3.8100e-003	3.9000e-003	141.6847
Total	**0.0615**	**0.2180**	**0.5457**	**2.1100e-003**	**0.1933**	**3.2800e-003**	**0.1966**	**0.0519**	**3.1100e-003**	**0.0550**		**217.6884**	**217.6884**	**4.6100e-003**	**0.0154**	**222.3841**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.4846	0.0000	6.4846	1.7376	0.0000	1.7376			0.0000			0.0000
Off-Road	2.9262	33.8015	15.4839	0.0438		1.3487	1.3487		1.2408	1.2408	0.0000	4,239.0719	4,239.0719	1.3710		4,273.3470
Total	**2.9262**	**33.8015**	**15.4839**	**0.0438**	**6.4846**	**1.3487**	**7.8333**	**1.7376**	**1.2408**	**2.9784**	**0.0000**	**4,239.0719**	**4,239.0719**	**1.3710**		**4,273.3470**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	6.2300e-003	0.1782	0.0611	7.3000e-004	0.0256	2.4400e-003	0.0281	7.3800e-003	2.3400e-003	9.7200e-003		77.2623	77.2623	8.0000e-004	0.0115	80.6995
Worker	0.0552	0.0398	0.4846	1.3800e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		140.4261	140.4261	3.8100e-003	3.9000e-003	141.6847
Total	**0.0615**	**0.2180**	**0.5457**	**2.1100e-003**	**0.1933**	**3.2800e-003**	**0.1966**	**0.0519**	**3.1100e-003**	**0.0550**		**217.6884**	**217.6884**	**4.6100e-003**	**0.0154**	**222.3841**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					16.6271	0.0000	16.6271	4.4553	0.0000	4.4553			0.0000			0.0000
Off-Road	2.5856	28.6596	14.7689	0.0438		1.1420	1.1420		1.0507	1.0507		4,236.4284	4,236.4284	1.3702		4,270.6821
Total	**2.5856**	**28.6596**	**14.7689**	**0.0438**	**16.6271**	**1.1420**	**17.7691**	**4.4553**	**1.0507**	**5.5060**		**4,236.4284**	**4,236.4284**	**1.3702**		**4,270.6821**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.1800e-003	0.1386	0.0556	7.0000e-004	0.0256	1.1400e-003	0.0268	7.3800e-003	1.0900e-003	8.4700e-003		74.2923	74.2923	7.4000e-004	0.0110	77.5851
Worker	0.0514	0.0351	0.4468	1.3400e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		136.7566	136.7566	3.4300e-003	3.6000e-003	137.9157
Total	**0.0556**	**0.1737**	**0.5025**	**2.0400e-003**	**0.1933**	**1.9300e-003**	**0.1952**	**0.0519**	**1.8100e-003**	**0.0537**		**211.0489**	**211.0489**	**4.1700e-003**	**0.0146**	**215.5008**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.4846	0.0000	6.4846	1.7376	0.0000	1.7376			0.0000			0.0000
Off-Road	2.5856	28.6596	14.7689	0.0438		1.1420	1.1420		1.0507	1.0507	0.0000	4,236.4284	4,236.4284	1.3702		4,270.6821
Total	**2.5856**	**28.6596**	**14.7689**	**0.0438**	**6.4846**	**1.1420**	**7.6266**	**1.7376**	**1.0507**	**2.7882**	**0.0000**	**4,236.4284**	**4,236.4284**	**1.3702**		**4,270.6821**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	4.1800e-003	0.1386	0.0556	7.0000e-004	0.0256	1.1400e-003	0.0268	7.3800e-003	1.0900e-003	8.4700e-003		74.2923	74.2923	7.4000e-004	0.0110	77.5851
Worker	0.0514	0.0351	0.4468	1.3400e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		136.7566	136.7566	3.4300e-003	3.6000e-003	137.9157
Total	**0.0556**	**0.1737**	**0.5025**	**2.0400e-003**	**0.1933**	**1.9300e-003**	**0.1952**	**0.0519**	**1.8100e-003**	**0.0537**		**211.0489**	**211.0489**	**4.1700e-003**	**0.0146**	**215.5008**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.5481	26.1615	17.3283	0.0429		1.1152	1.1152		1.0406	1.0406		4,101.8909	4,101.8909	1.1081		4,129.5928
Total	**2.5481**	**26.1615**	**17.3283**	**0.0429**		**1.1152**	**1.1152**		**1.0406**	**1.0406**		**4,101.8909**	**4,101.8909**	**1.1081**		**4,129.5928**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0449	1.4899	0.5979	7.5300e-003	0.2754	0.0123	0.2877	0.0793	0.0118	0.0911		798.6424	798.6424	7.9600e-003	0.1181	834.0399
Worker	0.4212	0.2881	3.6641	0.0110	1.3749	6.4500e-003	1.3813	0.3646	5.9400e-003	0.3706		1,121.4037	1,121.4037	0.0282	0.0295	1,130.9084
Total	**0.4661**	**1.7780**	**4.2620**	**0.0185**	**1.6503**	**0.0187**	**1.6690**	**0.4439**	**0.0177**	**0.4616**		**1,920.0461**	**1,920.0461**	**0.0361**	**0.1477**	**1,964.9483**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.5481	26.1615	17.3283	0.0429		1.1152	1.1152		1.0406	1.0406	0.0000	4,101.8909	4,101.8909	1.1081		4,129.5927
Total	**2.5481**	**26.1615**	**17.3283**	**0.0429**		**1.1152**	**1.1152**		**1.0406**	**1.0406**	**0.0000**	**4,101.8909**	**4,101.8909**	**1.1081**		**4,129.5927**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0449	1.4899	0.5979	7.5300e-003	0.2754	0.0123	0.2877	0.0793	0.0118	0.0911		798.6424	798.6424	7.9600e-003	0.1181	834.0399
Worker	0.4212	0.2881	3.6641	0.0110	1.3749	6.4500e-003	1.3813	0.3646	5.9400e-003	0.3706		1,121.4037	1,121.4037	0.0282	0.0295	1,130.9084
Total	**0.4661**	**1.7780**	**4.2620**	**0.0185**	**1.6503**	**0.0187**	**1.6690**	**0.4439**	**0.0177**	**0.4616**		**1,920.0461**	**1,920.0461**	**0.0361**	**0.1477**	**1,964.9483**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0327	10.1917	14.5842	0.0228		0.5102	0.5102		0.4694	0.4694		2,207.5841	2,207.5841	0.7140		2,225.4336
Paving	0.7926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.8253**	**10.1917**	**14.5842**	**0.0228**		**0.5102**	**0.5102**		**0.4694**	**0.4694**		**2,207.5841**	**2,207.5841**	**0.7140**		**2,225.4336**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0514	0.0351	0.4468	1.3400e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		136.7566	136.7566	3.4300e-003	3.6000e-003	137.9157
Total	**0.0514**	**0.0351**	**0.4468**	**1.3400e-003**	**0.1677**	**7.9000e-004**	**0.1685**	**0.0445**	**7.2000e-004**	**0.0452**		**136.7566**	**136.7566**	**3.4300e-003**	**3.6000e-003**	**137.9157**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.0327	10.1917	14.5842	0.0228		0.5102	0.5102		0.4694	0.4694	0.0000	2,207.5841	2,207.5841	0.7140		2,225.4336
Paving	0.7926					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**1.8253**	**10.1917**	**14.5842**	**0.0228**		**0.5102**	**0.5102**		**0.4694**	**0.4694**	**0.0000**	**2,207.5841**	**2,207.5841**	**0.7140**		**2,225.4336**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0514	0.0351	0.4468	1.3400e-003	0.1677	7.9000e-004	0.1685	0.0445	7.2000e-004	0.0452		136.7566	136.7566	3.4300e-003	3.6000e-003	137.9157
Total	**0.0514**	**0.0351**	**0.4468**	**1.3400e-003**	**0.1677**	**7.9000e-004**	**0.1685**	**0.0445**	**7.2000e-004**	**0.0452**		**136.7566**	**136.7566**	**3.4300e-003**	**3.6000e-003**	**137.9157**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2023

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	2.6199					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2556	1.7373	2.4148	3.9600e-003		0.0944	0.0944		0.0944	0.0944		375.2641	375.2641	0.0225		375.8253
Total	**2.8755**	**1.7373**	**2.4148**	**3.9600e-003**		**0.0944**	**0.0944**		**0.0944**	**0.0944**		**375.2641**	**375.2641**	**0.0225**		**375.8253**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0856	0.0586	0.7447	2.2300e-003	0.2794	1.3100e-003	0.2808	0.0741	1.2100e-003	0.0753		227.9276	227.9276	5.7200e-003	6.0000e-003	229.8594
Total	**0.0856**	**0.0586**	**0.7447**	**2.2300e-003**	**0.2794**	**1.3100e-003**	**0.2808**	**0.0741**	**1.2100e-003**	**0.0753**		**227.9276**	**227.9276**	**5.7200e-003**	**6.0000e-003**	**229.8594**

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2023

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	2.6199					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2556	1.7373	2.4148	3.9600e-003		0.0944	0.0944		0.0944	0.0944	0.0000	375.2641	375.2641	0.0225		375.8253
Total	**2.8755**	**1.7373**	**2.4148**	**3.9600e-003**		**0.0944**	**0.0944**		**0.0944**	**0.0944**	**0.0000**	**375.2641**	**375.2641**	**0.0225**		**375.8253**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0856	0.0586	0.7447	2.2300e-003	0.2794	1.3100e-003	0.2808	0.0741	1.2100e-003	0.0753		227.9276	227.9276	5.7200e-003	6.0000e-003	229.8594
Total	**0.0856**	**0.0586**	**0.7447**	**2.2300e-003**	**0.2794**	**1.3100e-003**	**0.2808**	**0.0741**	**1.2100e-003**	**0.0753**		**227.9276**	**227.9276**	**5.7200e-003**	**6.0000e-003**	**229.8594**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Fast Food Restaurant w/o Drive Thru	0.00	0.00	0.00		
Fast Food Restaurant with Drive Thru	0.00	0.00	0.00		
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Fast Food Restaurant w/o Drive	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Fast Food Restaurant with Drive	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Regional Shopping Center	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant w/o Drive Thru	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Fast Food Restaurant with Drive Thru	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Other Asphalt Surfaces	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Parking Lot	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Regional Shopping Center	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Fast Food Restaurant with Drive Thru	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Commercial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Unmitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Industrial Construction - Unmitigated)

Riverside-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Refrigerated Warehouse-No Rail	154.99	1000sqft	3.56	154,990.00	0
Unrefrigerated Warehouse-No Rail	464.97	1000sqft	10.67	464,969.00	0
Other Asphalt Surfaces	530.34	1000sqft	12.17	530,340.00	0
Parking Lot	555.00	Space	3.82	166,050.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use - Total Project Area (Industrial Uses) is 30.22 acres

Construction Phase - Construction anticpated to be completed in 2022

Off-road Equipment - Hours are based on an 8-hour workday

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment -

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT - Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction

Grading - Analysis conservatively assumes that up to 10 acres can be disturbed per day

Architectural Coating - AQ-1: Use Low VOC Paint

Vehicle Trips - Construction run only

Energy Use - Construction run only

Water And Wastewater - Construction run only

Solid Waste - Construction run only

Construction Off-road Equipment Mitigation - Rule 403

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	100.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	100.00	10.00
tblConstructionPhase	NumDays	500.00	250.00
tblConstructionPhase	NumDays	35.00	70.00
tblConstructionPhase	PhaseEndDate	12/1/2023	12/16/2022
tblConstructionPhase	PhaseEndDate	3/8/2024	12/16/2022
tblConstructionPhase	PhaseEndDate	1/19/2024	12/16/2022
tblConstructionPhase	PhaseStartDate	1/20/2024	9/10/2022
tblConstructionPhase	PhaseStartDate	12/2/2023	10/29/2022
tblEnergyUse	LightingElect	0.35	0.00
tblEnergyUse	LightingElect	2.37	0.00
tblEnergyUse	LightingElect	1.17	0.00
tblEnergyUse	NT24E	36.52	0.00
tblEnergyUse	NT24E	0.82	0.00
tblEnergyUse	NT24NG	48.51	0.00
tblEnergyUse	NT24NG	0.03	0.00
tblEnergyUse	T24E	0.95	0.00
tblEnergyUse	T24E	0.33	0.00
tblEnergyUse	T24NG	3.22	0.00

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblEnergyUse	T24NG	1.98	0.00
tblGrading	AcresOfGrading	180.00	450.00
tblGrading	AcresOfGrading	70.00	200.00
tblLandUse	LandUseSquareFeet	222,000.00	166,050.00
tblLandUse	LotAcreage	4.99	3.82
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblSolidWaste	SolidWasteGenerationRate	145.69	0.00
tblSolidWaste	SolidWasteGenerationRate	437.07	0.00
tblTripsAndVMT	VendorTripNumber	0.00	14.00
tblTripsAndVMT	VendorTripNumber	0.00	31.00
tblTripsAndVMT	VendorTripNumber	216.00	171.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CNW_TL	6.90	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TTP	59.00	0.00
tblVehicleTrips	CW_TTP	59.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	92.00	0.00
tblVehicleTrips	PR_TP	92.00	0.00
tblVehicleTrips	ST_TR	2.12	0.00
tblVehicleTrips	ST_TR	1.74	0.00
tblVehicleTrips	SU_TR	2.12	0.00
tblVehicleTrips	SU_TR	1.74	0.00
tblVehicleTrips	WD_TR	2.12	0.00
tblVehicleTrips	WD_TR	1.74	0.00
tblWater	IndoorWaterUseRate	35,841,437.50	0.00
tblWater	IndoorWaterUseRate	107,524,312.50	0.00

2.0 Emissions Summary

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1682	1.9258	0.9582	2.3900e-003	0.6730	0.0788	0.7518	0.2144	0.0725	0.2869	0.0000	211.9751	211.9751	0.0622	2.4000e-003	214.2459
2022	1.0731	5.1228	5.3618	0.0167	0.9404	0.1899	1.1303	0.2528	0.1776	0.4305	0.0000	1,523.5074	1,523.5074	0.1593	0.0732	1,549.2947
Maximum	**1.0731**	**5.1228**	**5.3618**	**0.0167**	**0.9404**	**0.1899**	**1.1303**	**0.2528**	**0.1776**	**0.4305**	**0.0000**	**1,523.5074**	**1,523.5074**	**0.1593**	**0.0732**	**1,549.2947**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.1682	1.9258	0.9582	2.3900e-003	0.2699	0.0788	0.3487	0.0857	0.0725	0.1582	0.0000	211.9748	211.9748	0.0622	2.4000e-003	214.2457
2022	1.0731	5.1228	5.3618	0.0167	0.9404	0.1899	1.1303	0.2528	0.1776	0.4305	0.0000	1,523.5068	1,523.5068	0.1593	0.0732	1,549.2941
Maximum	**1.0731**	**5.1228**	**5.3618**	**0.0167**	**0.9404**	**0.1899**	**1.1303**	**0.2528**	**0.1776**	**0.4305**	**0.0000**	**1,523.5068**	**1,523.5068**	**0.1593**	**0.0732**	**1,549.2941**

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**24.98**	**0.00**	**21.42**	**27.55**	**0.00**	**17.94**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)
1	**10-4-2021**	**1-3-2022**	2.0932	2.0932
2	**1-4-2022**	**4-3-2022**	1.4105	1.4105
3	**4-4-2022**	**7-3-2022**	1.4172	1.4172
4	**7-4-2022**	**9-30-2022**	1.4899	1.4899
		Highest	2.0932	2.0932

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**2.5843**	**2.0000e-004**	**0.0218**	**0.0000**	**0.0000**	**8.0000e-005**	**8.0000e-005**	**0.0000**	**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.0423**	**0.0423**	**1.1000e-004**	**0.0000**	**0.0451**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Waste						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Water						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**2.5843**	**2.0000e-004**	**0.0218**	**0.0000**	**0.0000**	**8.0000e-005**	**8.0000e-005**	**0.0000**	**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.0423**	**0.0423**	**1.1000e-004**	**0.0000**	**0.0451**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	10/4/2021	10/29/2021	5	20	
2	Grading	Grading	10/30/2021	12/31/2021	5	45	
3	Building Construction	Building Construction	1/1/2022	12/16/2022	5	250	

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4	Paving	Paving	10/29/2022	12/16/2022	5	35	
5	Architectural Coating	Architectural Coating	9/10/2022	12/16/2022	5	70	

Acres of Grading (Site Preparation Phase): 200

Acres of Grading (Grading Phase): 450

Acres of Paving: 15.99

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 929,939; Non-Residential Outdoor: 309,980; Striped Parking Area: 41,783 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Crawler Tractors	4	8.00	212	0.43
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Grading	Crawler Tractors	2	8.00	212	0.43
Grading	Excavators	2	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41
Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Scrapers	2	8.00	367	0.48
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Crawler Tractors	3	8.00	212	0.43
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Architectural Coating	Air Compressors	1	8.00	78	0.48
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Paving	Rollers	2	8.00	80	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	14.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	31.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	553.00	171.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	111.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

3.2 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.2867	0.0000	0.2867	0.1108	0.0000	0.1108	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0534	0.6071	0.2183	5.7000e-004		0.0264	0.0264		0.0243	0.0243	0.0000	50.0314	50.0314	0.0162	0.0000	50.4359
Total	**0.0534**	**0.6071**	**0.2183**	**5.7000e-004**	**0.2867**	**0.0264**	**0.3131**	**0.1108**	**0.0243**	**0.1351**	**0.0000**	**50.0314**	**50.0314**	**0.0162**	**0.0000**	**50.4359**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.1000e-004	7.5800e-003	2.3800e-003	3.0000e-005	8.8000e-004	1.5000e-004	1.0300e-003	2.6000e-004	1.4000e-004	4.0000e-004	0.0000	2.5129	2.5129	3.0000e-005	3.7000e-004	2.6250
Worker	6.8000e-004	5.6000e-004	6.6900e-003	2.0000e-005	1.9800e-003	1.0000e-005	1.9900e-003	5.3000e-004	1.0000e-005	5.4000e-004	0.0000	1.6078	1.6078	5.0000e-005	5.0000e-005	1.6230
Total	**9.9000e-004**	**8.1400e-003**	**9.0700e-003**	**5.0000e-005**	**2.8600e-003**	**1.6000e-004**	**3.0200e-003**	**7.9000e-004**	**1.5000e-004**	**9.4000e-004**	**0.0000**	**4.1207**	**4.1207**	**8.0000e-005**	**4.2000e-004**	**4.2480**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1118	0.0000	0.1118	0.0432	0.0000	0.0432	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.0534	0.6071	0.2183	5.7000e-004		0.0264	0.0264		0.0243	0.0243	0.0000	50.0313	50.0313	0.0162	0.0000	50.4359
Total	**0.0534**	**0.6071**	**0.2183**	**5.7000e-004**	**0.1118**	**0.0264**	**0.1383**	**0.0432**	**0.0243**	**0.0675**	**0.0000**	**50.0313**	**50.0313**	**0.0162**	**0.0000**	**50.4359**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	3.1000e-004	7.5800e-003	2.3800e-003	3.0000e-005	8.8000e-004	1.5000e-004	1.0300e-003	2.6000e-004	1.4000e-004	4.0000e-004	0.0000	2.5129	2.5129	3.0000e-005	3.7000e-004	2.6250
Worker	6.8000e-004	5.6000e-004	6.6900e-003	2.0000e-005	1.9800e-003	1.0000e-005	1.9900e-003	5.3000e-004	1.0000e-005	5.4000e-004	0.0000	1.6078	1.6078	5.0000e-005	5.0000e-005	1.6230
Total	**9.9000e-004**	**8.1400e-003**	**9.0700e-003**	**5.0000e-005**	**2.8600e-003**	**1.6000e-004**	**3.0200e-003**	**7.9000e-004**	**1.5000e-004**	**9.4000e-004**	**0.0000**	**4.1207**	**4.1207**	**8.0000e-005**	**4.2000e-004**	**4.2480**

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.3741	0.0000	0.3741	0.1002	0.0000	0.1002	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.1106	1.2714	0.7023	1.6100e-003		0.0514	0.0514		0.0473	0.0473	0.0000	141.2838	141.2838	0.0457	0.0000	142.4262
Total	**0.1106**	**1.2714**	**0.7023**	**1.6100e-003**	**0.3741**	**0.0514**	**0.4255**	**0.1002**	**0.0473**	**0.1475**	**0.0000**	**141.2838**	**141.2838**	**0.0457**	**0.0000**	**142.4262**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.5600e-003	0.0378	0.0119	1.3000e-004	4.4100e-003	7.4000e-004	5.1500e-003	1.2700e-003	7.1000e-004	1.9800e-003	0.0000	12.5197	12.5197	1.4000e-004	1.8600e-003	13.0784
Worker	1.7000e-003	1.3900e-003	0.0167	4.0000e-005	4.9500e-003	3.0000e-005	4.9700e-003	1.3100e-003	2.0000e-005	1.3400e-003	0.0000	4.0194	4.0194	1.2000e-004	1.2000e-004	4.0574
Total	**3.2600e-003**	**0.0392**	**0.0286**	**1.7000e-004**	**9.3600e-003**	**7.7000e-004**	**0.0101**	**2.5800e-003**	**7.3000e-004**	**3.3200e-003**	**0.0000**	**16.5391**	**16.5391**	**2.6000e-004**	**1.9800e-003**	**17.1358**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.1459	0.0000	0.1459	0.0391	0.0000	0.0391	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	0.1106	1.2714	0.7023	1.6100e-003		0.0514	0.0514		0.0473	0.0473	0.0000	141.2837	141.2837	0.0457	0.0000	142.4260
Total	**0.1106**	**1.2714**	**0.7023**	**1.6100e-003**	**0.1459**	**0.0514**	**0.1973**	**0.0391**	**0.0473**	**0.0864**	**0.0000**	**141.2837**	**141.2837**	**0.0457**	**0.0000**	**142.4260**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	1.5600e-003	0.0378	0.0119	1.3000e-004	4.4100e-003	7.4000e-004	5.1500e-003	1.2700e-003	7.1000e-004	1.9800e-003	0.0000	12.5197	12.5197	1.4000e-004	1.8600e-003	13.0784
Worker	1.7000e-003	1.3900e-003	0.0167	4.0000e-005	4.9500e-003	3.0000e-005	4.9700e-003	1.3100e-003	2.0000e-005	1.3400e-003	0.0000	4.0194	4.0194	1.2000e-004	1.2000e-004	4.0574
Total	**3.2600e-003**	**0.0392**	**0.0286**	**1.7000e-004**	**9.3600e-003**	**7.7000e-004**	**0.0101**	**2.5800e-003**	**7.3000e-004**	**3.3200e-003**	**0.0000**	**16.5391**	**16.5391**	**2.6000e-004**	**1.9800e-003**	**17.1358**

3.4 Building Construction - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.3490	3.7142	2.2063	5.3700e-003		0.1591	0.1591		0.1484	0.1484	0.0000	465.4059	465.4059	0.1262	0.0000	468.5618
Total	**0.3490**	**3.7142**	**2.2063**	**5.3700e-003**		**0.1591**	**0.1591**		**0.1484**	**0.1484**	**0.0000**	**465.4059**	**465.4059**	**0.1262**	**0.0000**	**468.5618**

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EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0340	0.9487	0.3197	3.8900e-003	0.1350	0.0131	0.1481	0.0390	0.0125	0.0514	0.0000	374.3137	374.3137	3.9400e-003	0.0555	390.9644
Worker	0.2416	0.1882	2.3547	6.5100e-003	0.7598	3.8500e-003	0.7636	0.2018	3.5500e-003	0.2053	0.0000	600.7778	600.7778	0.0160	0.0166	606.1343
Total	**0.2756**	**1.1369**	**2.6744**	**0.0104**	**0.8948**	**0.0169**	**0.9117**	**0.2407**	**0.0160**	**0.2567**	**0.0000**	**975.0915**	**975.0915**	**0.0200**	**0.0722**	**997.0987**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.3490	3.7142	2.2063	5.3700e-003		0.1591	0.1591		0.1484	0.1484	0.0000	465.4054	465.4054	0.1262	0.0000	468.5612
Total	**0.3490**	**3.7142**	**2.2063**	**5.3700e-003**		**0.1591**	**0.1591**		**0.1484**	**0.1484**	**0.0000**	**465.4054**	**465.4054**	**0.1262**	**0.0000**	**468.5612**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0340	0.9487	0.3197	3.8900e-003	0.1350	0.0131	0.1481	0.0390	0.0125	0.0514	0.0000	374.3137	374.3137	3.9400e-003	0.0555	390.9644
Worker	0.2416	0.1882	2.3547	6.5100e-003	0.7598	3.8500e-003	0.7636	0.2018	3.5500e-003	0.2053	0.0000	600.7778	600.7778	0.0160	0.0166	606.1343
Total	**0.2756**	**1.1369**	**2.6744**	**0.0104**	**0.8948**	**0.0169**	**0.9117**	**0.2407**	**0.0160**	**0.2567**	**0.0000**	**975.0915**	**975.0915**	**0.0200**	**0.0722**	**997.0987**

3.5 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0193	0.1947	0.2552	4.0000e-004		9.9400e-003	9.9400e-003		9.1400e-003	9.1400e-003	0.0000	35.0482	35.0482	0.0113	0.0000	35.3316
Paving	0.0210					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0403**	**0.1947**	**0.2552**	**4.0000e-004**		**9.9400e-003**	**9.9400e-003**		**9.1400e-003**	**9.1400e-003**	**0.0000**	**35.0482**	**35.0482**	**0.0113**	**0.0000**	**35.3316**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	9.2000e-004	7.1000e-004	8.9400e-003	2.0000e-005	2.8900e-003	1.0000e-005	2.9000e-003	7.7000e-004	1.0000e-005	7.8000e-004	0.0000	2.2814	2.2814	6.0000e-005	6.0000e-005	2.3018
Total	**9.2000e-004**	**7.1000e-004**	**8.9400e-003**	**2.0000e-005**	**2.8900e-003**	**1.0000e-005**	**2.9000e-003**	**7.7000e-004**	**1.0000e-005**	**7.8000e-004**	**0.0000**	**2.2814**	**2.2814**	**6.0000e-005**	**6.0000e-005**	**2.3018**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0193	0.1947	0.2552	4.0000e-004		9.9400e-003	9.9400e-003		9.1400e-003	9.1400e-003	0.0000	35.0482	35.0482	0.0113	0.0000	35.3316
Paving	0.0210					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0403**	**0.1947**	**0.2552**	**4.0000e-004**		**9.9400e-003**	**9.9400e-003**		**9.1400e-003**	**9.1400e-003**	**0.0000**	**35.0482**	**35.0482**	**0.0113**	**0.0000**	**35.3316**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	9.2000e-004	7.1000e-004	8.9400e-003	2.0000e-005	2.8900e-003	1.0000e-005	2.9000e-003	7.7000e-004	1.0000e-005	7.8000e-004	0.0000	2.2814	2.2814	6.0000e-005	6.0000e-005	2.3018
Total	**9.2000e-004**	**7.1000e-004**	**8.9400e-003**	**2.0000e-005**	**2.8900e-003**	**1.0000e-005**	**2.9000e-003**	**7.7000e-004**	**1.0000e-005**	**7.8000e-004**	**0.0000**	**2.2814**	**2.2814**	**6.0000e-005**	**6.0000e-005**	**2.3018**

3.6 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.3842					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.5500e-003	0.0657	0.0846	1.4000e-004		3.8100e-003	3.8100e-003		3.8100e-003	3.8100e-003	0.0000	11.9152	11.9152	7.8000e-004	0.0000	11.9346
Total	**0.3937**	**0.0657**	**0.0846**	**1.4000e-004**		**3.8100e-003**	**3.8100e-003**		**3.8100e-003**	**3.8100e-003**	**0.0000**	**11.9152**	**11.9152**	**7.8000e-004**	**0.0000**	**11.9346**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2022

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0136	0.0106	0.1323	3.7000e-004	0.0427	2.2000e-004	0.0429	0.0113	2.0000e-004	0.0115	0.0000	33.7652	33.7652	9.0000e-004	9.3000e-004	34.0663
Total	**0.0136**	**0.0106**	**0.1323**	**3.7000e-004**	**0.0427**	**2.2000e-004**	**0.0429**	**0.0113**	**2.0000e-004**	**0.0115**	**0.0000**	**33.7652**	**33.7652**	**9.0000e-004**	**9.3000e-004**	**34.0663**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.3842					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road	9.5500e-003	0.0657	0.0846	1.4000e-004		3.8100e-003	3.8100e-003		3.8100e-003	3.8100e-003	0.0000	11.9152	11.9152	7.8000e-004	0.0000	11.9346
Total	**0.3937**	**0.0657**	**0.0846**	**1.4000e-004**		**3.8100e-003**	**3.8100e-003**		**3.8100e-003**	**3.8100e-003**	**0.0000**	**11.9152**	**11.9152**	**7.8000e-004**	**0.0000**	**11.9346**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2022

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0136	0.0106	0.1323	3.7000e-004	0.0427	2.2000e-004	0.0429	0.0113	2.0000e-004	0.0115	0.0000	33.7652	33.7652	9.0000e-004	9.3000e-004	34.0663
Total	**0.0136**	**0.0106**	**0.1323**	**3.7000e-004**	**0.0427**	**2.2000e-004**	**0.0429**	**0.0113**	**2.0000e-004**	**0.0115**	**0.0000**	**33.7652**	**33.7652**	**9.0000e-004**	**9.3000e-004**	**34.0663**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	0.00	0.00	0.00		
Unrefrigerated Warehouse-No Rail	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Unrefrigerated Warehouse-No	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Parking Lot	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Refrigerated Warehouse-No Rail	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Unrefrigerated Warehouse-No Rail	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Unmitigated	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.2970					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.2852					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.0300e-003	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Total	**2.5843**	**2.0000e-004**	**0.0218**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.0423**	**0.0423**	**1.1000e-004**	**0.0000**	**0.0451**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.2970					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.2852					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.0300e-003	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Total	**2.5843**	**2.0000e-004**	**0.0218**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.0423**	**0.0423**	**1.1000e-004**	**0.0000**	**0.0451**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0 / 0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0 / 0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0 / 0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Equipment Type	Number

11.0 Vegetation

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Industrial Construction - Unmitigated)

Riverside-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Refrigerated Warehouse-No Rail	154.99	1000sqft	3.56	154,990.00	0
Unrefrigerated Warehouse-No Rail	464.97	1000sqft	10.67	464,969.00	0
Other Asphalt Surfaces	530.34	1000sqft	12.17	530,340.00	0
Parking Lot	555.00	Space	3.82	166,050.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use - Total Project Area (Industrial Uses) is 30.22 acres

Construction Phase - Construction anticpated to be completed in 2022

Off-road Equipment - Hours are based on an 8-hour workday

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment -

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT - Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction

Grading - Analysis conservatively assumes that up to 10 acres can be disturbed per day

Architectural Coating - AQ-1: Use Low VOC Paint

Vehicle Trips - Construction run only

Energy Use - Construction run only

Water And Wastewater - Construction run only

Solid Waste - Construction run only

Construction Off-road Equipment Mitigation - Rule 403

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	100.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	100.00	10.00
tblConstructionPhase	NumDays	500.00	250.00
tblConstructionPhase	NumDays	35.00	70.00
tblConstructionPhase	PhaseEndDate	12/1/2023	12/16/2022
tblConstructionPhase	PhaseEndDate	3/8/2024	12/16/2022
tblConstructionPhase	PhaseEndDate	1/19/2024	12/16/2022
tblConstructionPhase	PhaseStartDate	1/20/2024	9/10/2022
tblConstructionPhase	PhaseStartDate	12/2/2023	10/29/2022
tblEnergyUse	LightingElect	0.35	0.00
tblEnergyUse	LightingElect	2.37	0.00
tblEnergyUse	LightingElect	1.17	0.00
tblEnergyUse	NT24E	36.52	0.00
tblEnergyUse	NT24E	0.82	0.00
tblEnergyUse	NT24NG	48.51	0.00
tblEnergyUse	NT24NG	0.03	0.00
tblEnergyUse	T24E	0.95	0.00
tblEnergyUse	T24E	0.33	0.00
tblEnergyUse	T24NG	3.22	0.00

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblEnergyUse	T24NG	1.98	0.00
tblGrading	AcresOfGrading	180.00	450.00
tblGrading	AcresOfGrading	70.00	200.00
tblLandUse	LandUseSquareFeet	222,000.00	166,050.00
tblLandUse	LotAcreage	4.99	3.82
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblSolidWaste	SolidWasteGenerationRate	145.69	0.00
tblSolidWaste	SolidWasteGenerationRate	437.07	0.00
tblTripsAndVMT	VendorTripNumber	0.00	14.00
tblTripsAndVMT	VendorTripNumber	0.00	31.00
tblTripsAndVMT	VendorTripNumber	216.00	171.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CNW_TL	6.90	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TTP	59.00	0.00
tblVehicleTrips	CW_TTP	59.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	92.00	0.00
tblVehicleTrips	PR_TP	92.00	0.00
tblVehicleTrips	ST_TR	2.12	0.00
tblVehicleTrips	ST_TR	1.74	0.00
tblVehicleTrips	SU_TR	2.12	0.00
tblVehicleTrips	SU_TR	1.74	0.00
tblVehicleTrips	WD_TR	2.12	0.00
tblVehicleTrips	WD_TR	1.74	0.00
tblWater	IndoorWaterUseRate	35,841,437.50	0.00
tblWater	IndoorWaterUseRate	107,524,312.50	0.00

2.0 Emissions Summary

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	5.4451	61.4818	32.6043	0.0794	28.9621	2.6590	31.6212	11.1550	2.4469	13.6018	0.0000	7,747.4038	7,747.4038	2.2514	0.0967	7,832.5035
2022	19.2954	51.6812	64.2321	0.1698	8.6849	2.0914	10.7762	2.3282	1.9535	4.2816	0.0000	17,004.1978	17,004.1978	2.0604	0.6619	17,252.9488
Maximum	**19.2954**	**61.4818**	**64.2321**	**0.1698**	**28.9621**	**2.6590**	**31.6212**	**11.1550**	**2.4469**	**13.6018**	**0.0000**	**17,004.1978**	**17,004.1978**	**2.2514**	**0.6619**	**17,252.9488**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	5.4451	61.4818	32.6043	0.0794	11.4727	2.6590	14.1317	4.3987	2.4469	6.8456	0.0000	7,747.4038	7,747.4038	2.2514	0.0967	7,832.5034
2022	19.2954	51.6812	64.2321	0.1698	8.6849	2.0914	10.7762	2.3282	1.9535	4.2816	0.0000	17,004.1977	17,004.1977	2.0604	0.6619	17,252.9487
Maximum	**19.2954**	**61.4818**	**64.2321**	**0.1698**	**11.4727**	**2.6590**	**14.1317**	**4.3987**	**2.4469**	**6.8456**	**0.0000**	**17,004.1977**	**17,004.1977**	**2.2514**	**0.6619**	**17,252.9487**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	46.46	0.00	41.25	50.11	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**	**0.0000**	**6.2000e-004**	**6.2000e-004**	**0.0000**	**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**	**0.0000**	**0.3978**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**	**0.0000**	**6.2000e-004**	**6.2000e-004**	**0.0000**	**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**	**0.0000**	**0.3978**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	10/4/2021	10/29/2021	5	20	
2	Grading	Grading	10/30/2021	12/31/2021	5	45	
3	Building Construction	Building Construction	1/1/2022	12/16/2022	5	250	
4	Paving	Paving	10/29/2022	12/16/2022	5	35	
5	Architectural Coating	Architectural Coating	9/10/2022	12/16/2022	5	70	

Acres of Grading (Site Preparation Phase): 200

Acres of Grading (Grading Phase): 450

Acres of Paving: 15.99

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 929,939; Non-Residential Outdoor: 309,980; Striped Parking Area: 41,783 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Crawler Tractors	4	8.00	212	0.43
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Grading	Crawler Tractors	2	8.00	212	0.43
Grading	Excavators	2	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Scrapers	2	8.00	367	0.48
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Crawler Tractors	3	8.00	212	0.43
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Architectural Coating	Air Compressors	1	8.00	78	0.48
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	14.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	31.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	553.00	171.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	111.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					28.6713	0.0000	28.6713	11.0758	0.0000	11.0758			0.0000			0.0000
Off-Road	5.3366	60.7083	21.8265	0.0569		2.6431	2.6431		2.4316	2.4316		5,515.0170	5,515.0170	1.7837		5,559.6087
Total	**5.3366**	**60.7083**	**21.8265**	**0.0569**	**28.6713**	**2.6431**	**31.3143**	**11.0758**	**2.4316**	**13.5074**		**5,515.0170**	**5,515.0170**	**1.7837**		**5,559.6087**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0317	0.7212	0.2340	2.6100e-003	0.0897	0.0149	0.1046	0.0258	0.0143	0.0401		276.9247	276.9247	3.1700e-003	0.0412	289.2729
Worker	0.0768	0.0522	0.7844	1.8900e-003	0.2012	1.0700e-003	0.2023	0.0534	9.8000e-004	0.0543		191.2409	191.2409	5.1400e-003	4.9800e-003	192.8534
Total	**0.1085**	**0.7734**	**1.0184**	**4.5000e-003**	**0.2909**	**0.0160**	**0.3069**	**0.0792**	**0.0152**	**0.0944**		**468.1656**	**468.1656**	**8.3100e-003**	**0.0462**	**482.1263**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					11.1818	0.0000	11.1818	4.3196	0.0000	4.3196			0.0000			0.0000
Off-Road	5.3366	60.7083	21.8265	0.0569		2.6431	2.6431		2.4316	2.4316	0.0000	5,515.0170	5,515.0170	1.7837		5,559.6087
Total	**5.3366**	**60.7083**	**21.8265**	**0.0569**	**11.1818**	**2.6431**	**13.8249**	**4.3196**	**2.4316**	**6.7512**	**0.0000**	**5,515.0170**	**5,515.0170**	**1.7837**		**5,559.6087**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0317	0.7212	0.2340	2.6100e-003	0.0897	0.0149	0.1046	0.0258	0.0143	0.0401		276.9247	276.9247	3.1700e-003	0.0412	289.2729
Worker	0.0768	0.0522	0.7844	1.8900e-003	0.2012	1.0700e-003	0.2023	0.0534	9.8000e-004	0.0543		191.2409	191.2409	5.1400e-003	4.9800e-003	192.8534
Total	**0.1085**	**0.7734**	**1.0184**	**4.5000e-003**	**0.2909**	**0.0160**	**0.3069**	**0.0792**	**0.0152**	**0.0944**		**468.1656**	**468.1656**	**8.3100e-003**	**0.0462**	**482.1263**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					16.6271	0.0000	16.6271	4.4553	0.0000	4.4553			0.0000			0.0000
Off-Road	4.9154	56.5054	31.2146	0.0715		2.2846	2.2846		2.1019	2.1019		6,921.7235	6,921.7235	2.2386		6,977.6891
Total	**4.9154**	**56.5054**	**31.2146**	**0.0715**	**16.6271**	**2.2846**	**18.9117**	**4.4553**	**2.1019**	**6.5572**		**6,921.7235**	**6,921.7235**	**2.2386**		**6,977.6891**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0702	1.5970	0.5182	5.7900e-003	0.1986	0.0330	0.2316	0.0572	0.0316	0.0888		613.1904	613.1904	7.0100e-003	0.0912	640.5328
Worker	0.0853	0.0580	0.8716	2.1000e-003	0.2236	1.1900e-003	0.2247	0.0593	1.0900e-003	0.0604		212.4899	212.4899	5.7100e-003	5.5300e-003	214.2816
Total	**0.1555**	**1.6550**	**1.3897**	**7.8900e-003**	**0.4221**	**0.0342**	**0.4563**	**0.1165**	**0.0327**	**0.1491**		**825.6803**	**825.6803**	**0.0127**	**0.0967**	**854.8143**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.4846	0.0000	6.4846	1.7376	0.0000	1.7376			0.0000			0.0000
Off-Road	4.9154	56.5054	31.2146	0.0715		2.2846	2.2846		2.1019	2.1019	0.0000	6,921.7235	6,921.7235	2.2386		6,977.6891
Total	**4.9154**	**56.5054**	**31.2146**	**0.0715**	**6.4846**	**2.2846**	**8.7692**	**1.7376**	**2.1019**	**3.8394**	**0.0000**	**6,921.7235**	**6,921.7235**	**2.2386**		**6,977.6891**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0702	1.5970	0.5182	5.7900e-003	0.1986	0.0330	0.2316	0.0572	0.0316	0.0888		613.1904	613.1904	7.0100e-003	0.0912	640.5328
Worker	0.0853	0.0580	0.8716	2.1000e-003	0.2236	1.1900e-003	0.2247	0.0593	1.0900e-003	0.0604		212.4899	212.4899	5.7100e-003	5.5300e-003	214.2816
Total	**0.1555**	**1.6550**	**1.3897**	**7.8900e-003**	**0.4221**	**0.0342**	**0.4563**	**0.1165**	**0.0327**	**0.1491**		**825.6803**	**825.6803**	**0.0127**	**0.0967**	**854.8143**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7921	29.7134	17.6504	0.0429		1.2724	1.2724		1.1875	1.1875		4,104.1775	4,104.1775	1.1132		4,132.0074
Total	**2.7921**	**29.7134**	**17.6504**	**0.0429**		**1.2724**	**1.2724**		**1.1875**	**1.1875**		**4,104.1775**	**4,104.1775**	**1.1132**		**4,132.0074**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.2783	7.2309	2.5143	0.0311	1.0953	0.1043	1.1995	0.3154	0.0997	0.4151		3,299.3653	3,299.3653	0.0349	0.4893	3,446.0441
Worker	2.1793	1.4123	22.0457	0.0562	6.1812	0.0308	6.2121	1.6393	0.0284	1.6677		5,715.4713	5,715.4713	0.1416	0.1406	5,760.9016
Total	**2.4576**	**8.6432**	**24.5600**	**0.0873**	**7.2765**	**0.1351**	**7.4116**	**1.9547**	**0.1281**	**2.0828**		**9,014.8366**	**9,014.8366**	**0.1765**	**0.6299**	**9,206.9456**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7921	29.7134	17.6504	0.0429		1.2724	1.2724		1.1875	1.1875	0.0000	4,104.1775	4,104.1775	1.1132		4,132.0074
Total	**2.7921**	**29.7134**	**17.6504**	**0.0429**		**1.2724**	**1.2724**		**1.1875**	**1.1875**	**0.0000**	**4,104.1775**	**4,104.1775**	**1.1132**		**4,132.0074**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.2783	7.2309	2.5143	0.0311	1.0953	0.1043	1.1995	0.3154	0.0997	0.4151		3,299.3653	3,299.3653	0.0349	0.4893	3,446.0441
Worker	2.1793	1.4123	22.0457	0.0562	6.1812	0.0308	6.2121	1.6393	0.0284	1.6677		5,715.4713	5,715.4713	0.1416	0.1406	5,760.9016
Total	**2.4576**	**8.6432**	**24.5600**	**0.0873**	**7.2765**	**0.1351**	**7.4116**	**1.9547**	**0.1281**	**2.0828**		**9,014.8366**	**9,014.8366**	**0.1765**	**0.6299**	**9,206.9456**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.1028	11.1249	14.5805	0.0228		0.5679	0.5679		0.5225	0.5225		2,207.6603	2,207.6603	0.7140		2,225.5104
Paving	1.1970					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**2.2998**	**11.1249**	**14.5805**	**0.0228**		**0.5679**	**0.5679**		**0.5225**	**0.5225**		**2,207.6603**	**2,207.6603**	**0.7140**		**2,225.5104**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0591	0.0383	0.5980	1.5200e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		155.0309	155.0309	3.8400e-003	3.8100e-003	156.2632
Total	**0.0591**	**0.0383**	**0.5980**	**1.5200e-003**	**0.1677**	**8.4000e-004**	**0.1685**	**0.0445**	**7.7000e-004**	**0.0452**		**155.0309**	**155.0309**	**3.8400e-003**	**3.8100e-003**	**156.2632**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.1028	11.1249	14.5805	0.0228		0.5679	0.5679		0.5225	0.5225	0.0000	2,207.6603	2,207.6603	0.7140		2,225.5104
Paving	1.1970					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**2.2998**	**11.1249**	**14.5805**	**0.0228**		**0.5679**	**0.5679**		**0.5225**	**0.5225**	**0.0000**	**2,207.6603**	**2,207.6603**	**0.7140**		**2,225.5104**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0591	0.0383	0.5980	1.5200e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		155.0309	155.0309	3.8400e-003	3.8100e-003	156.2632
Total	**0.0591**	**0.0383**	**0.5980**	**1.5200e-003**	**0.1677**	**8.4000e-004**	**0.1685**	**0.0445**	**7.7000e-004**	**0.0452**		**155.0309**	**155.0309**	**3.8400e-003**	**3.8100e-003**	**156.2632**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	10.9767					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090		375.2641	375.2641	0.0244		375.8749
Total	**11.2494**	**1.8780**	**2.4181**	**3.9600e-003**		**0.1090**	**0.1090**		**0.1090**	**0.1090**		**375.2641**	**375.2641**	**0.0244**		**375.8749**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.4374	0.2835	4.4251	0.0113	1.2407	6.1800e-003	1.2469	0.3290	5.6900e-003	0.3347		1,147.2284	1,147.2284	0.0284	0.0282	1,156.3473
Total	**0.4374**	**0.2835**	**4.4251**	**0.0113**	**1.2407**	**6.1800e-003**	**1.2469**	**0.3290**	**5.6900e-003**	**0.3347**		**1,147.2284**	**1,147.2284**	**0.0284**	**0.0282**	**1,156.3473**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	10.9767					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090	0.0000	375.2641	375.2641	0.0244		375.8749
Total	**11.2494**	**1.8780**	**2.4181**	**3.9600e-003**		**0.1090**	**0.1090**		**0.1090**	**0.1090**	**0.0000**	**375.2641**	**375.2641**	**0.0244**		**375.8749**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.4374	0.2835	4.4251	0.0113	1.2407	6.1800e-003	1.2469	0.3290	5.6900e-003	0.3347		1,147.2284	1,147.2284	0.0284	0.0282	1,156.3473
Total	**0.4374**	**0.2835**	**4.4251**	**0.0113**	**1.2407**	**6.1800e-003**	**1.2469**	**0.3290**	**5.6900e-003**	**0.3347**		**1,147.2284**	**1,147.2284**	**0.0284**	**0.0282**	**1,156.3473**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	0.00	0.00	0.00		
Unrefrigerated Warehouse-No Rail	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Unrefrigerated Warehouse-No	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Parking Lot	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Refrigerated Warehouse-No Rail	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Unrefrigerated Warehouse-No Rail	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Unmitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Industrial Construction - Unmitigated)

Riverside-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Refrigerated Warehouse-No Rail	154.99	1000sqft	3.56	154,990.00	0
Unrefrigerated Warehouse-No Rail	464.97	1000sqft	10.67	464,969.00	0
Other Asphalt Surfaces	530.34	1000sqft	12.17	530,340.00	0
Parking Lot	555.00	Space	3.82	166,050.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use - Total Project Area (Industrial Uses) is 30.22 acres

Construction Phase - Construction anticpated to be completed in 2022

Off-road Equipment - Hours are based on an 8-hour workday

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Off-road Equipment -

Off-road Equipment - Crawler Tractors used in lieu of Tractors/Loaders/Backhoes

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Trips and VMT - Vendor Trips adjusted based on CalEEMod defaults for Building Construction and number of days for Site Preparation, Grading, and Building Construction

Grading - Analysis conservatively assumes that up to 10 acres can be disturbed per day

Architectural Coating - AQ-1: Use Low VOC Paint

Vehicle Trips - Construction run only

Energy Use - Construction run only

Water And Wastewater - Construction run only

Solid Waste - Construction run only

Construction Off-road Equipment Mitigation - Rule 403

Table Name	Column Name	Default Value	New Value
tblArchitecturalCoating	EF_Nonresidential_Exterior	100.00	10.00
tblArchitecturalCoating	EF_Nonresidential_Interior	100.00	10.00
tblConstructionPhase	NumDays	500.00	250.00
tblConstructionPhase	NumDays	35.00	70.00
tblConstructionPhase	PhaseEndDate	12/1/2023	12/16/2022
tblConstructionPhase	PhaseEndDate	3/8/2024	12/16/2022
tblConstructionPhase	PhaseEndDate	1/19/2024	12/16/2022
tblConstructionPhase	PhaseStartDate	1/20/2024	9/10/2022
tblConstructionPhase	PhaseStartDate	12/2/2023	10/29/2022
tblEnergyUse	LightingElect	0.35	0.00
tblEnergyUse	LightingElect	2.37	0.00
tblEnergyUse	LightingElect	1.17	0.00
tblEnergyUse	NT24E	36.52	0.00
tblEnergyUse	NT24E	0.82	0.00
tblEnergyUse	NT24NG	48.51	0.00
tblEnergyUse	NT24NG	0.03	0.00
tblEnergyUse	T24E	0.95	0.00
tblEnergyUse	T24E	0.33	0.00
tblEnergyUse	T24NG	3.22	0.00

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblEnergyUse	T24NG	1.98	0.00
tblGrading	AcresOfGrading	180.00	450.00
tblGrading	AcresOfGrading	70.00	200.00
tblLandUse	LandUseSquareFeet	222,000.00	166,050.00
tblLandUse	LotAcreage	4.99	3.82
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	LoadFactor	0.43	0.43
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentType		Crawler Tractors
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	4.00	0.00
tblOffRoadEquipment	UsageHours	6.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblOffRoadEquipment	UsageHours	7.00	8.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblSolidWaste	SolidWasteGenerationRate	145.69	0.00
tblSolidWaste	SolidWasteGenerationRate	437.07	0.00
tblTripsAndVMT	VendorTripNumber	0.00	14.00
tblTripsAndVMT	VendorTripNumber	0.00	31.00
tblTripsAndVMT	VendorTripNumber	216.00	171.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CC_TL	8.40	0.00
tblVehicleTrips	CNW_TL	6.90	0.00

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TL	6.90	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CNW_TTP	41.00	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TL	16.60	0.00
tblVehicleTrips	CW_TTP	59.00	0.00
tblVehicleTrips	CW_TTP	59.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	DV_TP	5.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PB_TP	3.00	0.00
tblVehicleTrips	PR_TP	92.00	0.00
tblVehicleTrips	PR_TP	92.00	0.00
tblVehicleTrips	ST_TR	2.12	0.00
tblVehicleTrips	ST_TR	1.74	0.00
tblVehicleTrips	SU_TR	2.12	0.00
tblVehicleTrips	SU_TR	1.74	0.00
tblVehicleTrips	WD_TR	2.12	0.00
tblVehicleTrips	WD_TR	1.74	0.00
tblWater	IndoorWaterUseRate	35,841,437.50	0.00
tblWater	IndoorWaterUseRate	107,524,312.50	0.00

2.0 Emissions Summary

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	5.4390	61.5208	32.4562	0.0792	28.9621	2.6591	31.6212	11.1550	2.4469	13.6018	0.0000	7,727.7246	7,727.7246	2.2512	0.0970	7,812.9001
2022	19.1073	52.1341	59.1973	0.1633	8.6849	2.0916	10.7765	2.3282	1.9537	4.2819	0.0000	16,346.6857	16,346.6857	2.0586	0.6669	16,596.8870
Maximum	**19.1073**	**61.5208**	**59.1973**	**0.1633**	**28.9621**	**2.6591**	**31.6212**	**11.1550**	**2.4469**	**13.6018**	**0.0000**	**16,346.6857**	**16,346.6857**	**2.2512**	**0.6669**	**16,596.8870**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	5.4390	61.5208	32.4562	0.0792	11.4727	2.6591	14.1317	4.3987	2.4469	6.8456	0.0000	7,727.7246	7,727.7246	2.2512	0.0970	7,812.9001
2022	19.1073	52.1341	59.1973	0.1633	8.6849	2.0916	10.7765	2.3282	1.9537	4.2819	0.0000	16,346.6857	16,346.6857	2.0586	0.6669	16,596.8870
Maximum	**19.1073**	**61.5208**	**59.1973**	**0.1633**	**11.4727**	**2.6591**	**14.1317**	**4.3987**	**2.4469**	**6.8456**	**0.0000**	**16,346.6857**	**16,346.6857**	**2.2512**	**0.6669**	**16,596.8870**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	46.46	0.00	41.25	50.11	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**	**0.0000**	**6.2000e-004**	**6.2000e-004**	**0.0000**	**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**	**0.0000**	**0.3978**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Mobile	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**	**0.0000**	**6.2000e-004**	**6.2000e-004**	**0.0000**	**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**	**0.0000**	**0.3978**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Site Preparation	Site Preparation	10/4/2021	10/29/2021	5	20	
2	Grading	Grading	10/30/2021	12/31/2021	5	45	
3	Building Construction	Building Construction	1/1/2022	12/16/2022	5	250	
4	Paving	Paving	10/29/2022	12/16/2022	5	35	
5	Architectural Coating	Architectural Coating	9/10/2022	12/16/2022	5	70	

Acres of Grading (Site Preparation Phase): 200

Acres of Grading (Grading Phase): 450

Acres of Paving: 15.99

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 929,939; Non-Residential Outdoor: 309,980; Striped Parking Area: 41,783 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Site Preparation	Crawler Tractors	4	8.00	212	0.43
Site Preparation	Rubber Tired Dozers	3	8.00	247	0.40
Site Preparation	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Grading	Crawler Tractors	2	8.00	212	0.43
Grading	Excavators	2	8.00	158	0.38
Grading	Graders	1	8.00	187	0.41

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Grading	Rubber Tired Dozers	1	8.00	247	0.40
Grading	Scrapers	2	8.00	367	0.48
Grading	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Cranes	1	8.00	231	0.29
Building Construction	Crawler Tractors	3	8.00	212	0.43
Building Construction	Forklifts	3	8.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	0	8.00	97	0.37
Building Construction	Welders	1	8.00	46	0.45
Architectural Coating	Air Compressors	1	8.00	78	0.48
Paving	Pavers	2	8.00	130	0.42
Paving	Paving Equipment	2	8.00	132	0.36
Paving	Rollers	2	8.00	80	0.38

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Site Preparation	7	18.00	14.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Grading	8	20.00	31.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	9	553.00	171.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	111.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT
Paving	6	15.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Water Exposed Area

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					28.6713	0.0000	28.6713	11.0758	0.0000	11.0758			0.0000			0.0000
Off-Road	5.3366	60.7083	21.8265	0.0569		2.6431	2.6431		2.4316	2.4316		5,515.0170	5,515.0170	1.7837		5,559.6087
Total	**5.3366**	**60.7083**	**21.8265**	**0.0569**	**28.6713**	**2.6431**	**31.3143**	**11.0758**	**2.4316**	**13.5074**		**5,515.0170**	**5,515.0170**	**1.7837**		**5,559.6087**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0309	0.7582	0.2424	2.6200e-003	0.0897	0.0149	0.1046	0.0258	0.0143	0.0401		277.1080	277.1080	3.1300e-003	0.0412	289.4733
Worker	0.0715	0.0542	0.6344	1.7100e-003	0.2012	1.0700e-003	0.2023	0.0534	9.8000e-004	0.0543		173.1643	173.1643	5.0900e-003	5.1000e-003	174.8110
Total	**0.1023**	**0.8124**	**0.8768**	**4.3300e-003**	**0.2909**	**0.0160**	**0.3069**	**0.0792**	**0.0153**	**0.0945**		**450.2723**	**450.2723**	**8.2200e-003**	**0.0463**	**464.2843**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Site Preparation - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					11.1818	0.0000	11.1818	4.3196	0.0000	4.3196			0.0000			0.0000
Off-Road	5.3366	60.7083	21.8265	0.0569		2.6431	2.6431		2.4316	2.4316	0.0000	5,515.0170	5,515.0170	1.7837		5,559.6087
Total	**5.3366**	**60.7083**	**21.8265**	**0.0569**	**11.1818**	**2.6431**	**13.8249**	**4.3196**	**2.4316**	**6.7512**	**0.0000**	**5,515.0170**	**5,515.0170**	**1.7837**		**5,559.6087**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0309	0.7582	0.2424	2.6200e-003	0.0897	0.0149	0.1046	0.0258	0.0143	0.0401		277.1080	277.1080	3.1300e-003	0.0412	289.4733
Worker	0.0715	0.0542	0.6344	1.7100e-003	0.2012	1.0700e-003	0.2023	0.0534	9.8000e-004	0.0543		173.1643	173.1643	5.0900e-003	5.1000e-003	174.8110
Total	**0.1023**	**0.8124**	**0.8768**	**4.3300e-003**	**0.2909**	**0.0160**	**0.3069**	**0.0792**	**0.0153**	**0.0945**		**450.2723**	**450.2723**	**8.2200e-003**	**0.0463**	**464.2843**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					16.6271	0.0000	16.6271	4.4553	0.0000	4.4553			0.0000			0.0000
Off-Road	4.9154	56.5054	31.2146	0.0715		2.2846	2.2846		2.1019	2.1019		6,921.7235	6,921.7235	2.2386		6,977.6891
Total	**4.9154**	**56.5054**	**31.2146**	**0.0715**	**16.6271**	**2.2846**	**18.9117**	**4.4553**	**2.1019**	**6.5572**		**6,921.7235**	**6,921.7235**	**2.2386**		**6,977.6891**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0683	1.6789	0.5368	5.7900e-003	0.1986	0.0331	0.2316	0.0572	0.0316	0.0888		613.5964	613.5964	6.9200e-003	0.0913	640.9765
Worker	0.0794	0.0603	0.7049	1.9000e-003	0.2236	1.1900e-003	0.2247	0.0593	1.0900e-003	0.0604		192.4047	192.4047	5.6600e-003	5.6700e-003	194.2345
Total	**0.1477**	**1.7391**	**1.2417**	**7.6900e-003**	**0.4221**	**0.0343**	**0.4564**	**0.1165**	**0.0327**	**0.1492**		**806.0011**	**806.0011**	**0.0126**	**0.0970**	**835.2110**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.3 Grading - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					6.4846	0.0000	6.4846	1.7376	0.0000	1.7376			0.0000			0.0000
Off-Road	4.9154	56.5054	31.2146	0.0715		2.2846	2.2846		2.1019	2.1019	0.0000	6,921.7235	6,921.7235	2.2386		6,977.6891
Total	**4.9154**	**56.5054**	**31.2146**	**0.0715**	**6.4846**	**2.2846**	**8.7692**	**1.7376**	**2.1019**	**3.8394**	**0.0000**	**6,921.7235**	**6,921.7235**	**2.2386**		**6,977.6891**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0683	1.6789	0.5368	5.7900e-003	0.1986	0.0331	0.2316	0.0572	0.0316	0.0888		613.5964	613.5964	6.9200e-003	0.0913	640.9765
Worker	0.0794	0.0603	0.7049	1.9000e-003	0.2236	1.1900e-003	0.2247	0.0593	1.0900e-003	0.0604		192.4047	192.4047	5.6600e-003	5.6700e-003	194.2345
Total	**0.1477**	**1.7391**	**1.2417**	**7.6900e-003**	**0.4221**	**0.0343**	**0.4564**	**0.1165**	**0.0327**	**0.1492**		**806.0011**	**806.0011**	**0.0126**	**0.0970**	**835.2110**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7921	29.7134	17.6504	0.0429		1.2724	1.2724		1.1875	1.1875		4,104.1775	4,104.1775	1.1132		4,132.0074
Total	**2.7921**	**29.7134**	**17.6504**	**0.0429**		**1.2724**	**1.2724**		**1.1875**	**1.1875**		**4,104.1775**	**4,104.1775**	**1.1132**		**4,132.0074**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.2663	7.6179	2.6108	0.0312	1.0953	0.1045	1.1998	0.3154	0.1000	0.4154		3,302.9636	3,302.9636	0.0344	0.4902	3,449.9026
Worker	2.0358	1.4660	17.8666	0.0509	6.1812	0.0308	6.2121	1.6393	0.0284	1.6677		5,177.0412	5,177.0412	0.1406	0.1439	5,223.4407
Total	**2.3022**	**9.0839**	**20.4774**	**0.0821**	**7.2765**	**0.1353**	**7.4119**	**1.9547**	**0.1284**	**2.0830**		**8,480.0049**	**8,480.0049**	**0.1750**	**0.6341**	**8,673.3433**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.4 Building Construction - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.7921	29.7134	17.6504	0.0429		1.2724	1.2724		1.1875	1.1875	0.0000	4,104.1775	4,104.1775	1.1132		4,132.0074
Total	**2.7921**	**29.7134**	**17.6504**	**0.0429**		**1.2724**	**1.2724**		**1.1875**	**1.1875**	**0.0000**	**4,104.1775**	**4,104.1775**	**1.1132**		**4,132.0074**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.2663	7.6179	2.6108	0.0312	1.0953	0.1045	1.1998	0.3154	0.1000	0.4154		3,302.9636	3,302.9636	0.0344	0.4902	3,449.9026
Worker	2.0358	1.4660	17.8666	0.0509	6.1812	0.0308	6.2121	1.6393	0.0284	1.6677		5,177.0412	5,177.0412	0.1406	0.1439	5,223.4407
Total	**2.3022**	**9.0839**	**20.4774**	**0.0821**	**7.2765**	**0.1353**	**7.4119**	**1.9547**	**0.1284**	**2.0830**		**8,480.0049**	**8,480.0049**	**0.1750**	**0.6341**	**8,673.3433**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.1028	11.1249	14.5805	0.0228		0.5679	0.5679		0.5225	0.5225		2,207.6603	2,207.6603	0.7140		2,225.5104
Paving	1.1970					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**2.2998**	**11.1249**	**14.5805**	**0.0228**		**0.5679**	**0.5679**		**0.5225**	**0.5225**		**2,207.6603**	**2,207.6603**	**0.7140**		**2,225.5104**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0552	0.0398	0.4846	1.3800e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		140.4261	140.4261	3.8100e-003	3.9000e-003	141.6847
Total	**0.0552**	**0.0398**	**0.4846**	**1.3800e-003**	**0.1677**	**8.4000e-004**	**0.1685**	**0.0445**	**7.7000e-004**	**0.0452**		**140.4261**	**140.4261**	**3.8100e-003**	**3.9000e-003**	**141.6847**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.5 Paving - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	1.1028	11.1249	14.5805	0.0228		0.5679	0.5679		0.5225	0.5225	0.0000	2,207.6603	2,207.6603	0.7140		2,225.5104
Paving	1.1970					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Total	**2.2998**	**11.1249**	**14.5805**	**0.0228**		**0.5679**	**0.5679**		**0.5225**	**0.5225**	**0.0000**	**2,207.6603**	**2,207.6603**	**0.7140**		**2,225.5104**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0552	0.0398	0.4846	1.3800e-003	0.1677	8.4000e-004	0.1685	0.0445	7.7000e-004	0.0452		140.4261	140.4261	3.8100e-003	3.9000e-003	141.6847
Total	**0.0552**	**0.0398**	**0.4846**	**1.3800e-003**	**0.1677**	**8.4000e-004**	**0.1685**	**0.0445**	**7.7000e-004**	**0.0452**		**140.4261**	**140.4261**	**3.8100e-003**	**3.9000e-003**	**141.6847**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	10.9767					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090		375.2641	375.2641	0.0244		375.8749
Total	**11.2494**	**1.8780**	**2.4181**	**3.9600e-003**		**0.1090**	**0.1090**		**0.1090**	**0.1090**		**375.2641**	**375.2641**	**0.0244**		**375.8749**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.4086	0.2943	3.5862	0.0102	1.2407	6.1800e-003	1.2469	0.3290	5.6900e-003	0.3347		1,039.1529	1,039.1529	0.0282	0.0289	1,048.4664
Total	**0.4086**	**0.2943**	**3.5862**	**0.0102**	**1.2407**	**6.1800e-003**	**1.2469**	**0.3290**	**5.6900e-003**	**0.3347**		**1,039.1529**	**1,039.1529**	**0.0282**	**0.0289**	**1,048.4664**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.6 Architectural Coating - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	10.9767					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Off-Road	0.2727	1.8780	2.4181	3.9600e-003		0.1090	0.1090		0.1090	0.1090	0.0000	375.2641	375.2641	0.0244		375.8749
Total	**11.2494**	**1.8780**	**2.4181**	**3.9600e-003**		**0.1090**	**0.1090**		**0.1090**	**0.1090**	**0.0000**	**375.2641**	**375.2641**	**0.0244**		**375.8749**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.4086	0.2943	3.5862	0.0102	1.2407	6.1800e-003	1.2469	0.3290	5.6900e-003	0.3347		1,039.1529	1,039.1529	0.0282	0.0289	1,048.4664
Total	**0.4086**	**0.2943**	**3.5862**	**0.0102**	**1.2407**	**6.1800e-003**	**1.2469**	**0.3290**	**5.6900e-003**	**0.3347**		**1,039.1529**	**1,039.1529**	**0.0282**	**0.0289**	**1,048.4664**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unmitigated	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	0.00	0.00	0.00		
Unrefrigerated Warehouse-No Rail	0.00	0.00	0.00		
Total	0.00	0.00	0.00		

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Parking Lot	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Unrefrigerated Warehouse-No	0.00	0.00	0.00	0.00	0.00	0.00	0	0	0

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Parking Lot	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Refrigerated Warehouse-No Rail	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Unrefrigerated Warehouse-No Rail	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
NaturalGas Unmitigated	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Unrefrigerated Warehouse-No Rail	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Total		**0.0000**	**0.0000**	**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**		**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Industrial Construction - Unmitigated) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Unmitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Commercial Operations)

Riverside-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Asphalt Surfaces	214.07	1000sqft	4.91	214,073.00	0
Parking Lot	289.00	Space	1.14	49,419.00	0
Fast Food Restaurant w/o Drive Thru	16.20	1000sqft	0.37	16,200.00	0
Fast Food Restaurant with Drive Thru	1.60	1000sqft	0.04	1,600.00	0
Regional Shopping Center	16.20	1000sqft	0.37	16,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2023
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	340.53	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2023

Land Use - Total Project Area (Commercial Uses) is 6.83 acres

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip characteristics based on information provided in the Traffic analysis

Fleet Mix - Fleet Mix adjusted based on the CalEEMod default fleet mix and the ratio fo vehicle classes (LDA, LDT1, LDT2, MDV, LHDT1, LHDT2, MHDT, and HHDT)

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	0.00
tblFleetMix	HHD	0.02	0.02
tblFleetMix	HHD	0.02	0.02
tblFleetMix	HHD	0.02	0.02
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MH	5.4680e-003	0.00
tblFleetMix	MH	5.4680e-003	0.00
tblFleetMix	MH	5.4680e-003	0.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblFleetMix	MHD	0.01	0.01
tblFleetMix	MHD	0.01	0.01
tblFleetMix	MHD	0.01	0.01
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblLandUse	LandUseSquareFeet	115,600.00	49,419.00
tblLandUse	LotAcreage	2.60	1.14
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	340.53
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	12.00	50.00
tblVehicleTrips	PB_TP	50.00	89.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	51.00	50.00
tblVehicleTrips	PR_TP	29.00	11.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	696.00	642.03

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	ST_TR	616.12	943.57
tblVehicleTrips	ST_TR	46.12	31.67
tblVehicleTrips	SU_TR	500.00	461.23
tblVehicleTrips	SU_TR	472.58	723.75
tblVehicleTrips	SU_TR	21.10	14.49
tblVehicleTrips	WD_TR	346.23	319.38
tblVehicleTrips	WD_TR	470.95	721.25
tblVehicleTrips	WD_TR	37.75	25.93

2.0 Emissions Summary

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2022	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

		Highest		

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Energy	0.0264	0.2397	0.2013	1.4400e-003		0.0182	0.0182		0.0182	0.0182	0.0000	420.8576	420.8576	0.0191	6.6600e-003	423.3202
Mobile	1.8651	3.0076	15.7488	0.0408	4.0977	0.0330	4.1306	1.0935	0.0308	1.1243	0.0000	3,810.1476	3,810.1476	0.1827	0.2172	3,879.4258
Waste						0.0000	0.0000		0.0000	0.0000	45.0741	0.0000	45.0741	2.6638	0.0000	111.6693
Water						0.0000	0.0000		0.0000	0.0000	2.0948	15.1339	17.2287	0.2165	5.2600e-003	24.2078
Total	**2.0514**	**3.2473**	**15.9569**	**0.0423**	**4.0977**	**0.0512**	**4.1488**	**1.0935**	**0.0490**	**1.1425**	**47.1689**	**4,246.1525**	**4,293.3214**	**3.0821**	**0.2291**	**4,438.6373**

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Energy	0.0264	0.2397	0.2013	1.4400e-003		0.0182	0.0182		0.0182	0.0182	0.0000	420.8576	420.8576	0.0191	6.6600e-003	423.3202
Mobile	1.8651	3.0076	15.7488	0.0408	4.0977	0.0330	4.1306	1.0935	0.0308	1.1243	0.0000	3,810.1476	3,810.1476	0.1827	0.2172	3,879.4258
Waste						0.0000	0.0000		0.0000	0.0000	45.0741	0.0000	45.0741	2.6638	0.0000	111.6693
Water						0.0000	0.0000		0.0000	0.0000	2.0948	15.1339	17.2287	0.2165	5.2600e-003	24.2078
Total	**2.0514**	**3.2473**	**15.9569**	**0.0423**	**4.0977**	**0.0512**	**4.1488**	**1.0935**	**0.0490**	**1.1425**	**47.1689**	**4,246.1525**	**4,293.3214**	**3.0821**	**0.2291**	**4,438.6373**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	12/17/2022	12/16/2022	5	0	

Acres of Grading (Site Preparation Phase): 0

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Grading (Grading Phase): 0

Acres of Paving: 6.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	1.8651	3.0076	15.7488	0.0408	4.0977	0.0330	4.1306	1.0935	0.0308	1.1243	0.0000	3,810.1476	3,810.1476	0.1827	0.2172	3,879.4258
Unmitigated	1.8651	3.0076	15.7488	0.0408	4.0977	0.0330	4.1306	1.0935	0.0308	1.1243	0.0000	3,810.1476	3,810.1476	0.1827	0.2172	3,879.4258

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Fast Food Restaurant w/o Drive Thru	5,174.00	10,400.90	7471.91	9,482,916	9,482,916
Fast Food Restaurant with Drive Thru	1,154.00	1,509.72	1157.99	439,417	439,417
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	420.00	513.12	234.75	928,826	928,826
Total	6,748.00	12,423.74	8,864.66	10,851,159	10,851,159

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Fast Food Restaurant w/o Drive	16.60	8.40	6.90	1.50	79.50	19.00	50	0	50
Fast Food Restaurant with Drive	16.60	8.40	6.90	2.20	78.80	19.00	11	0	89
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant w/o Drive Thru	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000
Fast Food Restaurant with Drive Thru	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000
Other Asphalt Surfaces	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Parking Lot	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Regional Shopping Center	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	159.9626	159.9626	0.0141	1.8800e-003	160.8749
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	159.9626	159.9626	0.0141	1.8800e-003	160.8749
NaturalGas Mitigated	0.0264	0.2397	0.2013	1.4400e-003		0.0182	0.0182		0.0182	0.0182	0.0000	260.8950	260.8950	5.0000e-003	4.7800e-003	262.4454
NaturalGas Unmitigated	0.0264	0.2397	0.2013	1.4400e-003		0.0182	0.0182		0.0182	0.0182	0.0000	260.8950	260.8950	5.0000e-003	4.7800e-003	262.4454

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Fast Food Restaurant w/o Drive Thru	4.41709e+006	0.0238	0.2165	0.1819	1.3000e-003		0.0165	0.0165		0.0165	0.0165	0.0000	235.7129	235.7129	4.5200e-003	4.3200e-003	237.1136
Fast Food Restaurant with Drive Thru	436256	2.3500e-003	0.0214	0.0180	1.3000e-004		1.6300e-003	1.6300e-003		1.6300e-003	1.6300e-003	0.0000	23.2803	23.2803	4.5000e-004	4.3000e-004	23.4186
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	35640	1.9000e-004	1.7500e-003	1.4700e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.3000e-004	1.3000e-004	0.0000	1.9019	1.9019	4.0000e-005	3.0000e-005	1.9132
Total		**0.0264**	**0.2397**	**0.2013**	**1.4400e-003**		**0.0182**	**0.0182**		**0.0182**	**0.0182**	**0.0000**	**260.8950**	**260.8950**	**5.0100e-003**	**4.7800e-003**	**262.4454**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Fast Food Restaurant w/o Drive Thru	4.41709e+006	0.0238	0.2165	0.1819	1.3000e-003		0.0165	0.0165		0.0165	0.0165	0.0000	235.7129	235.7129	4.5200e-003	4.3200e-003	237.1136
Fast Food Restaurant with Drive Thru	436256	2.3500e-003	0.0214	0.0180	1.3000e-004		1.6300e-003	1.6300e-003		1.6300e-003	1.6300e-003	0.0000	23.2803	23.2803	4.5000e-004	4.3000e-004	23.4186
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	35640	1.9000e-004	1.7500e-003	1.4700e-003	1.0000e-005		1.3000e-004	1.3000e-004		1.3000e-004	1.3000e-004	0.0000	1.9019	1.9019	4.0000e-005	3.0000e-005	1.9132
Total		**0.0264**	**0.2397**	**0.2013**	**1.4400e-003**		**0.0182**	**0.0182**		**0.0182**	**0.0182**	**0.0000**	**260.8950**	**260.8950**	**5.0100e-003**	**4.7800e-003**	**262.4454**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Fast Food Restaurant w/o Drive Thru	747792	115.5053	0.0102	1.3600e-003	116.1640
Fast Food Restaurant with Drive Thru	73856	11.4079	1.0100e-003	1.3000e-004	11.4730
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	17296.6	2.6717	2.4000e-004	3.0000e-005	2.6869
Regional Shopping Center	196668	30.3777	2.6800e-003	3.6000e-004	30.5509
Total		**159.9626**	**0.0141**	**1.8800e-003**	**160.8749**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Fast Food Restaurant w/o Drive Thru	747792	115.5053	0.0102	1.3600e-003	116.1640
Fast Food Restaurant with Drive Thru	73856	11.4079	1.0100e-003	1.3000e-004	11.4730
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	17296.6	2.6717	2.4000e-004	3.0000e-005	2.6869
Regional Shopping Center	196668	30.3777	2.6800e-003	3.6000e-004	30.5509
Total		**159.9626**	**0.0141**	**1.8800e-003**	**160.8749**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Unmitigated	0.1600	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0194					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1399					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	6.3000e-004	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Total	**0.1599**	**6.0000e-005**	**6.8500e-003**	**0.0000**		**2.0000e-005**	**2.0000e-005**		**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0133**	**0.0133**	**3.0000e-005**	**0.0000**	**0.0142**

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.0194					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	0.1399					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	6.3000e-004	6.0000e-005	6.8500e-003	0.0000		2.0000e-005	2.0000e-005		2.0000e-005	2.0000e-005	0.0000	0.0133	0.0133	3.0000e-005	0.0000	0.0142
Total	**0.1599**	**6.0000e-005**	**6.8500e-003**	**0.0000**		**2.0000e-005**	**2.0000e-005**		**2.0000e-005**	**2.0000e-005**	**0.0000**	**0.0133**	**0.0133**	**3.0000e-005**	**0.0000**	**0.0142**

7.0 Water Detail

7.1 Mitigation Measures Water

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	17.2287	0.2165	5.2600e-003	24.2078
Unmitigated	17.2287	0.2165	5.2600e-003	24.2078

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Fast Food Restaurant w/o Drive Thru	4.91725 / 0.313867	11.9884	0.1612	3.9100e-003	17.1811
Fast Food Restaurant with Drive Thru	0.485654 / 0.0309992	1.1840	0.0159	3.9000e-004	1.6969
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	1.19997 / 0.735468	4.0563	0.0394	9.7000e-004	5.3299
Total		**17.2287**	**0.2165**	**5.2700e-003**	**24.2078**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Fast Food Restaurant w/o Drive Thru	4.91725 / 0.313867	11.9884	0.1612	3.9100e-003	17.1811
Fast Food Restaurant with Drive Thru	0.485654 / 0.0309992	1.1840	0.0159	3.9000e-004	1.6969
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	1.19997 / 0.735468	4.0563	0.0394	9.7000e-004	5.3299
Total		**17.2287**	**0.2165**	**5.2700e-003**	**24.2078**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Banning Point (Commercial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	45.0741	2.6638	0.0000	111.6693
Unmitigated	45.0741	2.6638	0.0000	111.6693

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Fast Food Restaurant w/o Drive Thru	186.61	37.8801	2.2387	0.0000	93.8465
Fast Food Restaurant with Drive Thru	18.43	3.7411	0.2211	0.0000	9.2685
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	17.01	3.4529	0.2041	0.0000	8.5544
Total		**45.0741**	**2.6638**	**0.0000**	**111.6693**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Fast Food Restaurant w/o Drive Thru	186.61	37.8801	2.2387	0.0000	93.8465
Fast Food Restaurant with Drive Thru	18.43	3.7411	0.2211	0.0000	9.2685
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	17.01	3.4529	0.2041	0.0000	8.5544
Total		**45.0741**	**2.6638**	**0.0000**	**111.6693**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Commercial Operations)

Riverside-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Asphalt Surfaces	214.07	1000sqft	4.91	214,073.00	0
Parking Lot	289.00	Space	1.14	49,419.00	0
Fast Food Restaurant w/o Drive Thru	16.20	1000sqft	0.37	16,200.00	0
Fast Food Restaurant with Drive Thru	1.60	1000sqft	0.04	1,600.00	0
Regional Shopping Center	16.20	1000sqft	0.37	16,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2023
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	340.53	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2023

Land Use - Total Project Area (Commercial Uses) is 6.83 acres

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip characteristics based on information provided in the Traffic analysis

Fleet Mix - Fleet Mix adjusted based on the CalEEMod default fleet mix and the ratio fo vehicle classes (LDA, LDT1, LDT2, MDV, LHDT1, LHDT2, MHDT, and HHDT)

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	0.00
tblFleetMix	HHD	0.02	0.02
tblFleetMix	HHD	0.02	0.02
tblFleetMix	HHD	0.02	0.02
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MH	5.4680e-003	0.00
tblFleetMix	MH	5.4680e-003	0.00
tblFleetMix	MH	5.4680e-003	0.00

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblFleetMix	MHD	0.01	0.01
tblFleetMix	MHD	0.01	0.01
tblFleetMix	MHD	0.01	0.01
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblLandUse	LandUseSquareFeet	115,600.00	49,419.00
tblLandUse	LotAcreage	2.60	1.14
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	340.53
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	12.00	50.00
tblVehicleTrips	PB_TP	50.00	89.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	51.00	50.00
tblVehicleTrips	PR_TP	29.00	11.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	696.00	642.03

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	ST_TR	616.12	943.57
tblVehicleTrips	ST_TR	46.12	31.67
tblVehicleTrips	SU_TR	500.00	461.23
tblVehicleTrips	SU_TR	472.58	723.75
tblVehicleTrips	SU_TR	21.10	14.49
tblVehicleTrips	WD_TR	346.23	319.38
tblVehicleTrips	WD_TR	470.95	721.25
tblVehicleTrips	WD_TR	37.75	25.93

2.0 Emissions Summary

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864
Mobile	19.6669	25.1579	147.5758	0.3835	36.9308	0.2913	37.2221	9.8422	0.2720	10.1142		39,426.7574	39,426.7574	1.6301	2.0635	40,082.4283
Total	**20.6894**	**26.4716**	**148.7338**	**0.3914**	**36.9308**	**0.3913**	**37.3221**	**9.8422**	**0.3720**	**10.2142**		**41,002.6970**	**41,002.6970**	**1.6606**	**2.0924**	**41,667.7399**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864
Mobile	19.6669	25.1579	147.5758	0.3835	36.9308	0.2913	37.2221	9.8422	0.2720	10.1142		39,426.7574	39,426.7574	1.6301	2.0635	40,082.4283
Total	**20.6894**	**26.4716**	**148.7338**	**0.3914**	**36.9308**	**0.3913**	**37.3221**	**9.8422**	**0.3720**	**10.2142**		**41,002.6970**	**41,002.6970**	**1.6606**	**2.0924**	**41,667.7399**

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	12/17/2022	12/16/2022	5	0	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 6.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	19.6669	25.1579	147.5758	0.3835	36.9308	0.2913	37.2221	9.8422	0.2720	10.1142		39,426.7574	39,426.7574	1.6301	2.0635	40,082.4283
Unmitigated	19.6669	25.1579	147.5758	0.3835	36.9308	0.2913	37.2221	9.8422	0.2720	10.1142		39,426.7574	39,426.7574	1.6301	2.0635	40,082.4283

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Fast Food Restaurant w/o Drive Thru	5,174.00	10,400.90	7471.91	9,482,916	9,482,916
Fast Food Restaurant with Drive Thru	1,154.00	1,509.72	1157.99	439,417	439,417
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	420.00	513.12	234.75	928,826	928,826
Total	6,748.00	12,423.74	8,864.66	10,851,159	10,851,159

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Fast Food Restaurant w/o Drive	16.60	8.40	6.90	1.50	79.50	19.00	50	0	50
Fast Food Restaurant with Drive	16.60	8.40	6.90	2.20	78.80	19.00	11	0	89
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant w/o Drive Thru	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000
Fast Food Restaurant with Drive Thru	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000
Other Asphalt Surfaces	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Parking Lot	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Regional Shopping Center	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864
NaturalGas Unmitigated	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	12101.6	0.1305	1.1864	0.9966	7.1200e-003		0.0902	0.0902		0.0902	0.0902		1,423.7202	1,423.7202	0.0273	0.0261	1,432.1807
Fast Food Restaurant with Drive Thru	1195.22	0.0129	0.1172	0.0984	7.0000e-004		8.9100e-003	8.9100e-003		8.9100e-003	8.9100e-003		140.6143	140.6143	2.7000e-003	2.5800e-003	141.4499
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	97.6438	1.0500e-003	9.5700e-003	8.0400e-003	6.0000e-005		7.3000e-004	7.3000e-004		7.3000e-004	7.3000e-004		11.4875	11.4875	2.2000e-004	2.1000e-004	11.5558
Total		**0.1445**	**1.3132**	**1.1031**	**7.8800e-003**		**0.0998**	**0.0998**		**0.0998**	**0.0998**		**1,575.8221**	**1,575.8221**	**0.0302**	**0.0289**	**1,585.1864**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	12.1016	0.1305	1.1864	0.9966	7.1200e-003		0.0902	0.0902		0.0902	0.0902		1,423.7202	1,423.7202	0.0273	0.0261	1,432.1807
Fast Food Restaurant with Drive Thru	1.19522	0.0129	0.1172	0.0984	7.0000e-004		8.9100e-003	8.9100e-003		8.9100e-003	8.9100e-003		140.6143	140.6143	2.7000e-003	2.5800e-003	141.4499
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0.0976438	1.0500e-003	9.5700e-003	8.0400e-003	6.0000e-005		7.3000e-004	7.3000e-004		7.3000e-004	7.3000e-004		11.4875	11.4875	2.2000e-004	2.1000e-004	11.5558
Total		**0.1445**	**1.3132**	**1.1031**	**7.8800e-003**		**0.0998**	**0.0998**		**0.0998**	**0.0998**		**1,575.8221**	**1,575.8221**	**0.0302**	**0.0289**	**1,585.1864**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Commercial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Unmitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Commercial Operations)

Riverside-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Other Asphalt Surfaces	214.07	1000sqft	4.91	214,073.00	0
Parking Lot	289.00	Space	1.14	49,419.00	0
Fast Food Restaurant w/o Drive Thru	16.20	1000sqft	0.37	16,200.00	0
Fast Food Restaurant with Drive Thru	1.60	1000sqft	0.04	1,600.00	0
Regional Shopping Center	16.20	1000sqft	0.37	16,200.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2023
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	340.53	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2023

Land Use - Total Project Area (Commercial Uses) is 6.83 acres

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip characteristics based on information provided in the Traffic analysis

Fleet Mix - Fleet Mix adjusted based on the CalEEMod default fleet mix and the ratio fo vehicle classes (LDA, LDT1, LDT2, MDV, LHDT1, LHDT2, MHDT, and HHDT)

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	20.00	0.00
tblFleetMix	HHD	0.02	0.02
tblFleetMix	HHD	0.02	0.02
tblFleetMix	HHD	0.02	0.02
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDA	0.53	0.55
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT1	0.06	0.06
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LDT2	0.17	0.18
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD1	0.03	0.03
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	LHD2	7.3100e-003	8.0000e-003
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MDV	0.14	0.15
tblFleetMix	MH	5.4680e-003	0.00
tblFleetMix	MH	5.4680e-003	0.00
tblFleetMix	MH	5.4680e-003	0.00

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblFleetMix	MHD	0.01	0.01
tblFleetMix	MHD	0.01	0.01
tblFleetMix	MHD	0.01	0.01
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	OBUS	6.1600e-004	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	SBUS	1.1000e-003	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblFleetMix	UBUS	3.1500e-004	0.00
tblLandUse	LandUseSquareFeet	115,600.00	49,419.00
tblLandUse	LotAcreage	2.60	1.14
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	340.53
tblVehicleTrips	DV_TP	37.00	0.00
tblVehicleTrips	DV_TP	21.00	0.00
tblVehicleTrips	DV_TP	35.00	0.00
tblVehicleTrips	PB_TP	12.00	50.00
tblVehicleTrips	PB_TP	50.00	89.00
tblVehicleTrips	PB_TP	11.00	34.00
tblVehicleTrips	PR_TP	51.00	50.00
tblVehicleTrips	PR_TP	29.00	11.00
tblVehicleTrips	PR_TP	54.00	66.00
tblVehicleTrips	ST_TR	696.00	642.03

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblVehicleTrips	ST_TR	616.12	943.57
tblVehicleTrips	ST_TR	46.12	31.67
tblVehicleTrips	SU_TR	500.00	461.23
tblVehicleTrips	SU_TR	472.58	723.75
tblVehicleTrips	SU_TR	21.10	14.49
tblVehicleTrips	WD_TR	346.23	319.38
tblVehicleTrips	WD_TR	470.95	721.25
tblVehicleTrips	WD_TR	37.75	25.93

2.0 Emissions Summary

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2022	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864
Mobile	15.9358	26.4422	135.1640	0.3559	36.9308	0.2917	37.2225	9.8422	0.2725	10.1147		36,602.7220	36,602.7220	1.7800	2.0996	37,272.8878
Total	**16.9583**	**27.7559**	**136.3219**	**0.3638**	**36.9308**	**0.3917**	**37.3225**	**9.8422**	**0.3725**	**10.2147**		**38,178.6616**	**38,178.6616**	**1.8105**	**2.1284**	**38,858.1994**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Energy	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864
Mobile	15.9358	26.4422	135.1640	0.3559	36.9308	0.2917	37.2225	9.8422	0.2725	10.1147		36,602.7220	36,602.7220	1.7800	2.0996	37,272.8878
Total	**16.9583**	**27.7559**	**136.3219**	**0.3638**	**36.9308**	**0.3917**	**37.3225**	**9.8422**	**0.3725**	**10.2147**		**38,178.6616**	**38,178.6616**	**1.8105**	**2.1284**	**38,858.1994**

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	12/17/2022	12/16/2022	5	0	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 6.05

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2022

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2022

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	15.9358	26.4422	135.1640	0.3559	36.9308	0.2917	37.2225	9.8422	0.2725	10.1147		36,602.7220	36,602.7220	1.7800	2.0996	37,272.8878
Unmitigated	15.9358	26.4422	135.1640	0.3559	36.9308	0.2917	37.2225	9.8422	0.2725	10.1147		36,602.7220	36,602.7220	1.7800	2.0996	37,272.8878

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Fast Food Restaurant w/o Drive Thru	5,174.00	10,400.90	7471.91	9,482,916	9,482,916
Fast Food Restaurant with Drive Thru	1,154.00	1,509.72	1157.99	439,417	439,417
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Regional Shopping Center	420.00	513.12	234.75	928,826	928,826
Total	6,748.00	12,423.74	8,864.66	10,851,159	10,851,159

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Fast Food Restaurant w/o Drive	16.60	8.40	6.90	1.50	79.50	19.00	50	0	50
Fast Food Restaurant with Drive	16.60	8.40	6.90	2.20	78.80	19.00	11	0	89
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Regional Shopping Center	16.60	8.40	6.90	16.30	64.70	19.00	66	0	34

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Fast Food Restaurant w/o Drive Thru	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000
Fast Food Restaurant with Drive Thru	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000
Other Asphalt Surfaces	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Parking Lot	0.534849	0.056022	0.172639	0.141007	0.026597	0.007310	0.011327	0.018693	0.000616	0.000315	0.024057	0.001100	0.005468
Regional Shopping Center	0.552000	0.058000	0.178000	0.146000	0.027000	0.008000	0.012000	0.019000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864
NaturalGas Unmitigated	0.1445	1.3132	1.1031	7.8800e-003		0.0998	0.0998		0.0998	0.0998		1,575.8221	1,575.8221	0.0302	0.0289	1,585.1864

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	12101.6	0.1305	1.1864	0.9966	7.1200e-003		0.0902	0.0902		0.0902	0.0902		1,423.7202	1,423.7202	0.0273	0.0261	1,432.1807
Fast Food Restaurant with Drive Thru	1195.22	0.0129	0.1172	0.0984	7.0000e-004		8.9100e-003	8.9100e-003		8.9100e-003	8.9100e-003		140.6143	140.6143	2.7000e-003	2.5800e-003	141.4499
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	97.6438	1.0500e-003	9.5700e-003	8.0400e-003	6.0000e-005		7.3000e-004	7.3000e-004		7.3000e-004	7.3000e-004		11.4875	11.4875	2.2000e-004	2.1000e-004	11.5558
Total		**0.1445**	**1.3132**	**1.1031**	**7.8800e-003**		**0.0998**	**0.0998**		**0.0998**	**0.0998**		**1,575.8221**	**1,575.8221**	**0.0302**	**0.0289**	**1,585.1864**

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Fast Food Restaurant w/o Drive Thru	12.1016	0.1305	1.1864	0.9966	7.1200e-003		0.0902	0.0902		0.0902	0.0902		1,423.7202	1,423.7202	0.0273	0.0261	1,432.1807
Fast Food Restaurant with Drive Thru	1.19522	0.0129	0.1172	0.0984	7.0000e-004		8.9100e-003	8.9100e-003		8.9100e-003	8.9100e-003		140.6143	140.6143	2.7000e-003	2.5800e-003	141.4499
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Regional Shopping Center	0.0976438	1.0500e-003	9.5700e-003	8.0400e-003	6.0000e-005		7.3000e-004	7.3000e-004		7.3000e-004	7.3000e-004		11.4875	11.4875	2.2000e-004	2.1000e-004	11.5558
Total		**0.1445**	**1.3132**	**1.1031**	**7.8800e-003**		**0.0998**	**0.0998**		**0.0998**	**0.0998**		**1,575.8221**	**1,575.8221**	**0.0302**	**0.0289**	**1,585.1864**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Unmitigated	0.8780	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

Banning Point (Commercial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.1064					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	0.7665					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	5.0800e-003	5.0000e-004	0.0548	0.0000		2.0000e-004	2.0000e-004		2.0000e-004	2.0000e-004		0.1175	0.1175	3.1000e-004		0.1253
Total	**0.8780**	**5.0000e-004**	**0.0548**	**0.0000**		**2.0000e-004**	**2.0000e-004**		**2.0000e-004**	**2.0000e-004**		**0.1175**	**0.1175**	**3.1000e-004**		**0.1253**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Industrial Operations)

Riverside-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Refrigerated Warehouse-No Rail	154.99	1000sqft	3.56	154,990.00	0
Unrefrigerated Warehouse-No Rail	464.97	1000sqft	10.67	464,969.00	0
Other Asphalt Surfaces	530.34	1000sqft	12.17	530,340.00	0
Parking Lot	555.00	Space	3.82	166,050.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use - Total Project Area (Industrial Uses) is 30.22 acres

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip Characteristics based on information provided in the Traffic analysis

Operational Off-Road Equipment - Based on SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Busniess Survey Results (2014)

Fleet Mix - Fleet Mix adjusted based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, LDHT1, LDHT2, and HHDT)

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	30.00	0.00
tblFleetMix	HHD	0.02	0.10
tblFleetMix	HHD	0.02	0.05
tblFleetMix	LDA	0.53	0.38
tblFleetMix	LDA	0.53	0.48
tblFleetMix	LDT1	0.06	0.04
tblFleetMix	LDT1	0.06	0.05
tblFleetMix	LDT2	0.17	0.12
tblFleetMix	LDT2	0.17	0.16
tblFleetMix	LHD1	0.03	0.15
tblFleetMix	LHD1	0.03	0.08
tblFleetMix	LHD2	7.4220e-003	0.04
tblFleetMix	LHD2	7.4220e-003	0.02
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.10
tblFleetMix	MDV	0.14	0.13
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MHD	0.01	0.06
tblFleetMix	MHD	0.01	0.03
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblLandUse	LandUseSquareFeet	222,000.00	166,050.00

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblLandUse	LotAcreage	4.99	3.82
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	365.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperHorsePower	97.00	200.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	4.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	2.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblVehicleTrips	ST_TR	2.12	0.17
tblVehicleTrips	ST_TR	1.74	0.17
tblVehicleTrips	SU_TR	2.12	0.07
tblVehicleTrips	SU_TR	1.74	0.07
tblVehicleTrips	WD_TR	2.12	2.01
tblVehicleTrips	WD_TR	1.74	2.02

2.0 Emissions Summary

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Quarter	Start Date	End Date	Maximum Unmitigated ROG + NOX (tons/quarter)	Maximum Mitigated ROG + NOX (tons/quarter)

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

		Highest		

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Energy	0.0483	0.4388	0.3686	2.6300e-003		0.0334	0.0334		0.0334	0.0334	0.0000	1,648.9492	1,648.9492	0.1087	0.0220	1,658.2287
Mobile	0.2928	2.2675	4.0148	0.0185	1.5176	0.0282	1.5458	0.4099	0.0268	0.4367	0.0000	1,735.4390	1,735.4390	0.0334	0.1259	1,773.7935
Offroad	0.0445	0.4627	0.2769	1.1600e-003		0.0160	0.0160		0.0147	0.0147	0.0000	101.5842	101.5842	0.0329	0.0000	102.4055
Waste						0.0000	0.0000		0.0000	0.0000	118.2950	0.0000	118.2950	6.9910	0.0000	293.0709
Water						0.0000	0.0000		0.0000	0.0000	45.4833	299.0300	344.5133	4.6970	0.1137	495.8183
Total	**2.9700**	**3.1692**	**4.6821**	**0.0223**	**1.5176**	**0.0776**	**1.5952**	**0.4099**	**0.0749**	**0.4848**	**163.7784**	**3,785.0446**	**3,948.8229**	**11.8631**	**0.2616**	**4,323.3620**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Energy	0.0483	0.4388	0.3686	2.6300e-003		0.0334	0.0334		0.0334	0.0334	0.0000	1,648.9492	1,648.9492	0.1087	0.0220	1,658.2287
Mobile	0.2928	2.2675	4.0148	0.0185	1.5176	0.0282	1.5458	0.4099	0.0268	0.4367	0.0000	1,735.4390	1,735.4390	0.0334	0.1259	1,773.7935
Offroad	0.0445	0.4627	0.2769	1.1600e-003		0.0160	0.0160		0.0147	0.0147	0.0000	101.5842	101.5842	0.0329	0.0000	102.4055
Waste						0.0000	0.0000		0.0000	0.0000	118.2950	0.0000	118.2950	6.9910	0.0000	293.0709
Water						0.0000	0.0000		0.0000	0.0000	45.4833	299.0300	344.5133	4.6970	0.1137	495.8183
Total	**2.9700**	**3.1692**	**4.6821**	**0.0223**	**1.5176**	**0.0776**	**1.5952**	**0.4099**	**0.0749**	**0.4848**	**163.7784**	**3,785.0446**	**3,948.8229**	**11.8631**	**0.2616**	**4,323.3620**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	10/4/2021	10/3/2021	5	0	

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Acres of Paving: 15.99

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.2928	2.2675	4.0148	0.0185	1.5176	0.0282	1.5458	0.4099	0.0268	0.4367	0.0000	1,735.4390	1,735.4390	0.0334	0.1259	1,773.7935
Unmitigated	0.2928	2.2675	4.0148	0.0185	1.5176	0.0282	1.5458	0.4099	0.0268	0.4367	0.0000	1,735.4390	1,735.4390	0.0334	0.1259	1,773.7935

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	311.99	26.89	10.76	978,136	978,136
Unrefrigerated Warehouse-No Rail	937.98	80.86	32.36	2,940,693	2,940,693
Total	1,249.98	107.75	43.12	3,918,830	3,918,830

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	92	5	3
Unrefrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	92	5	3

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

4.4 Fleet Mix

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Parking Lot	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Refrigerated Warehouse-No Rail	0.382000	0.040000	0.124000	0.103000	0.147000	0.040000	0.063000	0.101000	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.483000	0.051000	0.156000	0.131000	0.075000	0.020000	0.032000	0.052000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.0000	0.0000		0.0000	0.0000	0.0000	1,171.2246	1,171.2246	0.0995	0.0133	1,177.6652
Electricity Unmitigated						0.0000	0.0000		0.0000	0.0000	0.0000	1,171.2246	1,171.2246	0.0995	0.0133	1,177.6652
NaturalGas Mitigated	0.0483	0.4388	0.3686	2.6300e-003		0.0334	0.0334		0.0334	0.0334	0.0000	477.7246	477.7246	9.1600e-003	8.7600e-003	480.5635
NaturalGas Unmitigated	0.0483	0.4388	0.3686	2.6300e-003		0.0334	0.0334		0.0334	0.0334	0.0000	477.7246	477.7246	9.1600e-003	8.7600e-003	480.5635

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	8.01763e+006	0.0432	0.3930	0.3301	2.3600e-003		0.0299	0.0299		0.0299	0.0299	0.0000	427.8514	427.8514	8.2000e-003	7.8400e-003	430.3939
Unrefrigerated Warehouse-No Rail	934588	5.0400e-003	0.0458	0.0385	2.7000e-004		3.4800e-003	3.4800e-003		3.4800e-003	3.4800e-003	0.0000	49.8732	49.8732	9.6000e-004	9.1000e-004	50.1695
Total		**0.0483**	**0.4388**	**0.3686**	**2.6300e-003**		**0.0334**	**0.0334**		**0.0334**	**0.0334**	**0.0000**	**477.7246**	**477.7246**	**9.1600e-003**	**8.7500e-003**	**480.5635**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	tons/yr										MT/yr					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	8.01763e+006	0.0432	0.3930	0.3301	2.3600e-003		0.0299	0.0299		0.0299	0.0299	0.0000	427.8514	427.8514	8.2000e-003	7.8400e-003	430.3939
Unrefrigerated Warehouse-No Rail	934588	5.0400e-003	0.0458	0.0385	2.7000e-004		3.4800e-003	3.4800e-003		3.4800e-003	3.4800e-003	0.0000	49.8732	49.8732	9.6000e-004	9.1000e-004	50.1695
Total		**0.0483**	**0.4388**	**0.3686**	**2.6300e-003**		**0.0334**	**0.0334**		**0.0334**	**0.0334**	**0.0000**	**477.7246**	**477.7246**	**9.1600e-003**	**8.7500e-003**	**480.5635**

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	58117.5	9.3096	7.9000e-004	1.1000e-004	9.3608
Refrigerated Warehouse-No Rail	6.1748e+006	989.1177	0.0840	0.0112	994.5569
Unrefrigerated Warehouse-No Rail	1.07873e+006	172.7973	0.0147	1.9600e-003	173.7475
Total		**1,171.2246**	**0.0995**	**0.0133**	**1,177.6652**

5.3 Energy by Land Use - Electricity

Mitigated

	Electricity Use	Total CO2	CH4	N2O	CO2e
Land Use	kWh/yr	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	58117.5	9.3096	7.9000e-004	1.1000e-004	9.3608
Refrigerated Warehouse-No Rail	6.1748e+006	989.1177	0.0840	0.0112	994.5569
Unrefrigerated Warehouse-No Rail	1.07873e+006	172.7973	0.0147	1.9600e-003	173.7475
Total		**1,171.2246**	**0.0995**	**0.0133**	**1,177.6652**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Industrial Operations) - Riverside-South Coast County, Annual

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Unmitigated	2.5843	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.2970					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.2852					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.0300e-003	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Total	**2.5843**	**2.0000e-004**	**0.0218**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.0423**	**0.0423**	**1.1000e-004**	**0.0000**	**0.0451**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.2970					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products	2.2852					0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping	2.0300e-003	2.0000e-004	0.0218	0.0000		8.0000e-005	8.0000e-005		8.0000e-005	8.0000e-005	0.0000	0.0423	0.0423	1.1000e-004	0.0000	0.0451
Total	**2.5843**	**2.0000e-004**	**0.0218**	**0.0000**		**8.0000e-005**	**8.0000e-005**		**8.0000e-005**	**8.0000e-005**	**0.0000**	**0.0423**	**0.0423**	**1.1000e-004**	**0.0000**	**0.0451**

7.0 Water Detail

7.1 Mitigation Measures Water

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	Total CO2	CH4	N2O	CO2e
Category	MT/yr			
Mitigated	344.5133	4.6970	0.1137	495.8183
Unmitigated	344.5133	4.6970	0.1137	495.8183

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	35.8414 / 0	86.1283	1.1742	0.0284	123.9546
Unrefrigerated Warehouse-No Rail	107.524 / 0	258.3850	3.5227	0.0853	371.8637
Total		**344.5133**	**4.6970**	**0.1137**	**495.8183**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	MT/yr			
Other Asphalt Surfaces	0 / 0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0 / 0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	35.8414 / 0	86.1283	1.1742	0.0284	123.9546
Unrefrigerated Warehouse-No Rail	107.524 / 0	258.3850	3.5227	0.0853	371.8637
Total		**344.5133**	**4.6970**	**0.1137**	**495.8183**

8.0 Waste Detail

8.1 Mitigation Measures Waste

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Category/Year

	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	118.2950	6.9910	0.0000	293.0709
Unmitigated	118.2950	6.9910	0.0000	293.0709

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	145.69	29.5738	1.7478	0.0000	73.2677
Unrefrigerated Warehouse-No Rail	437.07	88.7213	5.2433	0.0000	219.8032
Total		**118.2950**	**6.9910**	**0.0000**	**293.0709**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	Total CO2	CH4	N2O	CO2e
Land Use	tons	MT/yr			
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	145.69	29.5738	1.7478	0.0000	73.2677
Unrefrigerated Warehouse-No Rail	437.07	88.7213	5.2433	0.0000	219.8032
Total		**118.2950**	**6.9910**	**0.0000**	**293.0709**

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Tractors/Loaders/Backhoes	2	4.00	365	200	0.37	CNG

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	tons/yr										MT/yr					
Tractors/Loaders/ Backhoes	0.0445	0.4627	0.2769	1.1600e-003		0.0160	0.0160		0.0147	0.0147	0.0000	101.5842	101.5842	0.0329	0.0000	102.4055
Total	**0.0445**	**0.4627**	**0.2769**	**1.1600e-003**		**0.0160**	**0.0160**		**0.0147**	**0.0147**	**0.0000**	**101.5842**	**101.5842**	**0.0329**	**0.0000**	**102.4055**

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Industrial Operations)

Riverside-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Refrigerated Warehouse-No Rail	154.99	1000sqft	3.56	154,990.00	0
Unrefrigerated Warehouse-No Rail	464.97	1000sqft	10.67	464,969.00	0
Other Asphalt Surfaces	530.34	1000sqft	12.17	530,340.00	0
Parking Lot	555.00	Space	3.82	166,050.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use - Total Project Area (Industrial Uses) is 30.22 acres

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip Characteristics based on information provided in the Traffic analysis

Operational Off-Road Equipment - Based on SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Busniess Survey Results (2014)

Fleet Mix - Fleet Mix adjusted based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, LDHT1, LDHT2, and HHDT)

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	30.00	0.00
tblFleetMix	HHD	0.02	0.10
tblFleetMix	HHD	0.02	0.05
tblFleetMix	LDA	0.53	0.38
tblFleetMix	LDA	0.53	0.48
tblFleetMix	LDT1	0.06	0.04
tblFleetMix	LDT1	0.06	0.05
tblFleetMix	LDT2	0.17	0.12
tblFleetMix	LDT2	0.17	0.16
tblFleetMix	LHD1	0.03	0.15
tblFleetMix	LHD1	0.03	0.08
tblFleetMix	LHD2	7.4220e-003	0.04
tblFleetMix	LHD2	7.4220e-003	0.02
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.10
tblFleetMix	MDV	0.14	0.13
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MHD	0.01	0.06
tblFleetMix	MHD	0.01	0.03
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblLandUse	LandUseSquareFeet	222,000.00	166,050.00

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblLandUse	LotAcreage	4.99	3.82
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	365.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperHorsePower	97.00	200.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	4.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	2.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblVehicleTrips	ST_TR	2.12	0.17
tblVehicleTrips	ST_TR	1.74	0.17
tblVehicleTrips	SU_TR	2.12	0.07
tblVehicleTrips	SU_TR	1.74	0.07
tblVehicleTrips	WD_TR	2.12	2.01
tblVehicleTrips	WD_TR	1.74	2.02

2.0 Emissions Summary

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330
Mobile	2.5443	16.1376	34.0092	0.1451	11.5854	0.2119	11.7973	3.1246	0.2012	3.3258		14,968.2527	14,968.2527	0.2734	1.0327	15,282.8449
Offroad	0.2440	2.5352	1.5172	6.3400e-003		0.0875	0.0875		0.0805	0.0805	0.0000	613.5755	613.5755	0.1984		618.5365
Total	**17.2185**	**21.0790**	**37.7206**	**0.1659**	**11.5854**	**0.4827**	**12.0681**	**3.1246**	**0.4651**	**3.5897**	**0.0000**	**18,467.6874**	**18,467.6874**	**0.5281**	**1.0856**	**18,804.4122**

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330
Mobile	2.5443	16.1376	34.0092	0.1451	11.5854	0.2119	11.7973	3.1246	0.2012	3.3258		14,968.2527	14,968.2527	0.2734	1.0327	15,282.8449
Offroad	0.2440	2.5352	1.5172	6.3400e-003		0.0875	0.0875		0.0805	0.0805	0.0000	613.5755	613.5755	0.1984		618.5365
Total	**17.2185**	**21.0790**	**37.7206**	**0.1659**	**11.5854**	**0.4827**	**12.0681**	**3.1246**	**0.4651**	**3.5897**	**0.0000**	**18,467.6874**	**18,467.6874**	**0.5281**	**1.0856**	**18,804.4122**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	10/4/2021	10/3/2021	5	0	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Paving: 15.99

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.5443	16.1376	34.0092	0.1451	11.5854	0.2119	11.7973	3.1246	0.2012	3.3258		14,968.2527	14,968.2527	0.2734	1.0327	15,282.8449
Unmitigated	2.5443	16.1376	34.0092	0.1451	11.5854	0.2119	11.7973	3.1246	0.2012	3.3258		14,968.2527	14,968.2527	0.2734	1.0327	15,282.8449

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	311.99	26.89	10.76	978,136	978,136
Unrefrigerated Warehouse-No Rail	937.98	80.86	32.36	2,940,693	2,940,693
Total	1,249.98	107.75	43.12	3,918,830	3,918,830

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	92	5	3
Unrefrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Parking Lot	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Refrigerated Warehouse-No Rail	0.382000	0.040000	0.124000	0.103000	0.147000	0.040000	0.063000	0.101000	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.483000	0.051000	0.156000	0.131000	0.075000	0.020000	0.032000	0.052000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330
NaturalGas Unmitigated	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	21966.1	0.2369	2.1535	1.8090	0.0129		0.1637	0.1637		0.1637	0.1637		2,584.2491	2,584.2491	0.0495	0.0474	2,599.6060
Unrefrigerated Warehouse-No Rail	2560.51	0.0276	0.2510	0.2109	1.5100e-003		0.0191	0.0191		0.0191	0.0191		301.2370	301.2370	5.7700e-003	5.5200e-003	303.0271
Total		**0.2645**	**2.4046**	**2.0198**	**0.0144**		**0.1828**	**0.1828**		**0.1828**	**0.1828**		**2,885.4860**	**2,885.4860**	**0.0553**	**0.0529**	**2,902.6330**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	21.9661	0.2369	2.1535	1.8090	0.0129		0.1637	0.1637		0.1637	0.1637		2,584.2491	2,584.2491	0.0495	0.0474	2,599.6060
Unrefrigerated Warehouse-No Rail	2.56051	0.0276	0.2510	0.2109	1.5100e-003		0.0191	0.0191		0.0191	0.0191		301.2370	301.2370	5.7700e-003	5.5200e-003	303.0271
Total		**0.2645**	**2.4046**	**2.0198**	**0.0144**		**0.1828**	**0.1828**		**0.1828**	**0.1828**		**2,885.4860**	**2,885.4860**	**0.0553**	**0.0529**	**2,902.6330**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Unmitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Tractors/Loaders/Backhoes	2	4.00	365	200	0.37	CNG

Banning Point (Industrial Operations) - Riverside-South Coast County, Summer

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	lb/day										lb/day					
Tractors/Loaders/ Backhoes	0.2440	2.5352	1.5172	6.3400e-003		0.0875	0.0875		0.0805	0.0805	0.0000	613.5755	613.5755	0.1984		618.5365
Total	**0.2440**	**2.5352**	**1.5172**	**6.3400e-003**		**0.0875**	**0.0875**		**0.0805**	**0.0805**	**0.0000**	**613.5755**	**613.5755**	**0.1984**		**618.5365**

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Banning Point (Industrial Operations)

Riverside-South Coast County, Winter

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Refrigerated Warehouse-No Rail	154.99	1000sqft	3.56	154,990.00	0
Unrefrigerated Warehouse-No Rail	464.97	1000sqft	10.67	464,969.00	0
Other Asphalt Surfaces	530.34	1000sqft	12.17	530,340.00	0
Parking Lot	555.00	Space	3.82	166,050.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.4	**Precipitation Freq (Days)**	28
Climate Zone	10			**Operational Year**	2022
Utility Company	Southern California Edison				
CO2 Intensity (lb/MWhr)	353.15	**CH4 Intensity (lb/MWhr)**	0.03	**N2O Intensity (lb/MWhr)**	0.004

1.3 User Entered Comments & Non-Default Data

Project Characteristics - Intensity factors adjusted to reflect the RPS for 2022

Land Use - Total Project Area (Industrial Uses) is 30.22 acres

Construction Phase - Operations run only

Off-road Equipment - Operations run only

Vehicle Trips - Trip Characteristics based on information provided in the Traffic analysis

Operational Off-Road Equipment - Based on SCAQMD High Cube Warehouse Truck Trip Study White Paper Summary of Busniess Survey Results (2014)

Fleet Mix - Fleet Mix adjusted based on the CalEEMod default fleet mix and the ratio of the vehicle classes (LDA, LDT1, LDT2, MDV, LDHT1, LDHT2, and HHDT)

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Table Name	Column Name	Default Value	New Value
tblConstructionPhase	NumDays	30.00	0.00
tblFleetMix	HHD	0.02	0.10
tblFleetMix	HHD	0.02	0.05
tblFleetMix	LDA	0.53	0.38
tblFleetMix	LDA	0.53	0.48
tblFleetMix	LDT1	0.06	0.04
tblFleetMix	LDT1	0.06	0.05
tblFleetMix	LDT2	0.17	0.12
tblFleetMix	LDT2	0.17	0.16
tblFleetMix	LHD1	0.03	0.15
tblFleetMix	LHD1	0.03	0.08
tblFleetMix	LHD2	7.4220e-003	0.04
tblFleetMix	LHD2	7.4220e-003	0.02
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MCY	0.02	0.00
tblFleetMix	MDV	0.14	0.10
tblFleetMix	MDV	0.14	0.13
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MH	5.7590e-003	0.00
tblFleetMix	MHD	0.01	0.06
tblFleetMix	MHD	0.01	0.03
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	OBUS	6.3000e-004	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	SBUS	1.1020e-003	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblFleetMix	UBUS	3.2100e-004	0.00
tblLandUse	LandUseSquareFeet	222,000.00	166,050.00

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

tblLandUse	LotAcreage	4.99	3.82
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	3.00	0.00
tblOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00
tblOperationalOffRoadEquipment	OperDaysPerYear	260.00	365.00
tblOperationalOffRoadEquipment	OperFuelType	Diesel	CNG
tblOperationalOffRoadEquipment	OperHorsePower	97.00	200.00
tblOperationalOffRoadEquipment	OperHoursPerDay	8.00	4.00
tblOperationalOffRoadEquipment	OperOffRoadEquipmentNumber	0.00	2.00
tblProjectCharacteristics	CH4IntensityFactor	0.033	0.03
tblProjectCharacteristics	CO2IntensityFactor	390.98	353.15
tblVehicleTrips	ST_TR	2.12	0.17
tblVehicleTrips	ST_TR	1.74	0.17
tblVehicleTrips	SU_TR	2.12	0.07
tblVehicleTrips	SU_TR	1.74	0.07
tblVehicleTrips	WD_TR	2.12	2.01
tblVehicleTrips	WD_TR	1.74	2.02

2.0 Emissions Summary

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2021	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Maximum	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330
Mobile	2.1663	16.9481	29.0617	0.1377	11.5854	0.2121	11.7975	3.1246	0.2014	3.3260		14,220.2689	14,220.2689	0.2768	1.0402	14,537.1555
Offroad	0.2440	2.5352	1.5172	6.3400e-003		0.0875	0.0875		0.0805	0.0805	0.0000	613.5755	613.5755	0.1984		618.5365
Total	**16.8405**	**21.8895**	**32.7731**	**0.1585**	**11.5854**	**0.4830**	**12.0683**	**3.1246**	**0.4653**	**3.5899**	**0.0000**	**17,719.7036**	**17,719.7036**	**0.5315**	**1.0931**	**18,058.7229**

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Energy	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330
Mobile	2.1663	16.9481	29.0617	0.1377	11.5854	0.2121	11.7975	3.1246	0.2014	3.3260		14,220.2689	14,220.2689	0.2768	1.0402	14,537.1555
Offroad	0.2440	2.5352	1.5172	6.3400e-003		0.0875	0.0875		0.0805	0.0805	0.0000	613.5755	613.5755	0.1984		618.5365
Total	**16.8405**	**21.8895**	**32.7731**	**0.1585**	**11.5854**	**0.4830**	**12.0683**	**3.1246**	**0.4653**	**3.5899**	**0.0000**	**17,719.7036**	**17,719.7036**	**0.5315**	**1.0931**	**18,058.7229**

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N20	CO2e
Percent Reduction	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	10/4/2021	10/3/2021	5	0	

Acres of Grading (Site Preparation Phase): 0

Acres of Grading (Grading Phase): 0

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Acres of Paving: 15.99

Residential Indoor: 0; Residential Outdoor: 0; Non-Residential Indoor: 0; Non-Residential Outdoor: 0; Striped Parking Area: 0 (Architectural Coating – sqft)

OffRoad Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Excavators	0	8.00	158	0.38
Demolition	Rubber Tired Dozers	0	8.00	247	0.40

Trips and VMT

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	14.70	6.90	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2021

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

3.2 Demolition - 2021

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**	**0.0000**

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	2.1663	16.9481	29.0617	0.1377	11.5854	0.2121	11.7975	3.1246	0.2014	3.3260		14,220.2689	14,220.2689	0.2768	1.0402	14,537.1555
Unmitigated	2.1663	16.9481	29.0617	0.1377	11.5854	0.2121	11.7975	3.1246	0.2014	3.3260		14,220.2689	14,220.2689	0.2768	1.0402	14,537.1555

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Other Asphalt Surfaces	0.00	0.00	0.00		
Parking Lot	0.00	0.00	0.00		
Refrigerated Warehouse-No Rail	311.99	26.89	10.76	978,136	978,136
Unrefrigerated Warehouse-No Rail	937.98	80.86	32.36	2,940,693	2,940,693
Total	1,249.98	107.75	43.12	3,918,830	3,918,830

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
Other Asphalt Surfaces	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Parking Lot	16.60	8.40	6.90	0.00	0.00	0.00	0	0	0
Refrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	92	5	3
Unrefrigerated Warehouse-No	16.60	8.40	6.90	59.00	0.00	41.00	92	5	3

4.4 Fleet Mix

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

Land Use	LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
Other Asphalt Surfaces	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Parking Lot	0.531022	0.055789	0.171983	0.143721	0.027315	0.007422	0.011813	0.018850	0.000630	0.000321	0.024273	0.001102	0.005759
Refrigerated Warehouse-No Rail	0.382000	0.040000	0.124000	0.103000	0.147000	0.040000	0.063000	0.101000	0.000000	0.000000	0.000000	0.000000	0.000000
Unrefrigerated Warehouse-No Rail	0.483000	0.051000	0.156000	0.131000	0.075000	0.020000	0.032000	0.052000	0.000000	0.000000	0.000000	0.000000	0.000000

5.0 Energy Detail

Historical Energy Use: N

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330
NaturalGas Unmitigated	0.2645	2.4046	2.0198	0.0144		0.1828	0.1828		0.1828	0.1828		2,885.4860	2,885.4860	0.0553	0.0529	2,902.6330

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	21966.1	0.2369	2.1535	1.8090	0.0129		0.1637	0.1637		0.1637	0.1637		2,584.2491	2,584.2491	0.0495	0.0474	2,599.6060
Unrefrigerated Warehouse-No Rail	2560.51	0.0276	0.2510	0.2109	1.5100e-003		0.0191	0.0191		0.0191	0.0191		301.2370	301.2370	5.7700e-003	5.5200e-003	303.0271
Total		**0.2645**	**2.4046**	**2.0198**	**0.0144**		**0.1828**	**0.1828**		**0.1828**	**0.1828**		**2,885.4860**	**2,885.4860**	**0.0553**	**0.0529**	**2,902.6330**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU/yr	lb/day										lb/day					
Other Asphalt Surfaces	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Parking Lot	0	0.0000	0.0000	0.0000	0.0000		0.0000	0.0000		0.0000	0.0000		0.0000	0.0000	0.0000	0.0000	0.0000
Refrigerated Warehouse-No Rail	21.9661	0.2369	2.1535	1.8090	0.0129		0.1637	0.1637		0.1637	0.1637		2,584.2491	2,584.2491	0.0495	0.0474	2,599.6060
Unrefrigerated Warehouse-No Rail	2.56051	0.0276	0.2510	0.2109	1.5100e-003		0.0191	0.0191		0.0191	0.0191		301.2370	301.2370	5.7700e-003	5.5200e-003	303.0271
Total		**0.2645**	**2.4046**	**2.0198**	**0.0144**		**0.1828**	**0.1828**		**0.1828**	**0.1828**		**2,885.4860**	**2,885.4860**	**0.0553**	**0.0529**	**2,902.6330**

6.0 Area Detail

6.1 Mitigation Measures Area

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Unmitigated	14.1657	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	1.6276					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Consumer Products	12.5219					0.0000	0.0000		0.0000	0.0000			0.0000			0.0000
Landscaping	0.0162	1.5900e-003	0.1744	1.0000e-005		6.2000e-004	6.2000e-004		6.2000e-004	6.2000e-004		0.3732	0.3732	9.8000e-004		0.3978
Total	**14.1657**	**1.5900e-003**	**0.1744**	**1.0000e-005**		**6.2000e-004**	**6.2000e-004**		**6.2000e-004**	**6.2000e-004**		**0.3732**	**0.3732**	**9.8000e-004**		**0.3978**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

9.0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
Tractors/Loaders/Backhoes	2	4.00	365	200	0.37	CNG

Banning Point (Industrial Operations) - Riverside-South Coast County, Winter

EMFAC Off-Model Adjustment Factors for Gasoline Light Duty Vehicle to Account for the SAFE Vehicle Rule Applied

UnMitigated/Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Equipment Type	lb/day										lb/day					
Tractors/Loaders/ Backhoes	0.2440	2.5352	1.5172	6.3400e-003		0.0875	0.0875		0.0805	0.0805	0.0000	613.5755	613.5755	0.1984		618.5365
Total	**0.2440**	**2.5352**	**1.5172**	**6.3400e-003**		**0.0875**	**0.0875**		**0.0805**	**0.0805**	**0.0000**	**613.5755**	**613.5755**	**0.1984**		**618.5365**

10.0 Stationary Equipment

Fire Pumps and Emergency Generators

Equipment Type	Number	Hours/Day	Hours/Year	Horse Power	Load Factor	Fuel Type

Boilers

Equipment Type	Number	Heat Input/Day	Heat Input/Year	Boiler Rating	Fuel Type

User Defined Equipment

Equipment Type	Number

11.0 Vegetation

ATTACHMENT C

HEALTH RISK ASSESSMENT OUTPUT FILES AND CALCULATION

AVERAGE EMISSION FACTOR
RIVERSIDE COUNTY 2023

Speed	LHD1	MHD	HHD
0	0.401577	0.039347	0.01233
5	0.036447	0.006028	0.01277
25	0.013286	0.002933	0.00682

Speed	Weighted Average Emissions
0	**0.09293**
5	**0.01674**
25	**0.00768**

Emission Rates - 2023 Emission Factors

Truck Emission Rates						
Source	Trucks Per Day	VMT [a] (miles/day)	Truck Emission Rate [b] (grams/mile)	Truck Emission Rate [b] (grams/idle-hour)	Daily Truck Emissions [c] (grams/day)	Modeled Emission Rates (g/second)
On-Site Idling North	74			0.0929	2.73	3.154E-05
On-Site Idling South	74			0.0929	2.73	3.154E-05
On-Site Travel North	148	56.79	0.0167		1.26	1.458E-05
On-Site Travel South	148	30.84	0.0167		0.68	7.915E-06
On-Site Travel East	148	41.03	0.0167		0.91	1.053E-05
Off-Site Travel	296	175.61	0.0077		1.54	1.781E-05

[a] Vehicle miles traveled are for modeled truck route only.

[b] Emission rates determined using EMFAC 2017. Idle emission rates are expressed in grams per idle hour rather than grams per mile.

[c] This column includes the total truck travel and truck idle emissions. For idle emissions this column includes emissions based on the assumption that each truck idles for 15 minutes and each TRU idles for 30 minutes on-site.

Source: EMFAC2017 (v1.0.3) Emissions Inventory
Region Type: Sub-Area
Region: Riverside (SC)
Calendar Year: 2023
Season: Annual
Vehicle Classification: EMFAC2007 Categories
Units: miles/year for VMT, trips/year for Trips, tons/year for Emissions, 1000 gallons/year for Fuel Consumptic

Region	Calendar Y	Vehicle Ca	Model Yea	Speed	Fuel	Population
Riverside	2023	HHDT	Aggregate	Aggregate	Gasoline	6.287049
Riverside	2023	HHDT	Aggregate	Aggregate	Diesel	15994.3
Riverside	2023	HHDT	Aggregate	Aggregate	Natural Ga	297.8339
Riverside	2023	LHDT1	Aggregate	Aggregate	Gasoline	15202.19
Riverside	2023	LHDT1	Aggregate	Aggregate	Diesel	15878.18
Riverside	2023	MHDT	Aggregate	Aggregate	Gasoline	1361.919
Riverside	2023	MHDT	Aggregate	Aggregate	Diesel	11600.11

HHDT% GAS/NG	0.01866
HHDT% DSL	0.98134
LHDT1% GAS	0.48913
LHDT1% DSL	0.51087
MHDT% GAS	0.10507
MHDT% DSL	0.89493

TRU Type	TRU - Instate Truck TRU 3
Number of Units	59
Operating Time Each Unit	0.75

Unit	Emissions Pounds per Day						Annual
	ROG	NO_x	CO	SOX	PM10	PM2.5	MT CO_2
TRU - Instate Truck TRU	0.09	0.86	0.72	0.00	0.03	0.03	17.21

Table 1
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
-0.25 to 0 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00233	2.33E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	8.1E-07	2.6E-08	5.0E+00	1.4E-03	4.7E-04							
TOTAL								2.6E-08			4.7E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	0.25
inhalation rate (L/kg-day))	361
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	0.85
age sensitivity factor (age third trimester	10

Table 2
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
0-2 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00233	2.33E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	2.4E-06	6.2E-07	5.0E+00	1.4E-03	4.7E-04							
TOTAL								6.2E-07			4.7E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	2
inhalation rate (L/kg-day))	1090
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	0.85
age sensitivity factor (0 to 2 years old)	10

Table 3
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
2-16 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			(ug/m^3)$^{-1}$	(mg/kg/day)$^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00233	2.33E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	1.3E-06	5.8E-07	5.0E+00	1.4E-03	4.7E-04							
TOTAL								5.8E-07			4.7E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	14
inhalation rate (L/kg-day))	572
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	0.72
age sensitivity factor (ages 2 to 16 years	3

Table 4
Quantification of Carcinogenic Risks and Noncarcinogenic Hazards
16-30 Age Bin Exposure Scenario

Source	Mass GLC		Weight Fraction	Contaminant	Carcinogenic Risk				Noncarcinogenic Hazards/ Toxicological Endpoints**								
					URF	CPF	DOSE	RISK	REL	RfD	RESP	CNS/PNS	CV/BL	IMMUN	KIDN	GI/LV	REPRO	EYES
	(ug/m^3)	(mg/m^3)			($ug/m^3)^{-1}$	$(mg/kg/day)^{-1}$	(mg/kg-day)		(ug/m^3)	(mg/kg/day)								
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
	0.00233	2.33E-06	1.00E+00	Diesel Particulate	3.0E-04	1.1E+00	5.8E-07	8.9E-08	5.0E+00	1.4E-03	4.7E-04							
TOTAL								8.9E-08			4.7E-04	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00	0.0E+00
								0.09										

** Key to Toxicological Endpoints

RESP	Respiratory System
CNS/PNS	Central/Peripheral Nervous System
CV/BL	Cardiovascular/Blood System
IMMUN	Immune System
KIDN	Kidney
GI/LV	Gastrointestinal System/Liver
REPRO	Reproductive System (e.g. teratogenic and developmental effects)
EYES	Eye irritation and/or other effects

Note: Exposure factors used to calculate contaminant intake

exposure frequency (days/year)	350
exposure duration (years)	14
inhalation rate (L/kg-day))	261
inhalation absorption factor	1
averaging time (years)	70
fraction of time at home	0.73
age sensitivity factor (ages 16 to 30 years old)	1

Total Risk for All Age Bins (per million) 1.32

Appendix B

Traffic Assessment

February 8, 2022

Mr. Adam Rush
City of Banning
99 E. Ramsey Street
Banning, CA 92220

SUBJECT: BANNING POINT (TPM 38164) TRAFFIC ASSESSMENT

Dear Mr. Adam Rush:

Urban Crossroads, Inc. is pleased to submit this letter report to document the Traffic Assessment prepared for the proposed Banning Point (TPM 38164) development (referred to as **Project**) located on the northeast corner of Sun Lakes Village Drive and Sun Lakes Boulevard in the City of Banning. Specifically, the purpose of this level of service (LOS) based focused traffic assessment is to identify potential site adjacent and off-site intersection improvements that may be required with the addition of the proposed Project and compare those findings to those published in the Sun Lakes Village North Specific Plan Amendment No. 5 (dated September 4, 2020, referred to as **SPA No. 5 Traffic Study**).

SUMMARY OF FINDINGS

The Project is proposed to consist of 464,969 square feet of high-cube fulfillment center warehouse use (75% of the industrial use), 154,990 square feet of high-cube cold storage warehouse use (25% of the industrial use), 16,200 square feet of fast casual restaurant use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of strip retail plaza use (see Exhibit 1). Consistent with the SPA No. 5 Traffic Study, the industrial uses are proposed on the northern end of the site with the commercial retail uses fronting Sun Lakes Boulevard to the south. The proposed access to the site is also consistent with the SPA No. 5 Traffic Study, with access points proposed along Sun Lakes Village Drive and two driveways along Sun Lakes Boulevard to the east. The westerly driveway on Sun Lakes Boulevard into the commercial retail area is proposed to have full access, aligning with the existing Country Club Drive and the easterly driveway on Sun Lakes Boulevard will be restricted to right-in/right-out access only (to be controlled by the existing raised median). The proposed Project is anticipated to generate a total of 2,186 two-way trips per day with 124 AM peak hour trips and 234 PM peak hour trips (actual vehicles).

Consistent with the SPA No. 5 Traffic Study, the following 9 study area intersections were evaluated as part of this focused traffic assessment (see Exhibit 2):

1. Highland Springs Av. & I-10 Westbound Ramps
2. Highland Springs Av. & I-10 Eastbound Ramps
3. Highland Springs Av. & 2nd St.
4. Highland Springs Av. & 1st St. / Sun Lakes Bl.
5. Sun Lakes Village Dr. & Driveway 1
6. Sun Lakes Village Dr. & Sun Lakes Bl.
7. Driveway 2/Country Club Dr. & Sun Lakes Bl.
8. Driveway 3 & Sun Lakes Bl.
9. Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.

The Project will construct a traffic signal at Sun Lakes Village Drive and Country Club Drive on Sun Lakes Boulevard, lengthen the eastbound left turn pocket at Sun Lakes Village Drive to accommodate 150-feet of storage, and widen Sun Lakes Village Drive along the Project's frontage to accommodate dedicated lanes for trucks to enter the Project. Delays for the proposed Project are anticipated to be less than those anticipated with the project evaluated in the SPA No. 5 Traffic Study. However, the Project should contribute its fair share towards off-site improvement needs through payment of fees into pre-existing fee programs (such as WRCOG TUMF and County DIF) and/or fair share contribution. The proposed Project fair share percentages range between 2-14.5% (as compared to the 6.7-34.2% for the project evaluated in the SPA No. 5 Traffic Study).

TRIP GENERATION

CURRENTLY APPROVED TRIP GENERATION

The SPA No. 5 Traffic Study evaluated the development of 877,298 square feet of industrial park use and 37,189 square feet of commercial retail use within the area bounded by the proposed Project. There was also 52,065 square feet of medical office use evaluated in the SPA No. 5 Traffic Study, however, this portion of the Specific Plan lies outside of the proposed Project boundary. As such, only the industrial park and commercial retail uses have been contemplated for the purposes of this trip generation assessment. The trip generation summary for the currently approved Project uses is shown on Table 1. As shown on Table 1, the currently approved uses were anticipated to generate 3,844 two-way trips per day, with 375 trips during the AM peak hour and 445 trips during the PM peak hour. In passenger car equivalents (PCE), the currently approved uses were anticipated to generate 4,530 two-way PCE trips per day with 440 AM PCE peak hour trips and 498 PM PCE peak hour trips. Excerpts from the SPA No. 5 Traffic Study are included in Attachment A.

TABLE 1: CURRENTLY APPROVED TRIP GENERATION SUMMARY

Land Use	Quantity	Units[1]	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Trip Generation Summary (Actual Vehicles):									
Industrial Park	877.298	TSF							
Passenger Cars:			250	59	309	66	250	316	2,514
2-axle Trucks:			6	1	7	1	5	6	74
3-axle Trucks:			7	2	9	2	6	8	92
4+-axle Trucks:			21	5	26	5	17	22	278
Total Trucks:			34	8	42	8	28	36	444
Industrial Park Subtotal			**284**	**67**	**351**	**74**	**278**	**352**	**2,958**
Commercial Retail	37.189	TSF	22	13	35	68	74	142	1,404
Internal Capture			-7	-4	-11	-5	-1	-6	-60
Pass-By (34% PM/Daily)			0	0	0	-21	-21	-43	-458
Retail Subtotal			**15**	**9**	**24**	**42**	**51**	**93**	**886**
Total Trips (Actual Vehicles)[2]			**299**	**76**	**375**	**116**	**329**	**445**	**3,844**
Trip Generation Summary (PCE):									
Industrial Park	877.298	TSF							
Passenger Cars:			250	59	309	66	250	316	2,514
2-axle Trucks:			9	2	11	2	7	9	112
3-axle Trucks:			14	3	17	3	11	14	184
4+-axle Trucks:			64	15	79	14	52	66	834
Total Trucks (PCE):			87	20	107	19	70	89	1,130
Industrial Park Subtotal			**337**	**79**	**416**	**85**	**320**	**405**	**3,644**
Commercial Retail	37.189	TSF	22	13	35	68	74	142	1,404
Internal Capture			-7	-4	-11	-5	-1	-6	-60
Pass-By (34% PM/Daily)			0	0	0	-21	-21	-42	-458
Retail Subtotal			**15**	**9**	**24**	**42**	**51**	**93**	**886**
Total Trips (PCE)[2]			**352**	**88**	**440**	**127**	**371**	**498**	**4,530**

Source: Sun Lakes Village North Specific Plan Amendment No. 5 Traffic Analysis (dated September 4, 2020).

[1] TSF = thousand square feet

[2] Total Trips = Passenger Cars + Truck Trips.

PROPOSED PROJECT TRIP GENERATION

The Project is proposed to consist of 464,969 square feet of high-cube fulfillment center warehouse use (75% of the industrial use), 154,990 square feet of high-cube cold storage warehouse use (25% of the industrial use), 16,200 square feet of fast casual restaurant use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of strip retail plaza use.

Trip generation and vehicle mix for the proposed Project land uses are based upon information collected by the Institute of Transportation Engineers (ITE) as provided in their latest Trip Generation Manual (11th Edition, 2021) in conjunction with the South Coast Air Quality Management District (SCAQMD) Warehouse Truck Trip Generation Data Results and Usage (2014) for the High-Cube Cold Storage Warehouse land use and the High-Cube Warehouse Trip Generation Study (WSP, January 29, 2019) for the High-Cube Fulfillment Center Warehouse land use. The trip generation rates for the proposed Project are provided on Table 2.

TABLE 2: TRIP GENERATION RATES

Land Use	Units[1]	ITE LU Code	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Actual Vehicle Trip Generation Rates:									
High-Cube Fulfillment Center Warehouse[2]	TSF	--	0.094	0.028	0.122	0.046	0.119	0.165	2.129
Passenger Cars			0.079	0.024	0.103	0.040	0.104	0.144	1.750
2-4 Axle Trucks			0.006	0.002	0.008	0.003	0.008	0.011	0.162
5+-Axle Trucks			0.008	0.003	0.011	0.003	0.007	0.010	0.217
High-Cube Cold Storage Warehouse[3]	TSF	157	0.085	0.025	0.110	0.034	0.086	0.120	2.120
Passenger Cars (AM = 72.7%, PM = 75.0%, Daily = 64.6%)			0.062	0.018	0.080	0.025	0.065	0.090	1.370
2-Axle Trucks (AM = 9.5%, PM = 8.7%, Daily = 12.3%)			0.003	0.007	0.010	0.005	0.005	0.010	0.260
3-Axle Trucks (AM = 3.0%, PM = 2.7%, Daily = 3.9%)			0.001	0.002	0.003	0.002	0.001	0.003	0.083
4+-Axle Trucks (AM = 14.8%, PM = 13.6%, Daily = 19.2%)			0.005	0.011	0.016	0.008	0.008	0.016	0.407
Fast Casual Restaruant	TSF	930	0.715	0.715	1.430	6.903	5.648	12.550	97.140
Coffee/Donut Shop with Drive Thru	TSF	937	43.799	42.081	85.880	19.495	19.495	38.990	533.570
Strip Retail Plaza (<40 TSF)	TSF	822	1.416	0.944	2.360	3.300	3.290	6.590	54.450
Passenger Car Equivalent (PCE) Trip Generation Rates:									
High-Cube Fulfillment Center Warehouse[2]	TSF	--	0.094	0.028	0.122	0.046	0.119	0.165	2.129
Passenger Cars			0.079	0.024	0.103	0.040	0.104	0.144	1.750
2-4 Axle Trucks (PCE = 2.0)			0.012	0.004	0.016	0.006	0.016	0.022	0.324
5+-Axle Trucks (PCE = 3.0)			0.025	0.008	0.033	0.008	0.022	0.030	0.651
High-Cube Cold Storage Warehouse[3]	TSF	157	0.085	0.025	0.110	0.034	0.086	0.120	2.120
Passenger Cars			0.062	0.018	0.080	0.025	0.065	0.090	1.370
2-Axle Trucks (PCE = 1.5)			0.005	0.011	0.016	0.008	0.008	0.016	0.390
3-Axle Trucks (PCE = 2.0)			0.002	0.005	0.007	0.004	0.003	0.007	0.165
4+-Axle Trucks (PCE = 3.0)			0.015	0.034	0.049	0.024	0.025	0.049	1.222

[1] TSF = thousand square feet

[2] Trip Generation & Vehicle Mix Source: High Cube Warehouse Trip Generation Study, WSP, January 29, 2019.
Inbound and outbound split source: High Cube Warehouse Vehicle Trip Generation Analysis, October 2016, ITE.

[3] Trip Generation & Vehicle Mix Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Eleventh Edition (2021).
Truck Mix Source: South Coast Air Quality Management District (SCAQMD) Warehouse Truck Trip Study Data Results and Usage (2014).
Normalized % - With Cold Storage: 34.7% 2-Axle trucks, 11.0% 3-Axle trucks, 54.3% 4-Axle trucks.

As shown on Table 3, the proposed Project is anticipated to generate 2,292 two-way trips per day, with 100 trips generated during the AM peak hour and 237 trips generated during the PM peak hour (in actual vehicles).

TABLE 3: PROPOSED PROJECT TRIP GENERATION SUMMARY (ACTUAL VEHICLES)

Land Use	Quantity[2]	Units[1]	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Fulfillment Center Warehouse (75%)	464.969	TSF							
Passenger Cars:			37	11	48	19	48	67	814
Internal Capture[2]			-7	-10	-17	-4	-5	-8	-82
Total Passenger Car:			30	1	31	15	43	59	732
2-4 axle Trucks:			3	1	4	1	4	5	76
5+-axle Trucks:			4	1	5	1	3	4	102
Total Truck:			7	2	9	2	7	9	178
Fulfillment Center Warehouse (Actual Vehicles)			**37**	**3**	**40**	**17**	**50**	**68**	**910**
High-Cube Cold Storage Warehouse (25%)	154.990	TSF							
Passenger Cars:			10	3	13	4	10	14	212
Internal Capture[2]			-2	-3	-5	-1	-1	-2	-28
Total Passenger Car:			8	0	8	3	9	12	184
2-axle Trucks:			0	1	1	1	1	2	40
3-axle Trucks:			0	0	0	0	0	0	14
4+-axle Trucks:			1	2	3	1	1	2	64
Total Truck:			1	3	4	2	2	4	118
High-Cube Cold Storage Warehouse (Actual Vehicles)			**9**	**3**	**12**	**5**	**11**	**16**	**302**
Industrial Total Passenger Cars			38	1	39	18	52	71	916
Industrial Total Trucks (Actual Vehicles)			8	5	13	4	9	13	296
Industrial Total (Actual Vehicles)			**46**	**6**	**52**	**22**	**61**	**84**	**1,212**
Fast Casual Restaurant	16.200	TSF	12	12	23	112	91	203	1,574
Internal Capture[2]			-7	-6	-13	-11	-20	-31	-346
Pass-By (49% AM; 50% PM/Daily)[3]			-3	-3	-6	-36	-36	-71	-614
Coffee/Donut Shop with Drive Thru	1.600	TSF	70	67	137	31	31	62	854
Internal Capture[2]			-4	-3	-7	-6	-11	-17	-300
Pass-By (89% AM/PM/Daily)[3]			-57	-57	-114	-18	-18	-36	-494
Restaurant Total:			**11**	**10**	**20**	**72**	**38**	**111**	**674**
Strip Retail Plaza	16.200	TSF	23	15	38	53	53	106	884
Internal Capture[2]			-6	-4	-10	-31	-16	-47	-268
Pass-By (34% PM/Daily)[3]			0	0	0	-7	-7	-15	-210
Retail Total:			**17**	**11**	**28**	**15**	**30**	**44**	**406**
Commercial Total			**28**	**21**	**48**	**87**	**67**	**155**	**1,080**
Project Total Passenger Cars			66	22	87	105	119	224	1,996
Project Total Trucks (Actual Vehicles)			8	5	13	4	9	13	296
Project Total (Actual Vehicles)			**74**	**27**	**100**	**109**	**128**	**237**	**2,292**

[1] TSF = thousand square feet

[2] Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

[3] Source: ITE Trip Generation Handbook, 3rd Edition, 2017.

As shown on Table 4, the proposed Project is anticipated to generate 2,730 two-way PCE trips per day, with 122 AM PCE peak hour trips and 259 PM PCE peak hour trips.

TABLE 4: PROPOSED PROJECT TRIP GENERATION SUMMARY (PCE)

Land Use	Quantity[2]	Units[1]	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Fulfillment Center Warehouse (75%)	464.969	TSF							
Passenger Cars:			37	11	48	19	48	67	814
Internal Capture[2]			-7	-10	-17	-4	-5	-8	-82
Total Passenger Car:			30	1	31	15	43	59	732
2-4 axle Trucks:			6	2	8	3	7	10	152
5+-axle Trucks:			12	4	16	4	10	14	304
Total Truck:			18	6	24	7	17	24	456
Fulfillment Center Warehouse (PCE)			**48**	**7**	**55**	**22**	**60**	**83**	**1,188**
High-Cube Cold Storage Warehouse (25%)	154.990	TSF							
Passenger Cars:			10	3	13	4	10	14	212
Internal Capture[2]			-2	-3	-5	-1	-1	-2	-28
Total Passenger Car:			8	0	8	3	9	12	184
2-axle Trucks:			1	2	3	1	1	2	62
3-axle Trucks:			0	1	1	1	0	1	26
4+-axle Trucks:			2	5	7	4	4	8	190
Total Truck:			3	8	11	6	5	11	278
High-Cube Cold Storage Warehouse (PCE)			**11**	**8**	**19**	**9**	**14**	**23**	**462**
Industrial Total Passenger Cars			38	1	39	18	52	71	916
Industrial Total Trucks (PCE)			21	14	35	13	22	35	734
Industrial Total (PCE)			**59**	**15**	**74**	**31**	**74**	**106**	**1,650**
Fast Casual Restaurant	16.200	TSF	12	12	23	112	91	203	1,574
Internal Capture[2]			-7	-6	-13	-11	-20	-31	-346
Pass-By (49% AM; 50% PM/Daily)[3]			-3	-3	-6	-36	-36	-71	-614
Coffee/Donut Shop with Drive Thru	1.600	TSF	70	67	137	31	31	62	854
Internal Capture[2]			-4	-3	-7	-6	-11	-17	-300
Pass-By (89% AM/PM/Daily)[3]			-57	-57	-114	-18	-18	-36	-494
Restaurant Total:			**11**	**10**	**20**	**72**	**38**	**111**	**674**
Strip Retail Plaza	16.200	TSF	23	15	38	53	53	107	884
Internal Capture[2]			-6	-4	-10	-31	-16	-47	-266
Pass-By (34% PM/Daily)[3]			0	0	0	-8	-8	-15	-212
Retail Total:			**17**	**11**	**28**	**15**	**30**	**45**	**406**
Commercial Total			**28**	**21**	**48**	**87**	**68**	**155**	**1,080**
Project Total Passenger Cars			66	22	87	105	120	224	1,996
Project Total Trucks (Actual Vehicles)			21	14	35	13	22	35	734
Project Total (PCE)			**87**	**36**	**122**	**118**	**142**	**259**	**2,730**

[1] TSF = thousand square feet

[2] Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

[3] Source: ITE Trip Generation Handbook, 3rd Edition, 2017.

TRIP GENERATION COMPARISON

As shown in Table 5, the development of the proposed Project is anticipated to generate 1,800 fewer two-way PCE trips per day with 318 fewer AM PCE peak hour trips and 239 fewer PM PCE peak hour trips as compared to the currently approved uses. The trip generation comparison has been performed for the PCE trips only as the peak hour intersection operations analysis conducted in the SPA No. 5 Traffic Study was based on PCE.

TABLE 5: TRIP GENERATION COMPARISON

	AM Peak Hour			PM Peak Hour			
Land Use	**In**	**Out**	**Total**	**In**	**Out**	**Total**	**Daily**
Actual Vehicles:							
Previously Approved Project							
Passenger Cars:	265	68	333	108	301	409	3,400
Total Truck Trips:	34	8	42	8	28	36	444
Previously Approved Project Total	**299**	**76**	**375**	**116**	**329**	**445**	**3,844**
Proposed Project							
Passenger Cars:	66	22	87	105	119	224	1,996
Total Truck Trips:	8	5	13	4	9	13	296
Proposed Project Total	**74**	**27**	**100**	**109**	**128**	**237**	**2,292**
Comparison							
Passenger Cars:	-199	-46	-246	-3	-182	-185	-1,404
Total Truck Trips:	-26	-3	-29	-4	-19	-23	-148
Comparison Total	**-225**	**-49**	**-275**	**-7**	**-201**	**-208**	**-1,552**
Passenger Car Equivalent (PCE):							
Previously Approved Project							
Passenger Cars:	265	68	333	108	301	409	3,400
Total Truck Trips:	87	20	107	19	70	89	1,130
Previously Approved Project Total	**352**	**88**	**440**	**127**	**371**	**498**	**4,530**
Proposed Project							
Passenger Cars:	66	22	87	105	120	224	1,996
Total Truck Trips:	21	14	35	13	22	35	734
Proposed Project Total	**87**	**36**	**122**	**118**	**142**	**259**	**2,730**
Comparison							
Passenger Cars:	-199	-46	-246	-2	-182	-185	-1,404
Total Truck Trips:	-66	-6	-72	-6	-48	-54	-396
Comparison Total	**-265**	**-52**	**-318**	**-8**	**-230**	**-239**	**-1,800**

TRIP DISTRIBUTION

Trip distribution is the process of identifying the probable destinations, directions or traffic routes that will be utilized by Project traffic. The potential interaction between the planned land uses and surrounding regional access routes are considered, to identify the route where the Project traffic would distribute. The Project trip distribution and assignment process represents the directional orientation of traffic to and from the Project site. The trip distribution pattern of passenger cars is heavily influenced by the geographical location of the site, the location of surrounding land uses, and the proximity to the regional freeway system. The trip distribution pattern for truck traffic is also influenced by the local truck routes. Given these differences, separate trip distributions were generated for both passenger cars and truck trips. The Project (industrial) passenger car and truck trip distribution patterns are graphically depicted on Exhibits 3 and 4, respectively. Exhibit 5 shows the retail trip distribution patterns. All distribution patterns are consistent with the SPA No. 5 Traffic Study.

INTERSECTION OPERATIONS ANALYSIS

EXISTING PLUS PROJECT (E+P) CONDITIONS

Existing baseline traffic volumes are consistent with the SPA No. 5 Traffic study. Specifically, historic traffic count data was utilized in conjunction with an adjustment factor (2% per year, compounded annually) to establish a current baseline condition (as to not understate volumes that might be influenced by the pandemic). Project traffic was added to baseline volumes to develop E+P traffic volumes. Turning volumes shown are in PCE, but the ADT volumes are reflected in actual vehicles. E+P peak hour intersection volumes are shown on Exhibit 6. As shown on Table 6, the study area intersections are anticipated to operate at an acceptable LOS (LOS D or better) for E+P traffic conditions consistent with the E+P results from the SPA No. 5 Traffic Study. Table 6 also shows the net change in the delays between the project evaluated in the SPA No. 5 Traffic Study and the currently proposed Project. The change in delay shows reductions to the anticipated E+P delays with the proposed Project. Intersection operations worksheets for E+P traffic conditions are provided in Attachment B.

TABLE 6: SUMMARY OF INTERSECTION ANALYSIS

#	Intersection	Traffic Control[2]	E+P (SPA No. 5) Delay[1] (secs.) AM	E+P (SPA No. 5) Delay[1] (secs.) PM	E+P (SPA No. 5) Level of Service AM	E+P (SPA No. 5) Level of Service PM	E+P (Current Project) Delay[1] (secs.) AM	E+P (Current Project) Delay[1] (secs.) PM	E+P (Current Project) Level of Service AM	E+P (Current Project) Level of Service PM	Delay[1] (secs.) AM	Delay[1] (secs.) PM
1	Highland Springs Av. & I-10 WB Ramps	TS	34.8	42.0	C	D	25.6	34.4	C	C	-9.2	-7.6
2	Highland Springs Av. & I-10 EB Ramps	TS	34.6	26.2	C	C	25.2	23.4	C	C	-9.4	-2.8
3	Highland Springs Av. & 2nd St.	TS	24.8	20.8	C	C	23.5	19.8	C	B	-1.3	-1.0
4	Highland Springs Av. & 1st St./Sun Lakes Bl.	TS	34.5	18.4	C	B	28.6	17.1	C	B	-5.9	-1.3
5	Sun Lakes Village Dr. & Dwy. 1	**CSS**	10.4	11.1	B	B	9.6	10.0	A	B	-0.8	-1.1
6	Sun Lakes Village Dr. & Sun Lakes Bl.	CSS/**TS**[4]	16.7	15.7	C	C	12.2	16.7	B	B	-4.5	1.0
7	Dwy. 2/Country Club Dr. & Sun Lakes Bl.	AWS/**TS**[4]	17.3	19.0	B	B	19.6	19.4	B	B	2.3	0.4
8	Dwy. 3 & Sun Lakes Bl.	**CSS**	9.0	10.1	A	B	8.7	8.9	A	B	-0.3	-1.2
9	Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.	AWS	8.8	8.2	A	A	8.6	8.2	A	A	-0.2	0.0

* **BOLD** = Level of Service (LOS) does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

[1] Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown. HCM delay reported in seconds.

[2] CSS = Cross-street Stop; AWS = All-way Stop; TS = Traffic Signal; **CSS** = Improvement

[3] Minimum acceptable LOS for each applicable jurisdiction.

[4] The Project will construct a traffic signal as part of the Project design features.

Long-range (horizon year) intersection improvements are noted in Table 7 and identifies whether the improvements are included in a pre-existing fee program (such as the City's Development Impact Fee or County Transportation Uniform Mitigation Fee programs). If the improvement is not included in any pre-existing fee program, then it is assumed the Project would either construct the improvement or contribute its fair share towards the improvements needed to maintain acceptable LOS. Table 7 shows the fair share contribution identified previously in the SPA No. 5 Traffic Study and the Project's fair share based on the currently proposed development. Detailed fair share calculations for the applicable intersection is shown on Table 8.

TABLE 7: SUMMARY OF IMPROVEMENTS BY ANALYSIS SCENARIO

#	Intersection Location	Jurisdiction	Analysis Scenarios 2040 Without & With Project	Improvements in Fee Program?[1]	Project Responsibility[2]	SPA No. 5 Traffic Study Fair Share %[3]	Current Fair Share %[3]
1	Highland Springs Av. & I-10 WB Ramps	Banning, Beaumont, Caltrans	Add SB free right turn lane	No	Fair Share	22.4%	9.0%
			Add WB left turn lane	No	Fair Share		
2	Highland Springs Av. & I-10 EB Ramps	Banning, Beaumont, Caltrans	Add 2nd EB right turn lane	No	Fair Share	29.5%	13.1%
3	Highland Springs Av. & 2nd St.	Banning, Beaumont	Restripe the EB approach to provide dual left turn lanes and one shared through-right turn lane	No	Fair Share	32.9%	15.1%
			Modify the traffic signal to protect the eastbound and westbound left turns and to implement lead-lag operations for the eastbound and westbound left turns, with the eastbound left turn running as lag	No	Fair Share		
4	Highland Springs Av. & 1st St./Sun Lakes Bl.	Banning, Beaumont	Add 2nd SB left turn lane	No	Fair Share	21.8%	8.5%
			Add 2nd WB through lane	No	Fair Share		
6	Sun Lakes Village Dr. & Sun Lakes Bl.	Banning	Install a Traffic Signal	No	Construct[4]	34.2%	11.8%
9	Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.	Banning	Install a Traffic Signal	No	Fair Share	6.7%	1.7%

[1] Program improvements constructed by project may be eligible for fee credit. In lieu fee payment is at discretion of City.
[2] Identifies the Project's responsibility to construct an improvement or contribute a fee payment or fair share towards the implementation of the improvements shown.
[3] Represents the fair share percentage for the Project during the most impacted peak hour.
[4] Project has committed to constructing the traffic signal located at Sun Lakes Village Drive at Sun Lakes Boulevard.

TABLE 8: PROJECT FAIR SHARE CALCULATIONS

#	Intersection		Existing	Project	2040 With Project	Total New Traffic	Project Fair Share[1]
1	Highland Springs Av. & I-10 WB Ramps						
		AM:	2,525	46	3,543	1,018	4.5%
		PM:	3,106	94	4,155	1,049	**9.0%**
2	Highland Springs Av. & I-10 EB Ramps						
		AM:	2,821	90	4,092	1,271	7.1%
		PM:	3,530	168	4,817	1,287	**13.1%**
3	Highland Springs Av. & 2nd St.						
		AM:	1,899	92	3,120	1,221	7.5%
		PM:	1,801	175	2,963	1,162	**15.1%**
4	Highland Springs Av. & 1st St./Sun Lakes Bl.						
		AM:	1,437	107	3,338	1,901	5.6%
		PM:	1,511	216	4,044	2,533	**8.5%**
6	Sun Lakes Village Dr. & Sun Lakes Bl.						
		AM:	613	107	1,698	1,085	9.9%
		PM:	624	223	2,510	1,886	**11.8%**
9	Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.						
		AM:	216	13	1,052	836	1.6%
		PM:	245	35	2,281	2,036	**1.7%**

* Highest deficient peak hour represented in **BOLD** and shown on Table 7.

SITE ACCESS RECOMMENDATIONS

Site access recommendations for the Project driveways are shown on Exhibit 7 and are consistent with those recommended in the SPA No. 5, with the exception of the following:

- Driveway 2 improvements on Sun Lake Village Drive are no longer applicable as the driveway is no longer being proposed.
- The intersection of Sun Lakes Village Drive and Sun Lakes Boulevard will be signalized by the Project. In addition the existing landscaped median will be modified to accommodate a 150-foot eastbound left turn lane.
- Sun Lakes Village Drive will be widened to 54-feet of pavement in order to accommodate a 14-foot southbound right turn lane, 13-foot southbound left turn lane, 13-foot northbound through lane (providing access to the Sun Lakes Village Shopping Center), and a 14-foot northbound right turn lane (providing access into the Project).
- Project will install a traffic signal and modify the existing landscaped median at Driveway 2/Country Club Drive in order to accommodate a 150-foot eastbound left turn lane at the intersection of Driveway 2/Country Club Drive and Sun Lakes Boulevard.

A queuing analysis has been conducted for Horizon Year (2040) With Project traffic conditions to determine the necessary turn pocket storage lengths shown on Exhibit 7. Queuing analysis worksheets are provided in Attachment C.

TRUCK ACCESS

Due to the typical wide turning radius of large trucks, a truck turning template has been overlaid on the site plan at the Project driveway (Driveway 1) anticipated to be utilized by heavy trucks in order to determine appropriate curb radii and to verify that trucks will have sufficient space to execute turning maneuvers (see Exhibit 8). As shown on Exhibit 8, the proposed curb radii at Driveway 1 and the intersection of Sun Lakes Village Drive at Sun Lakes Boulevard are anticipated to accommodate the ingress and egress of heavy trucks as currently designed.

If you have any questions, please contact me directly at (949) 861-0177.

Respectfully submitted,

URBAN CROSSROADS, INC.

Charlene So

Charlene So, PE
Associate Principal

EXHIBIT 1: PRELIMINARY SITE PLAN



EXHIBIT 2: STUDY AREA

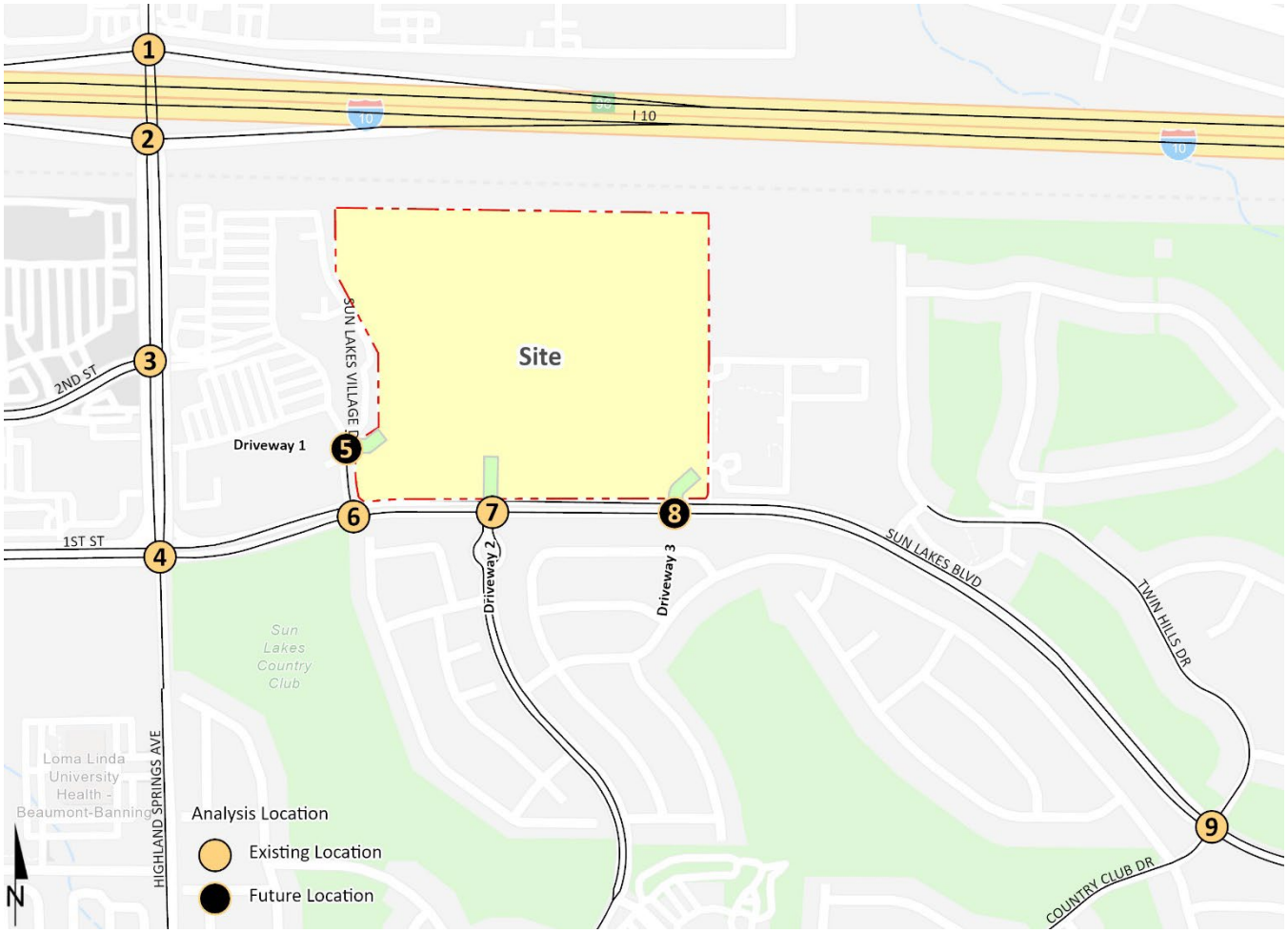


EXHIBIT 3: PROJECT (INDUSTRIAL PASSENGER CAR) TRIP DISTRIBUTION

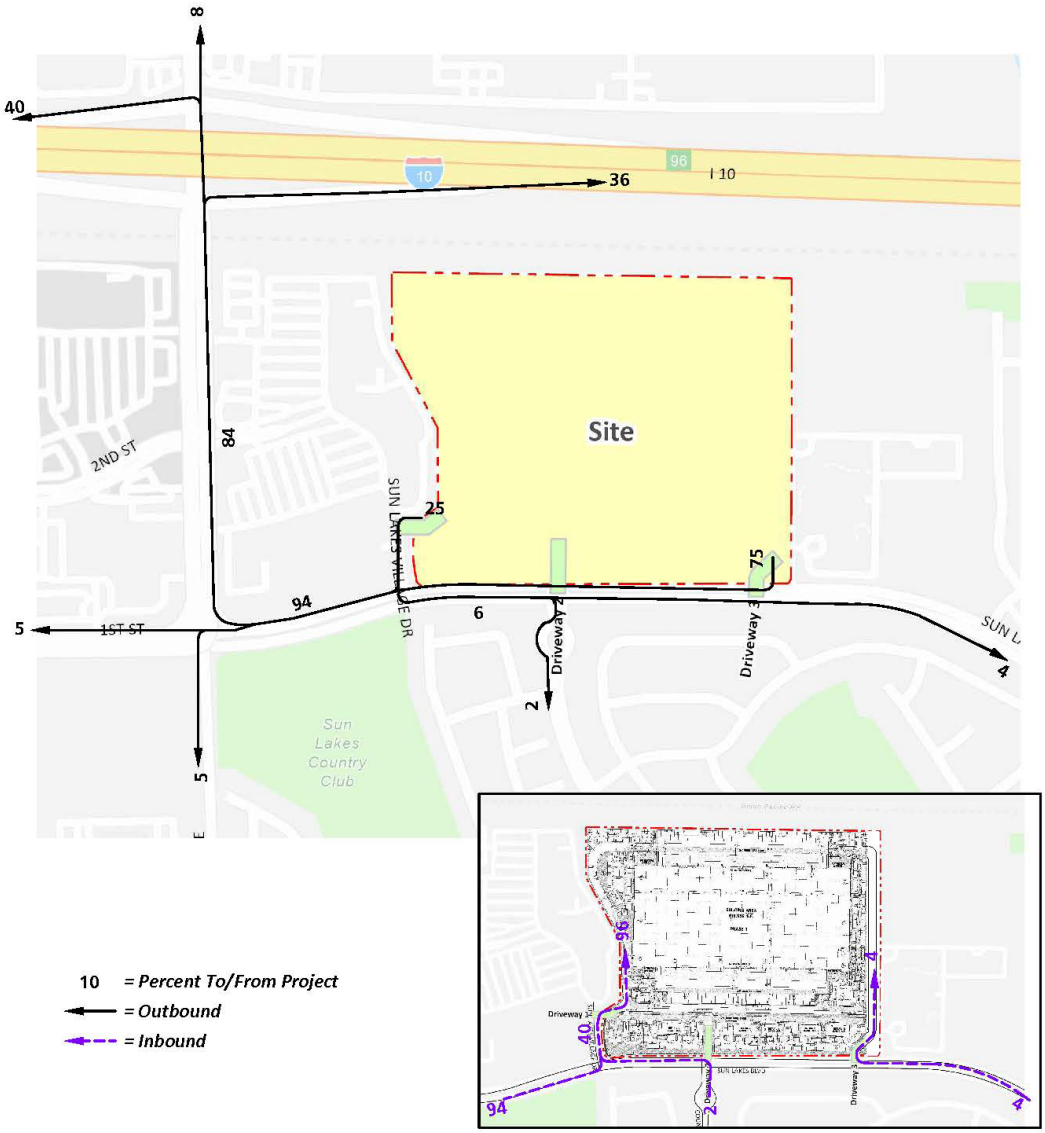


EXHIBIT 4: PROJECT (INDUSTRIAL TRUCK) TRIP DISTRIBUTION



EXHIBIT 5: PROJECT (RETAIL) TRIP DISTRIBUTION

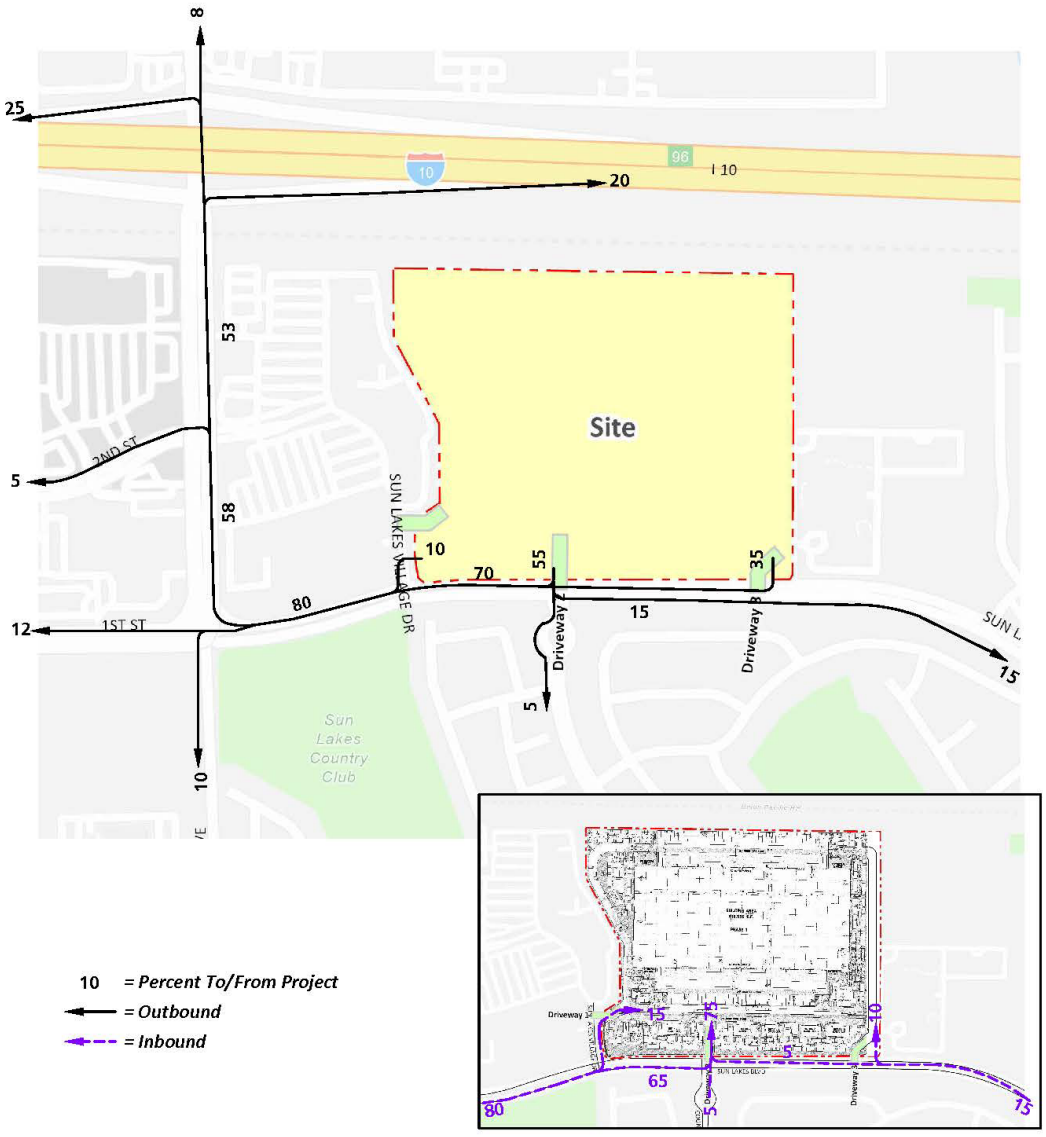
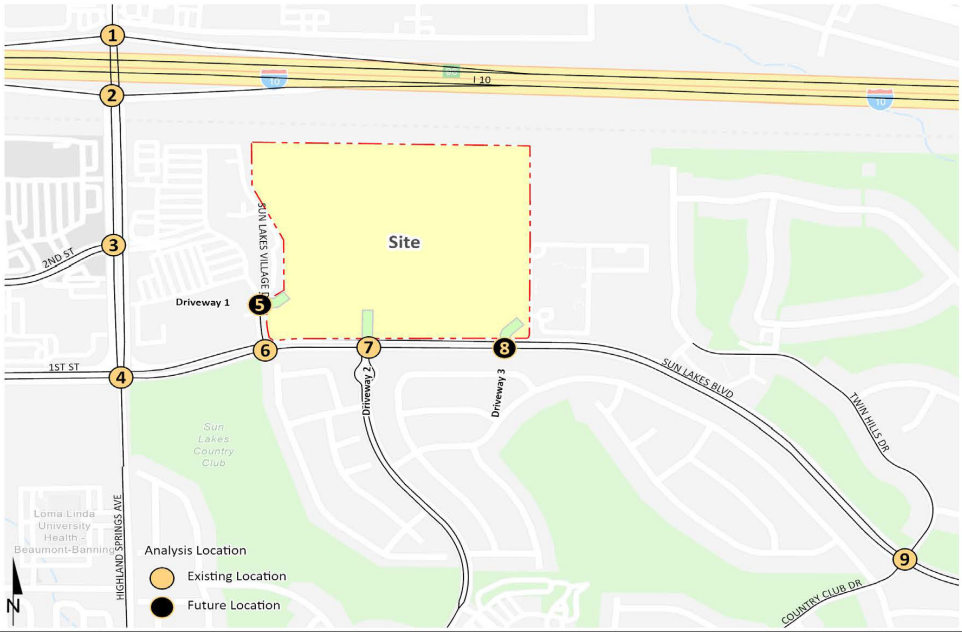


EXHIBIT 6: E+P TRAFFIC VOLUMES (PCE)



1 Highland Springs Av. & I-10 WB Ramps

	32,950		9,300
↲ 367(313)	↓ 787(834)	↱ 158(307)	
		← 36(10)	
		↰ 222(369)	
		↰ 309(389)	↑ 696(982)
9,500			34,700

2 Highland Springs Av. & I-10 EB Ramps

	34,700		8,950
	↓ 828(1076)	↳ 209(126)	
293(326) ↳			
0(3) →			
473(588) ↴		↑ 711(1045)	↱ 402(541)
12,500			43,750

3 Highland Springs Av. & 2nd St.

	24,800		3,350
↲ 354(341)	↓ 437(427)	↳ 160(158)	
		↱ 34(33)	
		← 19(18)	
		↰ 29(14)	
42(309) ↳		↰ 43(44)	↑ 534(584)
318(9) →			↱ 15(15)
10(33) ↴			
10,200			14,750

4 Highland Springs Av. & 1st St./Sun Lakes Bl.

	17,850		9,900
↲ 107(177)	↓ 254(234)	↳ 288(253)	
		↱ 216(226)	
		← 55(114)	
		↰ 14(39)	
124(230) ↳		↰ 64(58)	↑ 259(224)
74(108) →			↱ 19(34)
74(40) ↴			
9,750			8,450

5 Sun Lakes Village Dr. & Dwy. 1

	2,850		1,150
	↓ 27(118)	↰ 16(42)	
		↑ 152(94)	↱ 40(33)
			4,050

6 Sun Lakes Village Dr. & Sun Lakes Bl.

	4,050		8,000
↲ 32(116)		↳ 16(44)	
		↱ 43(35)	
		← 252(264)	
176(91) ↳			
204(302) →			
9,900			

7 Dwy. 2/Country Club Dr. & Sun Lakes Bl.

	3,600		4,250
↲ 68(85)	↓ 1(3)	↳ 64(71)	
		↱ 62(65)	
		← 114(115)	
		↰ 10(7)	
100(127) ↳		↰ 113(99)	↑ 2(5)
16(76) →			↱ 7(7)
103(143) ↴			
8,000			3,550

8 Dwy. 3 & Sun Lakes Bl.

	600		3,650
↲ 8(63)		↱ 4(9)	
		← 145(120)	
72(149) →			
4,100			

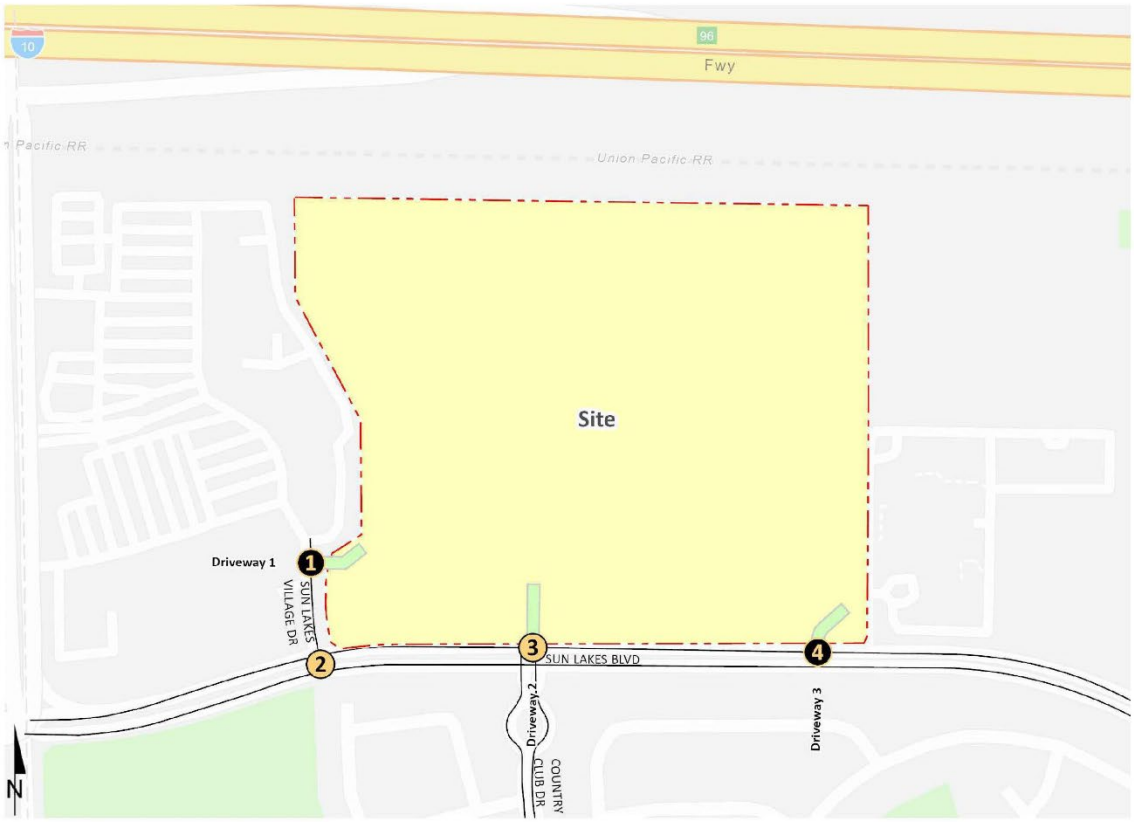
9 Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.

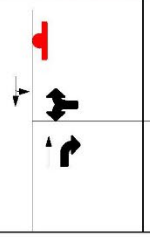
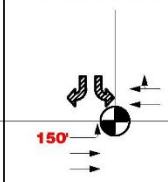
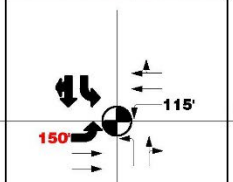
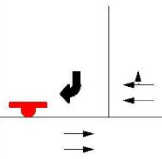
	500		950
↲ 7(2)	↓ 10(12)	↳ 4(0)	
		↱ 2(2)	
		← 28(30)	
		↰ 6(4)	
2(5) ↳		↰ 104(76)	↑ 11(17)
22(34) →			↱ 4(4)
25(84) ↴			
3,000			2,550

##(##) AM(PM) Peak Hour Intersection Volumes

Average Daily Trips

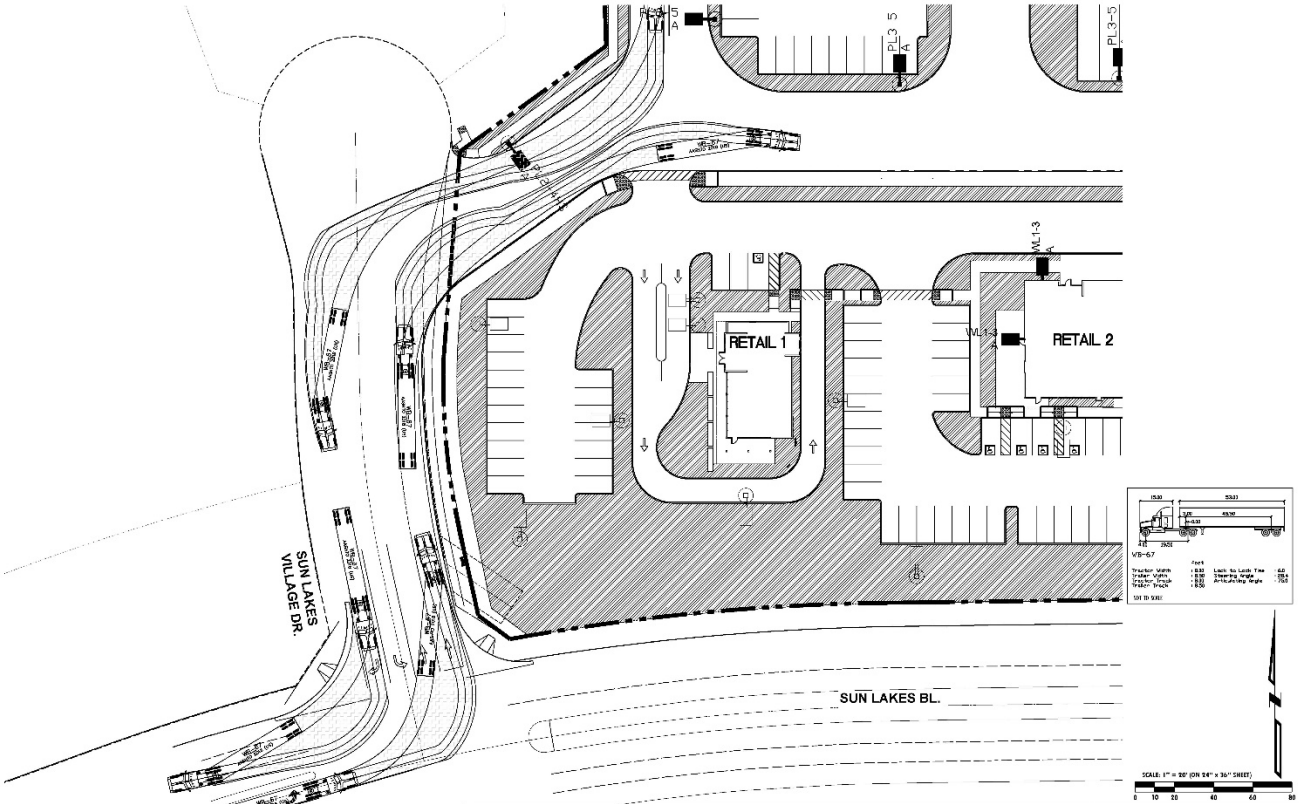
EXHIBIT 7: SITE ACCESS RECOMMENDATIONS



1 Sun Lakes Village Dr. & Dwy. 1	2 Sun Lakes Village Dr. & Sun Lakes Bl.	3 Dwy. 2 / Country Club Dr. & Sun Lakes Bl.	4 Dwy. 3 & Sun Lakes Bl.
			

= *New Traffic Signal*
= *Stop Sign Improvement*
= *Existing Lane*
= *Lane Improvement*
= *Lane Restripe*
100' = *Recommended Turn Pocket Length*
100' = *Minimum Turn Pocket Length*

EXHIBIT 8: TRUCK ACCESS



ATTACHMENT A:
EXCERPTS FROM SPA NO. 5 TRAFFIC STUDY

Sun Lakes Village North Specific Plan Amendment No. 5

TRAFFIC ANALYSIS

CITY OF BANNING

PREPARED BY:

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Charlene So, PE
cso@urbanxroads.com

Connor Paquin, PE
cpaquin@urbanxroads.com

SEPTEMBER 4, 2020

EXHIBIT 1-1: PRELIMINARY LAND USE PLAN



LEGEND:

RIRO	*= RIGHT-IN/RIGHT-OUT ONLY ACCESS*
FULL	*= FULL ACCESS*
P	*= PASSENGER CARS ONLY*
PT	*= PASSENGER CARS AND TRUCKS*

N

EXHIBIT 1-2: LOCATION MAP



LEGEND:

0 = *EXISTING INTERSECTION ANALYSIS LOCATION*

(0) = *FUTURE INTERSECTION ANALYSIS LOCATION*

N

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URBAN CROSSROADS

EXHIBIT 1-4: SITE ADJACENT ROADWAY AND SITE ACCESS RECOMMENDATIONS

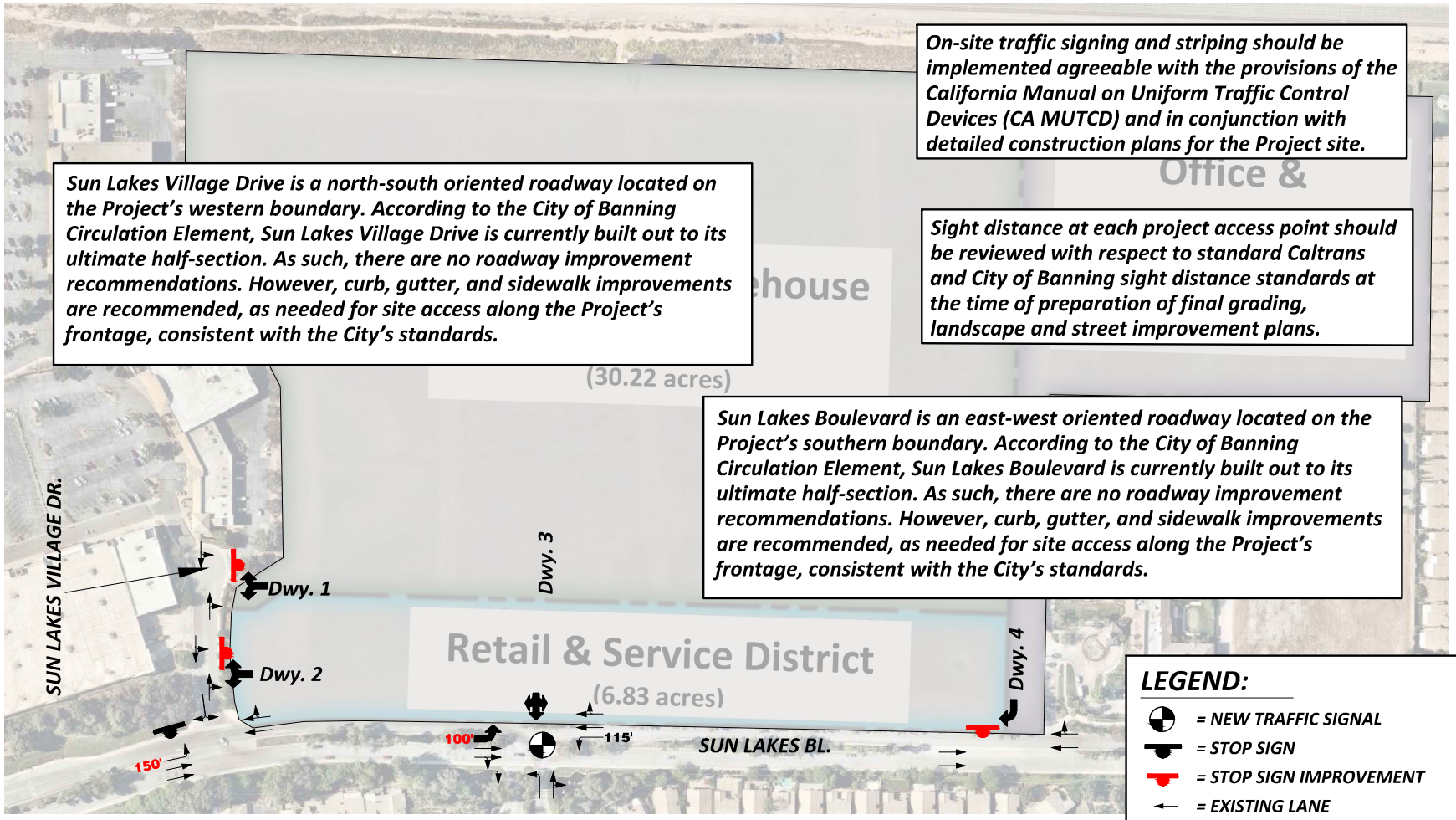


Table 1-2

Summary of Improvements by Analysis Scenario

#	Intersection Location	Jurisdiction	Recommended Improvements[1]				Improvements in Fee Program?[1]	Project Responsibility[2]	Fair Share %[3]
			Existing (2020)	E+P	2040 Without Project	2040 With Project			
1	Highland Springs Av. & I-10 WB Ramps	Banning, Beaumont, Caltrans	None	None	Add SB free right turn lane Add WB left turn lane	Same Same	No No	Fair Share Fair Share	22.4%
2	Highland Springs Av. & I-10 EB Ramps	Banning, Beaumont, Caltrans	None	None	Add 2nd EB right turn lane	Same	No	Fair Share	29.5%
3	Highland Springs Av. & 2nd St.	Banning, Beaumont	None	None	Restripe the EB approach to provide dual left turn lanes and one shared through-right turn lane Modify the traffic signal to protect the eastbound and westbound left turns and to implement lead-lag operations for the eastbound and westbound left turns, with the eastbound left turn running as lag	Same Same	No No	Fair Share Fair Share	32.9%
4	Highland Springs Av. & 1st St./Sun Lakes Bl.	Banning, Beaumont	None	None	Add 2nd SB left turn lane Add 2nd WB through lane	Same Same	No No	Fair Share Fair Share	21.8%
7	Sun Lakes Village Dr. & Sun Lakes Bl.	Banning	None	None	Install a Traffic Signal	Same	No	Fair Share	34.2%
10	Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.	Banning	None	None	Install a Traffic Signal	Same	No	Fair Share	6.7%

[1] Program improvements constructed by project may be eligible for fee credit. In lieu fee payment is at discretion of City.

[2] Identifies the Project's responsibility to construct an improvement or contribute a fee payment or fair share towards the implementation of the improvements shown.

[3] Represents the fair share percentage for the Project during the most impacted peak hour.

Table 4-1

Trip Generation Rates

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Actual Vehicle Trip Generation Rates									
Industrial Park[3]	TSF	130	0.324	0.076	0.400	0.084	0.316	0.400	3.370
Passenger Cars (AM-88.0%; PM-90.0%; Daily-85.0%)			0.285	0.067	0.348	0.076	0.284	0.348	2.865
2-Axle Trucks (AM-2.00%; PM-1.67%; Daily-2.51%)			0.006	0.002	0.009	0.001	0.005	0.009	0.084
3-Axle Trucks (AM-2.48%; PM-2.07%; Daily-3.11%)			0.008	0.002	0.011	0.002	0.007	0.011	0.105
4-Axle+ Trucks (AM-7.51%; PM-6.26%; Daily-9.39%)			0.024	0.006	0.032	0.005	0.020	0.033	0.316
Passenger Car Equivalent (PCE) Trip Generation Rates[4]									
Industrial Park[3]	TSF	130	0.324	0.076	0.400	0.084	0.316	0.400	3.370
Passenger Cars			0.285	0.067	0.352	0.076	0.284	0.360	2.865
2-Axle Trucks (PCE = 1.5)			0.010	0.002	0.012	0.002	0.008	0.010	0.127
3-Axle Trucks (PCE = 2.0)			0.016	0.004	0.020	0.003	0.013	0.017	0.209
4-Axle+ Trucks (PCE = 3.0)			0.073	0.017	0.090	0.016	0.059	0.075	0.949
Medical-Dental Office	720	TSF	2.168	0.612	2.780	0.969	2.491	3.460	34.800
Shopping Center	820	TSF	0.583	0.357	0.940	1.829	1.981	3.810	37.750

[1] Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Tenth Edition (2017).

[2] TSF = thousand square feet

[3] Vehicle Mix Source: ITE Trip Generation Handbook Supplement (2020), Appendix C.
Truck Mix: South Coast Air Quality Management District's (SCAQMD) recommended truck mix, by axle type.
Normalized % - Without Cold Storage: 16.7% 2-Axle trucks, 20.7% 3-Axle trucks, 62.6% 4-Axle trucks.

[4] PCE factors per SBCTA CMP: 2-axle = 1.5; 3-axle = 2.0; 4+-axle = 3.0.

Table 4-2

Project Trip Generation Summary (Actual Vehicles)

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Industrial Park	877.298	TSF							
Passenger Cars:			250	59	309	66	250	316	2,514
Truck Trips:									
2-axle:			6	1	7	1	5	6	74
3-axle:			7	2	9	2	6	8	92
4+-axle:			21	5	26	5	17	22	278
- Truck Trips			34	8	42	8	28	36	444
Industrial Park Subtotal			***284***	***67***	***351***	***74***	***278***	***352***	***2,958***
Medical Office	52.065	TSF	113	32	145	50	130	180	1,812
Internal Capture			-4	-7	-11	-1	-5	-6	-62
Office Subtotal			***109***	***25***	***134***	***49***	***125***	***174***	***1,750***
Commercial Retail	37.189	TSF	22	13	35	68	74	142	1,404
Internal Capture			-7	-4	-11	-5	-1	-6	-60
Pass-By (34% PM/Daily)			0	0	0	-21	-21	-43	-458
Retail Subtotal			***15***	***9***	***24***	***42***	***51***	***93***	***886***
TOTAL TRIPS (Actual Vehicles) [2]			**408**	**101**	**509**	**165**	**454**	**619**	**5,594**
Total Trips from Previous Traffic Study			**502**	**245**	**747**	**454**	**602**	**1,056**	**10,828**
Net Difference in Trips			**-94**	**-144**	**-238**	**-289**	**-148**	**-437**	**-5,234**

[1] TSF = thousand square feet

[2] TOTAL TRIPS = Passenger Cars + Truck Trips.

Table 4-3

Project Trip Generation Summary (PCE)

Land Use	Quantity	Units[1]	AM Peak Hour			PM Peak Hour			Daily
			In	Out	Total	In	Out	Total	
Industrial Park	877.298	TSF							
Passenger Cars:			250	59	309	66	250	316	2,514
Truck Trips:									
2-axle:			9	2	11	2	7	9	112
3-axle:			14	3	17	3	11	14	184
4+-axle:			64	15	79	14	52	66	834
- Truck Trips			87	20	107	19	70	89	1,130
Industrial Park Subtotal			***337***	***79***	***416***	***85***	***320***	***405***	***3,644***
Medical Office	52.065	TSF	113	32	145	50	130	180	1,812
Internal Capture			-4	-7	-11	-1	-5	-6	-62
Office Subtotal			***109***	***25***	***134***	***49***	***125***	***174***	***1,750***
Commercial Retail	37.189	TSF	22	13	35	68	74	142	1,404
Internal Capture			-7	-4	-11	-5	-1	-6	-60
Pass-By (34% PM/Daily)			0	0	0	-21	-21	-42	-458
Retail Subtotal			***15***	***9***	***24***	***42***	***51***	***93***	***886***
TOTAL TRIPS (PCE) [2]			**461**	**113**	**574**	**176**	**496**	**672**	**6,280**
Total Trips from Previous Traffic Study			**502**	**245**	**747**	**454**	**602**	**1,056**	**10,828**
Net Difference in Trips			**-41**	**-132**	**-173**	**-278**	**-106**	**-384**	**-4,548**

[1] TSF = thousand square feet

[2] TOTAL TRIPS = Passenger Cars + Truck Trips.

EXHIBIT 4-1: PROJECT (TRUCK) NEAR-TERM TRIP DISTRIBUTION



LEGEND:

10 = *PERCENT TO/FROM PROJECT*

N

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EXHIBIT 4-2: PROJECT (INDUSTRIAL CAR) NEAR-TERM TRIP DISTRIBUTION

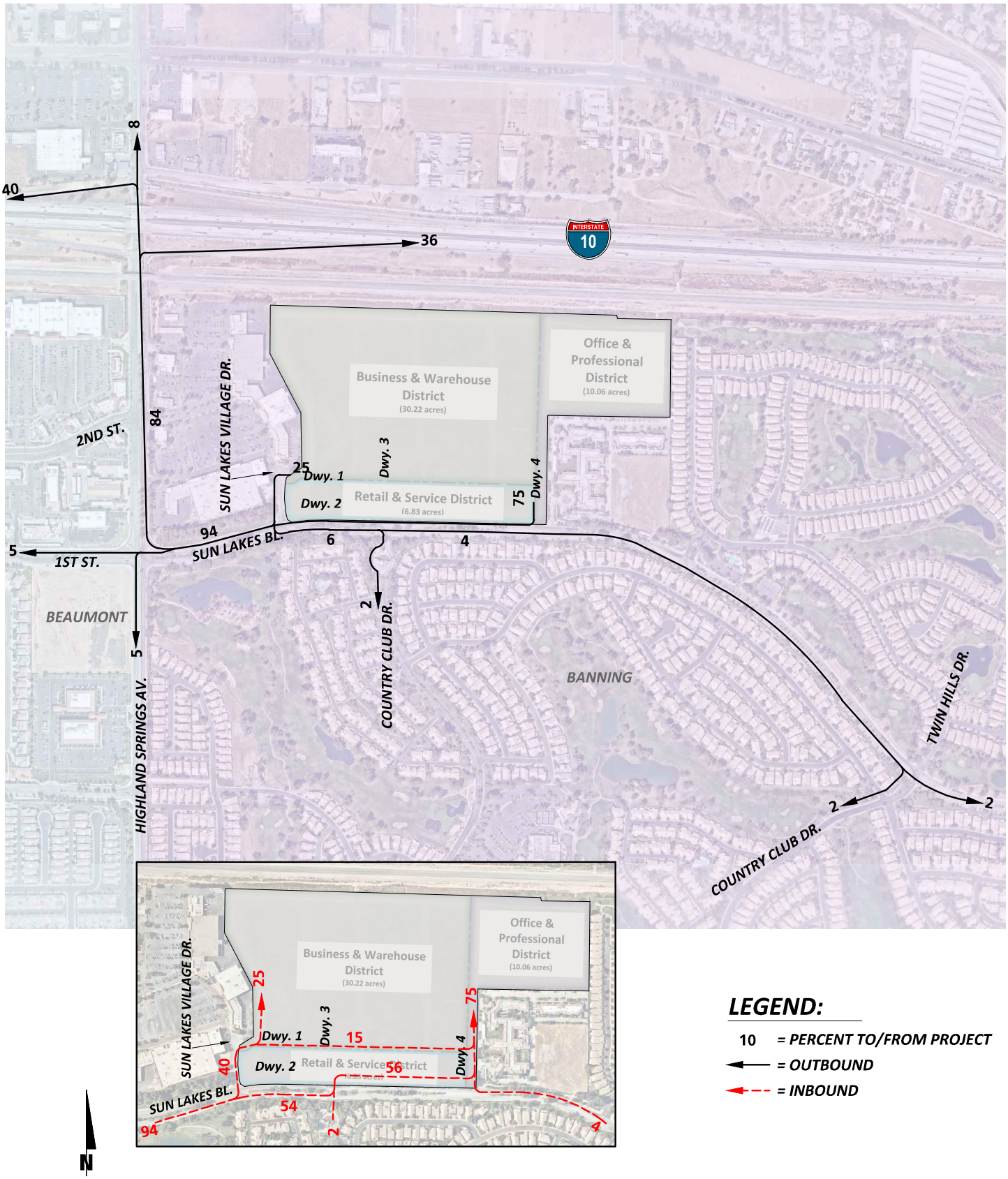
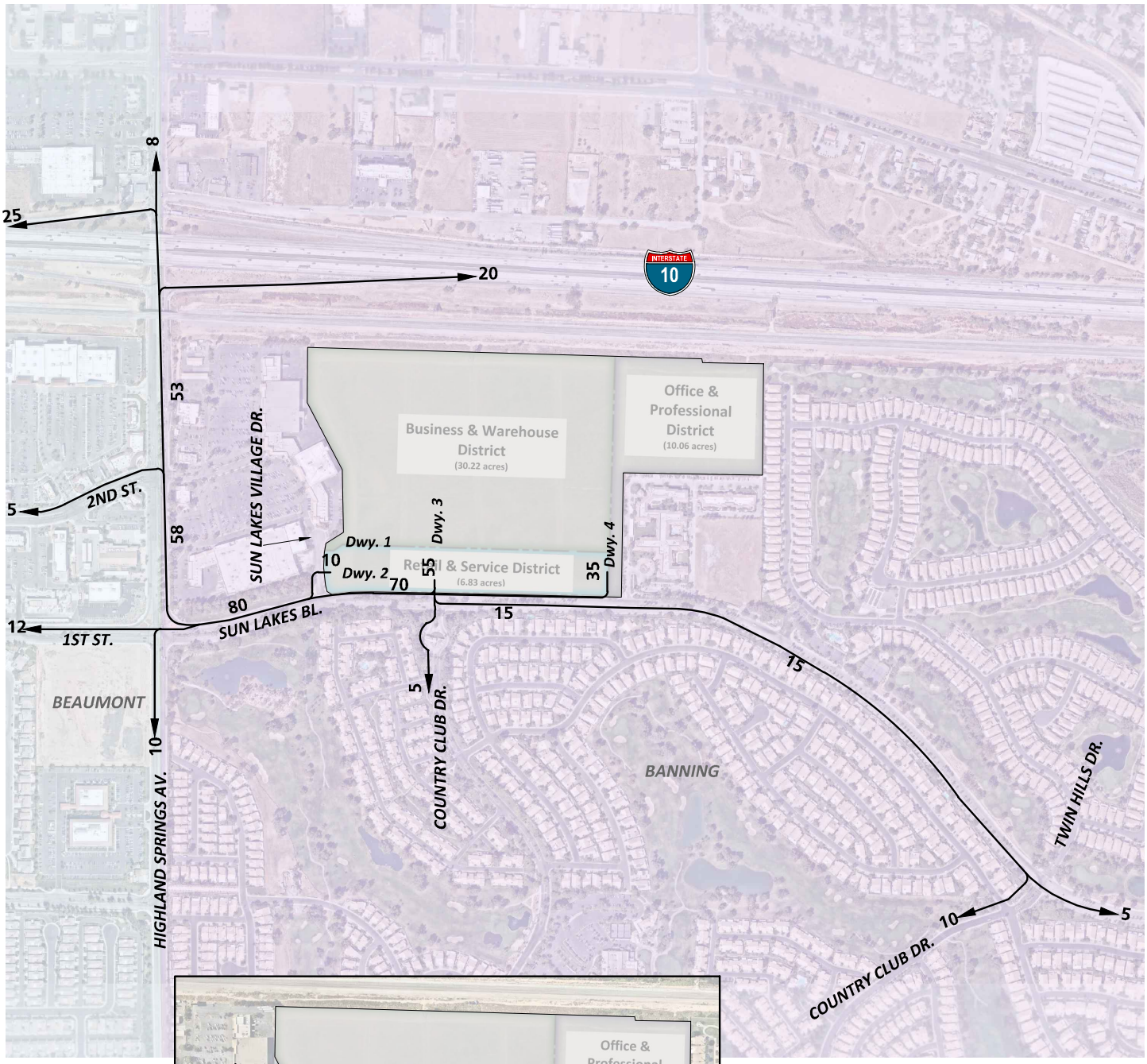
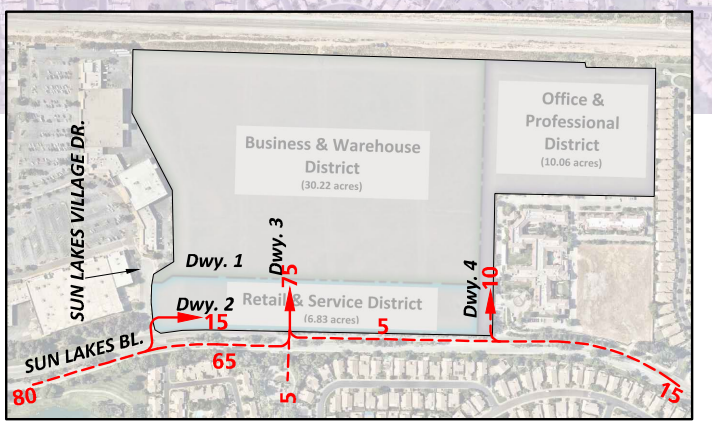


EXHIBIT 4-3: PROJECT (RETAIL/MEDICAL OFFICE) NEAR-TERM TRIP DISTRIBUTION





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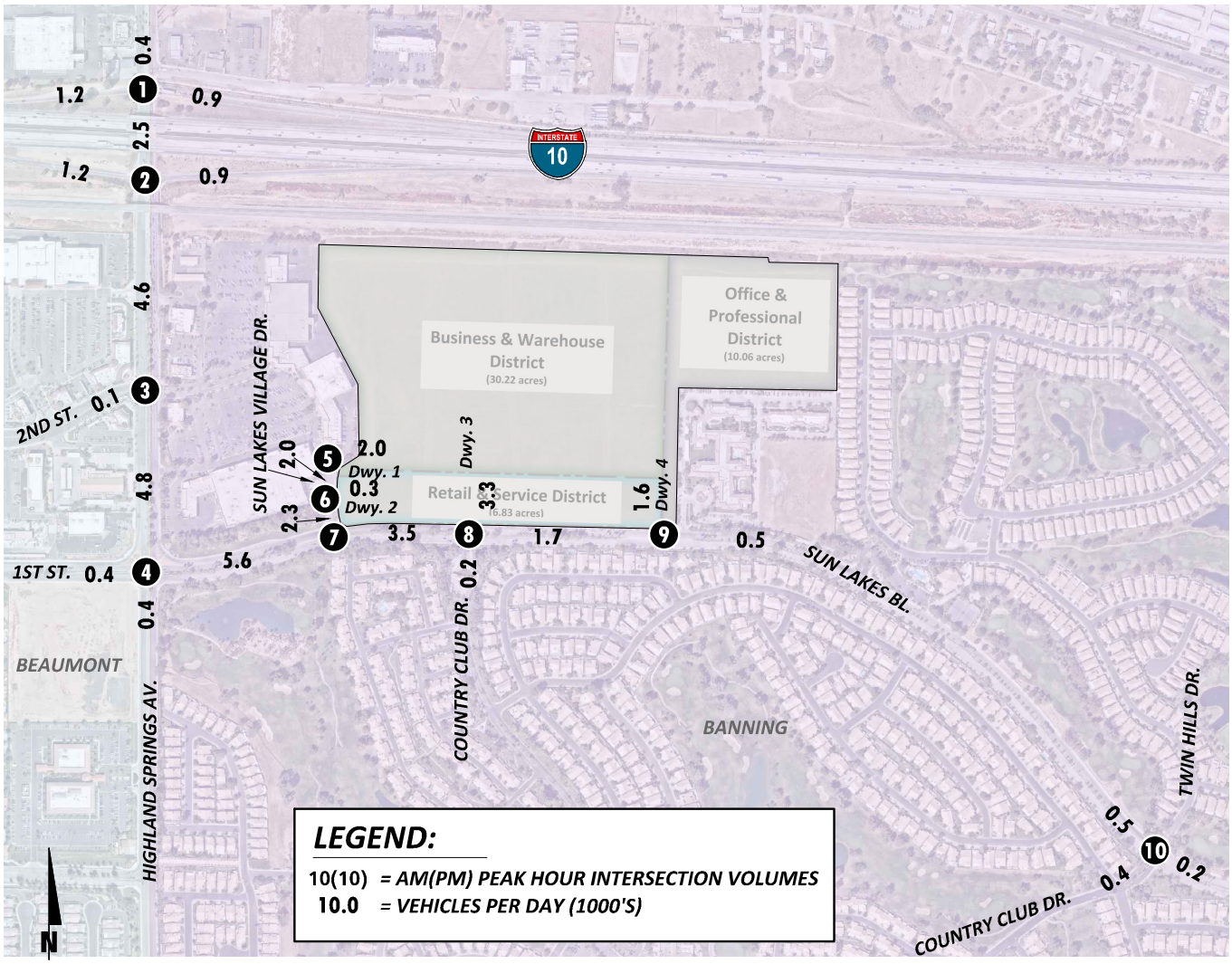
10 = PERCENT TO/FROM PROJECT

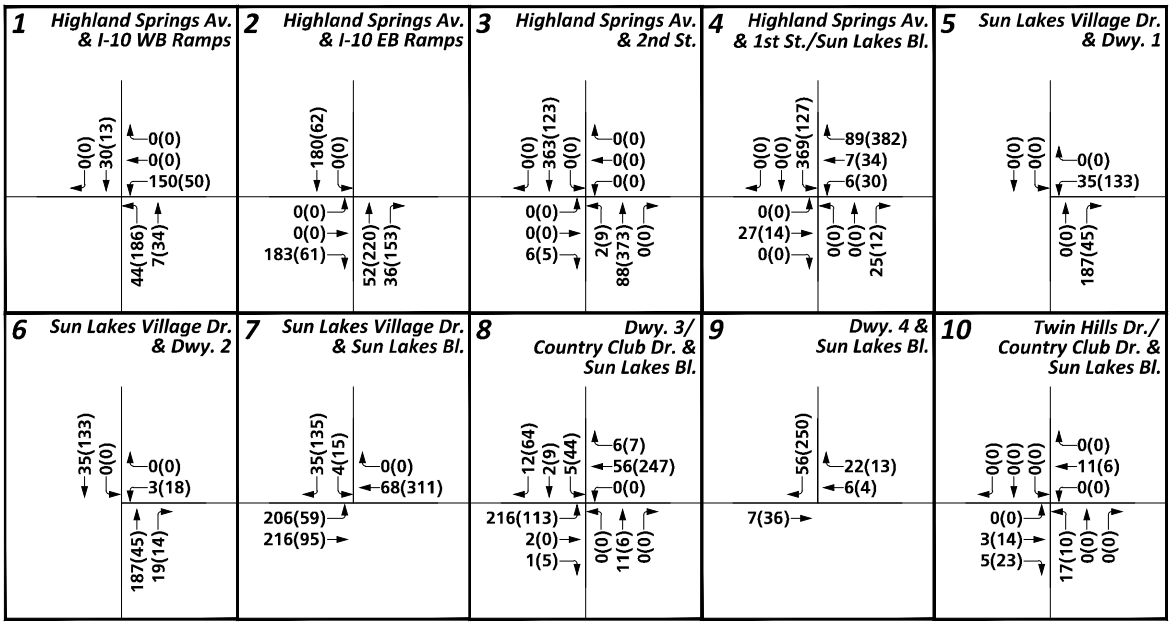
= OUTBOUND

= INBOUND

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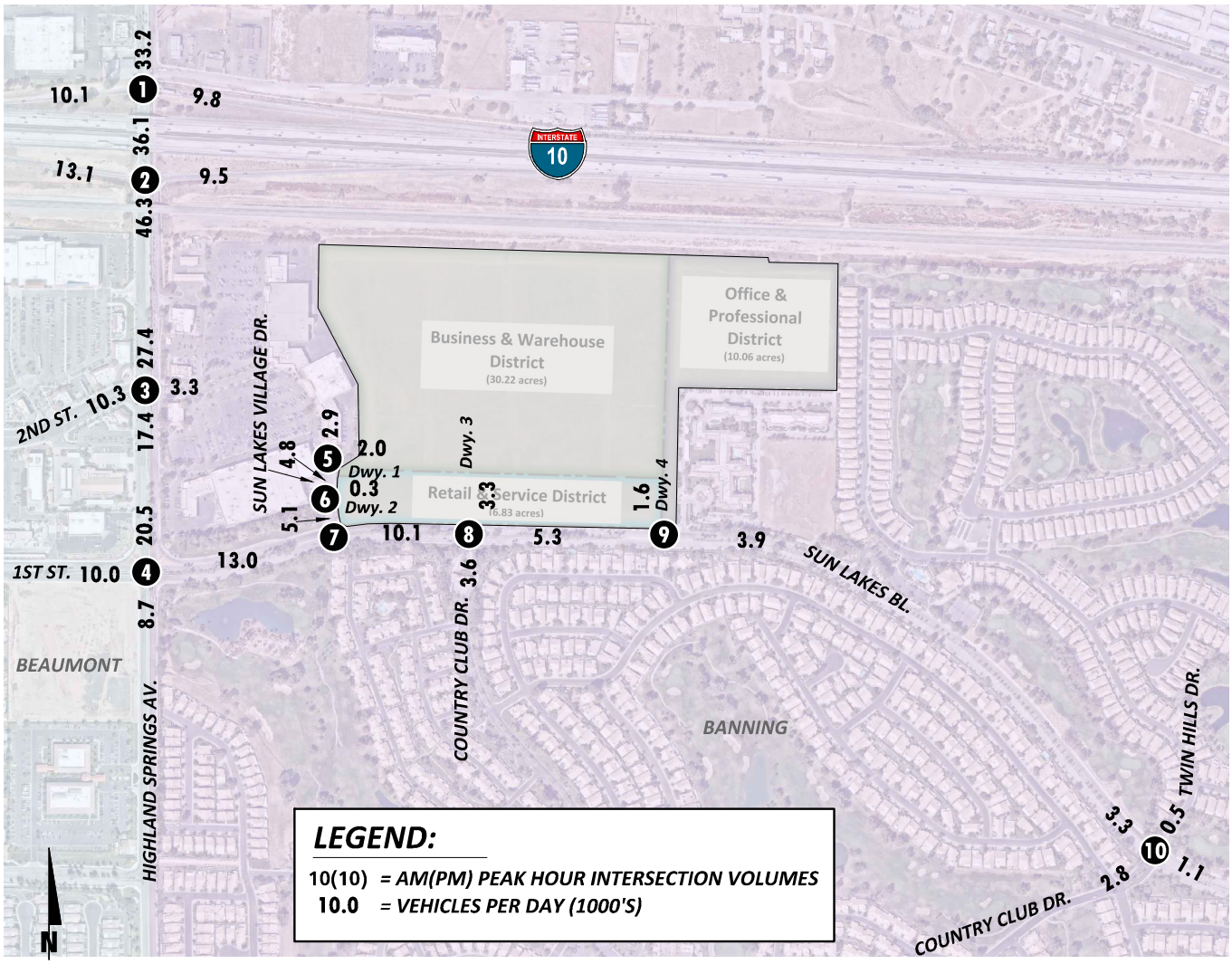
EXHIBIT 4-7: PROJECT (NEAR-TERM) ONLY TRAFFIC VOLUMES (IN PCE)





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EXHIBIT 5-1: E+P TRAFFIC VOLUMES (IN PCE)



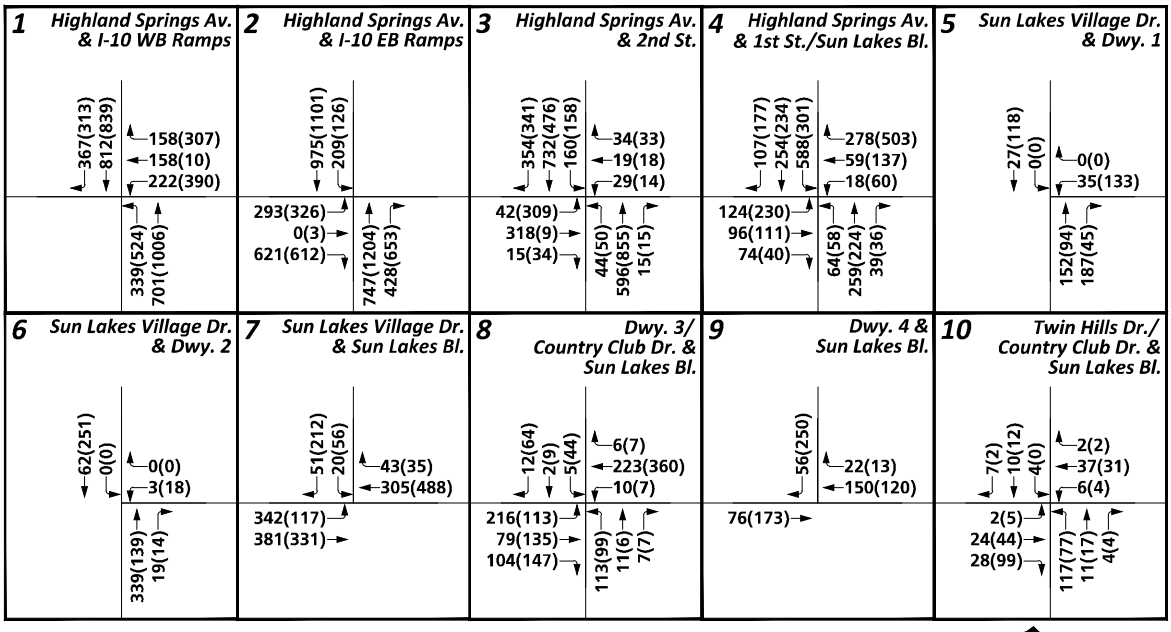


Table 5-1

Intersection Analysis for E+P Conditions

#	Intersection	Traffic Control[2]	Existing (2020)				E+P				Acceptable LOS[3]
			Delay[1] (secs.)		Level of Service		Delay[1] (secs.)		Level of Service		
			AM	PM	AM	PM	AM	PM	AM	PM	
1	Highland Springs Av. & I-10 WB Ramps	TS	23.5	31.5	C	C	34.8	42.0	C	D	D
2	Highland Springs Av. & I-10 EB Ramps	TS	23.4	21.5	C	C	34.6	26.2	C	C	D
3	Highland Springs Av. & 2nd St.	TS	23.4	19.5	C	B	24.8	20.8	C	C	C
4	Highland Springs Av. & 1st St./Sun Lakes Bl.	TS	25.1	15.4	C	B	34.5	18.4	C	B	C
5	Sun Lakes Village Dr. & Dwy. 1	**CSS**	Future Intersection				10.4	11.1	B	B	C
6	Sun Lakes Village Dr. & Dwy. 2	**CSS**	Future Intersection				11.3	11.4	B	B	C
7	Sun Lakes Village Dr. & Sun Lakes Bl.	CSS	12.1	10.5	B	B	16.7	15.7	C	C	C
8	Dwy. 3/Country Club Dr. & Sun Lakes Bl.	AWS/**TS**[4]	8.7	8.2	A	A	17.3	19.0	B	B	C
9	Dwy. 4 & Sun Lakes Bl.	**CSS**	Future Intersection				9.0	10.1	A	B	C
10	Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.	AWS	8.6	8.0	A	A	8.8	8.2	A	A	C

* **BOLD** = Level of Service (LOS) does not meet the applicable jurisdictional requirements (i.e., unacceptable LOS).

[1] Per the Highway Capacity Manual (6th Edition), overall average intersection delay and level of service are shown for intersections with a traffic signal or all way stop control. For intersections with cross street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown. HCM delay reported in seconds.

[2] CSS = Cross-street Stop; AWS = All-way Stop; TS = Traffic Signal; **CSS** = Improvement

[3] Minimum acceptable LOS for each applicable jurisdiction.

[4] The Project will construct a traffic signal as part of the Project design features.

Table 7-1

Project Fair Share Calculations

#	Intersection		Existing	Project	2040 With Project	Total New Traffic	Project Fair Share[1]
1	Highland Springs Av. & I-10 WB Ramps						
		AM:	2,525	212	3,709	1,184	17.9%
		PM:	3,106	276	4,337	1,231	**22.4%**
2	Highland Springs Av. & I-10 EB Ramps						
		AM:	2,821	427	4,429	1,608	26.6%
		PM:	3,530	469	5,118	1,588	**29.5%**
3	Highland Springs Av. & 2nd St.						
		AM:	1,899	435	3,463	1,564	27.8%
		PM:	1,801	483	3,271	1,470	**32.9%**
4	Highland Springs Av. & 1st St./Sun Lakes Bl.						
		AM:	1,437	500	3,731	2,294	**21.8%**
		PM:	1,511	573	4,401	2,890	19.8%
7	Sun Lakes Village Dr. & Sun Lakes Bl.						
		AM:	613	508	2,099	1,486	**34.2%**
		PM:	624	602	2,889	2,265	26.6%
10	Twin Hills Dr./Country Club Dr. & Sun Lakes Bl.						
		AM:	216	59	1,098	882	**6.7%**
		PM:	245	80	2,326	2,081	3.8%

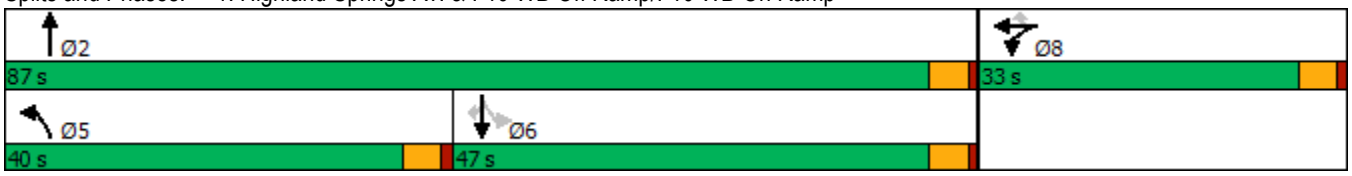
* Highest deficient peak hour represented in **BOLD** and shown on Table 1-2.

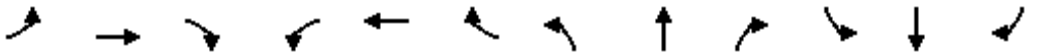
ATTACHMENT B:
E+P CONDITIONS INTERSECTION ANALYSIS WORKSHEETS

Lane Group	WBT	WBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	36	158	309	696	787	367
Future Volume (vph)	36	158	309	696	787	367
Turn Type	NA	Perm	Prot	NA	NA	Perm
Protected Phases	8		5	2	6	
Permitted Phases		8				6
Detector Phase	8	8	5	2	6	6
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	9.5	22.5	22.5	22.5
Total Split (s)	33.0	33.0	40.0	87.0	47.0	47.0
Total Split (%)	27.5%	27.5%	33.3%	72.5%	39.2%	39.2%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag			Lead		Lag	Lag
Lead-Lag Optimize?			Yes		Yes	Yes
Recall Mode	None	None	None	Max	Max	Max

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 113.9
Natural Cycle: 65
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: Highland Springs Av. & I-10 WB Off Ramp/I-10 WB On Ramp





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	0	0	222	36	158	309	696	0	0	787	367
Future Volume (veh/h)	0	0	0	222	36	158	309	696	0	0	787	367
Initial Q (Qb), veh				0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)				1.00		1.00	1.00		1.00	1.00		0.98
Parking Bus, Adj				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach					No			No			No	
Adj Sat Flow, veh/h/ln				1900	1900	1900	1900	1900	0	1900	1900	1900
Adj Flow Rate, veh/h				244	40	174	340	765	0	0	865	403
Peak Hour Factor				0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %				0	0	0	0	0	0	0	0	0
Cap, veh/h				285	47	293	378	2662	0	64	1764	775
Arrive On Green				0.18	0.18	0.18	0.21	0.74	0.00	0.00	0.49	0.49
Sat Flow, veh/h				1565	257	1610	1810	3705	0	713	3610	1586
Grp Volume(v), veh/h				284	0	174	340	765	0	0	865	403
Grp Sat Flow(s),veh/h/ln				1822	0	1610	1810	1805	0	713	1805	1586
Q Serve(g_s), s				16.9	0.0	11.1	20.5	7.9	0.0	0.0	18.0	19.5
Cycle Q Clear(g_c), s				16.9	0.0	11.1	20.5	7.9	0.0	0.0	18.0	19.5
Prop In Lane				0.86		1.00	1.00		0.00	1.00		1.00
Lane Grp Cap(c), veh/h				332	0	293	378	2662	0	64	1764	775
V/C Ratio(X)				0.86	0.00	0.59	0.90	0.29	0.00	0.00	0.49	0.52
Avail Cap(c_a), veh/h				464	0	410	574	2662	0	64	1764	775
HCM Platoon Ratio				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)				1.00	0.00	1.00	1.00	1.00	0.00	0.00	1.00	1.00
Uniform Delay (d), s/veh				44.3	0.0	42.0	43.1	4.9	0.0	0.0	19.2	19.6
Incr Delay (d2), s/veh				10.8	0.0	1.9	12.2	0.3	0.0	0.0	1.0	2.5
Initial Q Delay(d3),s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln				8.3	0.0	4.4	10.4	2.7	0.0	0.0	7.6	7.6
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh				55.1	0.0	43.9	55.4	5.2	0.0	0.0	20.2	22.1
LnGrp LOS				E	A	D	E	A	A	A	C	C
Approach Vol, veh/h					458			1105			1268	
Approach Delay, s/veh					50.9			20.6			20.8	
Approach LOS					D			C			C	

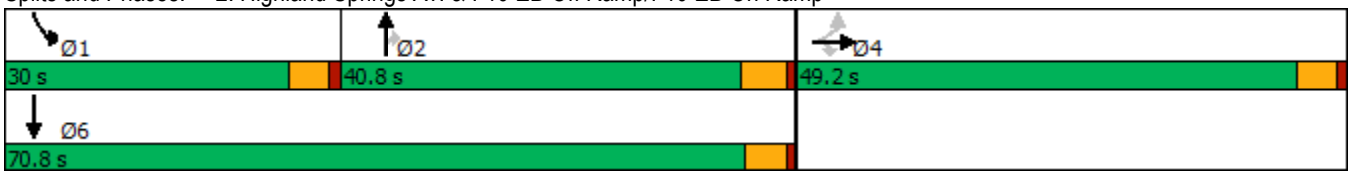
Timer - Assigned Phs		2			5	6		8				
Phs Duration (G+Y+Rc), s		87.0			27.8	59.2		24.9				
Change Period (Y+Rc), s		4.5			4.5	4.5		4.5				
Max Green Setting (Gmax), s		82.5			35.5	42.5		28.5				
Max Q Clear Time (g_c+I1), s		9.9			22.5	21.5		18.9				
Green Ext Time (p_c), s		6.5			0.9	8.0		1.5				

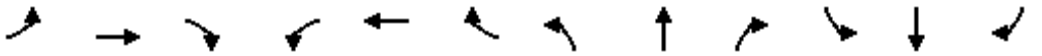
Intersection Summary												
HCM 6th Ctrl Delay			25.6									
HCM 6th LOS			C									

Lane Group	EBT	EBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	0	473	711	402	209	828
Future Volume (vph)	0	473	711	402	209	828
Turn Type	NA	Perm	NA	Perm	Prot	NA
Protected Phases	4		2		1	6
Permitted Phases		4		2		
Detector Phase	4	4	2	2	1	6
Switch Phase						
Minimum Initial (s)	10.0	10.0	10.0	10.0	5.0	10.0
Minimum Split (s)	21.7	21.7	23.1	23.1	9.6	22.7
Total Split (s)	49.2	49.2	40.8	40.8	30.0	70.8
Total Split (%)	41.0%	41.0%	34.0%	34.0%	25.0%	59.0%
Yellow Time (s)	3.7	3.7	4.1	4.1	3.6	3.7
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.7	4.7	5.1	5.1	4.6	4.7
Lead/Lag			Lag	Lag	Lead	
Lead-Lag Optimize?			Yes	Yes	Yes	
Recall Mode	None	None	Max	Max	None	Max

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 110.7
Natural Cycle: 65
Control Type: Actuated-Uncoordinated

Splits and Phases: 2: Highland Springs Av. & I-10 EB Off Ramp/I-10 EB On Ramp





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	293	0	473	0	0	0	0	711	402	209	828	0
Future Volume (veh/h)	293	0	473	0	0	0	0	711	402	209	828	0
Initial Q (Qb), veh	0	0	0				0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00				1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No						No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900				0	1900	1900	1900	1900	0
Adj Flow Rate, veh/h	322	0	394				0	781	333	230	910	0
Peak Hour Factor	0.91	0.91	0.91				0.91	0.91	0.91	0.91	0.91	0.91
Percent Heavy Veh, %	0	0	0				0	0	0	0	0	0
Cap, veh/h	508	0	452				0	1579	703	263	2262	0
Arrive On Green	0.28	0.00	0.28				0.00	0.44	0.44	0.15	0.63	0.00
Sat Flow, veh/h	1810	0	1610				0	3705	1607	1810	3705	0
Grp Volume(v), veh/h	322	0	394				0	781	333	230	910	0
Grp Sat Flow(s),veh/h/ln	1810	0	1610				0	1805	1607	1810	1805	0
Q Serve(g_s), s	16.4	0.0	24.6				0.0	16.4	15.5	13.1	13.3	0.0
Cycle Q Clear(g_c), s	16.4	0.0	24.6				0.0	16.4	15.5	13.1	13.3	0.0
Prop In Lane	1.00		1.00				0.00		1.00	1.00		0.00
Lane Grp Cap(c), veh/h	508	0	452				0	1579	703	263	2262	0
V/C Ratio(X)	0.63	0.00	0.87				0.00	0.49	0.47	0.87	0.40	0.00
Avail Cap(c_a), veh/h	763	0	679				0	1579	703	436	2262	0
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00				0.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	33.2	0.0	36.2				0.0	21.3	21.0	44.1	9.8	0.0
Incr Delay (d2), s/veh	1.3	0.0	8.2				0.0	1.1	2.3	5.7	0.5	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	7.0	0.0	10.2				0.0	6.9	6.1	6.3	5.1	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	34.5	0.0	44.3				0.0	22.4	23.3	49.8	10.4	0.0
LnGrp LOS	C	A	D				A	C	C	D	B	A
Approach Vol, veh/h		716						1114			1140	
Approach Delay, s/veh		39.9						22.7			18.3	
Approach LOS		D						C			B	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	19.9	51.3		34.3		71.2
Change Period (Y+Rc), s	4.6	5.1		* 4.7		* 5.1
Max Green Setting (Gmax), s	25.4	35.7		* 45		* 66
Max Q Clear Time (g_c+I1), s	15.1	18.4		26.6		15.3
Green Ext Time (p_c), s	0.2	6.1		3.0		8.2

Intersection Summary	
HCM 6th Ctrl Delay	25.2
HCM 6th LOS	C

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations								
Traffic Volume (vph)	42	318	29	19	43	534	160	437
Future Volume (vph)	42	318	29	19	43	534	160	437
Turn Type	Split	NA	Split	NA	Prot	NA	Prot	NA
Protected Phases	4	4	8	8	5	2	1	6
Permitted Phases								
Detector Phase	4	4	8	8	5	2	1	6
Switch Phase								
Minimum Initial (s)	10.0	10.0	10.0	10.0	5.0	10.0	5.0	10.0
Minimum Split (s)	40.1	40.1	36.1	36.1	9.6	23.1	9.6	32.1
Total Split (s)	40.1	40.1	36.1	36.1	10.4	23.5	20.3	33.4
Total Split (%)	33.4%	33.4%	30.1%	30.1%	8.7%	19.6%	16.9%	27.8%
Yellow Time (s)	4.1	4.1	4.1	4.1	3.6	4.1	3.6	4.1
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.1	5.1	5.1	5.1	4.6	5.1	4.6	5.1
Lead/Lag					Lead	Lag	Lead	Lag
Lead-Lag Optimize?					Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	None	None	None

Intersection Summary

Cycle Length: 120
Actuated Cycle Length: 78.8
Natural Cycle: 120
Control Type: Actuated-Uncoordinated

Splits and Phases: 3: Highland Springs Av. & 2nd Street



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	42	318	10	29	19	34	43	534	15	160	437	354
Future Volume (veh/h)	42	318	10	29	19	34	43	534	15	160	437	354
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	47	353	9	32	21	29	48	593	13	178	486	293
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.92
Percent Heavy Veh, %	0	0	0	0	0	0	0	0	0	0	0	0
Cap, veh/h	890	454	12	220	88	121	82	993	22	224	929	433
Arrive On Green	0.25	0.25	0.25	0.12	0.12	0.12	0.05	0.19	0.19	0.12	0.27	0.27
Sat Flow, veh/h	3619	1845	47	1810	723	998	1810	5223	114	1810	3458	1610
Grp Volume(v), veh/h	47	0	362	32	0	50	48	392	214	178	486	293
Grp Sat Flow(s),veh/h/ln	1810	0	1892	1810	0	1720	1810	1729	1879	1810	1729	1610
Q Serve(g_s), s	0.6	0.0	11.1	1.0	0.0	1.6	1.6	6.5	6.5	6.0	7.5	10.2
Cycle Q Clear(g_c), s	0.6	0.0	11.1	1.0	0.0	1.6	1.6	6.5	6.5	6.0	7.5	10.2
Prop In Lane	1.00		0.02	1.00		0.58	1.00		0.06	1.00		1.00
Lane Grp Cap(c), veh/h	890	0	465	220	0	209	82	657	357	224	929	433
V/C Ratio(X)	0.05	0.00	0.78	0.15	0.00	0.24	0.59	0.60	0.60	0.79	0.52	0.68
Avail Cap(c_a), veh/h	2028	0	1060	898	0	854	168	1019	554	455	1567	729
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	18.0	0.0	22.0	24.5	0.0	24.8	29.2	23.1	23.1	26.6	19.4	20.4
Incr Delay (d2), s/veh	0.0	0.0	2.8	0.3	0.0	0.6	2.5	0.9	1.6	2.4	0.5	1.9
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.2	0.0	4.8	0.4	0.0	0.7	0.7	2.5	2.8	2.5	2.8	3.7
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.0	0.0	24.8	24.8	0.0	25.4	31.7	24.0	24.7	29.0	19.9	22.3
LnGrp LOS	B	A	C	C	A	C	C	C	C	C	B	C
Approach Vol, veh/h		409			82			654			957	
Approach Delay, s/veh		24.0			25.2			24.8			22.3	
Approach LOS		C			C			C			C	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	12.3	17.0		20.5	7.4	21.9		12.7				
Change Period (Y+Rc), s	4.6	5.1		5.1	4.6	5.1		5.1				
Max Green Setting (Gmax), s	15.7	18.4		35.0	5.8	28.3		31.0				
Max Q Clear Time (g_c+I1), s	8.0	8.5		13.1	3.6	12.2		3.6				
Green Ext Time (p_c), s	0.1	2.6		2.2	0.0	4.6		0.3				

Intersection Summary		
HCM 6th Ctrl Delay		23.5
HCM 6th LOS		C

Notes

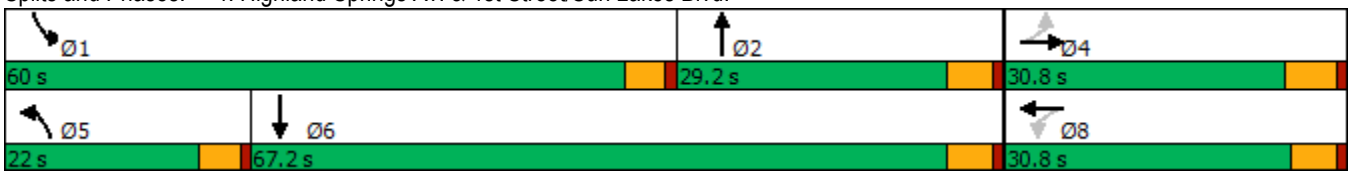
User approved volume balancing among the lanes for turning movement.

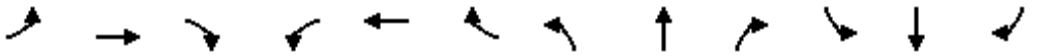
Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	124	74	14	55	216	64	259	288	254	107
Future Volume (vph)	124	74	14	55	216	64	259	288	254	107
Turn Type	Perm	NA	Perm	NA	Free	Prot	NA	Prot	NA	Free
Protected Phases		4		8		5	2	1	6	
Permitted Phases	4		8		Free					Free
Detector Phase	4	4	8	8		5	2	1	6	
Switch Phase										
Minimum Initial (s)	10.0	10.0	10.0	10.0		5.0	10.0	5.0	10.0	
Minimum Split (s)	30.8	30.8	27.1	27.1		9.6	29.1	9.6	28.1	
Total Split (s)	30.8	30.8	30.8	30.8		22.0	29.2	60.0	67.2	
Total Split (%)	25.7%	25.7%	25.7%	25.7%		18.3%	24.3%	50.0%	56.0%	
Yellow Time (s)	4.8	4.8	4.1	4.1		3.6	4.1	3.6	4.1	
All-Red Time (s)	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Total Lost Time (s)	5.8	5.8	5.1	5.1		4.6	5.1	4.6	5.1	
Lead/Lag						Lead	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	
Recall Mode	None	None	None	None		None	Max	None	Max	

Intersection Summary

Cycle Length: 120
Actuated Cycle Length: 101.6
Natural Cycle: 80
Control Type: Actuated-Uncoordinated

Splits and Phases: 4: Highland Springs Av. & 1st Street/Sun Lakes Blvd.





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	124	74	74	14	55	216	64	259	19	288	254	107
Future Volume (veh/h)	124	74	74	14	55	216	64	259	19	288	254	107
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	149	89	65	17	66	0	77	312	11	347	306	0
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Percent Heavy Veh, %	0	0	0	0	0	0	0	0	0	0	0	0
Cap, veh/h	255	341	229	228	313		100	1662	58	384	2253	
Arrive On Green	0.16	0.16	0.16	0.16	0.16	0.00	0.06	0.47	0.47	0.21	0.62	0.00
Sat Flow, veh/h	1357	2068	1387	1252	1900	1610	1810	3557	125	1810	3610	1610
Grp Volume(v), veh/h	149	77	77	17	66	0	77	158	165	347	306	0
Grp Sat Flow(s),veh/h/ln	1357	1805	1650	1252	1900	1610	1810	1805	1877	1810	1805	1610
Q Serve(g_s), s	10.6	3.7	4.1	1.2	3.0	0.0	4.2	5.1	5.1	18.6	3.5	0.0
Cycle Q Clear(g_c), s	13.6	3.7	4.1	5.3	3.0	0.0	4.2	5.1	5.1	18.6	3.5	0.0
Prop In Lane	1.00		0.84	1.00		1.00	1.00		0.07	1.00		1.00
Lane Grp Cap(c), veh/h	255	298	272	228	313		100	843	877	384	2253	
V/C Ratio(X)	0.58	0.26	0.28	0.07	0.21		0.77	0.19	0.19	0.90	0.14	
Avail Cap(c_a), veh/h	372	453	415	344	491		316	843	877	1007	2253	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	41.8	36.2	36.4	38.7	35.9	0.0	46.4	15.5	15.5	38.2	7.7	0.0
Incr Delay (d2), s/veh	2.1	0.5	0.6	0.1	0.3	0.0	4.7	0.5	0.5	3.3	0.1	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	3.6	1.6	1.6	0.4	1.4	0.0	2.0	2.1	2.2	8.4	1.3	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	43.9	36.7	37.0	38.8	36.3	0.0	51.1	16.0	16.0	41.5	7.8	0.0
LnGrp LOS	D	D	D	D	D		D	B	B	D	A	
Approach Vol, veh/h		303			83	A		400			653	A
Approach Delay, s/veh		40.3			36.8			22.7			25.7	
Approach LOS		D			D			C			C	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	25.7	51.6		22.2	10.1	67.2		22.2				
Change Period (Y+Rc), s	4.6	5.1		5.8	4.6	5.1		* 5.8				
Max Green Setting (Gmax), s	55.4	24.1		25.0	17.4	62.1		* 26				
Max Q Clear Time (g_c+I1), s	20.6	7.1		15.6	6.2	5.5		7.3				
Green Ext Time (p_c), s	0.5	1.6		0.8	0.1	2.1		0.3				

Intersection Summary		
HCM 6th Ctrl Delay		28.6
HCM 6th LOS		C

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Unsignalized Delay for [WBR, SBR] is excluded from calculations of the approach delay and intersection delay.

Intersection	
Int Delay, s/veh	0.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	16	0	152	40	0	27
Future Vol, veh/h	16	0	152	40	0	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	0	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	17	0	165	43	0	29

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	194	165	0	0	208	0
Stage 1	165	-	-	-	-	-
Stage 2	29	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	799	885	-	-	1375	-
Stage 1	869	-	-	-	-	-
Stage 2	999	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	799	885	-	-	1375	-
Mov Cap-2 Maneuver	799	-	-	-	-	-
Stage 1	869	-	-	-	-	-
Stage 2	999	-	-	-	-	-

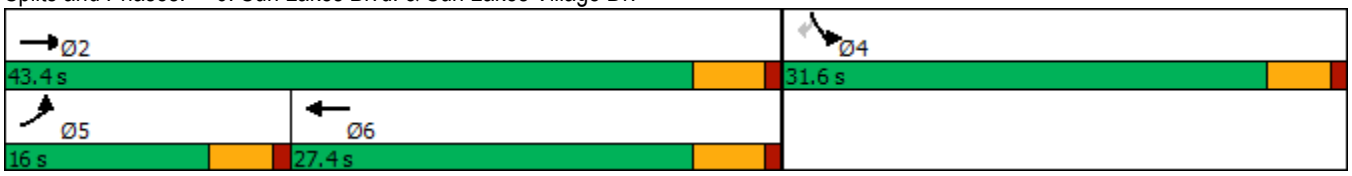
Approach	WB	NB	SB
HCM Control Delay, s	9.6	0	0
HCM LOS	A		

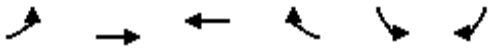
Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	799	1375	-
HCM Lane V/C Ratio	-	-	0.022	-	-
HCM Control Delay (s)	-	-	9.6	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Lane Group	EBL	EBT	WBT	SBL	SBR
Lane Configurations					
Traffic Volume (vph)	176	204	252	16	32
Future Volume (vph)	176	204	252	16	32
Turn Type	Prot	NA	NA	Prot	Perm
Protected Phases	5	2	6	4	
Permitted Phases					4
Detector Phase	5	2	6	4	4
Switch Phase					
Minimum Initial (s)	5.0	10.0	10.0	10.0	10.0
Minimum Split (s)	9.6	15.0	27.0	31.6	31.6
Total Split (s)	16.0	43.4	27.4	31.6	31.6
Total Split (%)	21.3%	57.9%	36.5%	42.1%	42.1%
Yellow Time (s)	3.6	4.0	4.0	3.6	3.6
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.6	5.0	5.0	4.6	4.6
Lead/Lag	Lead		Lag		
Lead-Lag Optimize?	Yes		Yes		
Recall Mode	None	None	None	Min	Min

Intersection Summary
Cycle Length: 75
Actuated Cycle Length: 50.5
Natural Cycle: 75
Control Type: Actuated-Uncoordinated

Splits and Phases: 6: Sun Lakes Blvd. & Sun Lakes Village Dr.





Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	176	204	252	43	16	32
Future Volume (veh/h)	176	204	252	43	16	32
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No	No		No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	229	265	327	56	21	42
Peak Hour Factor	0.77	0.77	0.77	0.77	0.77	0.77
Percent Heavy Veh, %	0	0	0	0	0	0
Cap, veh/h	291	2692	757	128	444	395
Arrive On Green	0.16	0.52	0.25	0.25	0.25	0.25
Sat Flow, veh/h	1810	5358	3183	523	1810	1610
Grp Volume(v), veh/h	229	265	190	193	21	42
Grp Sat Flow(s),veh/h/ln	1810	1729	1805	1806	1810	1610
Q Serve(g_s), s	5.0	1.1	3.6	3.7	0.4	0.8
Cycle Q Clear(g_c), s	5.0	1.1	3.6	3.7	0.4	0.8
Prop In Lane	1.00			0.29	1.00	1.00
Lane Grp Cap(c), veh/h	291	2692	443	443	444	395
V/C Ratio(X)	0.79	0.10	0.43	0.44	0.05	0.11
Avail Cap(c_a), veh/h	506	4887	992	993	1199	1067
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	16.4	5.0	13.0	13.0	11.7	11.9
Incr Delay (d2), s/veh	1.8	0.0	0.7	0.7	0.0	0.1
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.8	0.2	1.2	1.3	0.1	0.8
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	18.2	5.0	13.6	13.7	11.8	12.0
LnGrp LOS	B	A	B	B	B	B
Approach Vol, veh/h		494	383		63	
Approach Delay, s/veh		11.1	13.7		11.9	
Approach LOS		B	B		B	

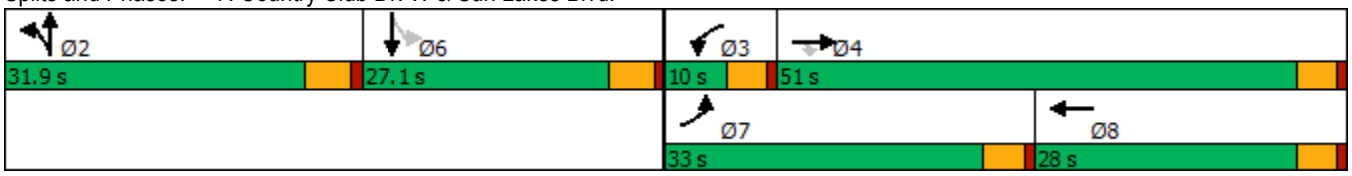
Timer - Assigned Phs		2		4	5	6
Phs Duration (G+Y+Rc), s		26.2		14.6	11.2	15.0
Change Period (Y+Rc), s		5.0		4.6	4.6	5.0
Max Green Setting (Gmax), s		38.4		27.0	11.4	22.4
Max Q Clear Time (g_c+I1), s		3.1		2.8	7.0	5.7
Green Ext Time (p_c), s		1.8		0.1	0.1	1.9

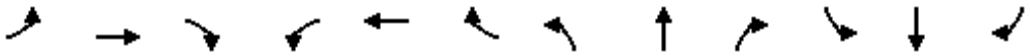
Intersection Summary	
HCM 6th Ctrl Delay	12.2
HCM 6th LOS	B

Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Traffic Volume (vph)	100	16	103	10	114	113	2	64	1
Future Volume (vph)	100	16	103	10	114	113	2	64	1
Turn Type	Prot	NA	Perm	Prot	NA	Split	NA	Perm	NA
Protected Phases	7	4		3	8	2	2		6
Permitted Phases			4					6	
Detector Phase	7	4	4	3	8	2	2	6	6
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	10.0	10.0	10.0
Minimum Split (s)	9.6	26.7	26.7	9.6	26.7	27.1	27.1	27.1	27.1
Total Split (s)	33.0	51.0	51.0	10.0	28.0	31.9	31.9	27.1	27.1
Total Split (%)	27.5%	42.5%	42.5%	8.3%	23.3%	26.6%	26.6%	22.6%	22.6%
Yellow Time (s)	3.6	3.7	3.7	3.6	3.7	4.1	4.1	4.1	4.1
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Lost Time (s)	4.6	4.7	4.7	4.6	4.7	5.1	5.1		5.1
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	Min	Min	None	Min	None	None	None	None

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 64.9
Natural Cycle: 95
Control Type: Actuated-Uncoordinated

Splits and Phases: 7: Country Club Dr. W & Sun Lakes Blvd.





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	100	16	103	10	114	62	113	2	7	64	1	68
Future Volume (veh/h)	100	16	103	10	114	62	113	2	7	64	1	68
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	109	22	139	14	154	67	153	2	9	70	1	74
Peak Hour Factor	0.92	0.74	0.74	0.74	0.74	0.92	0.74	0.92	0.74	0.92	0.92	0.92
Percent Heavy Veh, %	0	0	0	0	0	0	0	0	0	0	0	0
Cap, veh/h	143	487	826	32	484	202	318	53	238	140	2	148
Arrive On Green	0.08	0.26	0.26	0.02	0.19	0.19	0.18	0.18	0.18	0.17	0.17	0.17
Sat Flow, veh/h	1810	1900	3220	1810	2484	1035	1810	301	1355	822	12	869
Grp Volume(v), veh/h	109	22	139	14	110	111	153	0	11	145	0	0
Grp Sat Flow(s),veh/h/ln	1810	1900	1610	1810	1805	1714	1810	0	1656	1703	0	0
Q Serve(g_s), s	3.0	0.4	1.7	0.4	2.7	2.9	3.9	0.0	0.3	4.0	0.0	0.0
Cycle Q Clear(g_c), s	3.0	0.4	1.7	0.4	2.7	2.9	3.9	0.0	0.3	4.0	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.60	1.00		0.82	0.48		0.51
Lane Grp Cap(c), veh/h	143	487	826	32	352	334	318	0	291	290	0	0
V/C Ratio(X)	0.76	0.05	0.17	0.44	0.31	0.33	0.48	0.00	0.04	0.50	0.00	0.00
Avail Cap(c_a), veh/h	1001	1714	2904	190	819	778	945	0	865	730	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	23.2	14.4	14.8	25.0	17.7	17.8	19.0	0.0	17.5	19.3	0.0	0.0
Incr Delay (d2), s/veh	3.1	0.0	0.1	3.5	0.5	0.6	1.1	0.0	0.1	1.3	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.3	0.2	0.6	0.2	1.0	1.0	1.6	0.0	0.1	1.5	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	26.3	14.4	14.9	28.5	18.2	18.4	20.2	0.0	17.6	20.7	0.0	0.0
LnGrp LOS	C	B	B	C	B	B	C	A	B	C	A	A
Approach Vol, veh/h		270			235			164			145	
Approach Delay, s/veh		19.5			18.9			20.0			20.7	
Approach LOS		B			B			B			C	

Timer - Assigned Phs		2	3	4		6	7	8				
Phs Duration (G+Y+Rc), s		14.1	5.5	17.9		13.8	8.7	14.7				
Change Period (Y+Rc), s		5.1	4.6	* 4.7		5.1	4.6	* 4.7				
Max Green Setting (Gmax), s		26.8	5.4	* 46		22.0	28.4	* 23				
Max Q Clear Time (g_c+I1), s		5.9	2.4	3.7		6.0	5.0	4.9				
Green Ext Time (p_c), s		0.4	0.0	0.7		0.7	0.1	1.1				

Intersection Summary	
HCM 6th Ctrl Delay	19.6
HCM 6th LOS	B

Notes

User approved volume balancing among the lanes for turning movement.

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	72	145	4	0	8
Future Vol, veh/h	0	72	145	4	0	8
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	180	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	1	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	0	78	158	4	0	9

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	162	0	-	0	199	81
Stage 1	-	-	-	-	160	-
Stage 2	-	-	-	-	39	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1429	-	-	-	777	969
Stage 1	-	-	-	-	858	-
Stage 2	-	-	-	-	984	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1429	-	-	-	777	969
Mov Cap-2 Maneuver	-	-	-	-	762	-
Stage 1	-	-	-	-	858	-
Stage 2	-	-	-	-	984	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	8.7
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1429	-	-	-	969
HCM Lane V/C Ratio	-	-	-	-	0.009
HCM Control Delay (s)	0	-	-	-	8.7
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Intersection Delay, s/veh	8.6
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	22	25	6	28	2	104	11	4	4	10	7
Future Vol, veh/h	2	22	25	6	28	2	104	11	4	4	10	7
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	3	29	33	8	37	3	139	15	5	5	13	9
Number of Lanes	1	2	0	1	2	0	1	1	0	0	1	0

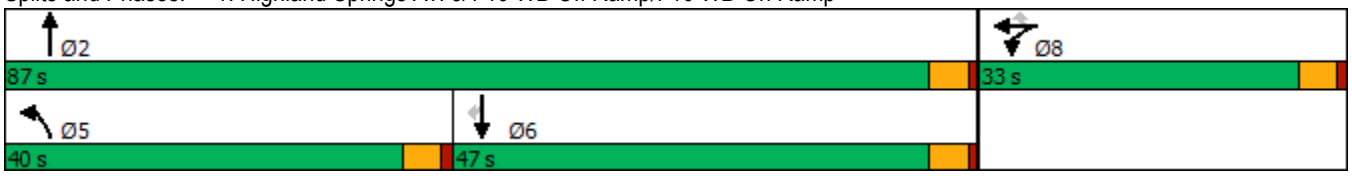
Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	3	3	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	3	3
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	3	3
HCM Control Delay	7.8	8.1	9.2	7.9
HCM LOS	A	A	A	A

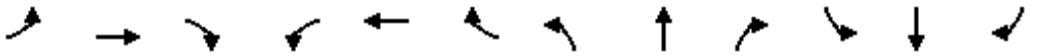
Lane	NBLn1	NBLn2	EBLn1	EBLn2	EBLn3	WBLn1	WBLn2	WBLn3	SBLn1
Vol Left, %	100%	0%	100%	0%	0%	100%	0%	0%	19%
Vol Thru, %	0%	73%	0%	100%	23%	0%	100%	82%	48%
Vol Right, %	0%	27%	0%	0%	77%	0%	0%	18%	33%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	104	15	2	15	32	6	19	11	21
LT Vol	104	0	2	0	0	6	0	0	4
Through Vol	0	11	0	15	7	0	19	9	10
RT Vol	0	4	0	0	25	0	0	2	7
Lane Flow Rate	139	20	3	20	43	8	25	15	28
Geometry Grp	8	8	8	8	8	8	8	8	8
Degree of Util (X)	0.206	0.026	0.004	0.028	0.055	0.013	0.036	0.021	0.039
Departure Headway (Hd)	5.347	4.661	5.669	5.166	4.622	5.694	5.191	5.067	4.995
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cap	673	770	633	694	776	630	691	708	718
Service Time	3.065	2.379	3.389	2.886	2.342	3.415	2.912	2.788	2.718
HCM Lane V/C Ratio	0.207	0.026	0.005	0.029	0.055	0.013	0.036	0.021	0.039
HCM Control Delay	9.5	7.5	8.4	8	7.6	8.5	8.1	7.9	7.9
HCM Lane LOS	A	A	A	A	A	A	A	A	A
HCM 95th-tile Q	0.8	0.1	0	0.1	0.2	0	0.1	0.1	0.1

Lane Group	WBT	WBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	10	307	389	982	834	313
Future Volume (vph)	10	307	389	982	834	313
Turn Type	NA	Perm	Prot	NA	NA	Perm
Protected Phases	8		5	2	6	
Permitted Phases		8				6
Detector Phase	8	8	5	2	6	6
Switch Phase						
Minimum Initial (s)	5.0	5.0	5.0	5.0	5.0	5.0
Minimum Split (s)	22.5	22.5	9.5	22.5	22.5	22.5
Total Split (s)	33.0	33.0	40.0	87.0	47.0	47.0
Total Split (%)	27.5%	27.5%	33.3%	72.5%	39.2%	39.2%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.5	4.5	4.5	4.5	4.5	4.5
Lead/Lag			Lead		Lag	Lag
Lead-Lag Optimize?			Yes		Yes	Yes
Recall Mode	None	None	None	Max	Max	Max

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 119
Natural Cycle: 75
Control Type: Actuated-Uncoordinated

Splits and Phases: 1: Highland Springs Av. & I-10 WB Off Ramp/I-10 WB On Ramp





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	0	0	0	369	10	307	389	982	0	0	834	313
Future Volume (veh/h)	0	0	0	369	10	307	389	982	0	0	834	313
Initial Q (Qb), veh				0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)				1.00		1.00	1.00		1.00	1.00		0.98
Parking Bus, Adj				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach					No			No			No	
Adj Sat Flow, veh/h/ln				1900	1900	1900	1900	1900	0	0	1900	1900
Adj Flow Rate, veh/h				380	10	316	401	1012	0	0	860	323
Peak Hour Factor				0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %				0	0	0	0	0	0	0	0	0
Cap, veh/h				409	11	373	434	2500	0	0	1497	657
Arrive On Green				0.23	0.23	0.23	0.24	0.69	0.00	0.00	0.41	0.41
Sat Flow, veh/h				1765	46	1610	1810	3705	0	0	3705	1585
Grp Volume(v), veh/h				390	0	316	401	1012	0	0	860	323
Grp Sat Flow(s),veh/h/ln				1812	0	1610	1810	1805	0	0	1805	1585
Q Serve(g_s), s				25.1	0.0	22.3	25.8	14.3	0.0	0.0	21.8	17.8
Cycle Q Clear(g_c), s				25.1	0.0	22.3	25.8	14.3	0.0	0.0	21.8	17.8
Prop In Lane				0.97		1.00	1.00		0.00	0.00		1.00
Lane Grp Cap(c), veh/h				420	0	373	434	2500	0	0	1497	657
V/C Ratio(X)				0.93	0.00	0.85	0.92	0.40	0.00	0.00	0.57	0.49
Avail Cap(c_a), veh/h				433	0	385	539	2500	0	0	1497	657
HCM Platoon Ratio				1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)				1.00	0.00	1.00	1.00	1.00	0.00	0.00	1.00	1.00
Uniform Delay (d), s/veh				44.8	0.0	43.7	44.2	7.8	0.0	0.0	26.8	25.6
Incr Delay (d2), s/veh				25.9	0.0	15.6	19.2	0.5	0.0	0.0	1.6	2.6
Initial Q Delay(d3),s/veh				0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln				13.9	0.0	10.2	13.8	5.3	0.0	0.0	9.6	7.2
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh				70.7	0.0	59.3	63.4	8.3	0.0	0.0	28.4	28.2
LnGrp LOS				E	A	E	E	A	A	A	C	C
Approach Vol, veh/h					706			1413			1183	
Approach Delay, s/veh					65.6			23.9			28.4	
Approach LOS					E			C			C	

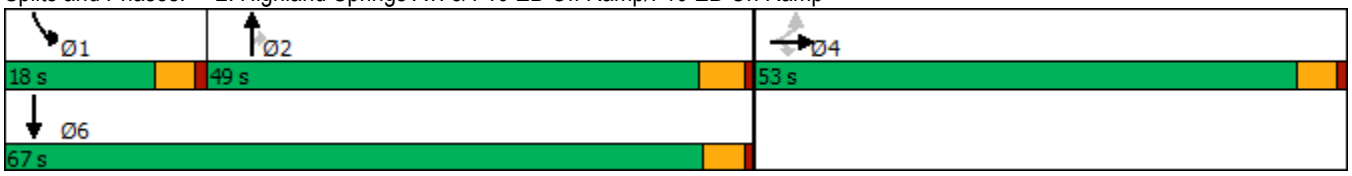
Timer - Assigned Phs		2			5	6		8				
Phs Duration (G+Y+Rc), s		87.0			33.1	53.9		32.1				
Change Period (Y+Rc), s		4.5			4.5	4.5		4.5				
Max Green Setting (Gmax), s		82.5			35.5	42.5		28.5				
Max Q Clear Time (g_c+I1), s		16.3			27.8	23.8		27.1				
Green Ext Time (p_c), s		9.7			0.8	7.2		0.5				

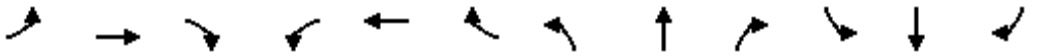
Intersection Summary												
HCM 6th Ctrl Delay			34.4									
HCM 6th LOS			C									

Lane Group	EBT	EBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Volume (vph)	3	588	1045	541	126	1076
Future Volume (vph)	3	588	1045	541	126	1076
Turn Type	NA	Perm	NA	Perm	Prot	NA
Protected Phases	4		2		1	6
Permitted Phases		4		2		
Detector Phase	4	4	2	2	1	6
Switch Phase						
Minimum Initial (s)	10.0	10.0	10.0	10.0	5.0	10.0
Minimum Split (s)	21.7	21.7	23.1	23.1	9.6	22.7
Total Split (s)	53.0	53.0	49.0	49.0	18.0	67.0
Total Split (%)	44.2%	44.2%	40.8%	40.8%	15.0%	55.8%
Yellow Time (s)	3.7	3.7	4.1	4.1	3.6	3.7
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.7	4.7	5.1	5.1	4.6	4.7
Lead/Lag			Lag	Lag	Lead	
Lead-Lag Optimize?			Yes	Yes	Yes	
Recall Mode	None	None	Max	Max	None	Max

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 116.3
Natural Cycle: 65
Control Type: Actuated-Uncoordinated

Splits and Phases: 2: Highland Springs Av. & I-10 EB Off Ramp/I-10 EB On Ramp





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	326	3	588	0	0	0	0	1045	541	126	1076	0
Future Volume (veh/h)	326	3	588	0	0	0	0	1045	541	126	1076	0
Initial Q (Qb), veh	0	0	0				0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00				1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No						No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900				0	1900	1900	1900	1900	0
Adj Flow Rate, veh/h	340	3	416				0	1089	419	131	1121	0
Peak Hour Factor	0.96	0.96	0.96				0.96	0.96	0.96	0.96	0.96	0.96
Percent Heavy Veh, %	0	0	0				0	0	0	0	0	0
Cap, veh/h	533	5	478				0	1709	761	161	2193	0
Arrive On Green	0.30	0.30	0.30				0.00	0.47	0.47	0.09	0.61	0.00
Sat Flow, veh/h	1794	16	1610				0	3705	1607	1810	3705	0
Grp Volume(v), veh/h	343	0	416				0	1089	419	131	1121	0
Grp Sat Flow(s),veh/h/ln	1810	0	1610				0	1805	1607	1810	1805	0
Q Serve(g_s), s	16.9	0.0	25.1				0.0	23.3	19.0	7.3	18.1	0.0
Cycle Q Clear(g_c), s	16.9	0.0	25.1				0.0	23.3	19.0	7.3	18.1	0.0
Prop In Lane	0.99		1.00				0.00		1.00	1.00		0.00
Lane Grp Cap(c), veh/h	538	0	478				0	1709	761	161	2193	0
V/C Ratio(X)	0.64	0.00	0.87				0.00	0.64	0.55	0.81	0.51	0.00
Avail Cap(c_a), veh/h	852	0	758				0	1709	761	236	2193	0
HCM Platoon Ratio	1.00	1.00	1.00				1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00				0.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	31.3	0.0	34.2				0.0	20.4	19.2	45.9	11.5	0.0
Incr Delay (d2), s/veh	1.3	0.0	6.6				0.0	1.8	2.9	8.0	0.9	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0				0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	7.2	0.0	10.1				0.0	9.7	7.4	3.6	7.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	32.5	0.0	40.8				0.0	22.2	22.1	53.9	12.3	0.0
LnGrp LOS	C	A	D				A	C	C	D	B	A
Approach Vol, veh/h		759						1508			1252	
Approach Delay, s/veh		37.0						22.2			16.7	
Approach LOS		D						C			B	

Timer - Assigned Phs	1	2		4		6
Phs Duration (G+Y+Rc), s	13.7	53.7		35.2		67.4
Change Period (Y+Rc), s	4.6	5.1		* 4.7		* 5.1
Max Green Setting (Gmax), s	13.4	43.9		* 48		* 62
Max Q Clear Time (g_c+I1), s	9.3	25.3		27.1		20.1
Green Ext Time (p_c), s	0.1	9.1		3.4		10.8

Intersection Summary	
HCM 6th Ctrl Delay	23.4
HCM 6th LOS	C

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

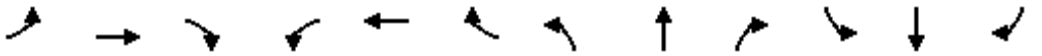
Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations								
Traffic Volume (vph)	309	9	14	18	44	584	158	427
Future Volume (vph)	309	9	14	18	44	584	158	427
Turn Type	Split	NA	Split	NA	Prot	NA	Prot	NA
Protected Phases	4	4	8	8	5	2	1	6
Permitted Phases								
Detector Phase	4	4	8	8	5	2	1	6
Switch Phase								
Minimum Initial (s)	10.0	10.0	10.0	10.0	5.0	10.0	5.0	10.0
Minimum Split (s)	40.1	40.1	36.1	36.1	9.6	23.1	9.6	32.1
Total Split (s)	40.1	40.1	36.1	36.1	10.3	23.5	20.3	33.5
Total Split (%)	33.4%	33.4%	30.1%	30.1%	8.6%	19.6%	16.9%	27.9%
Yellow Time (s)	4.1	4.1	4.1	4.1	3.6	4.1	3.6	4.1
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.1	5.1	5.1	5.1	4.6	5.1	4.6	5.1
Lead/Lag					Lead	Lag	Lead	Lag
Lead-Lag Optimize?					Yes	Yes	Yes	Yes
Recall Mode	None	None	None	None	None	Min	None	Min

Intersection Summary

Cycle Length: 120
Actuated Cycle Length: 66.1
Natural Cycle: 120
Control Type: Actuated-Uncoordinated

Splits and Phases: 3: Highland Springs Av. & 2nd Street





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	309	9	33	14	18	33	44	584	15	158	427	341
Future Volume (veh/h)	309	9	33	14	18	33	44	584	15	158	427	341
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	301	74	26	16	20	28	49	656	13	178	480	293
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Percent Heavy Veh, %	0	0	0	0	0	0	0	0	0	0	0	0
Cap, veh/h	668	248	87	207	82	115	87	1084	21	228	984	458
Arrive On Green	0.18	0.18	0.18	0.11	0.11	0.11	0.05	0.21	0.21	0.13	0.28	0.28
Sat Flow, veh/h	3619	1343	472	1810	716	1003	1810	5236	104	1810	3458	1610
Grp Volume(v), veh/h	301	0	100	16	0	48	49	433	236	178	480	293
Grp Sat Flow(s),veh/h/ln	1810	0	1815	1810	0	1719	1810	1729	1881	1810	1729	1610
Q Serve(g_s), s	4.0	0.0	2.6	0.4	0.0	1.4	1.4	6.1	6.2	5.2	6.2	8.6
Cycle Q Clear(g_c), s	4.0	0.0	2.6	0.4	0.0	1.4	1.4	6.1	6.2	5.2	6.2	8.6
Prop In Lane	1.00		0.26	1.00		0.58	1.00		0.06	1.00		1.00
Lane Grp Cap(c), veh/h	668	0	335	207	0	196	87	716	390	228	984	458
V/C Ratio(X)	0.45	0.00	0.30	0.08	0.00	0.24	0.56	0.60	0.61	0.78	0.49	0.64
Avail Cap(c_a), veh/h	2344	0	1176	1038	0	987	191	1178	641	526	1818	846
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Uniform Delay (d), s/veh	19.6	0.0	19.0	21.4	0.0	21.8	25.2	19.4	19.4	22.9	16.1	16.9
Incr Delay (d2), s/veh	0.5	0.0	0.5	0.2	0.0	0.6	2.1	0.8	1.5	2.2	0.4	1.5
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.5	0.0	1.0	0.2	0.0	0.5	0.6	2.3	2.5	2.1	2.2	2.9
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	20.1	0.0	19.5	21.5	0.0	22.4	27.3	20.2	21.0	25.1	16.4	18.4
LnGrp LOS	C	A	B	C	A	C	C	C	C	C	B	B
Approach Vol, veh/h		401			64			718			951	
Approach Delay, s/veh		19.9			22.2			21.0			18.7	
Approach LOS		B			C			C			B	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	11.4	16.3		15.1	7.2	20.5		11.3				
Change Period (Y+Rc), s	4.6	5.1		5.1	4.6	5.1		5.1				
Max Green Setting (Gmax), s	15.7	18.4		35.0	5.7	28.4		31.0				
Max Q Clear Time (g_c+I1), s	7.2	8.2		6.0	3.4	10.6		3.4				
Green Ext Time (p_c), s	0.1	3.0		1.6	0.0	4.8		0.2				

Intersection Summary			
HCM 6th Ctrl Delay		19.8	
HCM 6th LOS		B	

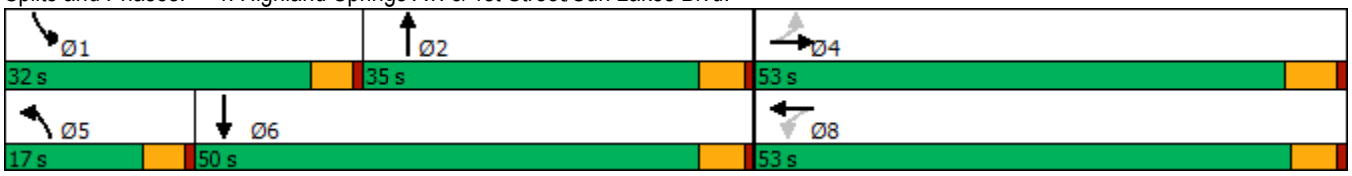
Notes

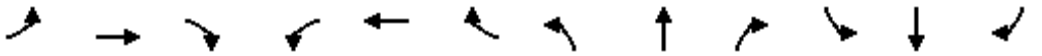
User approved volume balancing among the lanes for turning movement.

Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	SBL	SBT	SBR
Lane Configurations										
Traffic Volume (vph)	230	108	39	114	226	58	224	253	234	177
Future Volume (vph)	230	108	39	114	226	58	224	253	234	177
Turn Type	Perm	NA	Perm	NA	Free	Prot	NA	Prot	NA	Free
Protected Phases		4		8		5	2	1	6	
Permitted Phases	4		8		Free					Free
Detector Phase	4	4	8	8		5	2	1	6	
Switch Phase										
Minimum Initial (s)	10.0	10.0	10.0	10.0		5.0	10.0	5.0	10.0	
Minimum Split (s)	30.8	30.8	27.1	27.1		9.6	29.1	9.6	28.1	
Total Split (s)	53.0	53.0	53.0	53.0		17.0	35.0	32.0	50.0	
Total Split (%)	44.2%	44.2%	44.2%	44.2%		14.2%	29.2%	26.7%	41.7%	
Yellow Time (s)	4.8	4.8	4.1	4.1		3.6	4.1	3.6	4.1	
All-Red Time (s)	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0	
Lost Time Adjust (s)	0.0	0.0	0.0	0.0		0.0	0.0	0.0	0.0	
Total Lost Time (s)	5.8	5.8	5.1	5.1		4.6	5.1	4.6	5.1	
Lead/Lag						Lead	Lag	Lead	Lag	
Lead-Lag Optimize?						Yes	Yes	Yes	Yes	
Recall Mode	None	None	None	None		None	Min	None	Min	

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 63.1
Natural Cycle: 80
Control Type: Actuated-Uncoordinated

Splits and Phases: 4: Highland Springs Av. & 1st Street/Sun Lakes Blvd.





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	230	108	40	39	114	226	58	224	34	253	234	177
Future Volume (veh/h)	230	108	40	39	114	226	58	224	34	253	234	177
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	256	120	33	43	127	0	64	249	31	281	260	0
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Percent Heavy Veh, %	0	0	0	0	0	0	0	0	0	0	0	0
Cap, veh/h	471	864	230	486	582		106	637	78	346	1191	
Arrive On Green	0.31	0.31	0.31	0.31	0.31	0.00	0.06	0.20	0.20	0.19	0.33	0.00
Sat Flow, veh/h	1284	2820	750	1254	1900	1610	1810	3235	398	1810	3610	1610
Grp Volume(v), veh/h	256	75	78	43	127	0	64	138	142	281	260	0
Grp Sat Flow(s),veh/h/ln	1284	1805	1765	1254	1900	1610	1810	1805	1828	1810	1805	1610
Q Serve(g_s), s	9.4	1.5	1.6	1.3	2.5	0.0	1.8	3.4	3.4	7.5	2.6	0.0
Cycle Q Clear(g_c), s	11.9	1.5	1.6	2.9	2.5	0.0	1.8	3.4	3.4	7.5	2.6	0.0
Prop In Lane	1.00		0.43	1.00		1.00	1.00		0.22	1.00		1.00
Lane Grp Cap(c), veh/h	471	553	541	486	582		106	356	360	346	1191	
V/C Ratio(X)	0.54	0.14	0.14	0.09	0.22		0.60	0.39	0.40	0.81	0.22	
Avail Cap(c_a), veh/h	1271	1678	1641	1285	1793		442	1063	1077	977	3193	
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	17.5	12.7	12.8	13.8	13.1	0.0	23.3	17.7	17.8	19.6	12.3	0.0
Incr Delay (d2), s/veh	1.0	0.1	0.1	0.1	0.2	0.0	2.1	0.7	0.7	1.8	0.1	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	2.3	0.5	0.5	0.3	0.9	0.0	0.7	1.3	1.3	2.9	0.9	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	18.5	12.9	12.9	13.9	13.3	0.0	25.4	18.4	18.5	21.4	12.4	0.0
LnGrp LOS	B	B	B	B	B		C	B	B	C	B	
Approach Vol, veh/h		409			170	A		344			541	A
Approach Delay, s/veh		16.4			13.4			19.7			17.1	
Approach LOS		B			B			B			B	

Timer - Assigned Phs	1	2		4	5	6		8				
Phs Duration (G+Y+Rc), s	14.3	15.1		21.4	7.6	21.8		21.4				
Change Period (Y+Rc), s	4.6	5.1		5.8	4.6	5.1		* 5.8				
Max Green Setting (Gmax), s	27.4	29.9		47.2	12.4	44.9		* 48				
Max Q Clear Time (g_c+I1), s	9.5	5.4		13.9	3.8	4.6		4.9				
Green Ext Time (p_c), s	0.4	1.5		1.6	0.0	1.7		0.8				

Intersection Summary		
HCM 6th Ctrl Delay		17.1
HCM 6th LOS		B

Notes

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Unsignalized Delay for [WBR, SBR] is excluded from calculations of the approach delay and intersection delay.

Intersection	
Int Delay, s/veh	1.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	42	0	94	33	0	118
Future Vol, veh/h	42	0	94	33	0	118
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	0	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	46	0	102	36	0	128

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	230	102	0	0	138	0
Stage 1	102	-	-	-	-	-
Stage 2	128	-	-	-	-	-
Critical Hdwy	6.4	6.2	-	-	4.1	-
Critical Hdwy Stg 1	5.4	-	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-	-
Follow-up Hdwy	3.5	3.3	-	-	2.2	-
Pot Cap-1 Maneuver	763	959	-	-	1458	-
Stage 1	927	-	-	-	-	-
Stage 2	903	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	763	959	-	-	1458	-
Mov Cap-2 Maneuver	763	-	-	-	-	-
Stage 1	927	-	-	-	-	-
Stage 2	903	-	-	-	-	-

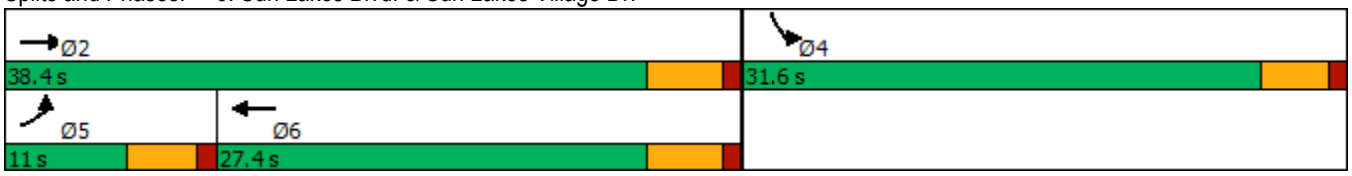
Approach	WB	NB	SB
HCM Control Delay, s	10	0	0
HCM LOS	B		

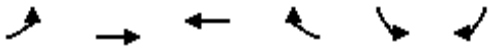
Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	763	1458	-
HCM Lane V/C Ratio	-	-	0.06	-	-
HCM Control Delay (s)	-	-	10	0	-
HCM Lane LOS	-	-	B	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Lane Group	EBL	EBT	WBT	SBL
Lane Configurations				
Traffic Volume (vph)	91	302	264	44
Future Volume (vph)	91	302	264	44
Turn Type	Prot	NA	NA	Prot
Protected Phases	5	2	6	4
Permitted Phases				
Detector Phase	5	2	6	4
Switch Phase				
Minimum Initial (s)	5.0	10.0	10.0	10.0
Minimum Split (s)	9.6	15.0	27.0	31.6
Total Split (s)	11.0	38.4	27.4	31.6
Total Split (%)	15.7%	54.9%	39.1%	45.1%
Yellow Time (s)	3.6	4.0	4.0	3.6
All-Red Time (s)	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0
Total Lost Time (s)	4.6	5.0	5.0	4.6
Lead/Lag	Lead		Lag	
Lead-Lag Optimize?	Yes		Yes	
Recall Mode	None	None	None	Max

Intersection Summary
Cycle Length: 70
Actuated Cycle Length: 58
Natural Cycle: 70
Control Type: Actuated-Uncoordinated

Splits and Phases: 6: Sun Lakes Blvd. & Sun Lakes Village Dr.





Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Volume (veh/h)	91	302	264	35	44	116
Future Volume (veh/h)	91	302	264	35	44	116
Initial Q (Qb), veh	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No	No		No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	94	311	272	36	45	120
Peak Hour Factor	0.97	0.97	0.97	0.97	0.97	0.97
Percent Heavy Veh, %	0	0	0	0	0	0
Cap, veh/h	125	1736	583	76	221	589
Arrive On Green	0.07	0.33	0.18	0.18	0.49	0.49
Sat Flow, veh/h	1810	5358	3304	420	450	1201
Grp Volume(v), veh/h	94	311	152	156	166	0
Grp Sat Flow(s),veh/h/ln	1810	1729	1805	1824	1661	0
Q Serve(g_s), s	2.8	2.3	4.1	4.2	3.1	0.0
Cycle Q Clear(g_c), s	2.8	2.3	4.1	4.2	3.1	0.0
Prop In Lane	1.00			0.23	0.27	0.72
Lane Grp Cap(c), veh/h	125	1736	328	332	815	0
V/C Ratio(X)	0.75	0.18	0.46	0.47	0.20	0.00
Avail Cap(c_a), veh/h	211	3149	735	743	815	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	0.00
Uniform Delay (d), s/veh	25.1	13.0	20.1	20.1	7.9	0.0
Incr Delay (d2), s/veh	3.4	0.0	1.0	1.0	0.6	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.2	0.8	1.7	1.7	1.0	0.0
Unsig. Movement Delay, s/veh						
LnGrp Delay(d),s/veh	28.5	13.0	21.1	21.2	8.5	0.0
LnGrp LOS	C	B	C	C	A	A
Approach Vol, veh/h		405	308		166	
Approach Delay, s/veh		16.6	21.2		8.5	
Approach LOS		B	C		A	

Timer - Assigned Phs		2		4	5	6
Phs Duration (G+Y+Rc), s		23.4		31.6	8.4	15.0
Change Period (Y+Rc), s		5.0		4.6	4.6	5.0
Max Green Setting (Gmax), s		33.4		27.0	6.4	22.4
Max Q Clear Time (g_c+I1), s		4.3		5.1	4.8	6.2
Green Ext Time (p_c), s		2.1		0.5	0.0	1.5

Intersection Summary	
HCM 6th Ctrl Delay	16.7
HCM 6th LOS	B

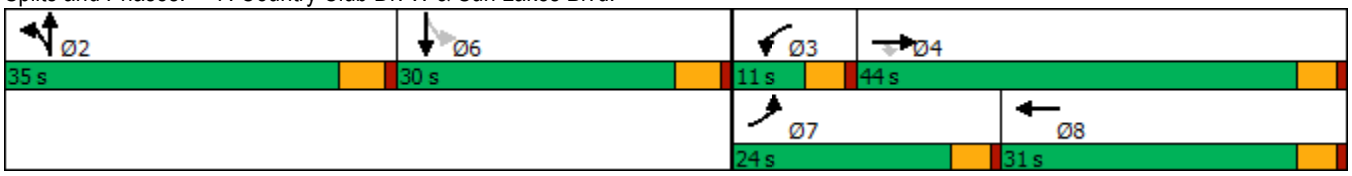
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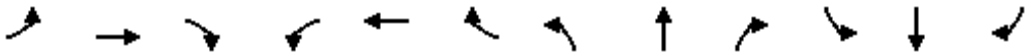
User approved volume balancing among the lanes for turning movement.

Lane Group	EBL	EBT	EBR	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations									
Traffic Volume (vph)	127	76	143	7	115	99	5	71	3
Future Volume (vph)	127	76	143	7	115	99	5	71	3
Turn Type	Prot	NA	Perm	Prot	NA	Split	NA	Perm	NA
Protected Phases	7	4		3	8	2	2		6
Permitted Phases			4					6	
Detector Phase	7	4	4	3	8	2	2	6	6
Switch Phase									
Minimum Initial (s)	5.0	10.0	10.0	5.0	10.0	10.0	10.0	10.0	10.0
Minimum Split (s)	9.6	26.7	26.7	9.6	26.7	27.1	27.1	27.1	27.1
Total Split (s)	24.0	44.0	44.0	11.0	31.0	35.0	35.0	30.0	30.0
Total Split (%)	20.0%	36.7%	36.7%	9.2%	25.8%	29.2%	29.2%	25.0%	25.0%
Yellow Time (s)	3.6	3.7	3.7	3.6	3.7	4.1	4.1	4.1	4.1
All-Red Time (s)	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Lost Time (s)	4.6	4.7	4.7	4.6	4.7	5.1	5.1		5.1
Lead/Lag	Lead	Lag	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes	Yes				
Recall Mode	None	Min	Min	None	Min	None	None	None	None

Intersection Summary
Cycle Length: 120
Actuated Cycle Length: 64.9
Natural Cycle: 95
Control Type: Actuated-Uncoordinated

Splits and Phases: 7: Country Club Dr. W & Sun Lakes Blvd.





Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (veh/h)	127	76	143	7	115	65	99	5	7	71	3	85
Future Volume (veh/h)	127	76	143	7	115	65	99	5	7	71	3	85
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Adj Flow Rate, veh/h	138	85	161	8	129	71	111	5	8	77	3	92
Peak Hour Factor	0.92	0.89	0.89	0.89	0.89	0.92	0.89	0.92	0.89	0.92	0.92	0.92
Percent Heavy Veh, %	0	0	0	0	0	0	0	0	0	0	0	0
Cap, veh/h	180	533	904	19	440	228	289	105	168	134	5	160
Arrive On Green	0.10	0.28	0.28	0.01	0.19	0.19	0.16	0.16	0.16	0.18	0.18	0.18
Sat Flow, veh/h	1810	1900	3220	1810	2297	1193	1810	658	1053	760	30	908
Grp Volume(v), veh/h	138	85	161	8	100	100	111	0	13	172	0	0
Grp Sat Flow(s),veh/h/ln	1810	1900	1610	1810	1805	1685	1810	0	1711	1698	0	0
Q Serve(g_s), s	3.9	1.8	2.0	0.2	2.5	2.7	2.9	0.0	0.3	4.9	0.0	0.0
Cycle Q Clear(g_c), s	3.9	1.8	2.0	0.2	2.5	2.7	2.9	0.0	0.3	4.9	0.0	0.0
Prop In Lane	1.00		1.00	1.00		0.71	1.00		0.62	0.45		0.53
Lane Grp Cap(c), veh/h	180	533	904	19	346	323	289	0	273	298	0	0
V/C Ratio(X)	0.77	0.16	0.18	0.42	0.29	0.31	0.38	0.00	0.05	0.58	0.00	0.00
Avail Cap(c_a), veh/h	672	1430	2423	222	909	849	1036	0	979	810	0	0
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.00	1.00	1.00	0.00	0.00
Uniform Delay (d), s/veh	22.9	14.1	14.2	25.7	18.1	18.1	19.6	0.0	18.6	19.7	0.0	0.0
Incr Delay (d2), s/veh	2.6	0.1	0.1	5.4	0.5	0.5	0.8	0.0	0.1	1.8	0.0	0.0
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
%ile BackOfQ(50%),veh/ln	1.6	0.7	0.6	0.1	1.0	1.0	1.2	0.0	0.1	1.9	0.0	0.0
Unsig. Movement Delay, s/veh												
LnGrp Delay(d),s/veh	25.5	14.3	14.3	31.1	18.5	18.7	20.5	0.0	18.6	21.5	0.0	0.0
LnGrp LOS	C	B	B	C	B	B	C	A	B	C	A	A
Approach Vol, veh/h		384			208			124			172	
Approach Delay, s/veh		18.3			19.1			20.3			21.5	
Approach LOS		B			B			C			C	

Timer - Assigned Phs		2	3	4		6	7	8				
Phs Duration (G+Y+Rc), s		13.4	5.1	19.4		14.3	9.8	14.7				
Change Period (Y+Rc), s		5.1	4.6	* 4.7		5.1	4.6	* 4.7				
Max Green Setting (Gmax), s		29.9	6.4	* 39		24.9	19.4	* 26				
Max Q Clear Time (g_c+I1), s		4.9	2.2	4.0		6.9	5.9	4.7				
Green Ext Time (p_c), s		0.3	0.0	1.1		0.9	0.1	1.0				

Intersection Summary	
HCM 6th Ctrl Delay	19.4
HCM 6th LOS	B

Notes

User approved volume balancing among the lanes for turning movement.

* HCM 6th computational engine requires equal clearance times for the phases crossing the barrier.

Intersection	
Int Delay, s/veh	1.6

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	0	149	120	9	0	63
Future Vol, veh/h	0	149	120	9	0	63
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	180	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	1	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	0	0	0	0	0	0
Mvmt Flow	0	162	130	10	0	68

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	140	0	-	0	216	70
Stage 1	-	-	-	-	135	-
Stage 2	-	-	-	-	81	-
Critical Hdwy	4.1	-	-	-	6.8	6.9
Critical Hdwy Stg 1	-	-	-	-	5.8	-
Critical Hdwy Stg 2	-	-	-	-	5.8	-
Follow-up Hdwy	2.2	-	-	-	3.5	3.3
Pot Cap-1 Maneuver	1456	-	-	-	758	985
Stage 1	-	-	-	-	883	-
Stage 2	-	-	-	-	939	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1456	-	-	-	758	985
Mov Cap-2 Maneuver	-	-	-	-	759	-
Stage 1	-	-	-	-	883	-
Stage 2	-	-	-	-	939	-

Approach	EB	WB	SB
HCM Control Delay, s	0	0	8.9
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1456	-	-	-	985
HCM Lane V/C Ratio	-	-	-	-	0.07
HCM Control Delay (s)	0	-	-	-	8.9
HCM Lane LOS	A	-	-	-	A
HCM 95th %tile Q(veh)	0	-	-	-	0.2

Intersection	
Intersection Delay, s/veh	8.2
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	34	84	4	30	2	76	17	4	0	12	2
Future Vol, veh/h	5	34	84	4	30	2	76	17	4	0	12	2
Peak Hour Factor	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89	0.89
Heavy Vehicles, %	0	0	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	6	38	94	4	34	2	85	19	4	0	13	2
Number of Lanes	1	2	0	1	2	0	1	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	3	3	1	2
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	2	3	3
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	2	1	3	3
HCM Control Delay	7.8	8	8.7	7.9
HCM LOS	A	A	A	A

Lane	NBLn1	NBLn2	EBLn1	EBLn2	EBLn3	WBLn1	WBLn2	WBLn3	SBLn1
Vol Left, %	100%	0%	100%	0%	0%	100%	0%	0%	0%
Vol Thru, %	0%	81%	0%	100%	12%	0%	100%	83%	86%
Vol Right, %	0%	19%	0%	0%	88%	0%	0%	17%	14%
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	76	21	5	23	95	4	20	12	14
LT Vol	76	0	5	0	0	4	0	0	0
Through Vol	0	17	0	23	11	0	20	10	12
RT Vol	0	4	0	0	84	0	0	2	2
Lane Flow Rate	85	24	6	25	107	4	22	13	16
Geometry Grp	8	8	8	8	8	8	8	8	8
Degree of Util (X)	0.13	0.032	0.009	0.035	0.129	0.007	0.032	0.019	0.022
Departure Headway (Hd)	5.461	4.829	5.468	4.966	4.347	5.63	5.128	5.011	5.068
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Cap	658	743	657	723	827	637	699	715	707
Service Time	3.18	2.547	3.184	2.682	2.063	3.353	2.851	2.734	2.793
HCM Lane V/C Ratio	0.129	0.032	0.009	0.035	0.129	0.006	0.031	0.018	0.023
HCM Control Delay	9	7.7	8.2	7.9	7.7	8.4	8	7.8	7.9
HCM Lane LOS	A	A	A	A	A	A	A	A	A
HCM 95th-tile Q	0.4	0.1	0	0.1	0.4	0	0.1	0.1	0.1

ATTACHMENT C:
QUEUING ANALYSIS WORKSHEETS

Intersection: 5: Sun Lakes Village Dr. & Driveway 1

Movement	WB
Directions Served	LR
Maximum Queue (ft)	23
Average Queue (ft)	8
95th Queue (ft)	25
Link Distance (ft)	352
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 7: Sun Lakes Blvd. & Sun Lakes Village Dr.

Movement	EB	EB	EB	EB	WB	WB	SB	SB
Directions Served	L	T	T	T	T	TR	L	R
Maximum Queue (ft)	175	184	109	42	121	134	54	32
Average Queue (ft)	78	61	37	4	51	58	13	13
95th Queue (ft)	135	145	94	23	96	106	38	29
Link Distance (ft)		768	768	768	463	463	210	210
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)	150							
Storage Blk Time (%)	2	0						
Queuing Penalty (veh)	5	0						

Intersection: 8: Country Club Dr. W & Sun Lakes Blvd.

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	R	L	T	TR	L	TR	L	TR
Maximum Queue (ft)	147	177	113	64	40	99	130	120	25	105	76
Average Queue (ft)	81	50	53	11	11	44	62	43	5	54	38
95th Queue (ft)	128	108	97	40	35	78	108	86	19	92	62
Link Distance (ft)		463	463	463		850	850	315	315	379	379
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	100				150						
Storage Blk Time (%)	3	0									
Queuing Penalty (veh)	7	0									

Intersection: 9: Sun Lakes Blvd. & Driveway 4

Movement	SB
Directions Served	LR
Maximum Queue (ft)	34
Average Queue (ft)	11
95th Queue (ft)	34
Link Distance (ft)	562
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 13

Intersection: 5: Sun Lakes Village Dr. & Driveway 1

Movement	WB
Directions Served	LR
Maximum Queue (ft)	34
Average Queue (ft)	15
95th Queue (ft)	34
Link Distance (ft)	245
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 7: Sun Lakes Blvd. & Sun Lakes Village Dr.

Movement	EB	EB	EB	EB	WB	WB	SB	SB
Directions Served	L	T	T	T	T	TR	L	R
Maximum Queue (ft)	160	144	102	41	304	304	72	117
Average Queue (ft)	72	58	42	5	204	180	28	39
95th Queue (ft)	125	116	84	25	302	289	60	81
Link Distance (ft)		768	768	768	463	463	211	211
Upstream Blk Time (%)								
Queuing Penalty (veh)								
Storage Bay Dist (ft)	150							
Storage Blk Time (%)	0	0						
Queuing Penalty (veh)	1	0						

Intersection: 8: Country Club Dr. W & Sun Lakes Blvd.

Movement	EB	EB	EB	EB	WB	WB	WB	NB	NB	SB	SB
Directions Served	L	T	TR	R	L	T	TR	L	TR	L	TR
Maximum Queue (ft)	131	134	145	112	174	219	105	118	79	96	87
Average Queue (ft)	71	76	77	34	126	43	55	59	29	42	33
95th Queue (ft)	117	124	127	81	185	142	94	106	57	81	64
Link Distance (ft)		463	463	463		850	850	315	315	340	340
Upstream Blk Time (%)											
Queuing Penalty (veh)											
Storage Bay Dist (ft)	100				150						
Storage Blk Time (%)	3	2			6						
Queuing Penalty (veh)	8	3			5						

Intersection: 9: Sun Lakes Blvd. & Driveway 4

Movement	SB
Directions Served	LR
Maximum Queue (ft)	65
Average Queue (ft)	29
95th Queue (ft)	56
Link Distance (ft)	562
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 17

Appendix C

Vehicle Miles Traveled (VMT) Analysis

October 20, 2021

Ms. Pam Steele
MIG
1650 Spruce Street, Suite 102
Riverside, California 92507

SUBJECT: BANNING POINT VEHICLE MILES TRAVELED (VMT) ANALYSIS

Dear Ms. Pam Steele:

The following vehicle miles traveled (VMT) analysis has been prepared for the proposed Banning Point (**Project**) in the City of Banning.

PROJECT OVERVIEW

The Project is proposed to consist of 464,969 square feet of high-cube fulfillment center warehouse use (75% of the industrial use), 154,990 square feet of high-cube cold storage warehouse use (25% of the industrial use), 16,200 square feet of fast-food restaurant without drive-through window use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of shopping center use. (See attachment A) The Project as proposed appears consistent with the industrial and commercial components of the approved Sun Lakes Village North Specific Plan Amendment No. 5[1] (**SPA No.5**).

BACKGROUND

Changes to California Environmental Quality Act (CEQA) Guidelines were adopted in December 2018, which require all lead agencies to adopt 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 went into 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 2018) (**Technical Advisory**). (2) Based on OPR's Technical Advisory, the City of Banning has developed their own Traffic Impact Analysis Guidelines for Local Transportation Analysis and Vehicle Miles Traveled Analysis (September 2021) (**City Guidelines**), which is currently in draft form and pending final City Council adoption. (3) The draft City Guidelines have been utilized to prepare this VMT analysis, which is consistent with City direction.

[1] SPA No.5; https://ceqanet.opr.ca.gov/2020029074/3

PROJECT SCREENING

The City's Guidelines provides details on appropriate "screening thresholds" that can be used to identify when a proposed land development project is anticipated to result in a less than significant impact without conducting a more detailed analysis. The applicable screening thresholds to the Project are broken into the following types, applicable screening criteria are in **bold** and are to be evaluated further:

- **Transit Priority Area (TPA) Screening**
- **Map Based Screening based on Low VMT Area**
- **Local-Serving Retail Screening**
- Redevelopment Projects
- Local-Serving Community Projects
- Local-Serving Essential Services Projects
- Affordable Housing
- **Small Project Screening**

A land development project need only to meet one of the above screening thresholds to result in a less than significant impact.

For the purposes of this analysis, the initial VMT screening process where applicable has been conducted using the WRCOG VMT Screening Tool (**Screening Tool**), which uses screening criteria consistent with the screening thresholds recommended in the City's Guidelines.

TPA SCREENING

Consistent with guidance identified in the Technical Advisory and City Guidelines, projects located within a Transit Priority Area (TPA) (i.e., within ½ mile of an existing "major transit stop"[2] or an existing stop along a "high-quality transit corridor"[3]) 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);

[2] Pub. Resources Code, § 21064.3 ("'Major transit stop' means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.").
[3] Pub. Resources Code, § 21155 ("For purposes of this section, a high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.").

- 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.

Based on the Screening Tool results presented in Attachment B, the Project site is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor.

The TPA screening threshold is not met.

LOW VMT AREA SCREENING

The City Guidelines state that, "proposed residential, office, industrial, or mixed-use projects, which are located within the low VMT zones identified after applying appropriate VMT analysis thresholds (provided later in this chapter) in the screening tool, and which do not require a GPA or COZ would be deemed to have less than significant impact." The Screening Tool uses the sub-regional Riverside County Transportation Analysis Model (RIVTAM) to measure VMT performance within individual traffic analysis zones (TAZ's) within the WRCOG region. The Project's physical location based on parcel number was selected within the Screening Tool to determine the relevant TAZ's VMT as compared to the jurisdictional average (see Attachment B). The Project boundary is located in TAZ 4344 and would appear to be within a low VMT generating TAZ based on daily home-based work (HBW) VMT per worker. Based on a review of the land use information contained within TAZ 4344 for the RIVTAM base year (2012) model, the zone includes very low levels of employment and low amounts of population and household data. The proposed Project would significantly increase the quantity and type of employment uses in the zone and would therefore not be entirely consistent with the underlying land use assumptions. (See Attachment B)

The Low VMT Area screening threshold is not met.

LOCAL SERVING RETAIL SCREENING

The City Guidelines identifies that local serving retail projects less than 50,000 square feet may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition to local serving retail, other types of local serving uses such as day care centers, non-destination hotels, affordable housing, places of worship, municipal services and other local serving uses may also be presumed to have a less than significant impact as local serving in nature and would tend to shorten vehicle trips. The proposed Project intends to develop 16,200 square feet of fast-food restaurant without drive-through window use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of shopping center use. The retail uses within the proposed Project does not exceed the 50,000 square feet.

The Project Type screening threshold is met for the Project's retail component only.

SMALL PROJECT SCREENING

The City's Guidelines identifies that projects generating fewer than 500 daily vehicle trips (for projects requiring a GPA and fewer than 1,000 daily vehicle trips (for projects not requiring a GPA) are anticipated to meet the City's Project Trip Screening threshold and result in a less than significant impact. Based on the Project's forecasted trip generation (see Attachment C) would generate 3,844 daily vehicle trips which is above 1,000 daily vehicle trip threshold.

The Project Trip screening threshold is not met.

The Project's retail component is anticipated to have a less than significant impact. Since none of the applicable land development screening criteria were met for the Project's industrial component, a project level VMT analysis should be prepared for the Project's industrial component only.

PROJECT VMT ASSESSMENT

The Riverside Transportation Analysis Model (RIVTAM) is a useful tool to estimate VMT as it considers interaction between different land uses based on socio-economic data such as population, households and employment. The City Guidelines identifies that until RIVCOM is released by WRCOG, RIVTAM is the appropriate tool for conducting VMT analysis for land use projects in the City.

Project VMT has been calculated using the most current version of RIVTAM. Adjustments in socio-economic data (SED) (i.e., Project employment) was made to a separate TAZ within the RIVTAM model to reflect the Project's proposed employment uses (i.e., industrial uses). A separate TAZ is used to isolate the Project's VMT.

Table 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)

TABLE 1: EMPLOYMENT ESTIMATES

Land Use	Building Area	Building Area per Employee	Estimated Employees[4]
Industrial	619,959 sf	1,030 sf	602

Adjustments to employment factors for the Project's TAZ were made to baseline scenario and the RIVTAM model was then run inclusive of the Project's SED.

PROJECT VMT CALCULATION

Consistent with recommendations contained in the City's Guidelines, calculation of VMT for "other land uses" that are not residential or retail land use types are evaluated using VMT per employee[5]. For land

[4] Riverside County General Plan Employment Factors
[5] City's Guidelines; Page 23.

uses where VMT per capita or VMT per employee are suitable metrics, the City Guidelines suggest the use of the Production-Attraction (PA) trip matrices be utilized. Using these matrices, project generated VMT was calculated consistent with the PA matrices methodology identified in Section 5.4 Detail VMT Forecasting Methodology of the City Guidelines. VMT is then normalized by dividing by the number of Project employees. As shown in Table 2, the Project's VMT per employee is 14.26.

TABLE 2: PROJECT VMT PER EMPLOYEE

	Baseline
Employment	602
VMT[6]	8,582
HBW VMT / Worker[7]	14.26

CITY OF BANNING VMT

The City's Guidelines provide VMT thresholds for their predominant land use types such as residential, office and retail. For "other land uses" City Guidelines state the threshold as "any net increase in VMT per employee for uses that are consistent with the General Plan, and for projects seeking a GPA the threshold would be 10.9 VMT per employee". As the proposed Project is consistent with the recently approved SPA No. 5, a threshold of no net increase in VMT per employee should be utilized. The VMT per employee value previously calculated for the SPA No. 5 is utilized as the impact threshold.

PROJECT LEVEL VMT ASSESSMENT

Table 3 illustrates the comparison between Project generated VMT per employee to the VMT per employee previously calculated for the Sun Lakes Village North Specific Plan Amendment No. 5 VMT Analysis.[8] The VMT per employee value for the approved SPA No. 5 was 14.33, while the Project's calculated VMT per employee value is 14.26. The Project would not result in a net increase in VMT per employee and would therefore not result in a significant impact.

[6] VMT=Vehicle Tips x Trip Length. Where VT = 855 HBW (Attraction) Trips and TL= 10.0372 HBW (Attraction) Miles. Both VT and TL derived from the model.

[7] HBW VMT/Employee is a measure of all auto trips between home and work and does not include heavy duty truck trips or freight, which is consistent with OPR direction and Riverside County VMT calculation guidelines.

[8] SPA No. 5 VMT Analysis; Page 5, Table 2

TABLE 3: VMT PER EMPLOYEE COMPARISON

	Baseline VMT per Employee
SPA No.5	14.33
Project	14.26
Difference	-0.07
Net Increase?	No

CONCLUSION

In summary, the Project's retail component was found to meet City adopted local serving retail screening threshold and is therefore the retail component of the Project is presumed to result in a less than significant impact. The Project's industrial component was then evaluated and compared to the City's adopted impact threshold of no net increase in VMT per employee. The Project generated VMT per employee value was found to be less than that already disclosed in the approved SPA No. 5 VMT analysis. Therefore, the Project's potential impact to VMT is presumed to be less than significant.

If you have any questions, please contact me directly at (949) 660-1994.

Respectfully submitted,

URBAN CROSSROADS, INC.

Alex So
Senior Analyst

REGISTERED PROFESSIONAL ENGINEER
CHARLENE HWANG SO
No. TR 2414
TRAFFIC
STATE OF CALIFORNIA

Charlene So, PE
Associate Principal

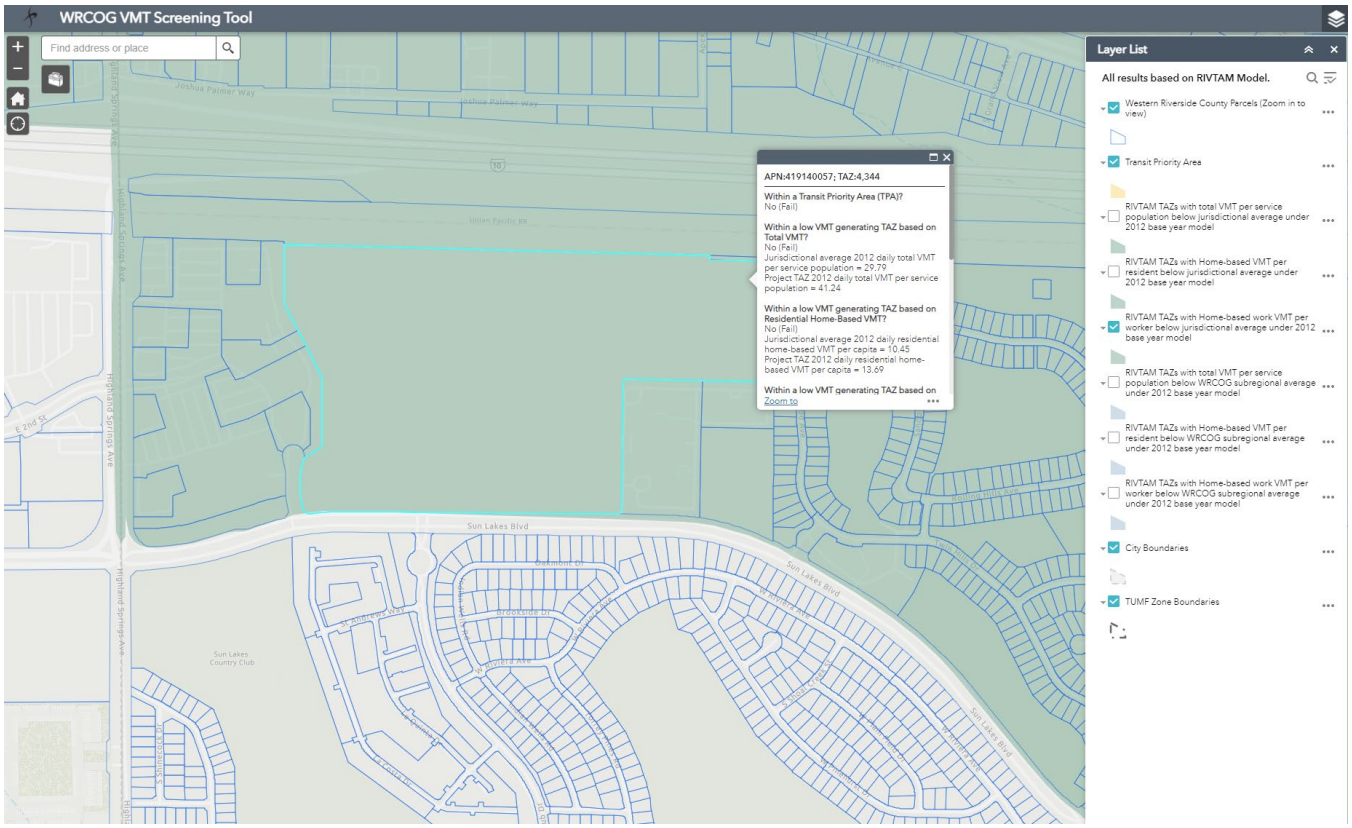
REFERENCES

1. **Office of Planning and Research.** *Technical Advisory on Evaluating Transportation Impacts in CEQA.* State of California : s.n., December 2018.
2. **City of Banning.** *Traffic Impact Analysis Guidelines For Local Transportation Analysis and Vehicle Miles Traveled Analysis.* City of Banning : s.n., TBD.
3. **County of Riverside.** *Appendix E: Socioeconomic Build-Out Assumptions and Methodology.* County of Riverside : s.n., April 2017.

ATTACHMENT A
PROJECT SITE PLAN


10
96
Fwy
Union Pacific RR
Union Pacific RR
Highland Springs Ave
S Highland Springs Ave
BUILDING AREA
619,959 S.F.
PHASE 1
Driveway 1
Driveway 2
Driveway 3
Driveway 4
Sun Lakes Blvd
Sun Lakes Blvd
Oakmont Dr
N

ATTACHMENT B
WRCOG VMT SCREENING TOOL


WRCOG VMT Screening Tool
Find address or place
Layer List
All results based on RIVTAM Model.
Western Riverside County Parcels (Zoom in to view)
Transit Priority Area
RIVTAM TAZs with total VMT per service population below jurisdictional average under 2012 base year model
RIVTAM TAZs with Home-based VMT per resident below jurisdictional average under 2012 base year model
RIVTAM TAZs with Home-based work VMT per worker below jurisdictional average under 2012 base year model
RIVTAM TAZs with total VMT per service population below WRCOG subregional average under 2012 base year model
RIVTAM TAZs with Home-based VMT per resident below WRCOG subregional average under 2012 base year model
RIVTAM TAZs with Home-based work VMT per worker below WRCOG subregional average under 2012 base year model
City Boundaries
TUMF Zone Boundaries
APN:419140057; TAZ:4,344
Within a Transit Priority Area (TPA)?
No (Fail)
Within a low VMT generating TAZ based on Total VMT?
No (Fail)
Jurisdictional average 2012 daily total VMT per service population = 29.79
Project TAZ 2012 daily total VMT per service population = 41.24
Within a low VMT generating TAZ based on Residential Home-Based VMT?
No (Fail)
Jurisdictional average 2012 daily residential home-based VMT per capita = 10.45
Project TAZ 2012 daily residential home-based VMT per capita = 13.69
Within a low VMT generating TAZ based on
Zoom to
Joshua Palmer Way
Union Pacific RR
Highland Springs Ave
E 2nd St
Sun Lakes Blvd
Sun Lakes Country Club

ATTACHMENT C
PROJECT TRIP GENERATION

TABLE 1: CURRENTLY APPROVED TRIP GENERATION SUMMARY

Land Use	Quantity Units[1]	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Trip Generation Summary (Actual Vehicles):								
Industrial Park	877.298 TSF							
Passenger Cars:		250	59	309	66	250	316	2,514
2-axle Trucks:		6	1	7	1	5	6	74
3-axle Trucks:		7	2	9	2	6	8	92
4+-axle Trucks:		21	5	26	5	17	22	278
Total Trucks:		34	8	42	8	28	36	444
Industrial Park Subtotal		**284**	**67**	**351**	**74**	**278**	**352**	**2,958**
Commercial Retail	37.189 TSF	22	13	35	68	74	142	1,404
Internal Capture		-7	-4	-11	-5	-1	-6	-60
Pass-By (34% PM/Daily)		0	0	0	-21	-21	-43	-458
Retail Subtotal		**15**	**9**	**24**	**42**	**51**	**93**	**886**
Total Trips (Actual Vehicles)[2]		**299**	**76**	**375**	**116**	**329**	**445**	**3,844**
Trip Generation Summary (PCE):								
Industrial Park	877.298 TSF							
Passenger Cars:		250	59	309	66	250	316	2,514
2-axle Trucks:		9	2	11	2	7	9	112
3-axle Trucks:		14	3	17	3	11	14	184
4+-axle Trucks:		64	15	79	14	52	66	834
Total Trucks (PCE):		87	20	107	19	70	89	1,130
Industrial Park Subtotal		**337**	**79**	**416**	**85**	**320**	**405**	**3,644**
Commercial Retail	37.189 TSF	22	13	35	68	74	142	1,404
Internal Capture		-7	-4	-11	-5	-1	-6	-60
Pass-By (34% PM/Daily)		0	0	0	-21	-21	-42	-458
Retail Subtotal		**15**	**9**	**24**	**42**	**51**	**93**	**886**
Total Trips (PCE)[2]		**352**	**88**	**440**	**127**	**371**	**498**	**4,530**

Source: Sun Lakes Village North Specific Plan Amendment No. 5 Traffic Analysis (dated September 4, 2020).

[1] TSF = thousand square feet

[2] Total Trips = Passenger Cars + Truck Trips.

TABLE 2: TRIP GENERATION RATES

Land Use[1]	Units[2]	ITE LU Code	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Actual Vehicle Trip Generation Rates:									
High-Cube Fulfillment Center Warehouse[3]	TSF	--	0.094	0.028	0.122	0.046	0.119	0.165	2.129
Passenger Cars			0.079	0.024	0.103	0.040	0.104	0.144	1.750
2-4 Axle Trucks			0.006	0.002	0.008	0.003	0.008	0.011	0.162
5+-Axle Trucks			0.008	0.003	0.011	0.003	0.007	0.010	0.217
High-Cube Cold Storage Warehouse[4]	TSF	157	0.085	0.025	0.110	0.032	0.088	0.120	2.120
Passenger Cars			0.062	0.018	0.080	0.025	0.067	0.092	1.378
2-Axle Trucks			0.008	0.002	0.010	0.003	0.007	0.010	0.257
3-Axle Trucks			0.003	0.001	0.003	0.001	0.002	0.003	0.082
4+-Axle Trucks			0.012	0.004	0.016	0.004	0.011	0.015	0.403
Fast Food without Drive Thru	TSF	933	15.060	10.040	25.100	14.170	14.170	28.340	346.230
Coffee/Donut Shop with Drive Thru	TSF	937	45.385	43.605	88.990	21.690	21.690	43.380	820.380
Shopping Center	TSF	820	0.583	0.357	0.940	1.829	1.981	3.810	37.750
Passenger Car Equivalent (PCE) Trip Generation Rates:									
High-Cube Fulfillment Center Warehouse[3]	TSF	--	0.094	0.028	0.122	0.046	0.119	0.165	2.129
Passenger Cars			0.079	0.024	0.103	0.040	0.104	0.144	1.750
2-4 Axle Trucks (PCE = 2.0)			0.012	0.004	0.016	0.006	0.016	0.022	0.324
5+-Axle Trucks (PCE = 3.0)			0.025	0.008	0.033	0.008	0.022	0.030	0.651
High-Cube Cold Storage Warehouse[4]	TSF	157	0.085	0.025	0.110	0.032	0.088	0.120	2.120
Passenger Cars			0.062	0.018	0.080	0.025	0.067	0.092	1.378
2-Axle Trucks (PCE = 1.5)			0.012	0.004	0.015	0.004	0.010	0.014	0.386
3-Axle Trucks (PCE = 2.0)			0.005	0.002	0.007	0.002	0.004	0.006	0.163
4+-Axle Trucks (PCE = 3.0)			0.037	0.011	0.048	0.012	0.033	0.045	1.209

[1] Trip Generation Source: Institute of Transportation Engineers (ITE), Trip Generation Manual, Tenth Edition (2017).

[2] TSF = thousand square feet

[3] Vehicle Mix Source: High Cube Warehouse Trip Generation Study, WSP, January 29, 2019.
Inbound and outbound split source: High Cube Warehouse Vehicle Trip Generation Analysis, October 2016, ITE.

[4] Vehicle Mix Source: ITE Trip Generation Handbook Supplement (2020), Appendix C.
Truck Mix Source: South Coast Air Quality Management District (SCAQMD) Warehouse Truck Trip Study Data Results and Usage (2014).
Normalized % - With Cold Storage: 34.7% 2-Axle trucks, 11.0% 3-Axle trucks, 54.3% 4-Axle trucks.

TABLE 3: PROPOSED PROJECT TRIP GENERATION SUMMARY (ACTUAL VEHICLES)

Land Use	Quantity[2]	Units[1]	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Fulfillment Center Warehouse (75%)	464.969	TSF							
Passenger Cars:			37	11	48	19	48	67	814
Internal Capture[2]			-7	-10	-17	-6	-3	-9	-54
Total Passenger Car:			30	1	31	13	45	58	760
2-4 axle Trucks:			3	1	4	1	4	5	76
5+-axle Trucks:			4	1	5	1	3	4	102
Total Truck:			7	2	9	2	7	9	178
Fulfillment Center Warehouse (Actual Vehicles)			**37**	**3**	**40**	**15**	**52**	**67**	**938**
High-Cube Cold Storage Warehouse (25%)	154.990	TSF							
Passenger Cars:			10	3	13	4	10	14	214
Internal Capture[2]			-2	-2	-4	-2	-1	-2	-18
Total Passenger Car:			8	1	9	2	9	12	196
2-axle Trucks:			1	0	1	0	1	1	40
3-axle Trucks:			0	0	0	0	0	0	14
4+-axle Trucks:			2	1	3	1	2	3	62
Total Truck:			3	1	4	1	3	4	116
High-Cube Cold Storage Warehouse (Actual Vehicles)			**11**	**2**	**13**	**3**	**12**	**16**	**312**
Industrial Total Passenger Cars			38	2	40	15	54	70	956
Industrial Total Trucks (Actual Vehicles)			10	3	13	3	10	13	294
Industrial Total (Actual Vehicles)			**48**	**5**	**53**	**18**	**64**	**83**	**1,250**
Fast Food without Drive Thru	16.200	TSF	244	163	407	230	230	459	5,610
Internal Capture[2]			-8	-6	-15	-9	-18	-27	-436
Pass-By (49% AM; 50% PM/Daily)[3]			-77	-77	-153	-106	-106	-212	-2,588
Coffee/Donut Shop with Drive Thru	1.600	TSF	73	70	142	35	35	69	1,314
Internal Capture[2]			-2	-2	-3	-2	-4	-6	-160
Pass-By (89% AM/PM/Daily)[3]			-61	-61	-121	-27	-27	-54	-1,028
Restaurant Total:			**169**	**87**	**256**	**120**	**109**	**230**	**2,712**
Shopping Center	16.200	TSF	9	6	15	30	32	62	612
Internal Capture[2]			-4	-3	-7	-17	-10	-27	-192
Pass-By (34% PM/Daily)[3]			0	0	0	-4	-4	-9	-144
Retail Total:			**5**	**3**	**8**	**8**	**18**	**26**	**276**
Commercial Total			**175**	**90**	**264**	**129**	**127**	**256**	**2,988**
Project Total Passenger Cars			213	92	304	144	181	324	3,944
Project Total Trucks (Actual Vehicles)			10	3	13	3	10	13	294
Project Total (Actual Vehicles)			**223**	**95**	**317**	**147**	**191**	**337**	**4,238**

[1] TSF = thousand square feet

[2] Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

[3] Source: ITE Trip Generation Handbook, 3rd Edition, 2017.

TABLE 4: PROPOSED PROJECT TRIP GENERATION SUMMARY (PCE)

Land Use	Quantity[2]	Units[1]	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Fulfillment Center Warehouse (75%)	464.969	TSF							
Passenger Cars:			37	11	48	19	48	67	814
Internal Capture[2]			-7	-10	-17	-6	-3	-9	-54
Total Passenger Car:			30	1	31	13	45	58	760
2-4 axle Trucks:			6	2	8	3	7	10	152
5+-axle Trucks:			12	4	16	4	10	14	304
Total Truck:			18	6	24	7	17	24	456
Fulfillment Center Warehouse (PCE)			**48**	**7**	**55**	**20**	**62**	**82**	**1,216**
High-Cube Cold Storage Warehouse (25%)	154.990	TSF							
Passenger Cars:			10	3	13	4	10	14	214
Internal Capture[2]			-2	-2	-4	-2	-1	-2	-18
Total Passenger Car:			8	1	9	2	9	12	196
2-axle Trucks:			2	1	3	1	2	3	60
3-axle Trucks:			1	0	1	0	1	1	26
4+-axle Trucks:			6	2	8	2	5	7	188
Total Truck:			9	3	12	3	8	11	274
High-Cube Cold Storage Warehouse (PCE)			**17**	**4**	**21**	**5**	**17**	**23**	**470**
Industrial Total Passenger Cars			38	2	40	15	54	70	956
Industrial Total Trucks (PCE)			27	9	36	10	25	35	730
Industrial Total (PCE)			**65**	**11**	**76**	**25**	**79**	**105**	**1,686**
Fast Food without Drive Thru	16.200	TSF	244	163	407	230	230	459	5,610
Internal Capture[2]			-8	-6	-15	-9	-18	-27	-436
Pass-By (49% AM; 50% PM/Daily)[3]			-77	-77	-153	-106	-106	-212	-2,588
Coffee/Donut Shop with Drive Thru	1.600	TSF	73	70	142	35	35	69	1,314
Internal Capture[2]			-2	-2	-3	-2	-4	-6	-160
Pass-By (89% AM/PM/Daily)[3]			-61	-61	-121	-27	-27	-54	-1,028
Restaurant Total:			**169**	**87**	**256**	**120**	**109**	**230**	**2,712**
Shopping Center	16.200	TSF	9	6	15	30	32	62	612
Internal Capture[2]			-4	-3	-7	-17	-10	-27	-192
Pass-By (34% PM/Daily)[3]			0	0	0	-4	-4	-9	-144
Retail Total:			**5**	**3**	**8**	**8**	**18**	**26**	**276**
Commercial Total			**175**	**90**	**264**	**129**	**127**	**256**	**2,988**
Project Total Passenger Cars			213	92	304	144	181	324	3,944
Project Total Trucks (Actual Vehicles)			27	9	36	10	25	35	730
Project Total (PCE)			**240**	**101**	**340**	**154**	**206**	**359**	**4,674**

[1] TSF = thousand square feet

[2] Internal capture calculated from NCHRP 684 Internal Trip Capture Estimation Tool.

[3] Source: ITE Trip Generation Handbook, 3rd Edition, 2017.

TABLE 5: TRIP GENERATION COMPARISON

Land Use	AM Peak Hour In	AM Peak Hour Out	AM Peak Hour Total	PM Peak Hour In	PM Peak Hour Out	PM Peak Hour Total	Daily
Actual Vehicles:							
Previously Approved Project							
Passenger Cars:	265	68	333	108	301	409	3,400
Total Truck Trips:	34	8	42	8	28	36	444
Previously Approved Project Total	**299**	**76**	**375**	**116**	**329**	**445**	**3,844**
Proposed Project							
Passenger Cars:	213	92	304	144	181	324	3,944
Total Truck Trips:	10	3	13	3	10	13	294
Proposed Project Total	**223**	**95**	**317**	**147**	**191**	**337**	**4,238**
Comparison							
Passenger Cars:	-52	24	-29	36	-120	-85	544
Total Truck Trips:	-24	-5	-29	-5	-18	-23	-150
Comparison Total	**-76**	**19**	**-58**	**31**	**-138**	**-108**	**394**
Passenger Car Equivalent (PCE):							
Previously Approved Project							
Passenger Cars:	265	68	333	108	301	409	3,400
Total Truck Trips:	87	20	107	19	70	89	1,130
Previously Approved Project Total	**352**	**88**	**440**	**127**	**371**	**498**	**4,530**
Proposed Project							
Passenger Cars:	213	92	304	144	181	324	3,944
Total Truck Trips:	27	9	36	10	25	35	730
Proposed Project Total	**240**	**101**	**340**	**154**	**206**	**359**	**4,674**
Comparison							
Passenger Cars:	-52	24	-29	36	-120	-85	544
Total Truck Trips:	-60	-11	-71	-9	-45	-54	-400
Comparison Total	**-112**	**13**	**-100**	**27**	**-165**	**-139**	**144**

Appendix D

Noise and Vibration Impact Analysis

Banning Point

NOISE AND VIBRATION IMPACT ANALYSIS

CITY OF BANNING

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FEBRUARY 7, 2022

13841-07 Noise Study

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LIST OF ABBREVIATED TERMS

(1)	Reference
ANSI	American National Standards Institute
CEQA	California Environmental Quality Act
CNEL	Community Noise Equivalent Level
dBA	A-weighted decibels
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
INCE	Institute of Noise Control Engineering
L_{eq}	Equivalent continuous (average) sound level
mph	Miles per hour
OPR	Office of Planning and Research
PPV	Peak particle velocity
Project	Banning Point
RMS	Root-mean-square
VdB	Vibration Decibels

EXECUTIVE SUMMARY

Urban Crossroads, Inc. has prepared this noise study to determine the potential noise impacts and the necessary noise mitigation measures, if any, for Banning Point development ("Project"). The Project is proposed to consist of 464,969 square feet of high-cube fulfillment center warehouse use (75% of the industrial use), 154,990 square feet of high-cube cold storage warehouse use (25% of the industrial use), 16,200 square feet of fast-food restaurant without drive-through window use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of shopping center use. This study has been prepared to satisfy applicable City of Banning standards and thresholds of significance based on guidance provided by Appendix G of the California Environmental Quality Act (CEQA) Guidelines. (1)

The results of this Banning Point Noise and Vibration Impact Analysis are summarized below based on the significance criteria in Section 4 of this report. Table ES-1 shows the findings of significance for each potential noise and/or vibration impact under CEQA before and after any required mitigation measures.

TABLE ES-1: SUMMARY OF CEQA SIGNIFICANCE FINDINGS

Analysis	Significance Findings	
	Unmitigated	**Mitigated**
Off-Site Traffic Noise	*Less Than Significant*	-
Operational Noise	*Less Than Significant*	-
Construction Noise	*Less Than Significant*	-
Construction Vibration	*Less Than Significant*	-

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1 INTRODUCTION

This noise analysis has been completed to determine the noise impacts associated with the development of the proposed Banning Point ("Project"). This noise study briefly describes the proposed Project, provides information regarding noise fundamentals, sets out the local regulatory setting, presents the study methods and procedures for noise and vibration analysis, and evaluates the future exterior noise environment.

1.1 SITE LOCATION

The Banning Point Project is located on the northeast corner of Sun Lake Village Drive and Sun Lake Boulevard in the City of Banning, as shown on Exhibit 1-A. The nearest sensitive residential land uses are located east and south of the project site. The I-10 Freeway and Union Pacific rail line located just north of the Project site represent the primary sources of noise activity in the Project study area.

1.2 PROJECT DESCRIPTION

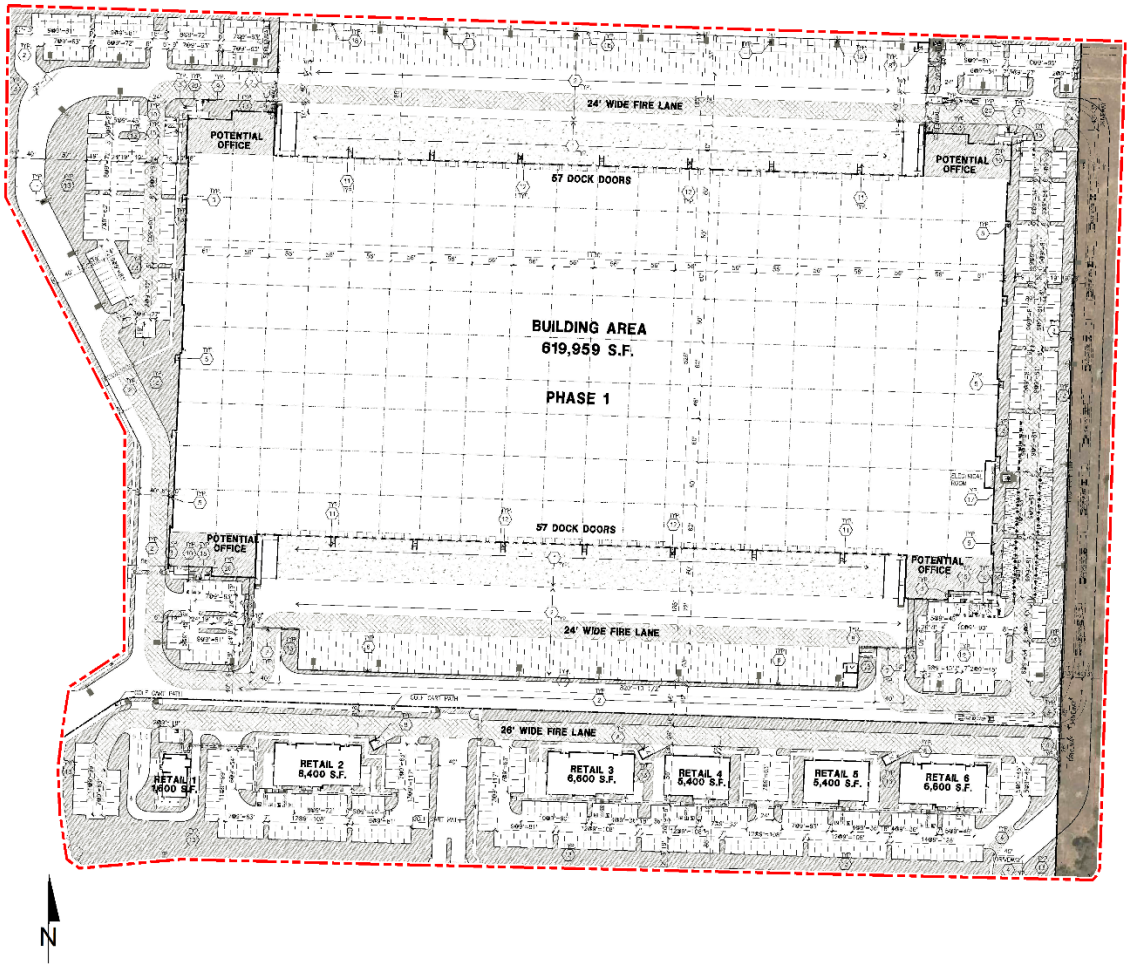
The Project is proposed to consist of 464,969 square feet of high-cube fulfillment center warehouse use (75% of the industrial use), 154,990 square feet of high-cube cold storage warehouse use (25% of the industrial use), 16,200 square feet of fast-food restaurant without drive-through window use, 1,600 square feet of coffee-donut shop with drive-through window use, and 16,200 square feet of shopping center use. The Project as proposed is consistent with the industrial and commercial components of the approved Sun Lakes Village North Specific Plan Amendment No. 5 (**SPA No.5**).

The on-site Project-related noise sources are expected to include: loading dock activity, roof-top air conditioning units, drive-through speakerphone, trash enclosure activity, parking lot vehicle movements, and truck movements. This noise analysis is intended to describe noise level impacts associated with the expected typical operational activities at the Project site.

EXHIBIT 1-A: LOCATION MAP



EXHIBIT 1-B: SITE PLAN



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2 FUNDAMENTALS

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies which are audible to the human ear. Exhibit 2-A presents a summary of the typical noise levels and their subjective loudness and effects that are described in more detail below.

EXHIBIT 2-A: TYPICAL NOISE LEVELS

COMMON OUTDOOR ACTIVITIES	COMMON INDOOR ACTIVITIES	A - WEIGHTED SOUND LEVEL dBA	SUBJECTIVE LOUDNESS	EFFECTS OF NOISE
THRESHOLD OF PAIN		140	INTOLERABLE OR DEAFENING	HEARING LOSS
NEAR JET ENGINE		130		
		120		
JET FLY-OVER AT 300m (1000 ft)	ROCK BAND	110		
LOUD AUTO HORN		100	VERY NOISY	
GAS LAWN MOWER AT 1m (3 ft)		90		
DIESEL TRUCK AT 15m (50 ft), at 80 km/hr (50 mph)	FOOD BLENDER AT 1m (3 ft)	80		SPEECH INTERFERENCE
NOISY URBAN AREA, DAYTIME	VACUUM CLEANER AT 3m (10 ft)	70	LOUD	
HEAVY TRAFFIC AT 90m (300 ft)	NORMAL SPEECH AT 1m (3 ft)	60		
QUIET URBAN DAYTIME	LARGE BUSINESS OFFICE	50	MODERATE	SLEEP DISTURBANCE
QUIET URBAN NIGHTTIME	THEATER, LARGE CONFERENCE ROOM (BACKGROUND)	40		
QUIET SUBURBAN NIGHTTIME	LIBRARY	30	FAINT	NO EFFECT
QUIET RURAL NIGHTTIME	BEDROOM AT NIGHT, CONCERT HALL (BACKGROUND)	20		
	BROADCAST/RECORDING STUDIO	10	VERY FAINT	
LOWEST THRESHOLD OF HUMAN HEARING	LOWEST THRESHOLD OF HUMAN HEARING	0		

2.1 RANGE OF NOISE

Since the range of intensities that the human ear can detect is so large, the scale frequently used to measure intensity is a scale based on multiples of 10, the logarithmic scale. The scale for measuring intensity is the decibel scale. Each interval of 10 decibels indicates a sound energy ten times greater than before, which is perceived by the human ear as being roughly twice as loud. (2) The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at three feet is roughly at 60 dBA, while loud jet engine noises equate to 110 dBA at approximately 1,000 feet, which can cause serious discomfort. (3) Another important aspect of noise is the duration of the sound and the way it is described and distributed in time.

2.2 NOISE DESCRIPTORS

Environmental noise descriptors are generally based on averages, rather than instantaneous, noise levels. The most used figure is the equivalent level (L_{eq}). Equivalent sound levels are not measured directly but are calculated from sound pressure levels typically measured in A-weighted decibels (dBA). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period (typically one hour) and is commonly used to describe the "average" noise levels within the environment.

To describe the time-varying character of environmental noise, the statistical or percentile noise descriptors L_{50}, L_{25}, L_8 and L_2, are commonly used. The percentile noise descriptors are the noise levels equaled or exceeded during 50 percent, 25 percent, 8 percent and 2 percent of a stated time. Sound levels associated with the L_2 and L_8 typically describe transient or short-term events, while levels associated with the L_{50} describe the steady state (or median) noise conditions. The relies on the percentile noise levels to describe the stationary source noise level limits. While the L_{50} describes the noise levels occurring 50 percent of the time, the L_{eq} accounts for the total energy (average) observed for the entire hour.

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour may be disturbing if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping) hours. To account for this, the Community Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time-of-day corrections require the addition of 5 decibels to dBA L_{eq} sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 decibels to dBA L_{eq} sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and night hours when sound appears louder. CNEL does not represent the actual sound level heard at any time, but rather represents the total sound exposure. The City of Banning relies on the 24-hour CNEL level to assess land use compatibility with transportation related noise sources.

2.3 SOUND PROPAGATION

When sound propagates over a distance, it changes in level and frequency content. The way noise reduces with distance depends on the following factors.

2.3.1 GEOMETRIC SPREADING

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. (2)

2.3.2 GROUND ABSORPTION

The propagation path of noise from a highway to a receiver is usually very close to the ground. Noise attenuation from ground absorption and reflective wave canceling adds to the attenuation associated with geometric spreading. Traditionally, the excess attenuation has also been expressed in terms of attenuation per doubling of distance. This approximation is usually sufficiently accurate for distances of less than 200 ft. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receiver, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface between the source and the receiver such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. When added to the cylindrical spreading, the excess ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance from a line source. (4)

2.3.3 ATMOSPHERIC EFFECTS

Receivers located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound levels can be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also have significant effects. (2)

2.3.4 SHIELDING

A large object or barrier in the path between a noise source and a receiver can substantially attenuate noise levels at the receiver. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Shielding by trees and other such vegetation typically only has an "out of sight, out of mind" effect. That is, the perception of noise impact tends to decrease when vegetation blocks the line-of-sight to nearest residents. However, for vegetation to provide a substantial, or even noticeable, noise reduction, the vegetation area must be at least 15 feet in height, 100 feet wide and dense enough to completely obstruct the line-of-sight between the source and the receiver. This size of vegetation may provide up to 5 dBA of noise reduction. The Federal Highway Administration (FHWA) does not consider the planting of vegetation to be a noise abatement measure. (4)

2.3.5 REFLECTION

Field studies conducted by the FHWA have shown that the reflection from barriers and buildings does not substantially increase noise levels. (4) If all the noise striking a structure was reflected back to a given receiving point, the increase would be theoretically limited to 3 dBA. Further, not all the acoustical energy is reflected back to same point. Some of the energy would go over the structure, some is reflected to points other than the given receiving point, some is scattered by ground coverings (e.g., grass and other plants), and some is blocked by intervening structures and/or obstacles (e.g., the noise source itself). Additionally, some of the reflected energy is lost due to the longer path that the noise must travel. FHWA measurements made to quantify

reflective increases in traffic noise have not shown an increase of greater than 1-2 dBA; an increase that is not perceptible to the average human ear.

2.4 NOISE CONTROL

Noise control is the process of obtaining an acceptable noise environment for an observation point or receiver by controlling the noise source, transmission path, receiver, or all three. This concept is known as the source-path-receiver concept. In general, noise control measures can be applied to these three elements.

2.5 NOISE BARRIER ATTENUATION

Effective noise barriers can reduce noise levels by up to 10 to 15 dBA, cutting the loudness of traffic noise in half. A noise barrier is most effective when placed close to the noise source or receiver. Noise barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the path of the noise source. (4)

2.6 LAND USE COMPATIBILITY WITH NOISE

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are more sensitive to noise intrusion than are commercial or industrial developments and related activities. As ambient noise levels affect the perceived amenity or livability of a development, so too can the mismanagement of noise impacts impair the economic health and growth potential of a community by reducing the area's desirability as a place to live, shop and work. For this reason, land use compatibility with the noise environment is an important consideration in the planning and design process. The FHWA encourages State and Local government to regulate land development in such a way that noise-sensitive land uses are either prohibited from being located adjacent to a highway, or that the developments are planned, designed, and constructed in such a way that noise impacts are minimized. (5)

2.7 COMMUNITY RESPONSE TO NOISE

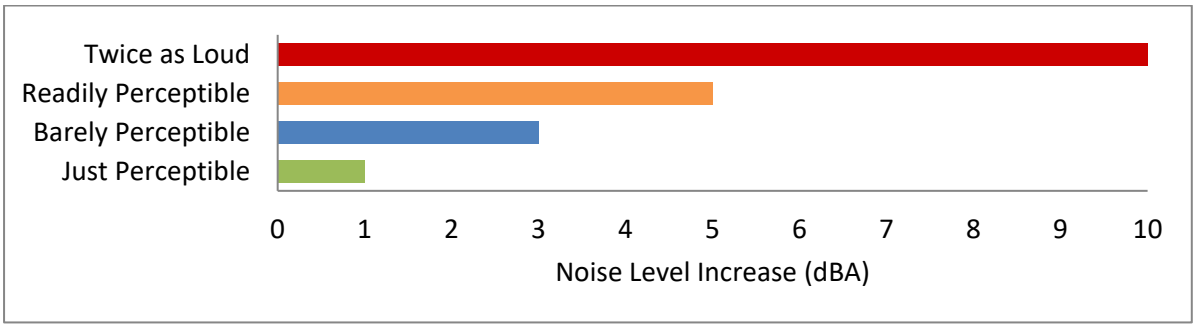
Community responses to noise may range from registering a complaint by telephone or letter, to initiating court action, depending upon everyone's susceptibility to noise and personal attitudes about noise. Several factors are related to the level of community annoyance including:

- Fear associated with noise producing activities;
- Socio-economic status and educational level;
- Perception that those affected are being unfairly treated;
- Attitudes regarding the usefulness of the noise-producing activity;
- Belief that the noise source can be controlled.

Approximately ten percent of the population has a very low tolerance for noise and will object to any noise not of their making. Consequently, even in the quietest environment, some complaints will occur. Twenty-five percent of the population will not complain even in very severe noise environments. Thus, a variety of reactions can be expected from people exposed to any given noise environment. (6) Surveys have shown that about ten percent of the people exposed to

traffic noise of 60 dBA will report being highly annoyed with the noise, and each increase of one dBA is associated with approximately two percent more people being highly annoyed. When traffic noise exceeds 60 dBA or aircraft noise exceeds 55 dBA, people may begin to complain. (6) Despite this variability in behavior on an individual level, the population can be expected to exhibit the following responses to changes in noise levels as shown on Exhibit 2-B. A change of 3 dBA is considered *barely perceptible*, and changes of 5 dBA are considered *readily perceptible*. (4)

EXHIBIT 2-B: NOISE LEVEL INCREASE PERCEPTION



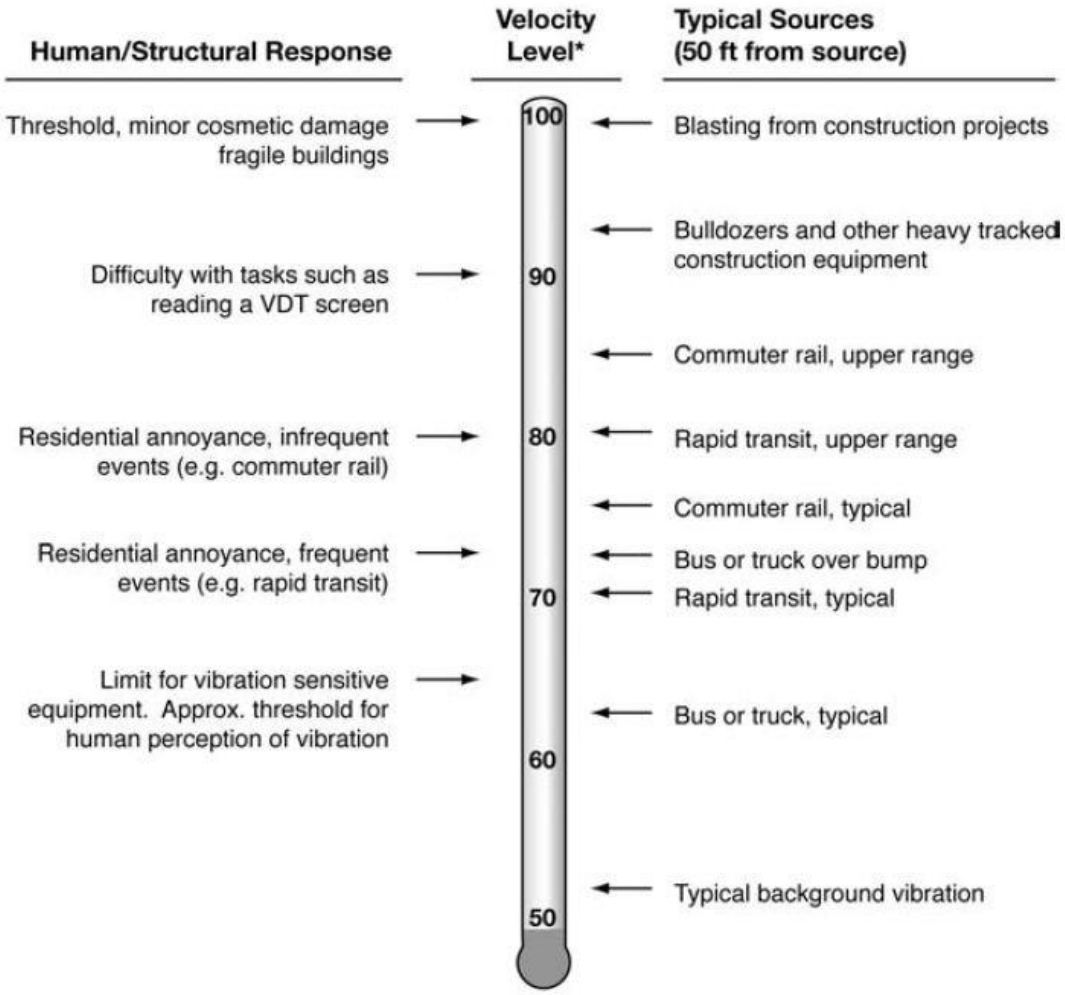
2.8 VIBRATION

Per the Federal Transit Administration (FTA) *Transit Noise and Vibration Impact Assessment Manual* (7), vibration is the periodic oscillation of a medium or object. The rumbling sound caused by the vibration of room surfaces is called structure-borne noise. Sources of ground-borne vibrations include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, ground-borne vibrations may be described by amplitude and frequency.

There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings but is not always suitable for evaluating human response (annoyance) because it takes some time for the human body to respond to vibration signals. Instead, the human body responds to average vibration amplitude often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body. Decibel notation (VdB) is commonly used to measure RMS. Decibel notation (VdB) serves to reduce the range of numbers used to describe human response to vibration. Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receivers for vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment and/or activities

The background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. Exhibit 2-C illustrates common vibration sources and the human and structural response to ground-borne vibration.

EXHIBIT 2-C: TYPICAL LEVELS OF GROUND-BORNE VIBRATION



Source: Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual.

3 REGULATORY SETTING

To limit population exposure to physically and/or psychologically damaging as well as intrusive noise levels, the federal government, the State of California, various county governments, and most municipalities in the state have established standards and ordinances to control noise. In most areas, automobile and truck traffic is the major source of environmental noise. Traffic activity generally produces an average sound level that remains constant with time. Air and rail traffic, and commercial and industrial activities are also major sources of noise in some areas. Federal, state, and local agencies regulate different aspects of environmental noise. Federal and state agencies generally set noise standards for mobile sources such as aircraft and motor vehicles, while regulation of stationary sources is left to local agencies.

3.1 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 per guidelines adopted by the Governor's Office of Planning and Research (OPR). (8) The purpose of the Noise and safety Element is to *limit the exposure of the community to excessive noise levels*. In addition, the California Environmental Quality Act (CEQA) requires that all known environmental effects of a project be analyzed, including environmental noise impacts.

3.2 CITY OF BANNING GENERAL PLAN NOISE ELEMENT

The City of Banning General Plan Noise Element coordinates the community's land uses with the existing and future noise environment, and provides design measures that are intended to minimize or avoid community exposure to excessive noise levels. (9) The implementation of policies and programs set forth in the Noise Element are used to reduce or even avoid current and future noise impacts and land use conflicts. The goal of the City of Banning General Plan Noise Element is *a noise environment that complements the community's residential character and its land uses*. (9) The nine policies of the Noise Element which are used pursue this goal are presented below:

Policy 1 *The City shall protect noise sensitive land uses, including residential neighborhoods, schools, hospitals, libraries, churches, resorts and community open space, from potentially significant sources of community noise.*

Policy 2 *The relationship between land use designations in the Land Use Element and changes in the circulation pattern of the City, as well as individual developments, shall be monitored and mitigated.*

Policy 3 *Private sector project proposals shall include measures that assure that noise exposures levels comply with State of California noise insulation standards as defined in Title 25 (California Noise Insulation Standards) and/or Banning Ordinances 1138 and 1234, whichever is more restrictive.*

Policy 4 *The City shall maintain a General Plan Circulation Map and assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only.*

Policy 5 *The City shall ensure that flight paths and airport improvements adhere to all local, state and federal noise regulations.*

Policy 6 *All development proposals within the noise impact area of the Interstate and the railroad shall mitigate both noise levels and vibration to acceptable levels through the preparation of focused studies and analysis in the development review and environmental review process.*

Policy 7 *The City shall coordinate with adjoining jurisdictions to assure noise-compatible land uses across jurisdictional boundaries.*

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.*

Policy 9 *The City shall support development that results in grade separated railroad tracks.*

The noise criteria identified in the City of Banning Noise Element (Table V-4) are guidelines to evaluate the land use compatibility of transportation-related noise. The compatibility criteria, shown on Exhibit 3-A, provides the City with a planning tool to gauge the compatibility of land uses relative to existing and future exterior noise levels. The *Land Use Compatibility for Community Noise Environments* guidelines indicate that industrial and commercial land uses, such as the Project, are considered both *normally acceptable* with noise levels approaching 70 dBA CNEL and 67 dBA CNEL, respectively. (9)

EXHIBIT 3-A: LAND USE COMPATIBILITY FOR COMMUNITY NOISE ENVIRONMENTS

Land Uses	CNEL (dBA)						
	50	55	60	65	70	75	80
Residential - Single Family Dwellings, Duplex, Mobile Homes	A	B	B	B	C	D	D
Residential – Multiple Family	A	A	B	B	C	D	D
Transient Lodging: Hotels and Motels	A	A	B	B	C	C	D
School Classrooms, Libraries, Churches, Hospitals, Nursing Homes and Convalescent Hospitals	A	A	B	B	C	C	D
Auditoriums, Concert Halls, Amphitheaters	B	B	B	C	C	C	C
Sports Arenas, Outdoor Spectator Sports	B	B	B	B	C	C	C
Playgrounds, Neighborhood Parks	A	A	A	C	C	D	D
Golf Courses, Riding Stables, Water Recreation, Cemeteries	A	A	A	A	C	C	D
Office Buildings, Business, Commercial and Professional	A	A	A	B	B	D	D
Industrial, Manufacturing, Utilities, Agriculture	A	A	A	A	B	D	D

Source: *California Department of Health Services, "Guidelines for the Preparation and Content of the Noise Element of the General Plan," 1990*

A **Normally Acceptable**: With no special noise reduction requirements assuming standard construction.

B **Conditionally Acceptable**: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirement is made and needed noise insulation features included in the design

C **Normally Unacceptable**: New construction is discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

D **Clearly Unacceptable**: New construction or development should generally not be undertaken.

Source: City of Banning General Plan Noise Element, Table V-4.

3.3 CITY OF BANNING MUNICIPAL CODE STANDARDS

To analyze noise impacts originating from a designated fixed location or private property such as the Banning Point Project, stationary-source (operational) noise levels and noise from construction activities are typically evaluated against standards established under the City's Municipal Code.

3.3.1 OPERATIONAL NOISE STANDARDS

For noise-sensitive residential property, the City of Banning Municipal Code, Chapter 8.44.050, identifies exterior noise levels standards of 55 dBA L_{eq} for the daytime hours (7:00 a.m. to 10:00 p.m.) and 45 dBA L_{eq} during the nighttime (10:00 p.m. to 7:00 a.m.) hours. Further, Chapter 8.44.050 indicates that if the existing ambient noise level already exceeds any of the exterior noise level limit categories, then the standard shall be adjusted to reflect the ambient conditions. The City of Banning Municipal Code Noise Standards are included in Appendix 3.1.

3.3.2 CONSTRUCTION NOISE STANDARDS

To control noise impacts associated with the construction of the proposed Project, the City has established limits to the hours of operation. Section 8.44.090 of the City's Municipal Code indicates that construction activity is considered exempt from the noise level limits of the Municipal Code if activity is limited to the hours of 7:00 a.m. to 6:00 p.m. (10) However, the Municipal Code further indicates that *nothing contained herein shall permit any person to cause sound levels to at any time exceed fifty-five dB(A) for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school.* Therefore, the analysis presented in this noise study evaluates Project-related construction noise levels based on the interior noise level limit of 55 dBA at the nearest sensitive receiver locations (e.g., residential homes). The 55 dBA interior construction noise level limit is used in this noise study based on the energy-average equivalent (L_{eq}) noise level to determine potential impacts since the analysis assumes a worst-case duration of Project construction activity, averaged over the any time period, and is therefore, more conservative than the interval of 15 minutes or more as identified in the Municipal Code.

3.4 VIBRATION STANDARDS

Construction activity can result in varying degrees of ground-borne vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Construction vibration is generally associated with pile driving and rock blasting. Other construction equipment such as air compressors, light trucks, hydraulic loaders, etc., generates little or no ground vibration. (7)

To analyze vibration impacts originating from the operation and construction of the Banning Point, vibration-generating activities are appropriately evaluated against standards established under a City's Municipal Code, if such standards exist. However, the City of Banning does not identify specific vibration level limits. Therefore, for analysis purposes, the Caltrans *Transportation and Construction Vibration Guidance Manual*, (11 p. 38) Table 19, vibration

damage are used in this noise study to assess potential temporary construction-related impacts at adjacent building locations. The nearest noise sensitive buildings adjacent to the Project site can best be described as “older residential structures” with a maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec).

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4 SIGNIFICANCE CRITERIA

The following significance criteria are based on currently adopted guidance provided by Appendix G of the California Environmental Quality Act (CEQA) Guidelines. (8) For the purposes of this report, impacts would be potentially significant if the Project results in or causes:

A. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

B. Generation of excessive ground-borne vibration or ground-borne noise levels?

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?

While the City of Banning General Plan Guidelines provide direction on noise compatibility and establish noise standards by land use type that are sufficient to assess the significance of noise impacts, they do not define the levels at which increases are considered substantial for use under Guideline A. CEQA Appendix G Guideline C applies to nearby public and private airports, if any, and the Project's land use compatibility.

4.1 CEQA GUIDELINES NOT FURTHER ANALYZED

The Project site is not located within two miles of a public airport or within an airport land use plan. The closest airport is the Banning Municipal Airport located roughly 4.4 miles east of the Project site. As such, the Project site would not be exposed to excessive noise levels from airport operations, and therefore, impacts are considered *less than significant,* and no further noise analysis is conducted in relation to CEQA Appendix G Guideline C.

4.2 NOISE LEVEL INCREASES

Noise level increases resulting from the Project are evaluated based on the Appendix G CEQA Guidelines described above at the closest sensitive receiver locations. Under CEQA, consideration must be given to the magnitude of the increase, the existing ambient noise levels, and the location of noise-sensitive receivers to determine if a noise increase represents a significant adverse environmental impact. This approach recognizes *that there is no single noise increase that renders the noise impact significant.* (12)

Unfortunately, there is no completely satisfactory way to measure the subjective effects of noise or of the corresponding human reactions of annoyance and dissatisfaction. This is primarily because of the wide variation in individual thresholds of annoyance and differing individual experiences with noise. Thus, an important way of determining a person's subjective reaction to a new noise is the comparison of it to the existing environment to which one has adapted—the so-called *ambient* environment. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will typically be judged. The Federal

Interagency Committee on Noise (FICON) (13) developed guidance to be used for the assessment of project-generated increases in noise levels that consider the ambient noise level. The FICON recommendations are based on studies that relate aircraft noise levels to the percentage of persons highly annoyed by aircraft noise. Although the FICON recommendations were specifically developed to assess aircraft noise impacts, these recommendations are often used in environmental noise impact assessments involving the use of cumulative noise exposure metrics, such as the average-daily noise level (CNEL) and equivalent continuous noise level (L_{eq}).

As previously stated, the approach used in this noise study recognizes *that there is no single noise increase that renders the noise impact significant*, based on a 2008 California Court of Appeal ruling on Gray v. County of Madera. (12) For example, if the ambient noise environment is quiet (<60 dBA) and the new noise source greatly increases the noise levels, an impact may occur if the noise criteria may be exceeded. Therefore, for this analysis, FICON identifies a *readily perceptible* 5 dBA or greater project-related noise level increase is considered a significant impact when the noise criteria for a given land use is exceeded. Per the FICON, in areas where the without project noise levels range from 60 to 65 dBA, a 3 dBA *barely perceptible* noise level increase appears to be appropriate for most people. When the without project noise levels already exceed 65 dBA, any increase in community noise louder than 1.5 dBA or greater is considered a significant impact if the noise criteria for a given land use is exceeded, since it likely contributes to an existing noise exposure exceedance.

The FICON guidance provides an established source of criteria to assess the impacts of substantial temporary or permanent increase in ambient noise levels. Based on the FICON criteria, the amount to which a given noise level increase is considered acceptable is reduced when the without Project noise levels are already shown to exceed certain land-use specific exterior noise level criteria. The specific levels are based on typical responses to noise level increases of 5 dBA or *readily perceptible*, 3 dBA or *barely perceptible*, and 1.5 dBA depending on the underlying without Project noise levels for noise-sensitive uses. These levels of increases and their perceived acceptance are consistent with guidance provided by both the Federal Highway Administration (4 p. 9) and Caltrans (14 p. 2_48).

4.3 SIGNIFICANCE CRITERIA SUMMARY

Noise impacts shall be considered significant if any of the following occur as a direct result of the proposed Project. Table 4-1 shows the significance criteria summary matrix.

TABLE 4-1: SIGNIFICANCE CRITERIA SUMMARY

Analysis	Condition(s)	Significance Criteria	
		Daytime	Nighttime
Off-Site Traffic	if ambient is < 60 dBA CNEL[1]	≥ 5 dBA CNEL Project increase	
	if ambient is 60 - 65 dBA CNEL[1]	≥ 3 dBA CNEL Project increase	
	if ambient is > 65 dBA CNEL[1]	≥ 1.5 dBA CNEL Project increase	
Operational	Exterior Noise Level Limit[2]	55 dBA L_{eq}	45 dBA L_{eq}
	if ambient is < 60 dBA L_{eq}[1]	≥ 5 dBA L_{eq} Project increase	
	if ambient is 60 - 65 dBA L_{eq}[1]	≥ 3 dBA L_{eq} Project increase	
	if ambient is > 65 dBA L_{eq}[1]	≥ 1.5 dBA L_{eq} Project increase	
Construction	Interior Noise Level Threshold[3]	55 dBA L_{eq}	n/a
	Vibration Level Threshold[4]	0.3 PPV (in/sec)	n/a

[1] FICON, 1992.
[2] The City of Banning Municipal Code Chapter 8.44.050.
[3] City of Banning Municipal Code, Sections 8.44.090 (E) (Appendix 3.1).
[4] Caltrans Transportation and Construction Vibration Manual, April 2020 Table 19.
"Daytime" = 7:00 a.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m. "n/a" = construction activities are not planned during the nighttime hours; "PPV" = peak particle velocity.

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5 EXISTING NOISE LEVEL MEASUREMENTS

To assess the existing noise level environment, 24-hour noise level measurements were taken at five 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 5-A provides the boundaries of the Project study area and the noise level measurement locations. To fully describe the existing noise conditions, noise level measurements were collected by Urban Crossroads, Inc. on Wednesday, May 5th, 2021. Appendix 5.1 includes study area photos.

5.1 MEASUREMENT PROCEDURE AND CRITERIA

To describe the existing noise environment, the hourly noise levels were measured during typical weekday conditions over a 24-hour period. By collecting individual hourly noise level measurements, it is possible to describe the daytime and nighttime hourly noise levels and calculate the 24-hour CNEL. The long-term noise readings were recorded using Piccolo Type 2 integrating sound level meter and dataloggers. The Piccolo sound level meters were calibrated using a Larson-Davis calibrator, Model CAL 150. All noise meters were programmed in "slow" mode to record noise levels in "A" weighted form. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. (15)

5.2 NOISE MEASUREMENT LOCATIONS

The long-term noise level measurements were positioned as close to the nearest sensitive receiver locations as possible to assess the existing ambient hourly noise levels surrounding the Project site. Both Caltrans and the FTA recognize that it is not reasonable to collect noise level measurements that can fully represent every part of a private yard, patio, deck, or balcony normally used for human activity when estimating impacts for new development projects. This is demonstrated in the Caltrans general site location guidelines which indicate that, *sites must be free of noise contamination by sources other than sources of interest. Avoid sites located near sources such as barking dogs, lawnmowers, pool pumps, and air conditioners unless it is the express intent of the analyst to measure these sources*. (2) Further, FTA guidance states, t*hat it is not necessary nor recommended that existing noise exposure be determined by measuring at every noise-sensitive location in the project area. Rather, the recommended approach is to characterize the noise environment for clusters of sites based on measurements or estimates at representative locations in the community*. (7)

Based on recommendations of Caltrans and the FTA, it is not necessary to collect measurements at each individual building or residence, because each receiver measurement represents a group of buildings that share acoustical equivalence. (7) In other words, the area represented by the receiver shares similar shielding, terrain, and geometric relationship to the reference noise source. Receivers represent a location of noise sensitive areas and are used to estimate the future noise level impacts. Collecting reference ambient noise level measurements at the nearby sensitive receiver locations allows for a comparison of the before and after Project noise levels

and is necessary to assess potential noise impacts due to the Project's contribution to the ambient noise levels.

5.3 NOISE MEASUREMENT RESULTS

The noise measurements presented below focus on the average or equivalent sound levels (L_{eq}). The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. Table 5-1 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.

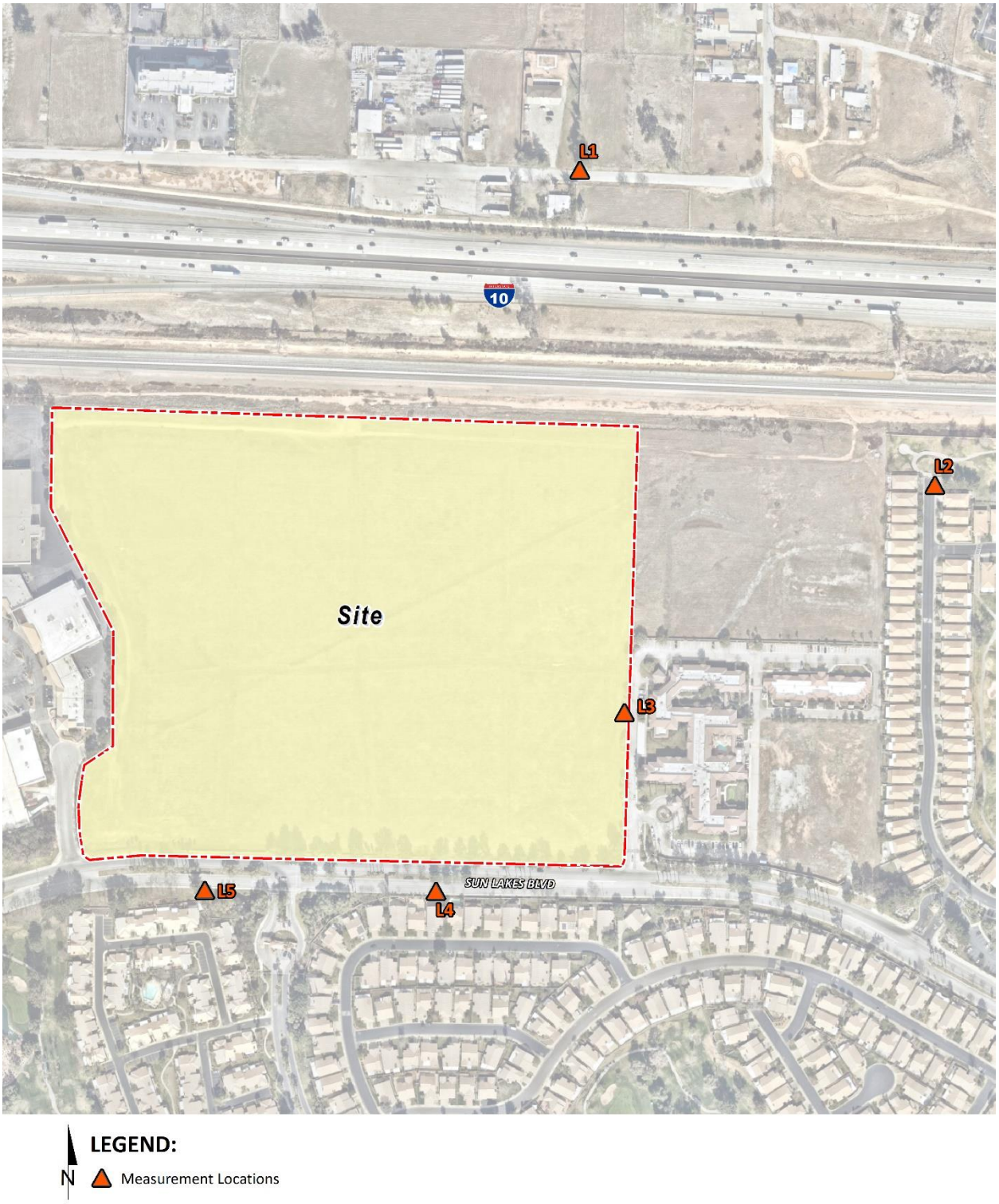
TABLE 5-1: 24-HOUR AMBIENT NOISE LEVEL MEASUREMENTS

Location[1]	Description	Energy Average Noise Level (dBA L_{eq})[2]	
		Daytime	Nighttime
L1	Located north of the Project site near single-family residence at 5778 Joshua Palmer Way.	66.5	65.4
L2	Located east of the Project site near single-family residence at 350 Northwood Avenue.	60.1	60.0
L3	Located east of the Project site near The Lakes Assisted Living & Memory Care at 5801 Sun Lakes Boulevard.	54.4	57.8
L4	Located south of the Project site near single-family residence at 5933 Oakmont Drive.	66.2	59.7
L5	Located south of the Project site near single-family residence at 6111 Wingfoot Avenue.	59.4	56.2

[1] See Exhibit 5-A for the noise level measurement locations.
[2] Energy (logarithmic) average levels. The long-term 24-hour measurement worksheets are included in Appendix 5.2.
"Daytime" = 7:00 a.m. to 7:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

Table 5-1 provides the (energy average) noise levels used to describe the daytime and nighttime ambient conditions. These daytime and nighttime energy average noise levels represent the average of all hourly noise levels observed during these time periods expressed as a single number. Appendix 5.2 provides summary worksheets of the noise levels for each hour as well as the minimum, maximum, L_1, L_2, L_5, L_8, L_{25}, L_{50}, L_{90}, L_{95}, and L_{99} percentile noise levels observed during the daytime and nighttime periods.

EXHIBIT 5-A: NOISE MEASUREMENT LOCATIONS



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6 TRAFFIC NOISE METHODS AND PROCEDURES

The following section outlines the methods and procedures used to estimate and analyze the future traffic noise environment. According to the *Banning Point (TPM 38164) Traffic Assessment* prepared by Urban Crossroads, Inc., the proposed Project is anticipated to generate a total of 2,292 actual vehicle trip-ends per day (1,996 passenger car trips and 296 truck trips). The previously approved Sun Lakes Village North Specific Plan Amendment No. 5 Traffic Study (dated September 4, 2020) would generate 3,844 trips per day. (16) The *Banning Point (TPM 38164) Traffic Assessment* determined that the Project would generate 1,404 fewer passenger car trips and 148 fewer truck trips than the previously approved Sun Lakes Village North Specific Plan Amendment No. 5 Traffic Study. Even though the proposed Project results in an overall reduction in vehicle trips, the following off-site traffic noise analysis was prepared to assess the incremental noise level increase attributed fully to the proposed Project without any credit for the previously approved project.

6.1 FHWA TRAFFIC NOISE PREDICTION MODEL

The expected roadway noise level increases from vehicular traffic were calculated by Urban Crossroads, Inc. using a computer program that replicates the Federal Highway Administration (FHWA) Traffic Noise Prediction Model- FHWA-RD-77-108. (17) This methodology is commonly used to describe the off-site traffic noise levels throughout California and is consistent with the City of Banning General Plan Noise Element. The FHWA Model arrives at a predicted noise level through a series of adjustments to the Reference Energy Mean Emission Level (REMEL).

In California the national REMELs are substituted with the California Vehicle Noise (Calveno) Emission Levels. (18) Adjustments are then made to the REMEL to account for: the roadway classification (e.g., collector, secondary, major or arterial), the roadway active width (i.e., the distance between the center of the outermost travel lanes on each side of the roadway), the total average daily traffic (ADT), the travel speed, the percentages of automobiles, medium trucks, and heavy trucks in the traffic volume, the roadway grade, the angle of view (e.g., whether the roadway view is blocked), the site conditions ("hard" or "soft" relates to the absorption of the ground, pavement, or landscaping), and the percentage of total ADT which flows each hour throughout a 24-hour period. Research conducted by Caltrans has shown that the use of soft site conditions is appropriate for the application of the FHWA traffic noise prediction model used in this analysis. (19)

6.1.1 OFF-SITE TRAFFIC NOISE PREDICTION MODEL INPUTS

Table 6-1 presents the roadway parameters used to assess the Project's off-site transportation noise impacts. Table 6-1 identifies the twenty off-site study area roadway segments, the distance from the centerline to adjacent land use based on the functional roadway classifications per the City of Banning General Plan Mobility Element, and the posted vehicle speeds. The ADT volumes used in this study area presented on Table 6-2 are based on *Banning Point (TPM 38164) Traffic Assessment by Urban Crossroads, Inc.* for the following traffic scenarios. (16)

1. Existing

2. Existing + Project
3. Horizon Year (2040)
4. Horizon Year (2040) + Project

The ADT volumes vary for each roadway segment based on the existing traffic volumes and the combination of project traffic distributions. This analysis relies on a comparative evaluation of the off-site traffic noise impacts at the boundary of the right-of-way of the receiving adjacent land use, without and with project ADT traffic volumes from the Project traffic study.

TABLE 6-1: OFF-SITE ROADWAY PARAMETERS

ID	Roadway	Segment	Classification[1]	Receiving Land Use[2]	Distance from Centerline to Receiving Land Use (Feet)[3]	Vehicle Speed (mph)
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Urban Arterial	Non-Sensitive	67'	30
2	Highland Springs Av.	n/o 2nd St.	Urban Arterial	Non-Sensitive	67'	30
3	Highland Springs Av.	n/o 1st St.	Urban Arterial	Non-Sensitive	67'	30
4	Highland Springs Av.	s/o 1st St.	Urban Arterial	Sensitive	67'	30
5	1st St.	w/o Highland Springs Av.	Major	Sensitive	50'	45
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Major	Sensitive	50'	35
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Major	Sensitive	50'	35
8	Sun Lakes Blvd.	e/o Country Club Dr.	Major	Sensitive	50'	35

[1] City of Banning Circulation Element.
[2] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[3] Distance to receiving land use is based upon the right-of-way distances.

To quantify the off-site noise levels, the Project related truck trips were added to the heavy truck category in the FHWA noise prediction model. The addition of the Project related truck trips increases the percentage of heavy trucks in the vehicle mix. This approach recognizes that the FHWA noise prediction model is significantly influenced by the number of heavy trucks in the vehicle mix.

Table 6-3 provides the time of day (daytime, evening, and nighttime) vehicle splits. Table 6-4 shows the traffic flow by vehicle type (vehicle mix) used for all without Project traffic scenarios, and Tables 6-5 to 6-6 show the vehicle mixes used for the with Project traffic scenarios. Due to the added Project truck trips, the increase in Project traffic volumes and the distributions of trucks on the study area road segments, the percentage of autos, medium trucks and heavy trucks will vary for each of the traffic scenarios. This explains why the existing and future traffic volumes and vehicle mixes vary between seemingly identical study area roadway segments.

TABLE 6-2: AVERAGE DAILY TRAFFIC VOLUMES

ID	Roadway	Segment	Average Daily Traffic Volumes[1]			
			Existing		Horizon Year (2040)	
			Without Project	With Project	Without Project	With Project
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	32,793	32,953	42,498	42,658
2	Highland Springs Av.	n/o 2nd St.	22,732	24,370	29,459	31,097
3	Highland Springs Av.	n/o 1st St.	15,725	17,417	21,649	23,341
4	Highland Springs Av.	s/o 1st St.	8,272	8,426	21,900	22,054
5	1st St.	w/o Highland Springs Av.	9,557	9,732	12,385	12,560
6	Sun Lakes Blvd.	e/o Highland Springs Av.	7,439	9,460	12,459	14,480
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	7,439	8,250	9,641	10,452
8	Sun Lakes Blvd.	e/o Country Club Dr.	6,635	7,690	8,598	9,654

[1] Banning Point (TPM 38164) Traffic Assessment, Urban Crossroads, Inc.

TABLE 6-3: TIME OF DAY VEHICLE SPLITS

Vehicle Type	Time of Day Splits[1]			Total of Time of Day Splits
	Daytime	Evening	Nighttime	
Autos	77.50%	12.90%	9.60%	100.00%
Medium Trucks	84.80%	4.90%	10.30%	100.00%
Heavy Trucks	86.50%	2.70%	10.80%	100.00%

[1] County of Riverside Office of Industrial Hygiene. Values rounded to the nearest one-hundredth.
"Daytime" = 7:00 a.m. to 7:00 p.m.; "Evening" = 7:00 p.m. to 10:00 p.m.; "Nighttime" = 10:00 p.m. to 7:00 a.m.

TABLE 6-4: WITHOUT PROJECT VEHICLE MIX

Classification	Total % Traffic Flow[1]			Total
	Autos	Medium Trucks	Heavy Trucks	
All Segments	97.42%	1.84%	0.74%	100.00%

[1] County of Riverside Office of Industrial Hygiene. Values rounded to the nearest one-hundredth.

TABLE 6-5: EXISTING WITH PROJECT VEHICLE MIX

ID	Roadway	Segment	With Project[1]			
			Autos	Medium Trucks	Heavy Trucks	Total[2]
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	86.92%	1.93%	11.16%	100.00%
2	Highland Springs Av.	n/o 2nd St.	86.52%	2.28%	11.20%	100.00%
3	Highland Springs Av.	n/o 1st St.	86.43%	2.41%	11.16%	100.00%
4	Highland Springs Av.	s/o 1st St.	87.09%	1.90%	11.01%	100.00%
5	1st St.	w/o Highland Springs Av.	87.09%	1.90%	11.01%	100.00%
6	Sun Lakes Blvd.	e/o Highland Springs Av.	86.53%	2.74%	10.72%	100.00%
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	88.15%	1.75%	10.11%	100.00%
8	Sun Lakes Blvd.	e/o Country Club Dr.	88.66%	1.67%	9.67%	100.00%

[1] Total of vehicle mix percentage values rounded to the nearest one-hundredth.

TABLE 6-6: HORIZON YEAR WITH PROJECT VEHICLE MIX

ID	Roadway	Segment	With Project[1]			
			Autos	Medium Trucks	Heavy Trucks	Total[2]
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	86.90%	1.93%	11.17%	100.00%
2	Highland Springs Av.	n/o 2nd St.	86.59%	2.21%	11.20%	100.00%
3	Highland Springs Av.	n/o 1st St.	86.54%	2.29%	11.17%	100.00%
4	Highland Springs Av.	s/o 1st St.	86.95%	1.92%	11.13%	100.00%
5	1st St.	w/o Highland Springs Av.	87.04%	1.91%	11.05%	100.00%
6	Sun Lakes Blvd.	e/o Highland Springs Av.	86.64%	2.46%	10.89%	100.00%
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	87.87%	1.79%	10.34%	100.00%
8	Sun Lakes Blvd.	e/o Country Club Dr.	88.29%	1.72%	9.98%	100.00%

[1] Total of vehicle mix percentage values rounded to the nearest one-hundredth.

7 OFF-SITE TRAFFIC NOISE ANALYSIS

To assess the off-site transportation CNEL noise level impacts associated with the proposed Project, noise contours were developed based on the *Banning Point Focused Traffic Analysis*. (16) Noise contour boundaries represent the equal levels of noise exposure and are measured in CNEL from the center of the roadway.

7.1 TRAFFIC NOISE CONTOURS

Noise contours were used to assess the Project's incremental traffic-related noise impacts at land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area. Tables 7-1 to 7-4 present a summary of the exterior traffic noise levels for each traffic condition. Appendix 7.1 includes the traffic noise level contours worksheets.

TABLE 7-1: EXISTING WITHOUT PROJECT CONTOURS

ID	Road	Segment	Receiving Land Use[1]	CNEL at Receiving Land Use (dBA)[2]	Distance to Contour from Centerline (Feet)		
					70 dBA CNEL	65 dBA CNEL	60 dBA CNEL
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Non-Sensitive	76.0	169	364	784
2	Highland Springs Av.	n/o 2nd St.	Non-Sensitive	74.4	132	285	614
3	Highland Springs Av.	n/o 1st St.	Non-Sensitive	72.8	104	223	480
4	Highland Springs Av.	s/o 1st St.	Sensitive	70.0	67	145	313
5	1st St.	w/o Highland Springs Av.	Sensitive	74.9	107	230	495
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Sensitive	72.1	69	148	318
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Sensitive	72.1	69	148	318
8	Sun Lakes Blvd.	e/o Country Club Dr.	Sensitive	71.6	64	137	295

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of the receiving adjacent land use.
"RW" = Location of the respective noise contour falls within the right-of-way of the road.

TABLE 7-2: EXISTING WITH PROJECT CONTOURS

ID	Road	Segment	Receiving Land Use[1]	CNEL at Receiving Land Use (dBA)[2]	Distance to Contour from Centerline (Feet)		
					70 dBA CNEL	65 dBA CNEL	60 dBA CNEL
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Non-Sensitive	76.0	169	364	784
2	Highland Springs Av.	n/o 2nd St.	Non-Sensitive	74.7	139	299	645
3	Highland Springs Av.	n/o 1st St.	Non-Sensitive	73.3	111	239	515
4	Highland Springs Av.	s/o 1st St.	Sensitive	70.1	68	145	313
5	1st St.	w/o Highland Springs Av.	Sensitive	74.9	107	230	495
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Sensitive	73.0	79	170	367
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Sensitive	72.1	69	149	321
8	Sun Lakes Blvd.	e/o Country Club Dr.	Sensitive	71.6	64	138	298

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of the receiving adjacent land use.
"RW" = Location of the respective noise contour falls within the right-of-way of the road.

TABLE 7-3: HORIZON YEAR WITHOUT PROJECT CONTOURS

ID	Road	Segment	Receiving Land Use[1]	CNEL at Receiving Land Use (dBA)[2]	Distance to Contour from Centerline (Feet)		
					70 dBA CNEL	65 dBA CNEL	60 dBA CNEL
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Non-Sensitive	77.2	201	433	932
2	Highland Springs Av.	n/o 2nd St.	Non-Sensitive	75.6	157	339	730
3	Highland Springs Av.	n/o 1st St.	Non-Sensitive	74.2	128	276	595
4	Highland Springs Av.	s/o 1st St.	Sensitive	74.3	129	278	599
5	1st St.	w/o Highland Springs Av.	Sensitive	76.1	127	273	588
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Sensitive	74.3	97	208	449
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Sensitive	73.2	82	176	378
8	Sun Lakes Blvd.	e/o Country Club Dr.	Sensitive	72.7	76	163	351

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of the receiving adjacent land use.
"RW" = Location of the respective noise contour falls within the right-of-way of the road.

TABLE 7-4: HORIZON YEAR WITH PROJECT CONTOURS

ID	Road	Segment	Receiving Land Use[1]	CNEL at Receiving Land Use (dBA)[2]	Distance to Contour from Centerline (Feet)		
					70 dBA CNEL	65 dBA CNEL	60 dBA CNEL
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Non-Sensitive	77.2	201	433	932
2	Highland Springs Av.	n/o 2nd St.	Non-Sensitive	75.8	163	352	758
3	Highland Springs Av.	n/o 1st St.	Non-Sensitive	74.6	135	290	626
4	Highland Springs Av.	s/o 1st St.	Sensitive	74.3	129	278	599
5	1st St.	w/o Highland Springs Av.	Sensitive	76.1	127	273	589
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Sensitive	74.9	106	228	491
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Sensitive	73.2	82	177	381
8	Sun Lakes Blvd.	e/o Country Club Dr.	Sensitive	72.7	76	164	354

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of the receiving adjacent land use.
"RW" = Location of the respective noise contour falls within the right-of-way of the road.

7.2 EXISTING PROJECT TRAFFIC NOISE LEVEL INCREASES

An analysis of existing traffic noise levels plus traffic noise generated by the proposed Project has been included in this report for informational purposes and to fully analyze all the existing traffic scenarios identified in the Traffic Study. However, the analysis of existing off-site traffic noise levels plus traffic noise generated by the proposed Project scenario will not actually occur since the Project would not be fully constructed and operational until opening year conditions. Table 7-1 shows the Existing without Project conditions CNEL noise levels. The Existing without Project exterior noise levels range from 70.0 to 76.0 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Table 7-2 shows the Existing with Project conditions ranging from 70.1 to 76.0 dBA CNEL. Table 7-5 shows that the Project off-site traffic noise level increases range from 0.0 to 0.9 dBA CNEL on the study area roadway segments. Based on the significance criteria for off-site traffic noise presented in Section 4.1, land uses adjacent to the study area roadway segments would experience *less than significant* noise level impacts due to unmitigated Project-related traffic noise levels.

7.3 HORIZON YEAR TRAFFIC NOISE LEVEL INCREASES

Table 7-3 presents the Horizon Year without Project conditions CNEL noise levels. The Horizon Year without Project exterior noise levels range from 72.7 to 77.2 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Table 7-4 shows that the Horizon Year with Project conditions will range from 72.7 to 77.2 dBA CNEL. Table 7-6 shows that the Project off-site traffic noise level increases range from 0.0 to 0.6 dBA CNEL on the study area roadway segments. Based on the significance criteria for off-site traffic noise presented in Section 4.1, land uses adjacent to the study area roadway segments would experience *less than significant* noise level impacts due to unmitigated Project-related traffic noise levels.

TABLE 7-5: EXISTING WITH PROJECT TRAFFIC NOISE LEVEL INCREASES

ID	Road	Segment	Receiving Land Use[1]	CNEL at Receiving Land Use (dBA)[1]			Incremental Noise Level Increase Threshold[2]	
				No Project	With Project	Project Addition	Limit	Exceeded?
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Non-Sensitive	76.0	76.0	0.0	1.5	No
2	Highland Springs Av.	n/o 2nd St.	Non-Sensitive	74.4	74.7	0.3	1.5	No
3	Highland Springs Av.	n/o 1st St.	Non-Sensitive	72.8	73.3	0.5	1.5	No
4	Highland Springs Av.	s/o 1st St.	Sensitive	70.0	70.1	0.1	1.5	No
5	1st St.	w/o Highland Springs Av.	Sensitive	74.9	74.9	0.0	1.5	No
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Sensitive	72.1	73.0	0.9	1.5	No
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Sensitive	72.1	72.1	0.0	1.5	No
8	Sun Lakes Blvd.	e/o Country Club Dr.	Sensitive	71.6	71.6	0.0	1.5	No

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.
[3] Does the Project create an incremental noise level increase exceeding the significance criteria (Table 4-1)?

TABLE 7-6: HORIZON YEAR WITH PROJECT TRAFFIC NOISE LEVEL INCREASES

ID	Road	Segment	Receiving Land Use[1]	CNEL at Receiving Land Use (dBA)[1]			Incremental Noise Level Increase Threshold[2]	
				No Project	With Project	Project Addition	Limit	Exceeded?
1	Highland Springs Av.	n/o I-10 Fwy. WB Ramps	Non-Sensitive	77.2	77.2	0.0	1.5	No
2	Highland Springs Av.	n/o 2nd St.	Non-Sensitive	75.6	75.8	0.2	1.5	No
3	Highland Springs Av.	n/o 1st St.	Non-Sensitive	74.2	74.6	0.4	1.5	No
4	Highland Springs Av.	s/o 1st St.	Sensitive	74.3	74.3	0.0	1.5	No
5	1st St.	w/o Highland Springs Av.	Sensitive	76.1	76.1	0.0	1.5	No
6	Sun Lakes Blvd.	e/o Highland Springs Av.	Sensitive	74.3	74.9	0.6	1.5	No
7	Sun Lakes Blvd.	e/o Sun Lakes Village Dr.	Sensitive	73.2	73.2	0.0	1.5	No
8	Sun Lakes Blvd.	e/o Country Club Dr.	Sensitive	72.7	72.7	0.0	1.5	No

[1] Based on a review of existing aerial imagery. Noise sensitive uses limited to existing residential land uses.
[2] The CNEL is calculated at the boundary of the right-of-way of each roadway and the property line of the receiving land use.
[3] Does the Project create an incremental noise level increase exceeding the significance criteria (Table 4-1)?

8 SENSITIVE RECEIVER LOCATIONS

To assess the potential for long-term operational and short-term construction noise impacts, the following sensitive receiver locations, as shown on Exhibit 8-A, were identified as representative locations for analysis. Sensitive receivers are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include schools, hospitals, single-family dwellings, mobile home parks, churches, libraries, and recreation areas. Moderately noise-sensitive land uses typically include multi-family dwellings, hotels, motels, dormitories, out-patient clinics, cemeteries, golf courses, country clubs, athletic/tennis clubs, and equestrian clubs. Land uses that are considered relatively insensitive to noise include business, commercial, and professional developments. Land uses that are typically not affected by noise include: industrial, manufacturing, utilities, agriculture, undeveloped land, parking lots, warehousing, liquid and solid waste facilities, salvage yards, and transit terminals.

To describe the potential off-site Project noise levels, five receiver locations in the vicinity of the Project site were identified. All distances are measured from the Project site boundary to the outdoor living areas (e.g., private backyards) or at the building façade, whichever is closer to the Project site. The selection of receiver locations is based on FHWA guidelines and is consistent with additional guidance provided by Caltrans and the FTA, as previously described in Section 5.2. Other sensitive land uses in the Project study area that are located at greater distances than those identified in this noise study will experience lower noise levels than those presented in this report due to the additional attenuation from distance and the shielding of intervening structures. Distance is measured in a straight line from the project boundary to each receiver location.

R1: Location R1 represents the existing noise sensitive residence at 5778 Joshua Palmer Way, approximately 543 feet north of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R1 is placed at the building façade. A 24-hour noise measurement was taken near this location, L1, to describe the existing ambient noise environment.

R2: Location R2 represents the existing noise sensitive residence at 301 Northwood Avenue, approximately 725 feet east of the Project site. Receiver R2 is placed at the private outdoor living area (backyard). A 24-hour noise measurement was taken near this location, L2, to describe the existing ambient noise environment.

R3: Location R3 represents the existing noise sensitive Assisted Living and Memory Care at 5801Sun Lakes Boulevard, approximately 110 feet east of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R3 is placed at the building façade. A 24-hour noise measurement was taken, L3, to describe the existing ambient noise environment.

R4: Location R4 represents the existing noise sensitive residence at 5831 Oakmont Drive, approximately 115 feet south of the Project site. Receiver R4 is placed at the private outdoor living area (backyard). A 24-hour noise measurement was taken near this location, L4, to describe the existing ambient noise environment.

R5: Location R5 represents the existing noise sensitive residence at 6111 Wingfoot Avenue, approximately 134 feet south of the Project site. Since there are no private outdoor living areas (backyards) facing the Project site, receiver R5 is placed at the building façade. A 24-hour noise measurement was taken near this location, L5, to describe the existing ambient noise environment.

EXHIBIT 8-A: SENSITIVE RECEIVER LOCATIONS



9 OPERATIONAL NOISE IMPACTS

This section analyzes the potential stationary-source operational noise impacts at the nearest receiver locations, identified in Section 8, resulting from the operation of the Banning Point Project. Exhibit 9-A identifies the representative noise source activities used to assess the operational noise levels.

9.1 OPERATIONAL NOISE SOURCES

This operational noise analysis is intended to describe noise level impacts associated with the typical daytime and nighttime activities at the Project site. The on-site Project-related noise sources are expected to include: loading dock activity, roof-top air conditioning units, drive-through speakerphone, trash enclosure activity, parking lot vehicle movements, and truck movements.

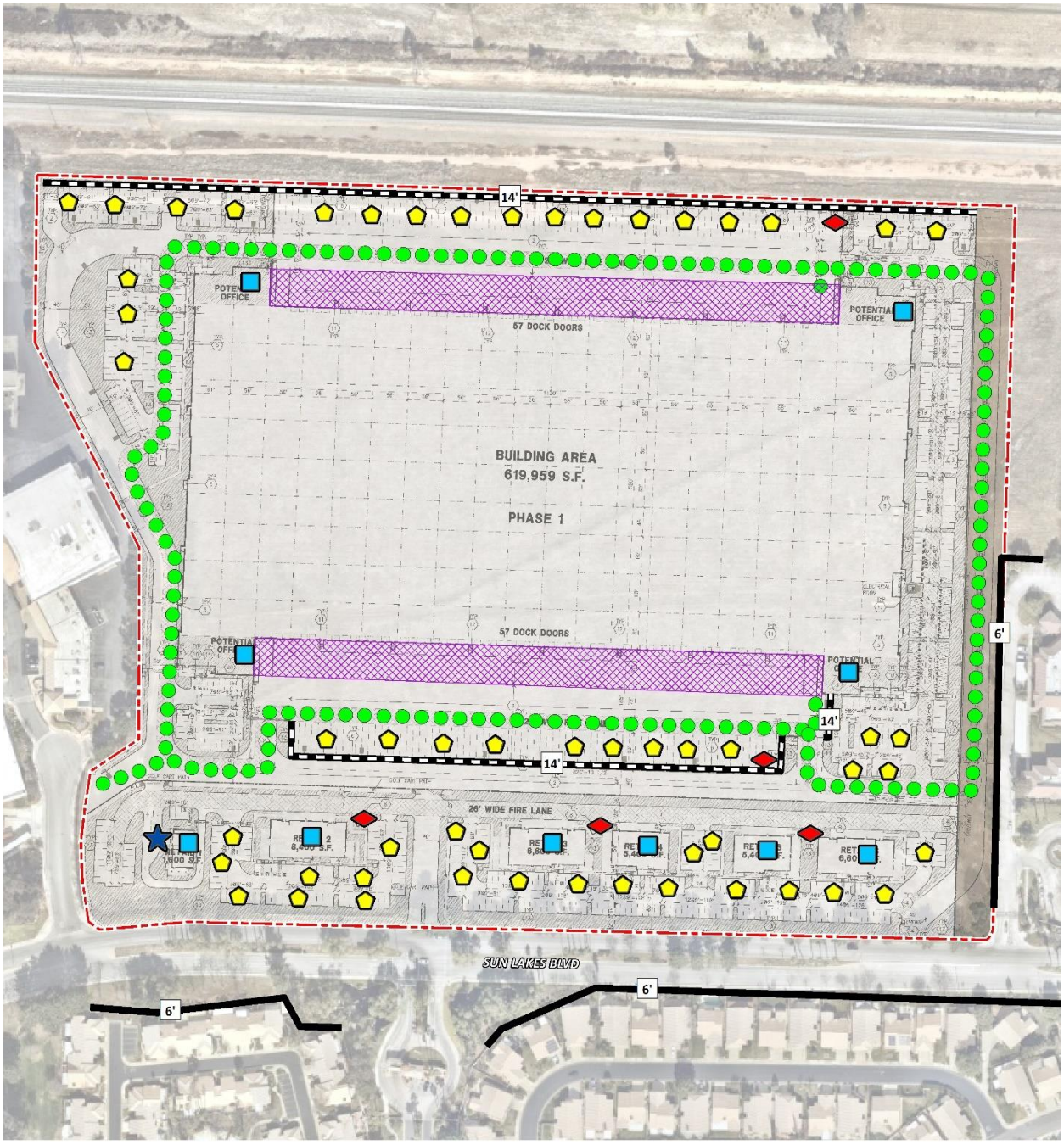
9.2 REFERENCE NOISE LEVELS

To estimate the Project operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the proposed Project. This section provides a detailed description of the reference noise level measurements shown on Table 9-1 used to estimate the Project operational noise impacts. It is important to note that the following projected noise levels assume the worst-case noise environment with the loading dock activity, roof-top air conditioning units, drive-through speakerphone, trash enclosure activity, parking lot vehicle movements, and truck movements all operating at the same time. These sources of noise activity will likely vary throughout the day.

9.2.1 MEASUREMENT PROCEDURES

The reference noise level measurements presented in this section were collected using a Larson Davis LxT Type 1 precisions sound level meter (serial number 01146). The LxT sound level meter was calibrated using a Larson-Davis calibrator, Model CAL 200, was programmed in "slow" mode to record noise levels in "A" weighted form and was located at approximately five feet above the ground elevation for each measurement. The sound level meters and microphones were equipped with a windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. (15)

EXHIBIT 9-A: OPERATIONAL NOISE SOURCE LOCATIONS



LEGEND:

- Site Boundary
- Cold Storage Loading Dock Activity
- Roof-Top Air Conditioning Unit
- Drive-Through Speakerphone
- Trash Enclosure Activity
- Parking Lot Vehicle Movements
- Truck Movements
- Existing Barrier
- Proposed Noise Barrier
- 14' Barrier Height (in feet)

TABLE 9-1: REFERENCE NOISE LEVEL MEASUREMENTS

Noise Source[1]	Noise Source Height (Feet)	Min./ Hour[2]		Reference Noise Level (dBA L_{eq}) @ 50 Feet	Sound Power Level (dBA)[3]
		Day	Night		
Cold Storage Loading Dock Activity	8'	60	60	65.7	111.5
Roof-Top Air Conditioning Units	5'	39	28	59.2	88.9
Drive-Thru Activity	3'	60	30	51.5	83.2
Trash Enclosure Activity	5'	10	10	59.3	89.0
Parking Lot Vehicle Movements	5'	60	60	56.1	79.0
Truck Movements	8'	60	60	58.0	93.2

[1] As measured by Urban Crossroads, Inc.

[2] Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

[3] Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source. Numbers may vary due to size differences between point and area noise sources.

9.2.2 COLD STORAGE LOADING DOCK ACTIVITY

To describe the loading dock activities, a reference noise level measurement was collected to represent the truck activities. The reference noise level measurement was taken in the center of the loading dock activity area and represents multiple concurrent noise sources resulting in a combined noise level of 65.7 dBA L_{eq} at a uniform distance of 50 feet. Specifically, the reference noise level measurement represents one truck located approximately 30 feet from the noise level meter with another truck passing by to park roughly 20 feet away, both with their engines idling. Throughout the reference noise level measurement, a separate docked and running reefer truck was located approximately 50 feet east of the measurement location. Additional background noise sources included truck pass-by noise, truck drivers talking to each other next to docked trucks, and air brake release noise when trucks parked.

9.2.3 ROOF-TOP AIR CONDITIONING UNITS

The noise level measurements describe a single mechanical roof-top air conditioning unit. The reference noise level represents a Lennox SCA120 series 10-ton model packaged air conditioning unit. At the uniform reference distance of 50 feet, the reference noise levels are 59.2 dBA L_{eq}. Based on the typical operating conditions observed over a four-day measurement period, the roof-top air conditioning units are estimated to operate for and average 39 minutes per hour during the daytime hours, and 28 minutes per hour during the nighttime hours. These operating conditions reflect peak summer cooling requirements with measured temperatures approaching 96 degrees Fahrenheit (°F) with average daytime temperatures of 82°F. For this noise analysis, the air conditioning units are expected to be located on the roof of the Project buildings.

9.2.4 DRIVE-THRU SPEAKERPHONE ACTIVITY

To describe the potential noise level impacts associated with potential drive-thru speakerphones and vehicle activities, a reference noise level measurement was collected. The reference noise

levels collected are expected to reflect potential drive-thru speakerphone noise level activities at the Project site, since the reference measurement includes both drive-thru speakerphone and vehicle activity noise. The noise sources included in the reference noise level measurement consist of voices of the employees over the speakerphone, customers' voices ordering food, car engines idling, car radios playing music, and cars queuing in the drive-thru lane. At 50 feet from the speakerphone, a reference noise level of 51.5 dBA L_{eq} was measured.

9.2.5 TRASH ENCLOSURE ACTIVITY

To describe the noise levels associated with a trash enclosure activity, Urban Crossroads collected a reference noise level measurement at an existing trash enclosure containing two dumpster bins. The trash enclosure noise levels describe metal gates opening and closing, metal scraping against concrete floor sounds, dumpster movement on metal wheels, and trash dropping into the metal dumpster. The reference noise levels describe trash enclosure noise activities when trash is dropped into an empty metal dumpster, as would occur at the Project Site. The measured reference noise level at the uniform 50-foot reference distance is 57.3 dBA L_{eq} for the trash enclosure activity. The reference noise level describes the expected noise source activities associated with the trash enclosures for the Project's proposed building. Typical trash enclosure activities are estimated to occur for 10 minutes per hour.

9.2.6 PARKING LOT VEHICLE MOVEMENTS

To describe the on-site parking lot activity a reference noise level of 56.1 dBA L_{eq} at 50 feet is used. Parking activities are expected to take place during the full hour (60 minutes) throughout the daytime and evening hours. The parking lot noise levels are mainly due cars pulling in and out of parking spaces.

9.2.6 TRUCK MOVEMENTS

The truck movements reference noise level measurement was collected over a period of 1 hour and 28 minutes and represents multiple heavy trucks entering and exiting the outdoor loading dock area producing a reference noise level of 59.8 dBA L_{eq} at 50 feet. The noise sources included at this measurement location account for trucks entering and existing the Project driveways and maneuvering in and out of the outdoor loading dock activity area.

9.3 CADNAA NOISE PREDICTION MODEL

To fully describe the exterior operational noise levels from the Project, Urban Crossroads, Inc. developed a noise prediction model using the CadnaA (Computer Aided Noise Abatement) computer program. CadnaA can analyze multiple types of noise sources using the spatially accurate Project site plan, georeferenced Nearmap aerial imagery, topography, buildings, and barriers in its calculations to predict outdoor noise levels.

Using the ISO 9613-2 protocol, CadnaA will calculate the distance from each noise source to the noise receiver locations, using the ground absorption, distance, and barrier/building attenuation inputs to provide a summary of noise level at each receiver and the partial noise level contributions by noise source. Consistent with the ISO 9613-2 protocol, the CadnaA noise

prediction model relies on the reference sound power level (L_w) to describe individual noise sources. While sound pressure levels (e.g., L_{eq}) quantify in decibels the intensity of given sound sources at a reference distance, sound power levels (L_w) are connected to the sound source and are independent of distance. Sound pressure levels vary substantially with distance from the source and diminish because of intervening obstacles and barriers, air absorption, wind, and other factors. Sound power is the acoustical energy emitted by the sound source and is an absolute value that is not affected by the environment.

The operational noise level calculations provided in this noise study account for the distance attenuation provided due to geometric spreading, when sound from a localized stationary source (i.e., a point source) propagates uniformly outward in a spherical pattern. A default ground attenuation factor of 0.5 was used in the noise analysis to account for mixed ground representing a combination of hard and soft surfaces. Appendix 9.1 includes the detailed noise model inputs used to estimate the Project operational noise levels presented in this section including the planned noise barriers.

9.4 PROJECT OPERATIONAL NOISE LEVELS

Using the reference noise levels to represent the proposed Project operations that include loading dock activity, roof-top air conditioning units, drive-through speakerphone, trash enclosure activity, parking lot vehicle movements, and truck movements, Urban Crossroads, Inc. calculated the operational source noise levels that are expected to be generated at the Project site and the Project-related noise level increases that would be experienced at each of the sensitive receiver locations. Table 9-2 shows the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. The daytime hourly noise levels at the off-site receiver locations are expected to range from 38.4 to 47.5 dBA L_{eq}.

Table 9-3 shows the Project operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the off-site receiver locations are expected to range from 37.4 to 46.5 dBA L_{eq}. The differences between the daytime and nighttime noise levels are largely related to the duration of noise activity with no nighttime car wash tunnel or vacuum operations.

TABLE 9-2: DAYTIME PROJECT OPERATIONAL NOISE LEVELS

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Cold Storage Loading Dock Activity	47.3	37.3	34.7	44.1	44.5
Roof-Top Air Conditioning Units	31.0	26.8	36.1	39.1	37.7
Drive-Thru Activity	0.0	0.0	0.0	0.0	8.5
Trash Enclosure Activity	13.8	15.3	22.9	25.6	23.1
Parking Lot Vehicle Movements	22.3	22.5	31.5	34.7	35.1
Truck Movements	29.9	29.0	42.3	29.8	30.8
Total (All Noise Sources)	**47.5**	**38.4**	**44.1**	**45.8**	**45.9**

[1] See Exhibit 9-A for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1.

TABLE 9-3: NIGHTTIME PROJECT OPERATIONAL NOISE LEVELS

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Cold Storage Loading Dock Activity	46.3	36.4	33.7	43.1	43.5
Roof-Top Air Conditioning Units	28.6	24.4	33.7	36.7	35.3
Drive-Thru Activity	0.0	0.0	0.0	0.0	4.5
Trash Enclosure Activity	12.9	14.4	21.9	24.6	22.1
Parking Lot Vehicle Movements	21.3	21.5	30.5	33.7	34.1
Truck Movements	29.0	28.1	41.3	28.9	29.8
Total (All Noise Sources)	**46.5**	**37.4**	**42.9**	**44.5**	**44.7**

[1] See Exhibit 9-A for the noise source locations. CadnaA noise model calculations are included in Appendix 9.1.

9.5 PROJECT OPERATIONAL NOISE LEVEL COMPLIANCE

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds and the adjusted standards to reflect the ambient noise levels based on the City of Banning exterior noise level standards at nearest noise-sensitive receiver locations. Table 9-4 shows the operational noise levels associated with Banning Point Project will satisfy the County of San Bernardino exterior noise level standards at the nearest receiver locations with the planned 14-foot-high screen wall on the northern project boundary and the southern loading dock boundary as shown on Exhibit 9-A. Therefore, the operational noise impacts are considered *less than significant* at the nearest noise-sensitive receiver locations.

TABLE 9-4: OPERATIONAL NOISE LEVEL COMPLIANCE

Receiver Location[1]	Project Operational Noise Levels (dBA Leq)[2]		Noise Level Standards (dBA Leq)		Noise Level Standards Exceeded?[5]	
	Daytime	Nighttime	Daytime[3]	Nighttime[4]	Daytime	Nighttime
R1	47.5	46.5	60	65.4	No	No
R2	38.4	37.4	60	60.0	No	No
R3	44.1	42.9	60	57.8	No	No
R4	45.8	44.5	60	59.7	No	No
R5	45.9	44.7	60	56.2	No	No

[1] See Exhibit 8-A for the receiver locations.
[2] Proposed Project operational noise levels as shown on Tables 9-2 and 9-3.
[3] Exterior noise level standards, as shown on Table 4-1.
[4] Exterior noise level standards adjusted to reflect the ambient noise levels (see Table 5-1) per the City of Banning Municipal Code, Chapter 8.44.050 (Appendix 3.1).
[5] Do the estimated Project operational noise source activities exceed the noise level standards? "Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

9.6 PROJECT OPERATIONAL NOISE LEVEL INCREASES

To describe the Project operational noise level increases, the Project operational noise levels are combined with the existing ambient noise levels measurements for the nearest receiver locations potentially impacted by Project operational noise sources. Since the units used to measure noise, decibels (dB), are logarithmic units, the Project-operational and existing ambient noise levels cannot be combined using standard arithmetic equations. (2) Instead, they must be logarithmically added using the following base equation:

$$SPL_{Total} = 10\log_{10}[10^{SPL1/10} + 10^{SPL2/10} + \ldots 10^{SPLn/10}]$$

Where "SPL1," "SPL2," etc. are equal to the sound pressure levels being combined, or in this case, the Project-operational and existing ambient noise levels. The difference between the combined Project and ambient noise levels describes the Project noise level increases to the existing ambient noise environment. As indicated on Tables 9-5 and 9-6, the Project will generate daytime and nighttime operational noise level increases ranging from 0.0 to 0.4 dBA L_{eq} at the nearest receiver locations. Project-related operational noise level increases will satisfy the operational noise level increase significance criteria presented on Table 4-1. Therefore, the incremental Project operational noise level increase is considered *less than significant* at all receiver locations.

TABLE 9-5: DAYTIME PROJECT OPERATIONAL NOISE LEVEL INCREASES

Receiver Location[1]	Total Project Operational Noise Level[2]	Measurement Location[3]	Reference Ambient Noise Levels[4]	Combined Project and Ambient[5]	Project Increase[6]	Increase Criteria[7]	Increase Criteria Exceeded?[7]
R1	47.5	L1	61.3	61.4	0.1	3.0	No
R2	38.4	L2	60.1	60.1	0.0	3.0	No
R3	44.1	L3	54.4	54.8	0.4	5.0	No
R4	45.8	L4	66.2	66.2	0.0	1.5	No
R5	45.9	L5	59.4	59.6	0.2	5.0	No

[1] See Exhibit 8-A for receiver locations.
[2] Total Project daytime operational noise levels as shown on Table 9-3.
[3] Reference noise level measurement locations as shown on Exhibit 5-A.
[4] Observed daytime ambient noise levels as shown on Table 5-1.
[5] Represents the combined ambient conditions plus the Project activities.
[6] The noise level increase expected with the addition of the proposed Project activities.
[7] Significance Criteria as shown on Table 4-1.

TABLE 9-6: NIGHTTIME OPERATIONAL NOISE LEVEL INCREASES

Receiver Location[1]	Total Project Operational Noise Level[2]	Measurement Location[3]	Reference Ambient Noise Levels[4]	Combined Project and Ambient[5]	Project Increase[6]	Increase Criteria[7]	Increase Criteria Exceeded?[7]
R1	46.5	L1	58.8	59.0	0.0	0.0	No
R2	37.4	L2	60.0	60.0	0.0	1.5	No
R3	42.9	L3	57.8	57.9	0.1	5.0	No
R4	44.5	L4	59.7	59.8	0.1	5.0	No
R5	44.7	L5	56.2	56.5	0.3	5.0	No

[1] See Exhibit 8-A for receiver locations.
[2] Total Project nighttime operational noise levels as shown on Table 9-3.
[3] Reference noise level measurement locations as shown on Exhibit 5-A.
[4] Observed nighttime ambient noise levels as shown on Table 5-1.
[5] Represents the combined ambient conditions plus the Project activities.
[6] The noise level increase expected with the addition of the proposed Project activities.
[7] Significance Criteria as shown on Table 4-1.

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10 CONSTRUCTION IMPACTS

This section analyzes potential impacts resulting from the short-term construction activities associated with the development of the Project. Exhibit 10-A shows the construction noise source locations in relation to the nearest sensitive receiver locations previously described in Section 6.

10.1 CONSTRUCTION NOISE LEVELS

Noise generated by the Project construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. The number and mix of construction equipment are expected to occur in the following stages:

- Site Preparation
- Grading
- Building Construction
- Paving
- Architectural Coating

10.2 CONSTRUCTION REFERENCE NOISE LEVELS

To describe peak construction noise activities, this construction noise analysis was prepared using reference noise level measurements published in the Update of Noise Database for Prediction of Noise on Construction and Open Sites by the Department for Environment, Food and Rural Affairs (DEFRA). (20). The DEFRA database provides the most recent and comprehensive source of reference construction noise levels. Table 10-1 provides a summary of the DEFRA construction reference noise level measurements expressed in hourly average dBA Leq using the estimated FHWA Roadway Construction Noise Model (RCNM) usage factors (21) to describe the typical construction activities for each stage of Project construction.

EXHIBIT 10-A: CONSTRUCTION NOISE SOURCE AND RECEIVER LOCATIONS



TABLE 10-1: TYPICAL CONSTRUCTION REFERENCE NOISE LEVELS

Construction Stage	Reference Construction Activity[1]	Reference Noise Level @ 50 Feet (dBA L_{eq})[1]	Highest Reference Noise Level (dBA L_{eq})
Site Preparation	Crawler Tractors	77	77
	Hauling Trucks	71	
	Rubber Tired Dozers	71	
Grading	Graders	79	79
	Excavators	64	
	Compactors	67	
Building Construction	Cranes	67	72
	Tractors	72	
	Welders	65	
Paving	Pavers	70	70
	Paving Equipment	69	
	Rollers	69	
Architectural Coating	Cranes	67	67
	Air Compressors	67	
	Generator Sets	67	

[1] Update of Noise Database for Prediction of Noise on Construction and Open Sites by the Department for Environment, Food and Rural Affairs (DEFRA) expressed in hourly average L_{eq} based on estimated usage factors from the FHWA Roadway Construction Noise Model (RCNM).

10.3 TYPICAL CONSTRUCTION NOISE ANALYSIS

Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearest sensitive receiver locations were completed. To assess the worst-case construction noise levels, the Project construction noise analysis relies on the highest noise level impacts when the equipment with the highest reference noise level is operating at the closest point from the edge of primary construction activity (Project site boundary) to each receiver location. As shown on Table 10-2, the construction noise levels are expected to range from 48.9 to 69.0 dBA L_{eq}, and the highest construction levels are expected to range from 60.9 to 69.0 dBA L_{eq} at the nearest receiver locations from the property line. Appendix 10.1 includes the detailed CadnaA construction noise model inputs.

TABLE 10-2: TYPICAL CONSTRUCTION EQUIPMENT NOISE LEVEL SUMMARY

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})					
	Site Preparation	Grading	Building Construction	Paving	Architectural Coating	Highest Levels[2]
R1	65.9	67.9	60.9	58.9	55.9	67.9
R2	58.9	60.9	53.9	51.9	48.9	60.9
R3	67.0	69.0	62.0	60.0	57.0	69.0
R4	66.5	68.5	61.5	59.5	56.5	68.5
R5	66.2	68.2	61.2	59.2	56.2	68.2

[1] Noise receiver locations are shown on Exhibit 10-A.
[2] Construction noise level calculations based on distance from the construction activity, which is measured from the Project site boundary to the nearest receiver locations. CadnaA construction noise model inputs are included in Appendix 10.1.

10.4 TYPICAL CONSTRUCTION NOISE LEVEL COMPLIANCE

The construction noise analysis shows that the highest construction noise levels will occur when construction activities take place at the closest point from the edge of primary construction activity to each of the nearby receiver locations. To evaluate whether the Project will generate potentially significant short-term noise levels at off-site sensitive receiver locations, the City of Banning interior construction noise level limit for residential uses of 55 dBA L_{eq}, previously described in Section 3, is used as the acceptable threshold for construction noise at the nearby sensitive receiver locations.

The interior noise level is the difference between the predicted exterior noise level at the building facade and the noise reduction of the structure. Typical building construction will provide a Noise Reduction (NR) of approximately 12 dBA with "windows open" and a minimum 25 dBA noise reduction with "windows closed." (4) (22) However, sound leaks, cracks and openings within the window assembly can greatly diminish its effectiveness in reducing noise. Several methods are used to improve interior noise reduction, including: (1) weather-stripped solid core exterior doors; (2) upgraded dual glazed windows; (3) mechanical ventilation/air conditioning; and (4) exterior wall/roof assembles free of cut outs or openings.

Table 10-3 shows the highest construction noise levels will range from 35.9 to 44.0 dBA L_{eq} with the estimated interior noise reduction of 25 dBA L_{eq}, and will satisfy the 55 dBA L_{eq} City of Banning interior construction noise level standard. The noise impact due to unmitigated Project construction noise levels is, therefore, considered a *less than significant* impact at the nearest sensitive receiver locations.

TABLE 10-3: TYPICAL CONSTRUCTION NOISE LEVEL COMPLIANCE

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})				
	Highest Construction Noise Levels[2]	Interior Noise Reduction	Estimated Interior Noise Level Reduction	Threshold[3]	Threshold Exceeded?[4]
R1	67.9	-25	43	55	No
R2	60.9	-25	36	55	No
R3	69.0	-25	44	55	No
R4	68.5	-25	44	55	No
R5	68.2	-25	43	55	No

[1] Noise receiver locations are shown on Exhibit 10-A.
[2] Highest construction noise level calculations based on distance from the construction noise source activity to the nearest receiver locations as shown on Table 10-2.
[3] Construction Noise Level Threshold as shown on Table 4-1.
[4] Do the estimated Project construction noise levels exceed the construction noise level threshold?

10.5 CONSTRUCTION VIBRATION ANALYSIS

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods employed. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibration levels associated with various types of construction equipment are summarized on Table 10-4. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the potential for human response (annoyance) and building damage using the following vibration assessment methods defined by the FTA. To describe the vibration impacts the FTA provides the following equation: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$

TABLE 10-4: VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual

Table 10-5 presents the expected Project related vibration levels at the nearby receiver locations. At distances ranging from 110 to 725 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.001 to 0.010 in/sec PPV. Based on maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec), the typical Project construction vibration levels will satisfy the building damage thresholds at all the noise sensitive receiver locations. In addition, the typical construction vibration levels at the nearest sensitive

receiver locations are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site boundaries.

TABLE 10-5: CONSTRUCTION EQUIPMENT VIBRATION LEVELS

Receiver[1]	Distance to Const. Activity (Feet)[2]	Typical Construction Vibration Levels PPV (in/sec)[3]					Thresholds PPV (in/sec)[4]	Thresholds Exceeded?[5]
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	543'	0.000	0.000	0.001	0.001	0.001	0.3	No
R2	725'	0.000	0.000	0.000	0.001	0.001	0.3	No
R3	110'	0.000	0.004	0.008	0.010	0.010	0.3	No
R4	115'	0.000	0.004	0.008	0.009	0.009	0.3	No
R5	134'	0.000	0.003	0.006	0.007	0.007	0.3	No

[1] Receiver locations are shown on Exhibit 10-A.
[2] Distance from receiver location to Project construction boundary (Project site boundary).
[3] Based on the Vibration Source Levels of Construction Equipment (Table 10-4).
[4] Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Tables 19, p. 310.
[5] Does the peak vibration exceed the acceptable vibration thresholds?
"PPV" = Peak Particle Velocity

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11 REFERENCES

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2. **California Department of Transportation Environmental Program.** *Technical Noise Supplement - A Technical Supplement to the Traffic Noise Analysis Protocol.* Sacramento, CA : s.n., September 2013.
3. **Environmental Protection Agency Office of Noise Abatement and Control.** *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety.* March 1974. EPA/ONAC 550/9/74-004.
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5. **U.S. Department of Transportation, Federal Highway Administration.** *Highway Traffic Noise in the United States, Problem and Response.* April 2000. p. 3.
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8. **Office of Planning and Research.** *State of California General Plan Guidelines.* October 2017.
9. **City of Banning.** *General Plan Noise Element.* January 2006.
10. —. *Municipal Code, Chapter 8.44 - Noise.*
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16. **Urban Crossroads, Inc.** *Banning Point (TPM 38164) Traffic Assessment.* February 2022.
17. **U.S. Department of Transportation, Federal Highway Administration.** *FHWA Highway Traffic Noise Prediction Model.* December 1978. FHWA-RD-77-108.
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19. **California Department of Transportation.** *Traffic Noise Attenuation as a Function of Ground and Vegetation Final Report.* June 1995. FHWA/CA/TL-95/23.
20. **Department of Environment, Food and Rural Affiars (Defra).** *Update of Noise Database for Prediction of Noise on Construction and Open Sites.* 2004.
21. **FHWA.** *Roadway Construction Noise Model.* January 2006.

22. **California Department of Transportation.** *Traffic Noise Analysis Protocol.* May 2011.

12 CERTIFICATION

The contents of this noise study report represent an accurate depiction of the noise environment and impacts associated with the proposed Banning Point Project. The information contained in this noise study report is based on the best available data at the time of preparation. If you have any questions, please contact me directly at (949) 584-3148.

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EDUCATION

Master of Science in Civil and Environmental Engineering
California Polytechnic State University, San Luis Obispo • December, 1993

Bachelor of Science in City and Regional Planning
California Polytechnic State University, San Luis Obispo • June, 1992

PROFESSIONAL REGISTRATIONS

PE – Registered Professional Traffic Engineer – TR 2537 • January, 2009
AICP – American Institute of Certified Planners – 013011 • June, 1997–January 1, 2012
PTP – Professional Transportation Planner • May, 2007 – May, 2013
INCE – Institute of Noise Control Engineering • March, 2004

PROFESSIONAL AFFILIATIONS

ASA – Acoustical Society of America
ITE – Institute of Transportation Engineers

PROFESSIONAL CERTIFICATIONS

Certified Acoustical Consultant – County of Orange • February, 2011
FHWA-NHI-142051 Highway Traffic Noise Certificate of Training • February, 2013

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APPENDIX 3.1:

CITY OF BANNING MUNICIPAL CODE

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Chapter 8.44 - NOISE

8.44.010 - Purpose.

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.

(Code 1965, § 11D-01.)

8.44.020 - Findings.

It is hereby found and declared that:

A. The making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use, affect and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the city; and

B. The necessity for the provisions and prohibitions hereinafter contained and enacted is hereby declared as a matter of legislative determination and public policy. It is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of the city.

(Code 1965, § 11D-02.)

8.44.030 - Definitions.

"Ambient noise" shall mean the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources, excluding any intrusive noise.

"Capital Improvement" shall mean major construction, acquisition or maintenance/repair projects. Typical examples of major construction would include new street improvements, park development and construction of public buildings or structures, treatment plants. Structures include lighting, sewer and water pipelines and other related utility structures including treatment plants, gas, electric and other infrastructure, landscaping and drainage facilities and all other public infrastructure. "Acquisitions" include the acquisition of land or interest in land. Major maintenance/repairs may include street resurfacing and modifications to public buildings and structures.

"Commercial purpose" shall mean the use, operation or maintenance of any sound-amplifying equipment for the purpose of advertising any business, goods or services and/or for the purpose of advertising or attracting the attention of the public to or soliciting patronage for any performance, entertainment, exhibition or event, or for the purpose of demonstrating any such sound equipment.

"Cumulative time period" shall mean a period of time composed of individual time segments which may be continuous or interrupted.

"Decibel (dB)" shall mean a measurement unit of sound pressure level which denotes the ratio between two quantities which are proportional to power; the number of decibels corresponding to the ratio of two amounts of power is ten times the logarithm to the base ten of this ratio.

"Governmental agency" shall mean the United States (federal government), the State of California, Riverside County, the City of Banning, the school district and any special district within Riverside County or any combination of these agencies.

"Impact noise" shall mean the sound produced by the impact or collision of one moving object or mass with a second object or mass that is stationary or moving.

"Intrusive noise" shall mean a sound which intrudes over and above the existing ambient noise level at a given location.

"Motor-driven vehicle" shall include, but not be limited to, any automobile, truck, van, bus, motorcycle, minibike, go-cart or other self-propelled vehicle, on or off road, and aircraft.

"Noise" shall mean any sound that is loud or disturbing or that interferes with one's ability to hear some other sound.

"Noise level" shall mean the "A" weighted sound pressure level in decibels audible to humans obtained by using a sound level meter. The unit of noise level measurement shall be designated as dB(A).

"Person" shall mean a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.

"Public property" shall mean property that is owned by any governmental agency as indicated in this section or held by the public, including, but not limited to, parks, streets, sidewalks, and alleys.

"Simple tone noise" shall mean a noise characterized by a predominant frequency or frequencies so that other frequencies cannot be readily distinguished.

"Sound pressure level of a sound, in decibels" shall mean twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

As used in Section 8.44.090(H), "person of normal hearing sensitivity" means a person who has a hearing threshold level of between zero decibels and twenty-five decibels HL averaged over frequencies 500, 1000, and 2000 Hertz.

(Code 1965, § 11D-03.)

(Ord. No. 1454, § 4, 10-9-12)

8.44.040 - Noise level measurement criteria.

A. Any noise level measurement, made pursuant to the provisions of this chapter, shall be determined by using a sound level meter that meets the minimum requirements of the American National Standard Institute for sound level meters, or by using an instrument with associated recording and analyzing equipment that will provide equivalent data.

B. The factors which shall be considered in determining whether a violation of the provisions of this section exists shall include, but not be limited to, the following:

1. The sound level of the objectionable noise;
2. The sound level of the ambient noise;
3. The proximity of the noise to residential sleeping facilities;
4. The nature and zoning of the area within which the noise emanates;
5. The number of persons affected by the noise source;
6. The time of day or night the noise occurs;
7. The duration of the noise and its tonal, informational or musical content;
8. Whether the noise is produced by a commercial or noncommercial activity;

C. The above factors shall be considered in addition to the noise levels set forth in this section in determining a violation. However, noises do not necessarily need to exceed those noise level limits to be considered unnecessary or unusual so as to cause discomfort or annoyance to persons in the area.

(Code 1965, § 11D-04.)

8.44.050 - Base ambient noise level.

All ambient noise measurements shall commence at the base ambient noise levels in decibels within the respective times and zones as follows:

Decibels	Time	Zone Use
45 dB(A)	10:00 p.m. — 7:00 a.m.	Residential
55 dB(A)	7:00 a.m. — 10:00 p.m.	Residential
75 dB(A)	Anytime	Industrial and commercial

Actual decibel measurements exceeding the levels set forth hereinabove at the times and within the zones corresponding thereto shall be employed as the "base ambient noise level" referred to in this chapter. Otherwise, no ambient noise shall be deemed to be less than the above specified levels.

(Code 1965, § 11D-05.)

8.44.060 - Exterior noise level measurement.

Except as otherwise specifically provided herein, all reference to "exterior noise" or "exterior noise levels" as used in this chapter shall be as measured at any point relative to the closest point of the source of the noise at the property line of the complaining party. Measurements will not be made during extraordinary times, such as during the movement of a nearby train or airplane.

(Code 1965, § 11D-06.)

8.44.070 - Maximum residential noise levels.

No noise level shall exceed the following for the duration periods specified:

Noise Level Exceeded	Maximum Duration Period
5 dB(A) above BANL	15 minutes any hour
10 dB(A) above BANL	5 minutes any hour
15 dB(A) above BANL	1 minute any hour
20 dB(A) above BANL	Not permitted

(Code 1965, § 11D-07.)

8.44.080 - Maximum nonresidential noise levels.

Any provision contained herein to the contrary notwithstanding, no exterior noise level shall exceed the base ambient noise levels (BANL) for nonresidential land uses set forth in any development agreement applicable to such development or as otherwise specifically set forth in any development standard which is by its terms enforceable by the city against the noise maker.

(Code 1965, § 11D-08.)

8.44.085 - Noise from public/governmental services exempt.

Sound emanating from the following sources is exempt from the provisions of this chapter:

A. Capital improvement projects of a governmental agency.

B. Maintenance and repair of public properties by a governmental agency.

C. Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel, and public utility personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile, so long as such sound is reasonably related to, and necessary for, the undertaking of official public safety duties.

(Ord. No. 1454, § 2, 10-9-12)

8.44.090 - Noises prohibited—Unnecessary noise standard.

Any other provision of this chapter notwithstanding, the following acts are expressly prohibited as a violation of this chapter. Such acts are hereby expressly declared to be loud, unusual and unnecessary noises in violation of this chapter. namely:

A. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle, streetcar or other vehicle on any street or public place of the city, except as a danger warning. Back-up beepers may be sounded consistent with the maximum duration periods set forth in Section 8.44.080 of this chapter. The creation by means of any such signaling device of any unreasonably loud or harsh sound and, the sounding of any such device for an unnecessary and unreasonable period of time. For the purposes of establishing an unnecessary and unreasonable period of time with respect to automobile anti-theft alarm devices, such alarm shall not sound in excess of fifteen minutes.

B. Radios, televisions and stereos, etc. It shall be unlawful for any person, without special permit or as may otherwise be provided in this ordinance code, to play, use, operate or permit to be played, used or operated, any radio, television set, musical instrument, phonograph, stereophonic equipment, jukebox or other machine or device, for producing, reproducing or amplifying sound at such sound levels as to cause the sound level to exceed forty dB(A) as measured within the residence of any complaining person.

C. Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets in such manner as to exceed the maximum exterior noise level permitted under this chapter.

D. Animals, fowl, etc. It is unlawful for any person to keep or allow to be kept, or suffer or permit any animal to remain upon the premises under the control of such a person, when such

animal habitually barks, whines or makes loud and unusual noises in such a manner as to disturb the peace and quiet of the neighbors surrounding or in the vicinity of such premises, or whose barking or howling or other sound or cry interferes with any person of ordinary sensitiveness in the reasonable and comfortable enjoyment of life and property. This provision shall not apply to farm animals within any zone where such farm animals are permitted by this ordinance code.

E. Construction, landscape maintenance or repair.

1. It shall be unlawful for any person to engage in or permit the generation of noise related to landscape maintenance, construction including erection, excavation, demolition, alteration or repair of any structure or improvement, at such sound levels, as measured at the property line of the nearest adjacent occupied property, as to be in excess of the sound levels permitted under this chapter, at other times than between the hours of 7:00 A.M. and 6:00 P.M. The person engaged in such activity is hereby permitted to exceed sound levels otherwise set forth in this chapter for the duration of the activity during the above described hours for purposes of construction. However, nothing contained herein shall permit any person to cause sound levels to at any time exceed fifty-five dB(A) for intervals of more than fifteen minutes per hour as measured in the interior of the nearest occupied residence or school.
2. Construction related noise as defined in subsection (E)(1) immediately above, may take place outside the time period set forth in subsection (E)(1) and above the relative sound levels in case of urgent necessity in the interest of public health and safety, and then only with the prior permission of the building inspector. Such permit may be granted for a period not to exceed three days or until the emergency ends, whichever is less. The permit may be renewed for periods of three days while the emergency continues.
3. Unless exempted by this chapter, if the building official should determine that the public health and safety will not be impaired by the construction related noise, the building inspector may issue a permit for construction within the hours of 6:00 P.M. and 7:00 A.M., upon application being made at the time the permit for the work is awarded or during the progress of the work. The building official may place such conditions on the issuance of the permit as to him or her shall seem appropriate to maintain the public health and safety.

F. Machinery, equipment, fans and air conditioning. It shall be unlawful for any person to operate, cause to operate or permit the operation of any machinery, equipment, device, pump, fan, compressor, air conditioning apparatus or similar mechanical device, including the use of any steam shovel, pneumatic hammer, derrick, steam or electric hoist, blower or power fan, or any internal combustion engine, the operation of which causes noise due to the

explosion of operating gases or fluids, or other appliance, in any manner so as to create any noise which would cause the noise level at the property line of the property upon which the equipment or machinery is operated to exceed the base ambient noise level by five dB(A).

G. Motor driven vehicles. It shall be unlawful for any person to operate any motor driven vehicle within the city that, due to the nature of the operation of the vehicle, or due to the operating condition of the vehicle, or due to any modification made to the vehicle, in such manner as to exceed noise levels set forth in Section 8.44.050 hereof.

1. Exhaust. It shall be unlawful for any person to discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor driven vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

H. Notwithstanding any other provisions of this chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal hearing sensitivity residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following:

1. The level of noise;
2. Whether the nature of the noise is usual or unusual;
3. Whether the origin of the noise is natural or unnatural;
4. The level and intensity of the background noise, if any;
5. The proximity of the noise to residential sleeping facilities;
6. The nature of the zoning of the area within which the noise emanates;
7. The density of the inhabitation of the area within which the noise emanates;
8. The time of the day and night the noise occurs;
9. Whether the noise is recurrent, intermittent, or constant;
10. The duration of the noise; and
11. Whether the noise is produced by a commercial or noncommercial activity.

I. No person shall use or operate a radio, tape player, tape recorder, record player, television or similar device in a vehicle on a street, which is audible to a person of normal hearing sensitivity, more than twenty-five feet from said vehicle.

(Code 1965, § 11D-09.)

(Ord. No. 1454, § 3, 10-9-12)

8.44.100 - Application between zones.

In applying the regulations set forth in this chapter, 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 hereunder shall not be required to conform to that more restrictive requirement. For purposes of this subsection, "zone" shall be as utilized in Title 17 of the Banning Ordinance Code.

(Code 1965, § 11D-10.)

8.44.110 - Manner of enforcement.

A. Upon the occurrence of an alleged violation of this chapter or any provision contained herein, the alleged violator shall be issued a written notice to appear before the abatement hearing officer described in Chapter 8.48 of this Code. Such notice may be issued by any person authorized to issue a notice for violation of any provision of this Code.

B. The notice shall set forth the section alleged to have been violated, the manner of the violation and the date and time of such violation. The notice shall otherwise be in the form and served in the manner and within the time set forth in Chapter 8.48 of this Code. The alleged violator shall be given notice and the opportunity to appear at the hearing and there show cause why the alleged violation should not be found to constitute a nuisance.

C. The abatement hearing officer shall hear the matter and shall make a determination of the existence of a nuisance as for any matter heard pursuant to Chapter 8.48. The alleged violator shall thereafter be given notice of the determination of the abatement hearing officer in the manner provided by this chapter.

D. An appeal from a determination of the abatement hearing officer shall be taken in the manner provided in chapter 8.48 of this Code.

E. The police department shall have the power and duty to enforce the following noise control provisions of this Code: Section 8.44.090(H) and section 8.44.090(I) of this Code. Any person found to be in violation of section 8.44.090(H) and section 8.44.090(I), shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars, or be imprisoned in the county jail for a period of not exceeding six months, or by both fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Code 1965, § 11D-11.)

8.44.120 - Violation a misdemeanor.

Any person violating any determination of the nuisance abatement board issued under this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one thousand dollars, or be imprisoned in the city or county jail for a period not exceeding six

months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Code 1965, § 11D-12.)

8.44.130 - Additional remedy—Injunction.

As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision hereof and which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Code 1965, § 11D-13.)

8.44.140 - Fees.

A fee shall be set as determined by resolution of the city council.

(Code 1965, § 11D-14.)

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APPENDIX 5.1:

STUDY AREA PHOTOS

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JN: 13841 Study Area Photos



L1_E
33, 55' 38.420000"116, 56' 23.350000"



L1_N
33, 55' 38.370000"116, 56' 23.510000"



L1_S
33, 55' 38.440000"116, 56' 23.380000"



L1_W
33, 55' 38.440000"116, 56' 23.290000"



L2_E
33, 55' 30.300000"116, 56' 12.140000"



L2_N
33, 55' 30.270000"116, 56' 12.200000"

JN: 13841 Study Area Photos



L2_S
33, 55' 30.270000"116, 56' 12.200000"



L2_W
33, 55' 30.290000"116, 56' 12.120000"



L3_E
33, 55' 24.380000"116, 56' 21.810000"



L3_N
33, 55' 24.160000"116, 56' 21.700000"



L3_S
33, 55' 24.280000"116, 56' 21.760000"



L3_W
33, 55' 24.420000"116, 56' 21.840000"

JN: 13841 Study Area Photos



L4_E
33, 55' 19.620000"116, 56' 27.720000"



L4_N
33, 55' 19.600000"116, 56' 27.740000"



L4_S
33, 55' 19.600000"116, 56' 27.720000"



L4_W
33, 55' 19.630000"116, 56' 27.720000"



L5_E
33, 55' 19.660000"116, 56' 34.830000"



L5_N
33, 55' 19.700000"116, 56' 35.020000"

JN: 13841 Study Area Photos



L5_S
33, 55' 19.700000"116, 56' 34.970000"



L5_W
33, 55' 19.560000"116, 56' 34.830000"

APPENDIX 5.2:

NOISE LEVEL MEASUREMENT WORKSHEETS

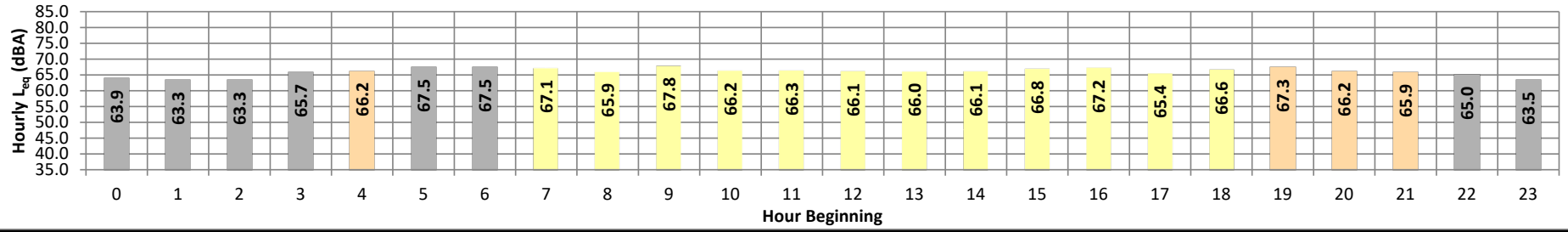
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24-Hour Noise Level Measurement Summary

Date: Tuesday, November 23, 2021 *Location:* L1 - Located north of the Project site near single-family residence at 5778 Joshua Palmer Way. *Meter:* Piccolo II *JN:* 13841

Project: Banning Point *Analyst:* A. Khan

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	63.9	73.1	57.7	72.6	71.4	68.2	66.5	64.2	62.4	59.3	58.5	57.9	63.9	10.0	73.9
	1	63.3	71.5	58.1	70.9	69.8	67.5	66.2	63.8	61.9	59.2	58.7	58.3	63.3	10.0	73.3
	2	63.3	70.1	57.8	69.6	69.1	67.5	66.3	64.0	62.2	59.1	58.5	57.9	63.3	10.0	73.3
	3	65.7	71.1	61.1	70.8	70.4	69.0	68.2	66.6	65.2	62.2	61.7	61.2	65.7	10.0	75.7
	4	66.2	72.5	62.1	71.9	71.1	69.2	68.3	66.8	65.6	63.3	62.7	62.2	66.2	10.0	76.2
	5	67.5	73.1	63.7	72.7	72.1	70.8	70.2	68.1	66.6	64.6	64.2	63.8	67.5	10.0	77.5
	6	67.5	72.9	64.3	72.5	72.0	70.3	69.5	68.0	67.0	65.1	64.7	64.4	67.5	10.0	77.5
Day	7	67.1	75.8	63.0	75.0	73.9	70.7	69.1	67.1	65.9	64.0	63.5	63.1	67.1	0.0	67.1
	8	65.9	73.5	62.0	73.0	72.1	69.5	68.1	66.2	64.9	62.9	62.5	62.1	65.9	0.0	65.9
	9	67.8	75.3	62.8	74.6	73.6	71.5	70.5	68.4	66.8	64.0	63.5	62.9	67.8	0.0	67.8
	10	66.2	74.8	62.5	74.2	73.0	70.1	68.4	66.3	65.0	63.3	63.0	62.6	66.2	0.0	66.2
	11	66.3	75.6	62.0	74.8	73.8	70.9	69.1	65.9	64.7	62.9	62.5	62.0	66.3	0.0	66.3
	12	66.1	74.1	62.7	73.4	72.3	69.5	68.3	66.3	65.2	63.4	63.1	62.8	66.1	0.0	66.1
	13	66.0	78.0	59.9	77.2	75.8	72.0	69.1	64.0	62.4	60.7	60.4	60.0	66.0	0.0	66.0
	14	66.1	78.4	59.6	77.8	76.6	72.4	69.1	63.0	61.7	60.2	60.0	59.6	66.1	0.0	66.1
	15	66.8	76.2	63.0	75.3	74.0	70.8	69.2	66.6	65.4	63.7	63.4	63.1	66.8	0.0	66.8
	16	67.2	76.1	63.5	75.4	74.2	71.4	70.0	67.0	65.7	64.1	63.8	63.6	67.2	0.0	67.2
	17	65.4	73.0	61.8	72.4	71.2	68.8	67.6	65.6	64.5	62.6	62.3	61.9	65.4	0.0	65.4
	18	66.6	73.0	63.9	72.5	71.6	69.6	68.6	66.8	65.9	64.6	64.3	64.0	66.6	0.0	66.6
Evening	19	67.3	74.1	63.9	73.6	72.7	70.6	69.6	67.5	66.5	64.7	64.3	64.0	67.3	5.0	72.3
	20	66.2	71.7	62.8	71.4	70.9	69.5	68.4	66.6	65.5	63.6	63.3	62.9	66.2	5.0	71.2
	21	65.9	71.9	62.0	71.5	71.0	69.3	68.4	66.3	65.1	63.0	62.5	62.1	65.9	5.0	70.9
Night	22	65.0	70.9	61.0	70.4	69.9	68.4	67.5	65.6	64.2	62.0	61.5	61.1	65.0	10.0	75.0
	23	63.5	68.9	59.2	68.6	68.0	66.6	66.0	64.3	62.7	60.3	59.8	59.3	63.5	10.0	73.5

Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%
Day	Min	65.4	73.0	59.6	72.4	71.2	68.8	67.6	63.0	61.7	60.2	60.0	59.6
(7am-7pm)	Max	67.8	78.4	63.9	77.8	76.6	72.4	70.5	68.4	66.8	64.6	64.3	64.0
Energy Average		66.5	Average:		74.6	73.5	70.6	68.9	66.1	64.8	63.0	62.7	62.3
Evening	Min	65.9	71.7	62.0	71.4	70.9	69.3	68.4	66.3	65.1	63.0	62.5	62.1
(7pm-10pm)	Max	67.3	74.1	63.9	73.6	72.7	70.6	69.6	67.5	66.5	64.7	64.3	64.0
Energy Average		66.5	Average:		72.2	71.5	69.8	68.8	66.8	65.7	63.8	63.4	63.0
Night	Min	63.3	68.9	57.7	68.6	68.0	66.6	66.0	63.8	61.9	59.1	58.5	57.9
(10pm-7am)	Max	67.5	73.1	64.3	72.7	72.1	70.8	70.2	68.1	67.0	65.1	64.7	64.4
Energy Average		65.4	Average:		71.1	70.4	68.6	67.6	65.7	64.2	61.7	61.2	60.7

L_{eq} (dBA)		
24-Hour	Daytime (7am-10pm)	Nighttime (10pm-7am)
66.1	66.5	65.4

24-Hour CNEL (dBA)

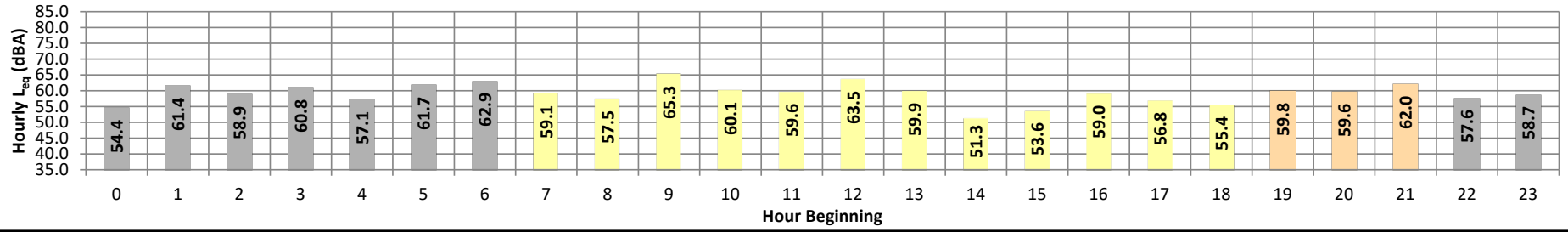
72.3

24-Hour Noise Level Measurement Summary

Date: Tuesday, November 23, 2021 *Location:* L2 - Located east of the Project site near single-family residence at 350 Northwood Avenue. *Meter:* Piccolo II *JN:* 13841

Project: Banning Point *Analyst:* A. Khan

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	54.4	57.9	51.2	57.7	57.6	57.0	56.5	55.2	54.0	52.0	51.7	51.4	54.4	10.0	64.4
	1	61.4	65.8	56.8	65.6	65.4	64.7	64.3	62.5	60.9	57.6	57.2	56.9	61.4	10.0	71.4
	2	58.9	63.4	54.5	63.1	62.7	62.0	61.5	59.9	58.3	55.8	55.4	54.7	58.9	10.0	68.9
	3	60.8	65.4	54.8	65.2	64.9	64.3	64.0	62.4	60.0	55.6	55.2	54.9	60.8	10.0	70.8
	4	57.1	59.9	54.9	59.7	59.5	59.0	58.7	57.6	56.9	55.6	55.3	55.0	57.1	10.0	67.1
	5	61.7	65.9	57.9	65.8	65.6	65.0	64.6	62.6	60.9	58.6	58.3	58.0	61.7	10.0	71.7
	6	62.9	67.9	59.0	67.6	67.4	66.6	65.9	64.0	61.7	59.6	59.3	59.1	62.9	10.0	72.9
Day	7	59.1	62.1	57.1	61.9	61.7	61.2	60.9	59.7	58.9	57.6	57.4	57.2	59.1	0.0	59.1
	8	57.5	62.0	51.1	61.7	61.6	61.0	60.6	58.6	56.7	52.8	52.4	51.4	57.5	0.0	57.5
	9	65.3	75.3	52.2	74.4	73.9	72.1	70.7	65.5	59.1	53.4	53.0	52.4	65.3	0.0	65.3
	10	60.1	67.7	54.7	66.7	65.8	64.2	63.4	61.0	58.2	56.2	55.7	55.3	60.1	0.0	60.1
	11	59.6	67.0	54.1	66.5	66.2	65.1	63.5	59.8	57.5	54.9	54.5	54.2	59.6	0.0	59.6
	12	63.5	71.1	54.9	70.7	70.3	69.3	68.6	64.7	60.8	55.8	55.4	55.0	63.5	0.0	63.5
	13	59.9	67.6	51.3	67.2	66.6	65.3	64.6	60.7	57.6	52.3	51.9	51.5	59.9	0.0	59.9
	14	51.3	56.3	48.8	55.8	55.2	54.1	53.4	51.6	50.7	49.4	49.2	48.9	51.3	0.0	51.3
	15	53.6	60.3	49.4	60.0	59.4	57.7	56.8	54.3	52.0	50.1	49.8	49.5	53.6	0.0	53.6
	16	59.0	63.6	53.5	63.4	63.3	62.9	62.4	60.1	57.8	54.7	54.2	53.6	59.0	0.0	59.0
	17	56.8	62.6	51.9	62.4	62.3	61.5	60.6	57.9	54.7	52.5	52.3	52.0	56.8	0.0	56.8
	18	55.4	59.8	52.7	59.6	59.3	58.7	58.1	55.9	54.5	53.4	53.1	52.8	55.4	0.0	55.4
Evening	19	59.8	64.7	55.4	64.4	64.2	63.7	63.3	60.9	58.8	56.0	55.8	55.5	59.8	5.0	64.8
	20	59.6	62.6	56.8	62.4	62.3	61.8	61.4	60.3	59.3	57.4	57.2	56.9	59.6	5.0	64.6
	21	62.0	68.9	55.7	68.7	68.5	68.0	67.3	62.5	57.9	56.3	56.0	55.8	62.0	5.0	67.0
Night	22	57.6	61.3	54.5	61.1	60.9	60.4	60.2	58.6	56.8	55.2	54.9	54.6	57.6	10.0	67.6
	23	58.7	63.7	53.7	63.5	63.4	62.9	62.3	59.3	57.8	54.5	54.2	53.8	58.7	10.0	68.7

Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%
Day (7am-7pm)	Min	51.3	56.3	48.8	55.8	55.2	54.1	53.4	51.6	50.7	49.4	49.2	48.9
	Max	65.3	75.3	57.1	74.4	73.9	72.1	70.7	65.5	60.8	57.6	57.4	57.2
Energy Average		60.0	Average:		64.2	63.8	62.8	62.0	59.2	56.5	53.6	53.2	52.8
Evening (7pm-10pm)	Min	59.6	62.6	55.4	62.4	62.3	61.8	61.4	60.3	57.9	56.0	55.8	55.5
	Max	62.0	68.9	56.8	68.7	68.5	68.0	67.3	62.5	59.3	57.4	57.2	56.9
Energy Average		60.6	Average:		65.2	65.0	64.5	64.0	61.2	58.7	56.6	56.3	56.1
Night (10pm-7am)	Min	54.4	57.9	51.2	57.7	57.6	57.0	56.5	55.2	54.0	52.0	51.7	51.4
	Max	62.9	67.9	59.0	67.6	67.4	66.6	65.9	64.0	61.7	59.6	59.3	59.1
Energy Average		60.0	Average:		63.3	63.0	62.4	62.0	60.2	58.6	56.1	55.7	55.4

L_{eq} (dBA)		
24-Hour	Daytime (7am-10pm)	Nighttime (10pm-7am)
60.1	60.1	60.0

24-Hour CNEL (dBA)

66.7

24-Hour Noise Level Measurement Summary

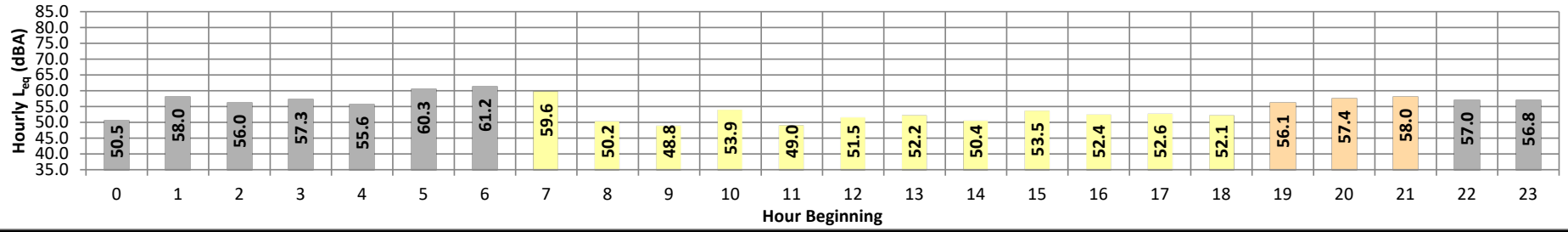
Date: Tuesday, November 23, 2021
Project: Banning Point

Location: L3 - Located east of the Project site near The Lakes - Assisted Living & and Memory Care at 5801 Sun Lakes Boulevard.

Meter: Piccolo II

JN: 13841
Analyst: A. Khan

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	50.5	55.1	47.3	54.8	54.4	53.4	52.7	51.1	49.9	48.0	47.7	47.4	50.5	10.0	60.5
	1	58.0	62.2	54.3	61.9	61.5	60.9	60.5	58.8	57.4	55.0	54.7	54.4	58.0	10.0	68.0
	2	56.0	60.3	52.7	60.0	59.8	59.4	59.0	57.8	56.2	53.7	53.3	52.8	56.0	10.0	66.0
	3	57.3	60.7	53.6	60.5	60.3	59.8	59.4	58.2	56.9	54.7	54.3	53.7	57.3	10.0	67.3
	4	55.6	58.7	52.3	58.6	58.4	58.0	57.8	56.7	55.2	53.2	52.8	52.4	55.6	10.0	65.6
	5	60.3	64.9	57.2	64.7	64.4	63.6	63.2	61.8	60.1	58.2	57.8	57.3	60.3	10.0	70.3
	6	61.2	65.0	58.4	64.8	64.5	63.8	63.3	61.9	60.8	59.1	58.8	58.5	61.2	10.0	71.2
Day	7	59.6	62.4	57.5	62.2	61.9	61.4	61.1	60.1	59.3	58.1	57.8	57.6	59.6	0.0	59.6
	8	50.2	58.1	46.5	56.9	56.0	54.1	52.9	50.9	49.0	47.1	46.8	46.6	50.2	0.0	50.2
	9	48.8	55.2	44.6	54.5	53.9	52.9	52.2	49.8	47.3	45.4	45.0	44.7	48.8	0.0	48.8
	10	53.9	60.0	47.4	59.6	59.3	58.3	57.0	54.5	52.9	49.2	48.5	47.6	53.9	0.0	53.9
	11	49.0	53.3	46.0	53.0	52.7	52.2	51.8	49.6	48.1	46.6	46.3	46.1	49.0	0.0	49.0
	12	51.5	55.8	48.5	55.4	55.1	54.3	53.7	52.3	50.8	49.2	48.9	48.6	51.5	0.0	51.5
	13	52.2	66.4	48.8	65.6	64.5	61.6	59.4	53.0	51.3	49.5	49.2	48.9	52.2	0.0	52.2
	14	50.4	55.3	47.3	55.0	54.6	53.6	53.1	51.1	49.5	47.9	47.6	47.4	50.4	0.0	50.4
	15	53.5	70.6	48.4	69.8	68.7	64.7	62.9	60.0	53.4	49.2	48.9	48.5	53.5	0.0	53.5
	16	52.4	57.3	49.4	56.9	56.4	55.5	54.8	53.0	51.7	50.0	49.8	49.5	52.4	0.0	52.4
	17	52.6	60.6	49.7	60.2	59.6	58.5	58.0	54.4	51.9	50.3	50.1	49.8	52.6	0.0	52.6
	18	52.1	56.7	49.8	56.3	55.8	54.9	54.1	52.5	51.6	50.4	50.1	49.9	52.1	0.0	52.1
Evening	19	56.1	61.8	52.8	61.5	61.2	60.4	59.8	57.3	55.6	53.8	53.4	52.9	56.1	5.0	61.1
	20	57.4	60.1	55.4	59.8	59.6	59.1	58.8	57.9	57.1	56.0	55.8	55.5	57.4	5.0	62.4
	21	58.0	63.6	56.3	63.3	63.0	62.5	62.1	60.9	58.4	56.9	56.6	56.4	58.0	5.0	63.0
Night	22	57.0	59.7	54.7	59.5	59.3	58.9	58.6	57.7	56.7	55.4	55.1	54.8	57.0	10.0	67.0
	23	56.8	60.9	53.6	60.7	60.5	59.8	59.3	57.6	56.1	54.4	54.0	53.7	56.8	10.0	66.8

Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%
Day (7am-7pm)	Min	48.8	53.3	44.6	53.0	52.7	52.2	51.8	49.6	47.3	45.4	45.0	44.7
	Max	59.6	70.6	57.5	69.8	68.7	64.7	62.9	60.1	59.3	58.1	57.8	57.6
Energy Average		53.3	Average:		58.8	58.2	56.8	55.9	53.4	51.4	49.4	49.1	48.8
Evening (7pm-10pm)	Min	56.1	60.1	52.8	59.8	59.6	59.1	58.8	57.3	55.6	53.8	53.4	52.9
	Max	58.0	63.6	56.3	63.3	63.0	62.5	62.1	60.9	58.4	56.9	56.6	56.4
Energy Average		57.2	Average:		61.5	61.2	60.7	60.3	58.7	57.0	55.5	55.3	54.9
Night (10pm-7am)	Min	50.5	55.1	47.3	54.8	54.4	53.4	52.7	51.1	49.9	48.0	47.7	47.4
	Max	61.2	65.0	58.4	64.8	64.5	63.8	63.3	61.9	60.8	59.1	58.8	58.5
Energy Average		57.8	Average:		60.6	60.3	59.7	59.3	58.0	56.6	54.6	54.3	53.9

L_{eq} (dBA)		
24-Hour	Daytime (7am-10pm)	Nighttime (10pm-7am)
56.0	54.4	57.8

24-Hour CNEL (dBA)

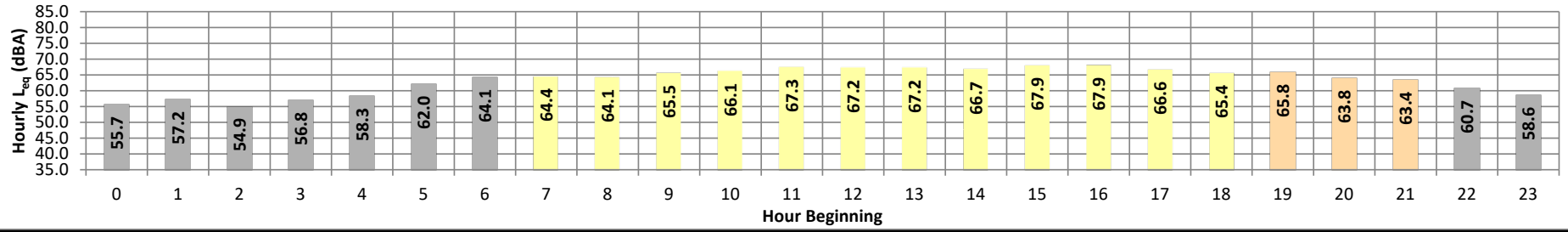
64.1

24-Hour Noise Level Measurement Summary

Date: Tuesday, November 23, 2021 *Location:* L4 - Located south of the Project site near single-family residence at 5933 Oakmont Drive. *Meter:* Piccolo II *JN:* 13841

Project: Banning Point *Analyst:* A. Khan

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	55.7	68.7	50.0	67.7	66.2	61.7	57.9	52.4	51.5	50.4	50.2	50.0	55.7	10.0	65.7
	1	57.2	64.4	53.2	64.2	63.5	61.5	59.8	57.2	56.1	54.1	53.6	53.3	57.2	10.0	67.2
	2	54.9	59.5	52.4	59.1	58.8	57.7	57.0	55.4	54.3	53.0	52.7	52.5	54.9	10.0	64.9
	3	56.8	65.0	52.5	64.6	64.0	62.1	60.4	56.2	55.1	53.2	52.9	52.5	56.8	10.0	66.8
	4	58.3	70.7	50.3	70.0	68.9	65.3	62.3	55.1	52.8	51.0	50.7	50.4	58.3	10.0	68.3
	5	62.0	71.2	57.9	70.8	70.0	67.3	65.1	61.3	60.0	58.5	58.2	58.0	62.0	10.0	72.0
	6	64.1	74.3	58.6	73.9	73.1	70.5	68.0	62.6	60.9	59.3	59.0	58.8	64.1	10.0	74.1
Day	7	64.4	75.1	57.8	74.7	73.9	71.3	68.9	62.4	60.1	58.4	58.2	57.9	64.4	0.0	64.4
	8	64.1	75.8	50.6	75.4	74.5	71.7	69.3	61.8	56.5	51.8	51.3	50.8	64.1	0.0	64.1
	9	65.5	76.5	48.5	76.0	75.2	72.9	71.1	64.2	58.0	50.4	49.4	48.6	65.5	0.0	65.5
	10	66.1	76.6	49.4	76.1	75.3	73.2	71.7	65.5	59.7	51.2	50.3	49.6	66.1	0.0	66.1
	11	67.3	77.6	53.3	77.2	76.4	74.2	72.7	67.1	61.3	55.3	54.1	53.5	67.3	0.0	67.3
	12	67.2	77.3	52.2	76.8	76.1	74.1	72.8	67.3	60.6	53.7	53.0	52.4	67.2	0.0	67.2
	13	67.2	77.3	52.0	76.9	76.1	74.0	72.8	67.0	60.7	53.3	52.6	52.1	67.2	0.0	67.2
	14	66.7	77.6	51.6	77.2	76.4	74.3	72.6	66.9	60.3	53.3	52.3	51.7	66.7	0.0	66.7
	15	67.9	92.2	53.0	91.3	90.3	86.6	83.4	74.5	63.4	55.0	53.9	53.1	67.9	0.0	67.9
	16	67.9	78.5	51.6	77.9	77.1	75.1	73.6	67.3	60.6	53.0	52.2	51.7	67.9	0.0	67.9
	17	66.6	77.8	50.6	77.4	76.6	73.9	72.1	65.4	57.8	51.7	51.2	50.7	66.6	0.0	66.6
	18	65.4	76.8	49.8	76.3	75.5	72.9	71.0	64.0	55.9	50.6	50.2	49.9	65.4	0.0	65.4
Evening	19	65.8	78.9	52.9	78.5	77.6	75.0	72.5	64.4	58.1	53.7	53.3	53.0	65.8	5.0	70.8
	20	63.8	75.5	54.8	75.1	74.2	71.4	69.0	60.1	56.8	55.3	55.1	54.9	63.8	5.0	68.8
	21	63.4	74.2	55.8	73.8	73.0	70.3	68.4	61.8	58.6	56.5	56.1	55.9	63.4	5.0	68.4
Night	22	60.7	72.4	53.6	71.9	71.0	68.0	65.1	57.9	55.8	54.2	53.9	53.7	60.7	10.0	70.7
	23	58.6	69.8	52.4	69.3	68.5	65.6	62.8	55.8	54.4	53.0	52.8	52.5	58.6	10.0	68.6

Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%
Day	Min	64.1	75.1	48.5	74.7	73.9	71.3	68.9	61.8	55.9	50.4	49.4	48.6
(7am-7pm)	Max	67.9	92.2	57.8	91.3	90.3	86.6	83.4	74.5	63.4	58.4	58.2	57.9
Energy Average		66.5	Average:		77.8	77.0	74.5	72.7	66.1	59.6	53.2	52.4	51.8
Evening	Min	63.4	74.2	52.9	73.8	73.0	70.3	68.4	60.1	56.8	53.7	53.3	53.0
(7pm-10pm)	Max	65.8	78.9	55.8	78.5	77.6	75.0	72.5	64.4	58.6	56.5	56.1	55.9
Energy Average		64.5	Average:		75.8	74.9	72.2	70.0	62.1	57.8	55.2	54.9	54.6
Night	Min	54.9	59.5	50.0	59.1	58.8	57.7	57.0	52.4	51.5	50.4	50.2	50.0
(10pm-7am)	Max	64.1	74.3	58.6	73.9	73.1	70.5	68.0	62.6	60.9	59.3	59.0	58.8
Energy Average		59.7	Average:		67.9	67.1	64.4	62.0	57.1	55.7	54.1	53.8	53.5

L_{eq} (dBA)		
24-Hour	Daytime (7am-10pm)	Nighttime (10pm-7am)
64.7	66.2	59.7

24-Hour CNEL (dBA)

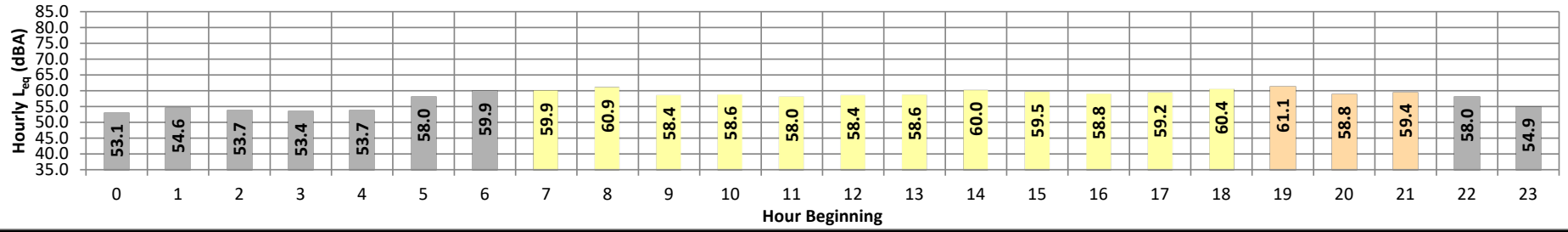
68.4

24-Hour Noise Level Measurement Summary

Date: Tuesday, November 23, 2021 *Location:* L5 - Located south of the Project site near single-family residence at 6111 Wingfoot Avenue. *Meter:* Piccolo II *JN:* 13841

Project: Banning Point *Analyst:* A. Khan

Hourly L_{eq} dBA Readings (unadjusted)



Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%	L_{eq}	Adj.	Adj. L_{eq}
Night	0	53.1	62.0	49.6	61.7	61.1	58.2	56.0	52.5	50.6	49.9	49.8	49.7	53.1	10.0	63.1
	1	54.6	57.5	52.6	57.3	57.1	56.6	56.2	55.1	54.3	53.1	52.9	52.7	54.6	10.0	64.6
	2	53.7	56.3	51.8	56.0	55.9	55.4	55.1	54.4	53.5	52.4	52.2	51.9	53.7	10.0	63.7
	3	53.4	56.8	51.1	56.7	56.4	55.6	55.1	54.0	53.1	51.6	51.4	51.2	53.4	10.0	63.4
	4	53.7	60.0	50.4	59.6	59.3	58.3	57.4	53.4	52.2	51.1	50.8	50.5	53.7	10.0	63.7
	5	58.0	61.8	55.7	61.6	61.3	60.3	59.7	58.6	57.7	56.3	56.1	55.8	58.0	10.0	68.0
	6	59.9	63.5	58.1	63.3	63.0	62.1	61.5	60.4	59.5	58.5	58.4	58.1	59.9	10.0	69.9
Day	7	59.9	65.0	58.1	64.7	64.2	62.8	61.9	60.0	59.2	58.5	58.3	58.2	59.9	0.0	59.9
	8	60.9	70.4	55.0	69.6	68.7	66.9	65.4	61.0	57.0	55.5	55.3	55.1	60.9	0.0	60.9
	9	58.4	63.9	56.0	63.5	63.1	61.8	60.9	58.8	57.5	56.3	56.2	56.1	58.4	0.0	58.4
	10	58.6	64.7	55.4	64.3	63.9	62.9	62.0	59.0	57.3	55.8	55.7	55.5	58.6	0.0	58.6
	11	58.0	64.2	54.9	63.9	63.4	62.0	61.0	58.3	56.7	55.3	55.1	55.0	58.0	0.0	58.0
	12	58.4	64.7	54.8	64.5	64.1	62.8	61.6	58.8	57.0	55.3	55.1	54.9	58.4	0.0	58.4
	13	58.6	64.8	55.3	64.4	63.9	62.4	61.6	58.9	57.4	55.8	55.6	55.4	58.6	0.0	58.6
	14	60.0	69.3	55.5	68.7	67.9	66.3	64.3	59.0	57.4	56.0	55.8	55.6	60.0	0.0	60.0
	15	59.5	78.1	56.1	77.8	77.0	73.7	71.5	60.7	58.0	56.6	56.4	56.2	59.5	0.0	59.5
	16	58.8	64.9	56.0	64.4	63.9	62.4	61.5	59.2	57.6	56.4	56.3	56.1	58.8	0.0	58.8
	17	59.2	66.8	55.9	66.4	65.9	64.0	62.7	59.1	57.4	56.3	56.1	56.0	59.2	0.0	59.2
	18	60.4	68.4	56.2	68.1	67.7	66.6	64.9	59.5	57.3	56.5	56.4	56.3	60.4	0.0	60.4
Evening	19	61.1	69.4	56.8	69.2	68.9	67.7	65.7	59.8	57.9	57.0	56.9	56.8	61.1	5.0	66.1
	20	58.8	64.3	57.2	64.1	63.8	62.0	60.4	58.6	57.9	57.4	57.4	57.3	58.8	5.0	63.8
	21	59.4	63.6	57.7	63.3	62.9	62.1	61.3	59.6	59.0	58.0	57.9	57.8	59.4	5.0	64.4
Night	22	58.0	62.1	56.7	61.7	61.4	60.6	59.4	58.0	57.5	57.0	56.9	56.8	58.0	10.0	68.0
	23	54.9	60.8	53.4	60.2	59.5	57.7	56.5	54.7	54.2	53.7	53.6	53.5	54.9	10.0	64.9

Timeframe	Hour	L_{eq}	L_{max}	L_{min}	L1%	L2%	L5%	L8%	L25%	L50%	L90%	L95%	L99%
Day (7am-7pm)	Min	58.0	63.9	54.8	63.5	63.1	61.8	60.9	58.3	56.7	55.3	55.1	54.9
	Max	60.9	78.1	58.1	77.8	77.0	73.7	71.5	61.0	59.2	58.5	58.3	58.2
Energy Average		59.3	Average:		66.7	66.1	64.5	63.3	59.4	57.5	56.2	56.0	55.9
Evening (7pm-10pm)	Min	58.8	63.6	56.8	63.3	62.9	62.0	60.4	58.6	57.9	57.0	56.9	56.8
	Max	61.1	69.4	57.7	69.2	68.9	67.7	65.7	59.8	59.0	58.0	57.9	57.8
Energy Average		59.9	Average:		65.5	65.2	63.9	62.5	59.4	58.3	57.5	57.4	57.3
Night (10pm-7am)	Min	53.1	56.3	49.6	56.0	55.9	55.4	55.1	52.5	50.6	49.9	49.8	49.7
	Max	59.9	63.5	58.1	63.3	63.0	62.1	61.5	60.4	59.5	58.5	58.4	58.1
Energy Average		56.2	Average:		59.8	59.4	58.3	57.5	55.7	54.7	53.7	53.6	53.4

L_{eq} (dBA)		
24-Hour	Daytime (7am-10pm)	Nighttime (10pm-7am)
58.5	59.4	56.2

24-Hour CNEL (dBA)

63.7

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APPENDIX 7.1:

OFF-SITE TRAFFIC NOISE LEVEL CALCULATIONS

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: Highland Springs Av.
Road Segment: n/o I-10 Fwy. WB Ramps
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	32,793 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	2,732 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	3.68	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-12.84	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-5.22	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	63.5	62.1	60.4	56.8	64.4	64.8
Medium Trucks:	58.8	57.5	53.2	52.5	59.9	60.1
Heavy Trucks:	72.8	70.6	69.6	68.5	75.2	75.6
Vehicle Noise:	73.5	71.4	70.2	68.9	75.7	76.0

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	161	347	747	1,609
CNEL:	169	364	784	1,689

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: Highland Springs Av.
Road Segment: n/o I-10 Fwy. WB Ramps
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	32,953 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	2,745 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.92%
Medium Trucks:	75.3%	7.0%	17.7%	1.93%
Heavy Trucks:	60.4%	12.0%	27.6%	11.16%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	3.70	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-12.84	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-5.22	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	63.6	62.1	60.5	56.8	64.4	64.9
Medium Trucks:	58.8	57.5	53.2	52.5	59.9	60.1
Heavy Trucks:	72.8	70.6	69.6	68.5	75.2	75.6
Vehicle Noise:	73.5	71.4	70.2	68.9	75.7	76.0

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	161	347	747	1,609
CNEL:	169	364	784	1,690

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: Highland Springs Av.
Road Segment: n/o I-10 Fwy. WB Ramps
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	42,498 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	3,540 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	4.80	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-11.72	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-4.09	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	64.7	63.2	61.6	57.9	65.5	66.0
Medium Trucks:	59.9	58.7	54.4	53.6	61.0	61.3
Heavy Trucks:	74.0	71.8	70.8	69.6	76.4	76.7
Vehicle Noise:	74.6	72.5	71.3	70.0	76.8	77.2

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	191	412	887	1,912
CNEL:	201	433	932	2,008

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: Highland Springs Av.
Road Segment: n/o I-10 Fwy. WB Ramps
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	42,658 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	3,553 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.90%
Medium Trucks:	75.3%	7.0%	17.7%	1.93%
Heavy Trucks:	60.4%	12.0%	27.6%	11.17%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	4.82	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-11.72	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-4.09	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	64.7	63.3	61.6	57.9	65.5	66.0
Medium Trucks:	59.9	58.7	54.4	53.6	61.0	61.3
Heavy Trucks:	74.0	71.8	70.8	69.6	76.4	76.7
Vehicle Noise:	74.6	72.5	71.3	70.0	76.8	77.2

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	191	412	888	1,912
CNEL:	201	433	932	2,009

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: Highland Springs Av.
Road Segment: n/o 2nd St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	22,732 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,894 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	2.08	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-14.43	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-6.81	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.9	60.5	58.8	55.2	62.8	63.2
Medium Trucks:	57.2	55.9	51.6	50.9	58.3	58.5
Heavy Trucks:	71.2	69.1	68.0	66.9	73.7	74.0
Vehicle Noise:	71.9	69.8	68.6	67.3	74.1	74.4

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	126	271	585	1,260
CNEL:	132	285	614	1,323

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: Highland Springs Av.
Road Segment: n/o 2nd St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	24,370 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	2,030 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.52%
Medium Trucks:	75.3%	7.0%	17.7%	2.28%
Heavy Trucks:	60.4%	12.0%	27.6%	11.20%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	2.37	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-13.42	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-6.51	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	62.2	60.8	59.1	55.5	63.1	63.5
Medium Trucks:	58.2	57.0	52.6	51.9	59.3	59.6
Heavy Trucks:	71.5	69.4	68.3	67.2	74.0	74.3
Vehicle Noise:	72.2	70.1	68.9	67.6	74.4	74.7

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	132	285	614	1,323
CNEL:	139	299	645	1,389

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: Highland Springs Av.
Road Segment: n/o 2nd St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	29,459 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	2,454 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	3.21	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-13.31	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-5.68	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	63.1	61.6	60.0	56.3	63.9	64.4
Medium Trucks:	58.3	57.1	52.8	52.0	59.4	59.7
Heavy Trucks:	72.4	70.2	69.2	68.0	74.8	75.1
Vehicle Noise:	73.0	70.9	69.7	68.4	75.2	75.6

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	150	323	695	1,498
CNEL:	157	339	730	1,573

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: Highland Springs Av.
Road Segment: n/o 2nd St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	31,097 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	2,590 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.59%
Medium Trucks:	75.3%	7.0%	17.7%	2.21%
Heavy Trucks:	60.4%	12.0%	27.6%	11.20%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	3.43	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-12.51	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-5.45	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	63.3	61.9	60.2	56.6	64.1	64.6
Medium Trucks:	59.1	57.9	53.6	52.8	60.2	60.5
Heavy Trucks:	72.6	70.4	69.4	68.3	75.0	75.3
Vehicle Noise:	73.3	71.2	70.0	68.7	75.5	75.8

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	156	335	722	1,555
CNEL:	163	352	758	1,633

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: Highland Springs Av.
Road Segment: n/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	15,725 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,310 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	0.48	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-16.04	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-8.41	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	60.3	58.9	57.2	53.6	61.2	61.6
Medium Trucks:	55.6	54.3	50.0	49.3	56.7	56.9
Heavy Trucks:	69.6	67.5	66.4	65.3	72.1	72.4
Vehicle Noise:	70.3	68.2	67.0	65.7	72.5	72.8

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	99	212	457	985
CNEL:	104	223	480	1,035

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: Highland Springs Av.
Road Segment: n/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	17,417 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,451 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.43%
Medium Trucks:	75.3%	7.0%	17.7%	2.41%
Heavy Trucks:	60.4%	12.0%	27.6%	11.16%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	0.91	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-14.64	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-7.98	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	60.8	59.3	57.7	54.0	61.6	62.1
Medium Trucks:	57.0	55.7	51.4	50.7	58.1	58.3
Heavy Trucks:	70.1	67.9	66.9	65.7	72.5	72.8
Vehicle Noise:	70.7	68.7	67.5	66.1	73.0	73.3

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	106	228	490	1,056
CNEL:	111	239	515	1,109

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: Highland Springs Av.
Road Segment: n/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	21,649 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,803 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	1.87	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-14.65	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-7.02	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.7	60.3	58.6	55.0	62.6	63.0
Medium Trucks:	57.0	55.7	51.4	50.7	58.1	58.3
Heavy Trucks:	71.0	68.8	67.8	66.7	73.4	73.8
Vehicle Noise:	71.7	69.6	68.4	67.1	73.9	74.2

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	122	263	566	1,220
CNEL:	128	276	595	1,281

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: Highland Springs Av.
Road Segment: n/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	23,341 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,944 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.54%
Medium Trucks:	75.3%	7.0%	17.7%	2.29%
Heavy Trucks:	60.4%	12.0%	27.6%	11.17%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	2.18	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-13.59	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-6.71	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	62.0	60.6	58.9	55.3	62.9	63.3
Medium Trucks:	58.0	56.8	52.5	51.7	59.1	59.4
Heavy Trucks:	71.3	69.2	68.1	67.0	73.8	74.1
Vehicle Noise:	72.0	69.9	68.7	67.4	74.2	74.6

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	128	277	596	1,284
CNEL:	135	290	626	1,348

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: Highland Springs Av.
Road Segment: s/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	8,272 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	689 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	-2.31	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-18.82	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-11.20	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	57.6	56.1	54.4	50.8	58.4	58.9
Medium Trucks:	52.8	51.6	47.2	46.5	53.9	54.2
Heavy Trucks:	66.9	64.7	63.7	62.5	69.3	69.6
Vehicle Noise:	67.5	65.4	64.2	62.9	69.7	70.0

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	64	138	298	642
CNEL:	67	145	313	674

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: Highland Springs Av.
Road Segment: s/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	8,426 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	702 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	87.09%
Medium Trucks:	75.3%	7.0%	17.7%	1.90%
Heavy Trucks:	60.4%	12.0%	27.6%	11.01%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	-2.21	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-18.82	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-11.20	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	57.6	56.2	54.5	50.9	58.5	58.9
Medium Trucks:	52.8	51.6	47.2	46.5	53.9	54.2
Heavy Trucks:	66.9	64.7	63.7	62.5	69.3	69.6
Vehicle Noise:	67.5	65.4	64.2	62.9	69.7	70.1

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	64	139	298	643
CNEL:	68	145	313	675

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: Highland Springs Av.
Road Segment: s/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	21,900 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,824 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	1.92	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-14.60	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-6.97	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.8	60.4	58.7	55.0	62.6	63.1
Medium Trucks:	57.0	55.8	51.5	50.7	58.1	58.4
Heavy Trucks:	71.1	68.9	67.9	66.7	73.5	73.8
Vehicle Noise:	71.7	69.6	68.5	67.1	74.0	74.3

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	123	265	570	1,229
CNEL:	129	278	599	1,291

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: Highland Springs Av.
Road Segment: s/o 1st St.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	22,054 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,837 vehicles
Vehicle Speed:	30 mph
Near/Far Lane Distance:	78 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	67.0 feet
Centerline Dist. to Observer:	67.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.95%
Medium Trucks:	75.3%	7.0%	17.7%	1.92%
Heavy Trucks:	60.4%	12.0%	27.6%	11.13%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	54.708
Medium Trucks:	54.546
Heavy Trucks:	54.562

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	61.75	1.96	-0.69	-1.20	-4.71	0.000	0.000
Medium Trucks:	73.48	-14.60	-0.67	-1.20	-4.88	0.000	0.000
Heavy Trucks:	79.92	-6.97	-0.67	-1.20	-5.29	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.8	60.4	58.7	55.1	62.7	63.1
Medium Trucks:	57.0	55.8	51.5	50.7	58.1	58.4
Heavy Trucks:	71.1	68.9	67.9	66.7	73.5	73.8
Vehicle Noise:	71.7	69.6	68.5	67.1	74.0	74.3

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	123	265	571	1,229
CNEL:	129	278	599	1,291

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: 1st St.
Road Segment: w/o Highland Springs Av.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	9,557 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	796 vehicles
Vehicle Speed:	45 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	68.46	-3.44	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	79.45	-19.96	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	84.25	-12.33	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	64.5	63.1	61.4	57.8	65.4	65.8
Medium Trucks:	59.0	57.8	53.5	52.8	60.2	60.4
Heavy Trucks:	71.5	69.3	68.3	67.1	73.9	74.2
Vehicle Noise:	72.5	70.4	69.2	67.7	74.6	74.9

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	101	218	471	1,014
CNEL:	107	230	495	1,066

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: 1st St.
Road Segment: w/o Highland Springs Av.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	9,732 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	811 vehicles
Vehicle Speed:	45 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	87.09%
Medium Trucks:	75.3%	7.0%	17.7%	1.90%
Heavy Trucks:	60.4%	12.0%	27.6%	11.01%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	68.46	-3.35	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	79.45	-19.96	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	84.25	-12.33	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	64.6	63.2	61.5	57.9	65.5	65.9
Medium Trucks:	59.0	57.8	53.5	52.8	60.2	60.4
Heavy Trucks:	71.5	69.3	68.3	67.1	73.9	74.2
Vehicle Noise:	72.5	70.5	69.2	67.7	74.6	74.9

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	102	219	471	1,015
CNEL:	107	230	495	1,067

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: 1st St.
Road Segment: w/o Highland Springs Av.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	12,385 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,032 vehicles
Vehicle Speed:	45 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	68.46	-2.31	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	79.45	-18.83	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	84.25	-11.21	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	65.7	64.2	62.5	58.9	66.5	67.0
Medium Trucks:	60.2	58.9	54.6	53.9	61.3	61.5
Heavy Trucks:	72.6	70.4	69.4	68.2	75.0	75.3
Vehicle Noise:	73.6	71.6	70.3	68.9	75.7	76.1

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	120	260	559	1,205
CNEL:	127	273	588	1,267

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: 1st St.
Road Segment: w/o Highland Springs Av.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	12,560 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,046 vehicles
Vehicle Speed:	45 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	87.04%
Medium Trucks:	75.3%	7.0%	17.7%	1.91%
Heavy Trucks:	60.4%	12.0%	27.6%	11.05%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	68.46	-2.24	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	79.45	-18.83	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	84.25	-11.21	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	65.7	64.3	62.6	59.0	66.6	67.0
Medium Trucks:	60.2	58.9	54.6	53.9	61.3	61.5
Heavy Trucks:	72.6	70.4	69.4	68.2	75.0	75.3
Vehicle Noise:	73.6	71.6	70.3	68.9	75.7	76.1

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	121	260	560	1,206
CNEL:	127	273	589	1,268

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E | Project Name: Banning Point
Road Name: Sun Lakes Blvd. | Job Number: 13841
Road Segment: e/o Highland Springs Av.

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	7,439 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	620 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-3.44	0.71	-1.20	-4.65	0.000	0.000
Medium Trucks:	75.75	-19.96	0.74	-1.20	-4.87	0.000	0.000
Heavy Trucks:	81.57	-12.33	0.73	-1.20	-5.43	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	60.4	58.9	57.3	53.6	61.2	61.7
Medium Trucks:	55.3	54.1	49.8	49.1	56.5	56.7
Heavy Trucks:	68.8	66.6	65.6	64.4	71.2	71.5
Vehicle Noise:	69.5	67.5	66.3	64.9	71.7	72.1

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	65	141	303	653
CNEL:	69	148	318	686

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P | Project Name: Banning Point
Road Name: Sun Lakes Blvd. | Job Number: 13841
Road Segment: e/o Highland Springs Av.

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	9,460 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	788 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.53%
Medium Trucks:	75.3%	7.0%	17.7%	2.74%
Heavy Trucks:	60.4%	12.0%	27.6%	10.72%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-2.41	0.71	-1.20	-4.65	0.000	0.000
Medium Trucks:	75.75	-17.40	0.74	-1.20	-4.87	0.000	0.000
Heavy Trucks:	81.57	-11.48	0.73	-1.20	-5.43	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.4	60.0	58.3	54.7	62.2	62.7
Medium Trucks:	57.9	56.7	52.3	51.6	59.0	59.3
Heavy Trucks:	69.6	67.4	66.4	65.3	72.0	72.4
Vehicle Noise:	70.5	68.5	67.2	65.8	72.7	73.0

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	75	162	349	753
CNEL:	79	170	367	791

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040 | Project Name: Banning Point
Road Name: Sun Lakes Blvd. | Job Number: 13841
Road Segment: e/o Highland Springs Av.

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	12,459 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,038 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-1.20	0.71	-1.20	-4.65	0.000	0.000
Medium Trucks:	75.75	-17.72	0.74	-1.20	-4.87	0.000	0.000
Heavy Trucks:	81.57	-10.09	0.73	-1.20	-5.43	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	62.6	61.2	59.5	55.9	63.5	63.9
Medium Trucks:	57.6	56.3	52.0	51.3	58.7	58.9
Heavy Trucks:	71.0	68.8	67.8	66.7	73.4	73.7
Vehicle Noise:	71.8	69.7	68.5	67.1	74.0	74.3

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	92	198	427	921
CNEL:	97	208	449	967

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P | Project Name: Banning Point
Road Name: Sun Lakes Blvd. | Job Number: 13841
Road Segment: e/o Highland Springs Av.

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	14,480 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	1,206 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.64%
Medium Trucks:	75.3%	7.0%	17.7%	2.46%
Heavy Trucks:	60.4%	12.0%	27.6%	10.89%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	Grade Adjustment:	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-0.55	0.71	-1.20	-4.65	0.000	0.000
Medium Trucks:	75.75	-16.02	0.74	-1.20	-4.87	0.000	0.000
Heavy Trucks:	81.57	-9.56	0.73	-1.20	-5.43	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	63.3	61.8	60.1	56.5	64.1	64.6
Medium Trucks:	59.3	58.0	53.7	53.0	60.4	60.6
Heavy Trucks:	71.5	69.4	68.3	67.2	74.0	74.3
Vehicle Noise:	72.4	70.3	69.1	67.7	74.6	74.9

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	101	217	467	1,006
CNEL:	106	228	491	1,057

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: Sun Lakes Blvd.
Road Segment: e/o Sun Lakes Village Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	7,439 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	620 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	64.30	-3.44	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-19.96	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-12.33	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	60.4	58.9	57.3	53.6	61.2	61.7
Medium Trucks:	55.3	54.1	49.8	49.1	56.5	56.7
Heavy Trucks:	68.8	66.6	65.6	64.4	71.2	71.5
Vehicle Noise:	69.5	67.5	66.3	64.9	71.7	72.1

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	65	141	303	653
CNEL:	69	148	318	686

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: Sun Lakes Blvd.
Road Segment: e/o Sun Lakes Village Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	8,250 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	687 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	88.15%
Medium Trucks:	75.3%	7.0%	17.7%	1.75%
Heavy Trucks:	60.4%	12.0%	27.6%	10.11%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	64.30	-2.92	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-19.96	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-12.33	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	60.9	59.5	57.8	54.1	61.7	62.2
Medium Trucks:	55.3	54.1	49.8	49.1	56.5	56.7
Heavy Trucks:	68.8	66.6	65.6	64.4	71.2	71.5
Vehicle Noise:	69.6	67.6	66.3	64.9	71.8	72.1

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	66	142	305	658
CNEL:	69	149	321	691

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: Sun Lakes Blvd.
Road Segment: e/o Sun Lakes Village Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	9,641 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	803 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	64.30	-2.31	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-18.83	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-11.20	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	61.5	60.1	58.4	54.8	62.3	62.8
Medium Trucks:	56.5	55.2	50.9	50.2	57.6	57.8
Heavy Trucks:	69.9	67.7	66.7	65.6	72.3	72.6
Vehicle Noise:	70.7	68.6	67.4	66.0	72.9	73.2

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	78	167	360	776
CNEL:	82	176	378	815

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FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: Sun Lakes Blvd.
Road Segment: e/o Sun Lakes Village Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	10,452 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	871 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	*Day*	*Evening*	*Night*	*Daily*
Autos:	71.9%	12.2%	15.9%	87.87%
Medium Trucks:	75.3%	7.0%	17.7%	1.79%
Heavy Trucks:	60.4%	12.0%	27.6%	10.34%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	*REMEL*	*Traffic Flow*	*Distance*	*Finite Road*	*Fresnel*	*Barrier Atten*	*Berm Atten*
Autos:	64.30	-1.91	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-18.83	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-11.20	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	*Leq Peak Hour*	*Leq Day*	*Leq Evening*	*Leq Night*	*Ldn*	*CNEL*
Autos:	61.9	60.5	58.8	55.2	62.7	63.2
Medium Trucks:	56.5	55.2	50.9	50.2	57.6	57.8
Heavy Trucks:	69.9	67.7	66.7	65.6	72.3	72.6
Vehicle Noise:	70.7	68.7	67.5	66.1	72.9	73.2

Centerline Distance to Noise Contour (in feet)

	70 dBA	*65 dBA*	*60 dBA*	*55 dBA*
Ldn:	78	168	362	780
CNEL:	82	177	381	820

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E
Road Name: Sun Lakes Blvd.
Road Segment: e/o Country Club Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	6,635 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	553 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-3.93	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-20.45	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-12.83	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	59.9	58.4	56.8	53.1	60.7	61.2
Medium Trucks:	54.8	53.6	49.3	48.6	56.0	56.2
Heavy Trucks:	68.3	66.1	65.1	63.9	70.7	71.0
Vehicle Noise:	69.0	67.0	65.8	64.4	71.2	71.6

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	60	130	281	605
CNEL:	64	137	295	635

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: E+P
Road Name: Sun Lakes Blvd.
Road Segment: e/o Country Club Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	7,690 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	641 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	88.66%
Medium Trucks:	75.3%	7.0%	17.7%	1.67%
Heavy Trucks:	60.4%	12.0%	27.6%	9.67%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-3.20	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-20.45	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-12.83	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	60.6	59.2	57.5	53.9	61.5	61.9
Medium Trucks:	54.8	53.6	49.3	48.6	56.0	56.2
Heavy Trucks:	68.3	66.1	65.1	63.9	70.7	71.0
Vehicle Noise:	69.1	67.1	65.9	64.5	71.3	71.6

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	61	132	284	611
CNEL:	64	138	298	642

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040
Road Name: Sun Lakes Blvd.
Road Segment: e/o Country Club Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	8,598 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	716 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	86.85%
Medium Trucks:	75.3%	7.0%	17.7%	1.94%
Heavy Trucks:	60.4%	12.0%	27.6%	11.21%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-2.81	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-19.33	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-11.70	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.0	59.6	57.9	54.3	61.9	62.3
Medium Trucks:	56.0	54.7	50.4	49.7	57.1	57.3
Heavy Trucks:	69.4	67.2	66.2	65.1	71.8	72.1
Vehicle Noise:	70.2	68.1	66.9	65.5	72.4	72.7

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	72	155	334	719
CNEL:	76	163	351	755

Sunday, February 6, 2022

FHWA-RD-77-108 HIGHWAY NOISE PREDICTION MODEL (9/12/2021)

Scenario: HY 2040+P
Road Name: Sun Lakes Blvd.
Road Segment: e/o Country Club Dr.
Project Name: Banning Point
Job Number: 13841

SITE SPECIFIC INPUT DATA

Highway Data

Average Daily Traffic (Adt):	9,654 vehicles
Peak Hour Percentage:	8.33%
Peak Hour Volume:	804 vehicles
Vehicle Speed:	35 mph
Near/Far Lane Distance:	48 feet

Site Data

Barrier Height:	**0.0 feet**
Barrier Type (0-Wall, 1-Berm):	0.0
Centerline Dist. to Barrier:	50.0 feet
Centerline Dist. to Observer:	50.0 feet
Barrier Distance to Observer:	0.0 feet
Observer Height (Above Pad):	5.0 feet
Pad Elevation:	0.0 feet
Road Elevation:	0.0 feet
Road Grade:	0.0%
Left View:	-90.0 degrees
Right View:	90.0 degrees

NOISE MODEL INPUTS

Site Conditions (Hard = 10, Soft = 15)

Autos:	15
Medium Trucks (2 Axles):	15
Heavy Trucks (3+ Axles):	15

Vehicle Mix

VehicleType	Day	Evening	Night	Daily
Autos:	71.9%	12.2%	15.9%	88.29%
Medium Trucks:	75.3%	7.0%	17.7%	1.72%
Heavy Trucks:	60.4%	12.0%	27.6%	9.98%

Noise Source Elevations (in feet)

Autos:	0.000		
Medium Trucks:	2.297		
Heavy Trucks:	8.004	*Grade Adjustment:*	0.0

Lane Equivalent Distance (in feet)

Autos:	44.147
Medium Trucks:	43.947
Heavy Trucks:	43.966

FHWA Noise Model Calculations

VehicleType	REMEL	Traffic Flow	Distance	Finite Road	Fresnel	Barrier Atten	Berm Atten
Autos:	64.30	-2.23	0.71	-1.20	*-4.65*	0.000	0.000
Medium Trucks:	75.75	-19.33	0.74	-1.20	*-4.87*	0.000	0.000
Heavy Trucks:	81.57	-11.70	0.73	-1.20	*-5.43*	0.000	0.000

Unmitigated Noise Levels (without Topo and barrier attenuation)

VehicleType	Leq Peak Hour	Leq Day	Leq Evening	Leq Night	Ldn	CNEL
Autos:	61.6	60.1	58.5	54.8	62.4	62.9
Medium Trucks:	56.0	54.7	50.4	49.7	57.1	57.3
Heavy Trucks:	69.4	67.2	66.2	65.1	71.8	72.1
Vehicle Noise:	70.2	68.2	67.0	65.6	72.4	72.7

Centerline Distance to Noise Contour (in feet)

	70 dBA	65 dBA	60 dBA	55 dBA
Ldn:	72	156	336	725
CNEL:	76	164	354	762

Sunday, February 6, 2022

APPENDIX 9.1:

CADNAA OPERATIONAL NOISE MODEL INPUTS

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13841 - Banning Point

CadnaA Noise Prediction Model: 13841_05.cna
Date: 29.11.21
Analyst: S. Shami

Calculation Configuration

Configuration	
Parameter	Value
General	
Country	(user defined)
Max. Error (dB)	0.00
Max. Search Radius (#(Unit,LEN))	2000.01
Min. Dist Src to Rcvr	0.00
Partition	
Raster Factor	0.50
Max. Length of Section (#(Unit,LEN))	999.99
Min. Length of Section (#(Unit,LEN))	1.01
Min. Length of Section (%)	0.00
Proj. Line Sources	On
Proj. Area Sources	On
Ref. Time	
Reference Time Day (min)	960.00
Reference Time Night (min)	480.00
Daytime Penalty (dB)	0.00
Recr. Time Penalty (dB)	5.00
Night-time Penalty (dB)	10.00
DTM	
Standard Height (m)	0.00
Model of Terrain	Triangulation
Reflection	
max. Order of Reflection	2
Search Radius Src	100.00
Search Radius Rcvr	100.00
Max. Distance Source - Rcvr	1000.00 1000.00
Min. Distance Rvcr - Reflector	1.00 1.00
Min. Distance Source - Reflector	0.10
Industrial (ISO 9613)	
Lateral Diffraction	some Obj
Obst. within Area Src do not shield	On
Screening	Incl. Ground Att. over Barrier
	Dz with limit (20/25)
Barrier Coefficients C1,2,3	3.0 20.0 0.0
Temperature (#(Unit,TEMP))	10
rel. Humidity (%)	70
Ground Absorption G	0.50
Wind Speed for Dir. (#(Unit,SPEED))	3.0
Roads (RLS-90)	
Strictly acc. to RLS-90	
Railways (FTA/FRA)	
Aircraft (???)	
Strictly acc. to AzB	

Receiver Noise Levels

Name	M.	ID	Level Lr			Limit. Value			Land Use			Height		Coordinates		
			Day	Night	CNEL	Day	Night	CNEL	Type	Auto	Noise Type			X	Y	Z
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)				(ft)		(ft)	(ft)	(ft)
RECEIVERS		R1	47.4	46.4	52.9	55.0	68.3	0.0				5.00	a	6352327.53	2281636.15	5.00
RECEIVERS		R2	38.4	37.3	43.8	55.0	60.4	0.0				5.00	a	6353218.80	2280950.82	5.00
RECEIVERS		R3	44.1	42.9	49.3	55.0	57.0	0.0				5.00	a	6352587.29	2280352.73	5.00
RECEIVERS		R4	45.8	44.6	51.0	55.0	64.5	0.0				5.00	a	6352225.31	2279816.27	5.00
RECEIVERS		R5	45.8	44.7	51.1	55.0	63.1	0.0				5.00	a	6351378.09	2279812.80	5.00

Point Source(s)

Name	M.	ID	Result. PWL			Lw / Li			Operating Time			K0	Height		Coordinates		
			Day	Evening	Night	Type	Value	norm.	Day	Special	Night				X	Y	Z
			(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	(dB)	(ft)		(ft)	(ft)	(ft)
POINTSOURCE		AC01	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6351250.55	2280077.57	35.00
POINTSOURCE		AC02	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6351445.25	2280087.37	35.00
POINTSOURCE		AC03	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6351826.24	2280077.57	35.00
POINTSOURCE		AC04	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6351977.52	2280073.36	35.00
POINTSOURCE		AC05	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6352166.62	2280066.36	35.00
POINTSOURCE		AC06	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6352324.90	2280059.36	35.00
POINTSOURCE		AC07	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6352294.84	2280347.91	50.00
POINTSOURCE		AC08	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6351338.81	2280375.65	50.00
POINTSOURCE		AC09	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6351348.42	2280965.69	50.00
POINTSOURCE		AC10	88.9	88.9	88.9	Lw	88.9		585.00	0.00	252.00	0.0	5.00	g	6352381.26	2280918.75	50.00
POINTSOURCE		DT01	83.2	83.2	83.2	Lw	83.2		900.00	0.00	270.00	0.0	3.00	a	6351201.53	2280085.97	3.00

Name	M.	ID	Result. PWL			Lw / Li			Operating Time			K0	Height		Coordinates		
			Day	Evening	Night	Type	Value	norm.	Day	Special	Night				X	Y	Z
			(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	(dB)	(ft)		(ft)	(ft)	(ft)
POINTSOURCE		PARKING01	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351130.28	2280841.08	5.00
POINTSOURCE		PARKING02	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351132.09	2280919.56	5.00
POINTSOURCE		PARKING03	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351135.69	2280966.46	5.00
POINTSOURCE		PARKING04	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351528.97	2279980.58	5.00
POINTSOURCE		PARKING05	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351436.96	2279981.48	5.00
POINTSOURCE		PARKING06	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351344.06	2279985.09	5.00
POINTSOURCE		PARKING07	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351308.88	2280068.97	5.00
POINTSOURCE		PARKING08	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351353.98	2280068.97	5.00
POINTSOURCE		PARKING09	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351441.47	2280024.77	5.00
POINTSOURCE		PARKING10	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351527.16	2280022.97	5.00
POINTSOURCE		PARKING11	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351569.56	2280070.78	5.00
POINTSOURCE		PARKING12	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351781.53	2280015.75	5.00
POINTSOURCE		PARKING13	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351866.31	2280013.05	5.00
POINTSOURCE		PARKING14	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351937.57	2280011.24	5.00
POINTSOURCE		PARKING15	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352009.73	2280006.73	5.00
POINTSOURCE		PARKING16	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352117.07	2280004.03	5.00
POINTSOURCE		PARKING17	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352200.96	2280002.22	5.00
POINTSOURCE		PARKING18	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352271.31	2279999.52	5.00
POINTSOURCE		PARKING19	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352351.59	2279996.81	5.00
POINTSOURCE		PARKING20	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352402.10	2280052.74	5.00
POINTSOURCE		PARKING21	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352097.23	2280059.95	5.00
POINTSOURCE		PARKING22	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351740.03	2280068.97	5.00
POINTSOURCE		PARKING23	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352049.42	2280061.76	5.00
POINTSOURCE		PARKING24	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351615.56	2280068.97	5.00
POINTSOURCE		PARKING25	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351694.93	2280070.78	5.00
POINTSOURCE		PARKING26	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352155.86	2280206.98	5.00
POINTSOURCE		PARKING27	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352104.44	2280208.78	5.00
POINTSOURCE		PARKING28	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352040.40	2280212.39	5.00
POINTSOURCE		PARKING29	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351991.69	2280213.29	5.00
POINTSOURCE		PARKING30	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351910.51	2280214.19	5.00
POINTSOURCE		PARKING31	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351861.80	2280216.00	5.00
POINTSOURCE		PARKING32	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351796.86	2280218.70	5.00
POINTSOURCE		PARKING33	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351736.43	2280225.02	5.00
POINTSOURCE		PARKING34	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351566.85	2280229.53	5.00
POINTSOURCE		PARKING35	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351468.53	2280233.14	5.00
POINTSOURCE		PARKING36	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352382.26	2280188.94	5.00
POINTSOURCE		PARKING37	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352328.14	2280192.55	5.00
POINTSOURCE		PARKING38	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352375.04	2280236.74	5.00
POINTSOURCE		PARKING39	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352329.94	2280240.35	5.00
POINTSOURCE		PARKING40	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352433.67	2281046.74	5.00
POINTSOURCE		PARKING41	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352354.30	2281050.35	5.00
POINTSOURCE		PARKING42	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352172.99	2281059.37	5.00
POINTSOURCE		PARKING43	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352105.34	2281061.17	5.00
POINTSOURCE		PARKING44	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6352034.99	2281062.98	5.00
POINTSOURCE		PARKING45	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351964.63	2281064.78	5.00
POINTSOURCE		PARKING46	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351891.57	2281066.58	5.00
POINTSOURCE		PARKING47	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351830.23	2281068.39	5.00
POINTSOURCE		PARKING48	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351762.58	2281069.29	5.00
POINTSOURCE		PARKING49	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351681.40	2281070.19	5.00
POINTSOURCE		PARKING50	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351611.05	2281071.09	5.00
POINTSOURCE		PARKING51	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351539.79	2281072.00	5.00
POINTSOURCE		PARKING52	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351464.92	2281075.60	5.00
POINTSOURCE		PARKING53	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351323.31	2281080.11	5.00
POINTSOURCE		PARKING54	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351232.21	2281083.72	5.00
POINTSOURCE		PARKING55	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351133.89	2281088.23	5.00
POINTSOURCE		PARKING56	79.0	79.0	79.0	Lw	79		900.00	0.00	540.00	0.0	5.00	a	6351059.93	2281092.74	5.00
POINTSOURCE		TRASH01	89.0	89.0	89.0	Lw	89.0		150.00	0.00	90.00	0.0	5.00	a	6352275.65	2281044.09	5.00
POINTSOURCE		TRASH02	89.0	89.0	89.0	Lw	89.0		150.00	0.00	90.00	0.0	5.00	a	6351423.40	2280250.73	5.00
POINTSOURCE		TRASH03	89.0	89.0	89.0	Lw	89.0		150.00	0.00	90.00	0.0	5.00	a	6351552.71	2280121.43	5.00
POINTSOURCE		TRASH04	89.0	89.0	89.0	Lw	89.0		150.00	0.00	90.00	0.0	5.00	a	6351908.81	2280109.09	5.00
POINTSOURCE		TRASH05	89.0	89.0	89.0	Lw	89.0		150.00	0.00	90.00	0.0	5.00	a	6352247.40	2280099.54	5.00

Line Source(s)

Name	M.	ID	Result. PWL			Result. PWL'			Lw / Li			Operating Time			Moving Pt. Src				Height
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	Number			Speed	
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	Day	Evening	Night	(mph)	(ft)
LINESOURCE		TRUCK01	93.2	93.2	93.2	65.5	65.5	65.5	Lw	93.2		900.00	0.00	540.00					8
LINESOURCE		TRUCK02	93.2	93.2	93.2	67.2	67.2	67.2	Lw	93.2		900.00	0.00	540.00					8
LINESOURCE		TRUCK03	93.2	93.2	93.2	66.8	66.8	66.8	Lw	93.2		900.00	0.00	540.00					8

Name	Height				Coordinates			
	Begin		End		x	y	z	Ground
	(ft)		(ft)		(ft)	(ft)	(ft)	(ft)
LINESOURCE	8.00	a			6352250.37	2280957.65	8.00	0.00
					6352253.46	2280988.03	8.00	0.00
					6351225.34	2281021.65	8.00	0.00

Name	Height				Coordinates			
	Begin		End		x	y	z	Ground
	(ft)		(ft)		(ft)	(ft)	(ft)	(ft)
					6351215.53	2280999.24	8.00	0.00
					6351211.33	2280728.90	8.00	0.00
					6351201.53	2280710.69	8.00	0.00
					6351177.71	2280698.08	8.00	0.00
					6351160.91	2280686.88	8.00	0.00
					6351159.51	2280671.47	8.00	0.00
					6351160.91	2280649.06	8.00	0.00
					6351229.54	2280527.20	8.00	0.00
					6351212.73	2280210.63	8.00	0.00
LINESOURCE	8.00	a			6352242.55	2280309.96	8.00	0.00
					6352240.86	2280256.86	8.00	0.00
					6351376.62	2280284.87	8.00	0.00
					6351376.62	2280198.03	8.00	0.00
					6351354.20	2280192.43	8.00	0.00
					6351305.18	2280191.02	8.00	0.00
					6351253.35	2280196.63	8.00	0.00
					6351232.34	2280205.03	8.00	0.00
					6351212.73	2280210.63	8.00	0.00
					6351173.51	2280192.43	8.00	0.00
					6351093.16	2280164.20	8.00	0.00
LINESOURCE	8.00	a			6352230.82	2280257.18	8.00	0.00
					6352228.44	2280184.37	8.00	0.00
					6352234.01	2280177.86	8.00	0.00
					6352241.91	2280171.36	8.00	0.00
					6352251.67	2280168.11	8.00	0.00
					6352490.48	2280160.67	8.00	0.00
					6352515.44	2280972.08	8.00	0.00
					6352502.17	2280979.63	8.00	0.00
					6352488.26	2280979.63	8.00	0.00
					6352253.46	2280988.03	8.00	0.00

Area Source(s)

Name	M.	ID	Result. PWL			Result. PWL''			Lw / Li			Operating Time			Height
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	(ft)
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	
AREASOURCE		DOCK01	111.5	111.5	111.5	74.4	74.4	74.4	Lw	111.5		900.00	0.00	540.00	8
AREASOURCE		DOCK02	111.5	111.5	111.5	74.5	74.5	74.5	Lw	111.5		900.00	0.00	540.00	8

Name	Height				Coordinates			
	Begin		End		x	y	z	Ground
	(ft)		(ft)		(ft)	(ft)	(ft)	(ft)
AREASOURCE	8.00	a			6351356.30	2280401.78	8.00	0.00
					6352254.74	2280374.73	8.00	0.00
					6352252.53	2280309.65	8.00	0.00
					6351352.97	2280343.11	8.00	0.00
AREASOURCE	8.00	a			6352281.87	2280961.67	8.00	0.00
					6352279.29	2280900.31	8.00	0.00
					6351378.36	2280927.78	8.00	0.00
					6351379.61	2280986.04	8.00	0.00

Barrier(s)

Name	M.	ID	Absorption		Z-Ext.	Cantilever		Height			Coordinates			
			left	right		horz.	vert.	Begin		End	x	y	z	Ground
					(ft)	(ft)	(ft)	(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
BARRIEREXISTING		0						6.00	a		6351094.29	2279817.47	6.00	0.00
											6351201.71	2279808.79	6.00	0.00
											6351401.37	2279832.66	6.00	0.00
											6351426.32	2279787.09	6.00	0.00
											6351492.51	2279786.00	6.00	0.00
BARRIEREXISTING		0						6.00	a		6351721.68	2279755.84	6.00	0.00
											6351745.12	2279783.18	6.00	0.00
											6351893.55	2279848.28	6.00	0.00
											6352749.02	2279819.64	6.00	0.00
BARRIEREXISTING		0						6.00	a		6352601.63	2280525.89	6.00	0.00
											6352536.35	2280529.36	6.00	0.00
											6352524.54	2279974.50	6.00	0.00
BARRIEREXISTING		0						6.00	a		6353216.61	2281065.79	6.00	0.00
											6353207.07	2280506.76	6.00	0.00
BARRIERTEMP		0						14.00	a		6351019.96	2281122.79	14.00	0.00
											6352497.39	2281076.07	14.00	0.00
BARRIERTEMP		0						14.00	a		6351413.95	2280270.88	14.00	0.00
											6351411.67	2280214.88	14.00	0.00
											6352186.97	2280191.67	14.00	0.00
											6352189.25	2280247.21	14.00	0.00
BARRIERTEMP		0						14.00	a		6352254.79	2280245.39	14.00	0.00

Name	M.	ID	Absorption		Z-Ext.	Cantilever		Height			Coordinates			
			left	right		horz.	vert.	Begin		End	x	y	z	Ground
					(ft)	(ft)	(ft)	(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
											6352263.04	2280244.82	14.00	0.00
											6352266.52	2280314.01	14.00	0.00

Building(s)

Name	M.	ID	RB	Residents	Absorption	Height		Coordinates			
						Begin		x	y	z	Ground
						(ft)		(ft)	(ft)	(ft)	(ft)
BUILDING		BUILDING00001	x	0		45.00	a	6352284.30	2280956.61	45.00	0.00
								6352341.19	2280954.08	45.00	0.00
								6352340.88	2280943.59	45.00	0.00
								6352400.39	2280943.59	45.00	0.00
								6352372.92	2280322.71	45.00	0.00
								6352312.59	2280324.38	45.00	0.00
								6352313.42	2280312.73	45.00	0.00
								6352252.66	2280314.39	45.00	0.00
								6352254.74	2280374.73	45.00	0.00
								6351356.30	2280401.78	45.00	0.00
								6351352.97	2280343.11	45.00	0.00
								6351293.05	2280345.19	45.00	0.00
								6351293.05	2280356.42	45.00	0.00
								6351233.54	2280358.50	45.00	0.00
								6351261.42	2280978.96	45.00	0.00
								6351320.51	2280975.63	45.00	0.00
								6351322.19	2280989.73	45.00	0.00
								6351379.61	2280986.04	45.00	0.00
								6351378.36	2280927.78	45.00	0.00
								6352279.29	2280900.31	45.00	0.00
BUILDING		BUILDING00006	x	0		30.00	a	6352115.75	2280090.10	30.00	0.00
								6352205.67	2280088.11	30.00	0.00
								6352203.68	2280032.41	30.00	0.00
								6352163.09	2280034.40	30.00	0.00
								6352163.49	2280029.63	30.00	0.00
								6352113.76	2280030.02	30.00	0.00
BUILDING		BUILDING00002	x	0		30.00	a	6351225.71	2280099.88	30.00	0.00
								6351258.73	2280098.29	30.00	0.00
								6351258.73	2280093.91	30.00	0.00
								6351263.90	2280093.91	30.00	0.00
								6351264.30	2280081.58	30.00	0.00
								6351258.33	2280081.58	30.00	0.00
								6351258.73	2280038.21	30.00	0.00
								6351224.11	2280039.40	30.00	0.00
BUILDING		BUILDING00003	x	0		30.00	a	6351381.44	2280115.00	30.00	0.00
								6351501.20	2280112.21	30.00	0.00
								6351498.82	2280055.32	30.00	0.00
								6351379.06	2280056.11	30.00	0.00
BUILDING		BUILDING00004	x	0		30.00	a	6351759.08	2280101.13	30.00	0.00
								6351877.85	2280097.43	30.00	0.00
								6351875.58	2280041.89	30.00	0.00
								6351755.84	2280042.34	30.00	0.00
BUILDING		BUILDING00005	x	0		30.00	a	6351921.36	2280097.78	30.00	0.00
								6352010.08	2280094.20	30.00	0.00
								6352009.68	2280035.71	30.00	0.00
								6351960.35	2280036.90	30.00	0.00
								6351960.35	2280040.88	30.00	0.00
								6351920.16	2280041.68	30.00	0.00
BUILDING		BUILDING00007	x	0		30.00	a	6352246.93	2280088.74	30.00	0.00
								6352367.88	2280085.16	30.00	0.00
								6352365.50	2280025.48	30.00	0.00
								6352246.13	2280031.84	30.00	0.00

APPENDIX 10.1:

CADNAA CONSTRUCTION NOISE MODEL INPUTS

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13841 - Banning Point

CadnaA Noise Prediction Model: 13841_02 - Construction.cna
Date: 29.06.21
Analyst: S. Shami

Calculation Configuration

Configuration	
Parameter	Value
General	
Country	(user defined)
Max. Error (dB)	0.00
Max. Search Radius (#(Unit,LEN))	2000.01
Min. Dist Src to Rcvr	0.00
Partition	
Raster Factor	0.50
Max. Length of Section (#(Unit,LEN))	999.99
Min. Length of Section (#(Unit,LEN))	1.01
Min. Length of Section (%)	0.00
Proj. Line Sources	On
Proj. Area Sources	On
Ref. Time	
Reference Time Day (min)	960.00
Reference Time Night (min)	480.00
Daytime Penalty (dB)	0.00
Recr. Time Penalty (dB)	5.00
Night-time Penalty (dB)	10.00
DTM	
Standard Height (m)	0.00
Model of Terrain	Triangulation
Reflection	
max. Order of Reflection	2
Search Radius Src	100.00
Search Radius Rcvr	100.00
Max. Distance Source - Rcvr	1000.00 1000.00
Min. Distance Rvcr - Reflector	1.00 1.00
Min. Distance Source - Reflector	0.10
Industrial (ISO 9613)	
Lateral Diffraction	some Obj
Obst. within Area Src do not shield	On
Screening	Incl. Ground Att. over Barrier
	Dz with limit (20/25)
Barrier Coefficients C1,2,3	3.0 20.0 0.0
Temperature (#(Unit,TEMP))	10
rel. Humidity (%)	70
Ground Absorption G	0.50
Wind Speed for Dir. (#(Unit,SPEED))	3.0
Roads (RLS-90)	
Strictly acc. to RLS-90	
Railways (FTA/FRA)	
Aircraft (???)	
Strictly acc. to AzB	

Receiver Noise Levels

Name	M.	ID	Level Lr			Limit. Value			Land Use			Height		Coordinates		
			Day	Night	CNEL	Day	Night	CNEL	Type	Auto	Noise Type			X	Y	Z
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)				(ft)		(ft)	(ft)	(ft)
RECEIVERS		R1	67.9	67.9	74.6	55.0	45.0	0.0				5.00	a	6352327.53	2281636.15	5.00
RECEIVERS		R2	60.9	60.9	67.6	55.0	45.0	0.0				5.00	a	6353218.80	2280950.82	5.00
RECEIVERS		R3	69.0	69.0	75.7	55.0	45.0	0.0				5.00	a	6352587.29	2280352.73	5.00
RECEIVERS		R4	68.5	68.5	75.2	55.0	45.0	0.0				5.00	a	6352225.31	2279816.27	5.00
RECEIVERS		R5	68.2	68.2	74.9	55.0	45.0	0.0				5.00	a	6351378.09	2279812.80	5.00

Area Source(s)

Name	M.	ID	Result. PWL			Result. PWL''			Lw / Li			Operating Time			Height
			Day	Evening	Night	Day	Evening	Night	Type	Value	norm.	Day	Special	Night	(ft)
			(dBA)	(dBA)	(dBA)	(dBA)	(dBA)	(dBA)			dB(A)	(min)	(min)	(min)	
SITEBOUNDARY		CONSTRUCTION	130.8	130.8	130.8	79.0	79.0	79.0	Lw''	79					8

Name	Height				Coordinates			
	Begin		End		x	y	z	Ground
	(ft)		(ft)		(ft)	(ft)	(ft)	(ft)
SITEBOUNDARY	8.00	a			6351010.72	2281135.25	8.00	0.00
					6352497.72	2281087.91	8.00	0.00
					6352464.74	2279926.45	8.00	0.00
					6351532.01	2279945.84	8.00	0.00
					6351207.36	2279947.57	8.00	0.00
					6351124.03	2279935.42	8.00	0.00

Name	Height		Coordinates			
	Begin	End	x	y	z	Ground
	(ft)	(ft)	(ft)	(ft)	(ft)	(ft)
			6351096.25	2279957.99	8.00	0.00
			6351088.44	2280015.28	8.00	0.00
			6351085.83	2280105.56	8.00	0.00
			6351086.70	2280137.68	8.00	0.00
			6351097.52	2280182.12	8.00	0.00
			6351182.59	2280237.68	8.00	0.00
			6351180.85	2280544.97	8.00	0.00
			6351007.24	2280869.62	8.00	0.00

Barrier(s)

Name	M.	ID	Absorption		Z-Ext.	Cantilever		Height			Coordinates			
			left	right		horz.	vert.	Begin		End	x	y	z	Ground
					(ft)	(ft)	(ft)	(ft)		(ft)	(ft)	(ft)	(ft)	(ft)
BARRIEREXISTING		0						6.00	a		6351094.29	2279817.47	6.00	0.00
											6351201.71	2279808.79	6.00	0.00
											6351401.37	2279832.66	6.00	0.00
											6351426.32	2279787.09	6.00	0.00
											6351492.51	2279786.00	6.00	0.00
BARRIEREXISTING		0						6.00	a		6351721.68	2279755.84	6.00	0.00
											6351745.12	2279783.18	6.00	0.00
											6351893.55	2279848.28	6.00	0.00
											6352749.02	2279819.64	6.00	0.00
BARRIEREXISTING		0						6.00	a		6352601.63	2280525.89	6.00	0.00
											6352536.35	2280529.36	6.00	0.00
											6352524.54	2279974.50	6.00	0.00
BARRIEREXISTING		0						6.00	a		6353216.61	2281065.79	6.00	0.00
											6353207.07	2280506.76	6.00	0.00

PLANNING COMMISSION ADJOURNED MEETING

99 E Ramsey Street, Banning, CA

Tuesday, October 19, 2021 - 6:30 PM

ACTION MINUTES

I. CALL TO ORDER at 6:30 p.m.

Present: Chairman Shaw, Vice Chairman Brosious, Commissioner Krick, Commissioner Lopez, Commissioner Santana.

II. PUBLIC COMMENTS: (ITEMS NOT ON THE AGENDA)

Public comments opened.

No comments from the public.

Public comments closed.

III. CONSENT CALENDAR ITEM

ACTION: Motion/Second (Krick/Brosious)
(Motion Carried 5-0) Passed.

To approve: Minutes – September 1, 2021, Regular Meeting.

IV. DISCUSSION ITEM:

AB 361 – Open meetings: state and local agencies: teleconferences.

Director Rush said we would need to make specific findings monthly for Commissioners who still wishes to participate via Zoom. City Council will provide policy direction at their next meeting.

V. PUBLIC HEARING: opened at 6:35 p.m.

1. NOTICE OF EXEMPTION FOR CONSIDERATION OF DESIGN REVIEW NO. 21-7002, THE PROPOSED RESIDENTIAL ARCHITECTURAL FLOOR PLANS, ELEVATIONS, AND STANDARDS FOR AN APPROVED TENTATIVE TRACT MAP

CONSISTING OF 16 LOTS, INCLUDING ONE DETENTION BASIN/OPEN SPACE, DESIGN REVIEW INCLUDES THE REVIEW OF 15 SINGLE-FAMILY, ONE-STORY HOMES WITH 4 TO 5 BEDROOMS AND ATTACHED TWO-CAR GARAGES. LOW DENSITY RESIDENTIAL (APN: 534-272-009).

R. Thomsen, applicant, was available for questions.

Commissioner Krick requested tubular steel or wrought iron fencing around the perimeter of the detention basin.

Applicant said the owner approved wrought iron fencing per County guidelines.

Public comments opened.

No comments from the public.

Public comments were closed by the Chair.

ACTION: Motion/Second (Krick/Brosious)

That the Planning Commission adopt Resolution 2021-14:

I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32-Infill Developments): and

II. Approve Design Review 21-7002 to allow 15 single-family, one-story homes with 4 to 5 bedrooms and attached two-car garages in the Low Density-Residential (LDR) zoning district.

(Motion Carried 5-0) Passed

2. NOTICE OF EXEMPTION AND NOTICE OF PUBLIC HEARING FOR DESIGN REVIEW 21-7011 AND CONDITIONAL USE PERMIT 21-8017 TO CONSIDER A PROPOSAL TO DEVELOP AND OPERATE A 65-MEGAWATT BATTERY ENERGY STORAGE FACILITY, WITH AN 85-FOOT-TALL GENERATION TIE-IN POWER POLE, LOCATED IN THE INDUSTRIAL (I) ZONE ON REAL PROPERTY LOCATED AT 300 GALLEHER WAY, (APN 541-220-024)

T. Miller, Electric Utility Director said this is great project, event thought the Banning Electric Utility won't benefit, it will help the grid in the area.

Commissioner Brosious asked about facility operations and security protocols.

Commissioner Lopez asked about outdoor lighting and hours of operation.

Commissioner Santana asked if the intention is for other business to use this energy.

Commissioner Krick asked if there is a possibility of street dedication of Galleher Way.

Public comments opened.

R. Phelps, resident of Banning asked what are the fire considerations that would affect the surrounding properties.

Public comments closed.

ACTION: Motion/Second (Krick/Santana)

That the Planning Commission adopt Resolution 2021-15 recommending the City Council:

I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Infill Development Projects); and

II. Approve Design Review 21-7011 and Conditional Use Permit 21-8017 for a proposed 65-megawatt battery energy storage facility with 85-foot-tall power pole on a 1.83-acre parcel of land in the Industrial (I) zoning district.

(Motion Carried 5-0) Passed

3. NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION AND CONSIDERATION OF GENERAL PLAN AMENDMENT 21-2504 TO ADOP THE 2021-2029 HOUSING ELEMENT, IN THE CITY OF BANNING, CALIFORNIA

Public comments opened.

No comments from the public.

Public comments closed.

ACTION: Motion/Second (Krick/Lopez)

That the Planning Commission adopt Resolution 2021-17 recommending the City Council:

I. Make a determination under CEQA Guidelines that the Project will not have a significant impact on the environment pursuant to the adoption of a Negative Declaration in accordance with Section 15070 and 150702; and

II. Approve General Plan Amendment 21-2504 recommending adoption of the 2021-2029 Hosing Element to the City Council.

(Motion Carried 5-0) Passed

4. CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENATIVE PARCEL MAP NO. 21-4001, A PROPOSED INDUSTRIAL WAREHOUSE BUILDING MEASURING APPROXIMATELY 620,000 SQUARE FEET WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE AND SIX (6) RETAIL/RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL

MAP WILL SUBDIVIDE THE 37-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES, WITHIN THE SUN LAKE VILLAGE NORTH SPECIFIC PLAN AREA (APN: 419-140-057).

Director Rush presented Modified Conditions of Approval:

Condition #16: **Delete** (~~Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m~~.)

Condition #26: **Modify** (clarify to say that "Developer to update Trip Generation Report to determine when installation of a traffic signal at the intersection of Sun Lakes Boulevard and Future Driveway 3 (as shown in the TIA) and Country Club Drive will be necessary (either as part of initial construction or at a later date when the retail portion of the Project is constructed). Project applicant shall reach out to the Sun Lakes Country Club staff to coordinate temporary access during construction.")

Condition #50: (clarify to sat that "Prior to the issuance of a grading permit or building permit, the applicant shall finalize the Trip Generation Report and submit the report to the Engineering Division for review and approval. All mitigation identified in the Trip Generation Report and this DR Approval shall be implemented by the applicant to the satisfaction of the City Engineer.")

Condition #70: **Modify** (include the word "public" before the word "improvements" to clarify this applies to public improvements only).

J. Everett, Director of Development - Creation Equity gave a PowerPoint presentation of the proposed project.

Commissioner Krick had questions regarding truck traffic circulation within the facility, fencing and landscaping being proposed.

Commissioner Brosious asked if the front docking area will be at grade, and the number of truck visits it will generated per day.

J. Everett said the Specific Plan Amendment adopted reduces the number of trucks visits by 400 a day and hours of operation will be 24 hours 7 days a week.

Applicant said they are in discussion with staff to potentially extending the left turn deceleration lane on Sun Lakes Blvd. to allow for more cars to make the left turn and reduce the traffic congestion.

Director Rush said staff recommended that there be an updated traffic count at the time they are ready to submit improvement plans.

Commissioner Lopez asked if the length of the trucks were considered on the study during peak hours of traffic. He feels it needs to be clarity and be realistic about it.

C. So, P.E.- Urban Crossroads said that a project-specific traffic was not done for the Specific Plan Amendment because it didn't have a development plan associated with it. For the current plan they looked at trip generation assessment, but it did not go into detail for the items that will be looked in the future as mentioned by staff.

Commissioner Lopez asked for further studies be done for this project.

Commissioner Krick said there should be a separate lane for vehicles to queue in to get into the shopping center on Sun Lakes Blvd. Side without causing any problems for the public.

The applicant said they feel these requests can be accommodated and happy to look at alternatives for solutions the Planning Commission feels it's appropriate.

Commissioner Santa asked if there are any stipulations on providing livable minimum wages that would help benefit the Banning residents.

J. Everett said this project will generate about 760 permanent jobs and provide electric vehicle charging stations. The future tenants will focus on hiring local people that are located within short distance of the site.

Commissioner krick asked questions about retail trash enclosures.

Director Rush said the City Council recently passed an ordinance regarding changes to the trash enclosures receptacles for retail businesses per State law.

Public comments opened.

Thirty (30) residents of Banning spoke against the project, primarily traffic problems, health assessment, noise, air pollution, emergency access and potential decrease in property values the proposed Industrial warehouse building would bring on the surrounding area.

Forty (40) emails received before the meeting against the proposed Industrial warehouse building; and

A petition for disapproval of the proposed Industrial warehouse building. One hundred twenty-two (122) signatures collected.

Public comments closed.

Commissioner Brosious asked if the project can be conditioned to widen Sun Lakes Blvd and go all the way to Highland Springs.

A. Vela, Public Works Director said current data would have to be analyzed.

J. Zemon-Creation Equity said language can be stipulated on the final plans regarding truck idling, the language will be stipulated in a covenant for the tenant.

Commissioner Krick asked if the stop lights could be upgrade from Wilson Street to Sun Lakes Blvd.to alleviate concern of the community for emergency vehicles.

J. Zemon said he's happy to take all comments in to account and hope to satisfy the community in terms of traffic circulation.

Commissioner Santana feels there is more information that needs to be covered to alleviate the community concerns.

ACTION: Motion/Second (Lopez/Santana)
To continue the meeting to a date not certain to analyze the project.

(Motion Carried 5-0) Passed

V. PLANNING COMMISSIONER COMMENTS

No comments from the Planning Commission.

VI. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

A General Plan Update workshop will be scheduled for the next Planning Commission meeting.

VII. ADJOURNMENT

Adjournment of the Planning Commission of the October 19, 2021, Meeting at 11:13 p.m.

The next regular meeting of the Banning Planning Commission is scheduled for Wednesday, November 3, 2021, at 6:30 p.m. in the City Council Chambers.

Minutes prepared by:

Sandra B. Calderon

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Sandra B. Calderon
Development Project Coordinator/Recording Secretary

The entire discussion of this meeting may be viewed here:
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https://banningca.gov/forms.aspx?fid=148

PLANNING COMMISSION REGULAR MEETING

99 E Ramsey Street, Banning, CA

Wednesday, December 1, 2021 - 6:30 PM

ACTION MINUTES

I. CALL TO ORDER at 6:30 p.m.

ROLL CALL

Present: Vice Chairman Brosious, Commissioner Krick, Commissioner Lopez (present via Zoom at 6:53 p.m.), Commissioner Santana.

II. PUBLIC COMMENTS: (ITEMS NOT ON THE AGENDA)

Public comments opened.

No comments from the public.

Public comments closed by the Chair

III. CONSENT CALENDAR ITEM

ACTION: Motion/Second (Krick/Brosious)
Motion Carried 4-0-1, Commissioner Lopez absent. Roll call vote.

To approve: Revised Minutes – November 3, 2021, Regular Meeting.

IV. PUBLIC HEARING: opened at 6:36 p.m.

1. NOTICE OF EXEMPTION FOR CONDITIONAL USE PERMIT NO. 21-8018 (CUP 21-8018) TO CONSIDER A PROPOSAL TO ALLOW A TATTOO STUDIO LOCATED AT 191 NORTH SAN GORGONIO AVENUE WITHIN THE DOWNTOWN COMMERCIAL USE DISTRICT (APN: 540-164-006).

   Jessica Herring, applicant was present and available for any questions from the Commission.

   Public comments opened.

No comments from the public.

Public comments closed by the Chair

ACTION: Motion/Second (Krick/Santana)

That the Planning Commission adopt Resolution 2021-19:

I. Make a determination under CEQA Guidelines that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(Existing Facilities); and

II. Approve Conditional Use Permit 21-8018 for a Tattoo Studio in the Downtown Commercial zoning district in the City of Banning.

(Motion Carried 4-0-1), Commissioner Lopez absent. Roll call vote.

2. CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 38164, A PROPOSED MIXED-USE INDUSTRIAL/RETAIL DEVELOPMENT ON APPROXIMATELY 47-ACRES PARCEL THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,969 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAILER/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL MAP WILL SUBDIVIDE THE 47-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES. (APN: 419-140-057).

Project applicant Josh Zemon, managing principal of Creation Equity, brought a team of consultants who spoke about the project. The primary goal was to disseminate facts and answer questions the public may have.

- Project History, Auggie Gomez, McRae Gomez Companies
- Traffic Consultant, Charlene So, Urban Crossroads
- Air Quality & Noise Impacts - Haseeb Qureshi, Urban Crossroads
- Market Commentary – Phil Lombardo, Cushman & Wakefield

J. Zemon talked about the design changes that will allow to alleviate congestion. He said the warehouse will be built first and no tenant has been identified for it. The warehouse's groundbreaking is at least six to eight months out, and the building would likely be occupied no sooner than two years from now.

The development is projected to bring the city $4M in developer impact fees in the near future. Once the project is built out and leased, the city is projected to see $325K in recurring annual revenues and more than 700 full time jobs created.

The applicant is willing to work with the City of Beaumont and the City of Banning to upgrade the stop signal lights by adding an Opticom emergency response system on Sun Lakes Blvd and Highland Springs Avenue traffic lights for emergency vehicles.

Public comments opened.

Thirty-three members of the public spoke against the project, the majority being residents of Sun Lakes, The Lakes and Four Seasons Communities. The top concerns are quality of life issues, such as increased traffic, noise, and pollution.

Public comments were closed by the Chair.

The Planning Commission's decision is final, pending an appeal filed with the City within the next 15 days for City Council consideration.

S. Young, Assistant City Attorney said that that city staff determined there were no facts to support a supplement or a redraft because the Banning Pointe project has been scaled down since the EIR was certified in 2020.

ACTION: Motion/Second (Krick/Brosious)

That the Planning Commission adopt Resolution 2021-16, recommending the City Council:

I. Make the determination that the Project, and the circumstances under which the Project is undertaken, do not involve substantial changes which will result in new significant environmental effects, and the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR. All potential environmental impacts associated with the “Sun Lakes Village North Specific Plan Amendment No. 5” project and the Project are adequately addressed by the prior FEIR, the Statement of Overriding Considerations, the MMRP. Therefore, in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), a Notice of Determination (NOD) has a been prepared for the Commission to consider in conjunction with the Project.

II. Approve Design Review 21-7008 and Tentative Parcel Map 38164 for a proposed Industrial Warehouse building which includes office space and six retail/restaurant buildings. The Tentative Parcel Map will subdivide a 47-acre parcel into three (3) lots, for financing and conveyance purposes in the Sun Lakes Village North Specific Plan Area.

With the following added condition of approval:

The applicant is to work with the City of Beaumont to install signal preemption devices installed on the exiting stop lights on the South Sun Lakes Blvd. between Second Street, Sun Lakes Blvd., and the Interchange.

(Motion Carried 3-2) with Commissioners Lopez and Santana voting against. Roll call vote.

V. PLANNING COMMISSIONER COMMENTS

No Comments from the Community Development Director.

VI. COMMUNITY DEVELOPMENT DIRECTOR COMMENTS

No Comments from the Planning Commission.

VII. ADJOURNMENT

Adjournment of the Planning Commission of the December 1, 2021, Meeting at 11:19 p.m.

The next regular meeting scheduled for January 5, 2022, of the Banning Planning Commission is adjourned to Wednesday, January 12, 2022, at 6:30 p.m. in the City Council Chambers.

Minutes prepared by:

Sandra B. Calderon

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Sandra B. Calderon
Planning Commission Secretary

The entire discussion of this meeting may be viewed here:
https://banninglive.viebit.com/player.php?hash=yrNRMNzLg7zJ

or by purchasing a DVD:
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RESOLUTION 2021-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BANNING, CALIFORNIA, MAKING ENVIRONMENTAL DETERMINATIONS UNDER CEQA GUIDELINES SECTION 15162, AND APPROVING DESIGN REVIEW 21-7008 & TENTATIVE PARCEL MAP 31864, TO ALLOW THE SUBDIVISION OF 47 ACRES INTO THREE (3) COMMERCIAL AND INDUSTRIAL PARCELS FOR FINANCING PURPOSES AND PERMIT THE CONSTRUCTION OF A PROPOSED INDUSTRIAL WAREHOUSE BUILDING OF 619,959 SQUARE FEET ON 47-ACRES, INCLUDING 10,000 SQUARE FEET OF OFFICE SPACE, AND SIX (6) RETAIL/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET, ON REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN AMENDMENT NO. 5 (APN: 419-140-057)

WHEREAS, Sun Lakes Highland, LLC has applied for a Design Review 21-7008 and a Tentative Parcel Map 31864 for a new industrial and retail development proposing one (1) industrial building and six (6) retail/restaurant buildings; and for the subdivision of the site into three (3) parcels; and

WHEREAS, the Banning Municipal Code Title 16 and the Subdivision Map Act allows the subdivision of approximately 47 acres into three (3) commercial/industrial lots within the Sun Lakes Village North Specific Plan Area subject to the approval of a Tentative Parcel Map; and

WHEREAS, on October 19, 2021 and December 1, 2021, the Planning Commission held the noticed public hearing at which time interested persons had an opportunity to testify in support of, or opposition to, the project and at which the Planning Commission considered the Design Review 21-7008 & Tentative Parcel Map 31864; and

WHEREAS, on October 8th and November 19th of 2021, the City gave public notice as required under Government Code Section 66451.3 by advertising in the Record Gazette Newspaper, and mailing notices to all property owners within 300-feet on October 8, 2021, and 1,000 feet on November 19, 2021, of the project site of the holding of a public hearing for the Planning Commission's review and recommendation, at which time the project would be considered; and

NOW THEREFORE, the Planning Commission of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1: ENVIRONMENTAL FINDINGS

The Planning Commission, considering the whole record before it, including but not limited to, the staff recommendation as provided in the Staff Report dated October 19, 2021, and documents incorporated therein by reference, and any other evidence [within

the meaning of Public Resources Code § 21080(e) and § 21082.2] within the record or provided at the public hearing of this matter, hereby finds and determines as follows:

A. Public Record:

Pursuant to the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code, § 21000 *et seq.*), the State Guidelines (14 Cal. Code Regs. § 15000 *et seq.*), City staff has considered the potential environmental impacts of the Project. Potential environment issues associated with the proposed Project were analyzed in the previously certified Environmental Impact Report for the *Sun Lakes Village North Specific Plan Amendment No. 5* (SCH 2020029074) which documents are on file in the Community Development Department. There have been no substantial changes in the Project nor in the circumstances under which the Project is undertaken which will require major revisions of the previous certified environmental document; nor is there new information that shows that the Project will have a new or changed significant environmental effect on the environment, or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

B. CEQA:

i. The approval of the Project is in compliance with requirements of the California Environmental Quality Act ("CEQA"), in that on October 19th and December 1st, 2021, at duly noticed public hearings, the Planning Commission considered the project's Conditions of Approval and Mitigation Monitoring Report and Program (MMRP) and found that there have been no substantial changes in the Project nor in the circumstances under which the Project is undertaken which will require major revisions of the previous certified environmental document; nor is there new information that shows that the Project will have a new or changed significant environmental effect on the environment, or an effect more severe than originally thought. Therefore, in accordance with CEQA Guidelines Section 15162, Subsequent EIRs and Negative Declarations, a subsequent environmental document is not required.

ii. The Planning Commission has independently reviewed the Project and staff's recommendation and based upon the whole record before it, and in the Planning Commission's independent review and judgment, finds that that the Project is not subject to further environmental review pursuant to the CEQA Guidelines because: (1) the Project, and the circumstances under which the Project is undertaken, do not involve substantial changes which will result in new significant environmental effects and that the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the

prior EIR; and (2) all potential environmental impacts associated with Project are adequately addressed by the prior EIR.

iii. The Community Development Director is authorized to file a Notice of Determination in accordance with CEQA.

C. Multiple Species Habitat Conservation Plan (MSHCP).

a. As determined through the previously certified EIR, the Project is found to be consistent with the MSHCP. The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

SECTION 2. Required Municipal Code and Subdivision Map Act Findings for Approval for Tentative Parcel Map 31864. An application for a Tentative Parcel Map requires that it meet specific findings in accordance with Title 16 (Subdivisions) of the Banning Municipal Code and Government Code Section 66473.5 and Section 66474. The Planning Commission of the City of Banning does hereby make the following findings and determinations in connection with the approval of the project:

A. Finding: The proposed map is consistent with the General Plan and the Sun Lakes Village North Specific Plan (SLVSP) Amendment No. 5.

Findings of Fact:
The General Plan land use designation for the site is classified as Business Park and the SLVSP land use designation is Business and Warehouse Zoning District.The Project and the associated Tentative Parcel Map will be consistent with the General Plan and SLVSP in that the proposed Map will result in the development of this Specific Plan area as industrial warehouse building (619,959 gross floor area), which includes 10,000 square feet of office and a separate parcel containing six (6) Retail buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet. Additionally, the land area allocated within the SLVSP Land Use Plan for the Business & Warehouse District, Retail & Service District, and Office & Professional District will be consistent with the proposed subdivision of parcels as a result of the Tentative Parcel Map. One of the primary policies of the Land Use Element of the General Plan is that projects adjacent to existing neighborhoods shall be carefully reviewed to assure that neighborhood character is protected. The proposed Tentative Parcel Map serves to achieve this objective in that the subdivision design is consistent with the existing surrounding neighborhood. Considering all these aspects, the proposed Map furthers the objectives and policies of the General Plan and is compatible with the land uses districts within the general vicinity of the Project.

B. Finding: The design or improvement of the proposed subdivision is consistent with the City's General Plan and the Sun Lakes Village North Specific Plan (SLVSP) Amendment No. 5.

Findings of Fact:
The proposed subdivision has been designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access and on-site improvements, such as streets, utilities, and drainage facilities have been designed and are conditioned to be constructed in conformance with City standards which is consistent with the City's General Plan.

Section 2.2.1.(Semi-Truck Access) of the SLVSP identifies Sun Lakes Village Drive as an access point for semi-trucks to the Business & Warehouse District. Currently, the Sun Lakes Village Shopping Center utilizes Sun Lakes Village Drive for truck deliveries in both eastbound and westbound directions. As such, the Project's access points along Sun Lakes Boulevard have been evaluated and any necessary driveway widening, adequate truck maneuvering, and signalized intersections have been provided per the City Engineer. Additionally, the Project is located near Interstate 10 freeway which allows for ideal access to industrial-type lands and helps minimize potential traffic impacts, which is consistent with General Plan Policy Nos. 8, 10, & 11 for Industrial uses.

C. Finding: The site is physically suitable for the type of development.

Findings of Fact:
The 47-acre site is relatively flat, rectangular in shape, and will create several vehicular access points off Sun Lakes Boulevard adequate for the proposed industrial/commercial uses. The proposed project is adjacent to existing commercial development and has availability of all services including, streets, water, sewer, and electricity. Therefore, the site is physically suitable for this type of development.

D. Finding: The site is physically suitable for the density of development.

Findings of Fact:
The site is located within the Business & Warehouse Zoning District within the Sun Lakes Village Specific Plan Area, which allows for warehouse, professional office, and retail/restaurant use. The project proposes development of an industrial warehouse building measuring 619,959 gross floor area, which includes 10,000 square feet of office and six (6) Retail buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet. As per the Sun Lake Village North Specific Plan, the subdivision as proposed is suitable for the density of development.

E. Finding: The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Findings of Fact:
The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. Per the Multiple Habitat Conservation Plan (MSHCP), there is no evidence that any endangered, threatened, or listed species of plant or animal, or its habitat, is located on the site. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The Project incorporates conditions intended to comply with the recommendations of the MSHCP. In addition, this Project has been conditioned to comply with the environmental policies and regulations of the City of Banning and those of all local and regional governmental agencies having jurisdiction over the site.

F. Finding: The design of the subdivision or type of improvements is not likely to cause serious public health problems.

Findings of Fact:
The design of the subdivision is in conformance with the City's General Plan, Zoning Ordinance, and Subdivision Ordinance, the construction of all units on the site has been conditioned to comply with all applicable City of Banning ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. The City's ordinances, codes, and standards have been created based on currently accepted standards and practices for the preservation of the public health, safety, and welfare.

G. Finding: The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

Findings of Fact:
Other than easements for Banning Provided Utilities and Southern California Edison, no easements of record or easements established by judgement of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any other such easements.

SECTION 3. Required Municipal Code Findings and Recommendation of Approval for Design Review 21-7008. Section 17.56.050 of the City of Banning Zoning

Ordinance requires that Design Review meets certain findings prior to the approval by the Planning Commission. The following findings are provided in support of the approval of the Design Review 21-7008:

A. Finding: The proposed project is consistent with the General Plan.

Findings of Fact:
The property is located within the Sun Lakes Village Specific Plan Area and has a "Business Park" General Plan Land Use designation. As stated in the City's General Plan, "Light industrial manufacturing and office/warehouse buildings are appropriate in this designation. Restaurants and retail uses ancillary to a primary use, and professional offices are City of Banning General Plan Community Development III-8 also appropriate. 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 Project as proposed intends to develop an industrial warehouse building measuring 619,959 gross floor area, which includes 10,000 square feet of office and six (6) Retail buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet. Therefore, the Project is consistent with the intended uses for this General Plan designation.

B. Finding: The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

Findings of Fact:
The site is located within the Business & Warehouse Zoning District within the Sun Lakes Village Specific Plan Area which allows for warehouse, professional office, and retail/restaurant use. As proposed, the Project meets all required development standards as outline in Section 3.1 (Development Standards) of the Sun Lakes Village Specific Plan (SLVSP). These include such requirements as setback, height, landscaping, parking, etc. Additionally, the Project meets those Design Guidelines outlined in Section 3.2 of the SLVSP with regard to such elements as architectural articulation, blended use of building materials, and fenestration treatment. Therefore, the Project meets the City's zoning code development standards and design guidelines. The 37-acre site is relatively flat, rectangular in shape, and will create several vehicular points off Sun Lakes Boulevard adequate for the proposed industrial/commercial uses. The proposed project is adjacent to existing commercial development and has availability of all services including, streets, water, sewer, and electricity. Therefore, the site is physically suitable for this type of development.

C. **Finding: The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.**

Findings of Fact:
The site is located within the Business and Warehouse Zoning District within the Sun Lakes Village Specific Plan Area which allows for warehouse, professional office, and retail/restaurant use. The Project is bounded by Interstate 10 freeway to the north, Sun Lakes Village Shopping Center to the west, Sun Lakes Country Club to the south, and Sun Lakes Assisted Living & Memory Care to the east. Given that Sun Lakes Boulevard is a Major Highway between Highland Springs Avenue to Highland Home Road, the capacity for truck and automobile traffic volumes for commercial and industrial purposes is adequate. Major Highways are intended to connect residential and retail uses without encroaching upon neighborhoods. Signalized intersections are proposed to be installed at Highland Springs/Sun Lakes Boulevard and at Sun Lakes Boulevard/Country Club Drive to ensure safe pedestrian and vehicular crossing along Sun Lakes Boulevard. The 37-acre site is relatively flat, rectangular in shape, and will create several vehicular access points off Sun Lakes Boulevard adequate for the proposed industrial/commercial uses. The proposed project is adjacent to existing commercial development and has availability of all services including, streets, water, sewer, and electricity. Therefore, the site is physically suitable for this type of development.

D. **Finding: The design of the proposed project is compatible with the character of the surrounding neighborhood.**

Findings of Fact:
The site is bounded by the Interstate 10, Sun Lakes Country Club, The Lakes Assisted Living, and Sun Lakes Village Shopping Center. The northern portion of the project site is a proposed industrial warehouse building measuring 619,959 gross floor area, which includes 10,000 square feet of office. Six (6) Retail buildings totaling 34,000 square feet to the south ing in size from 1,600 square feet to 8,400 square feet. Building 1 will include a coffee restaurant with a drive-thru and the remaining five (5) buildings will be for retail and/or restaurant uses. Since the adjacent uses involve similarly intense uses such as commercial/retail, the Project will be compatible with the surrounding neighborhood.

SECTION 4. Planning Commission Action: Approval of Project with Conditions. Based on the foregoing, the Planning Commission of the City of Banning hereby approves Design Review 21-7008 & Tentative Parcel Map 31864 to permit the subdivision of approximately 47 acres into three (3) commercial/industrial lots and development of an industrial warehouse building measuring 619,959 square feet to

include 10,000 square feet of office space, and six (6) retail/restaurant buildings totaling 34,000 square feet located within the Sun Lakes Village North Specific Plan Area as shown in the attached plans (Exhibit A) (Assessor's Parcel No. 419-140-057), and subject to the recommended Conditions of Approval attached as Exhibit B.

PASSED, APPROVED AND ADOPTED this 1st day of December, 2021

Eric Shaw, Chairman
Banning Planning Commission

ATTEST:

APPROVED AS TO FORM
AND LEGAL CONTENT:

Serita Young, Assistant City Attorney
Richards Watson & Gershon

ATTEST:

Sandra Calderon, Recording Secretary
City of Banning, California

CERTIFICATION:

I, Sandra Calderon, Recording Secretary of the Planning Commission of the City of Banning, California, do hereby certify that the foregoing Resolution 2021-16, was duly adopted by the Planning Commission of the City of Banning, California, at a regular meeting thereof held on the 1st day of December, 2021, by the following vote, to wit:

AYES: Brosious, Krick, Shaw

NOES: Lopez, Santana

ABSENT: None

ABSTAIN: None

Sandra Calderon

Sandra Calderon, Recording Secretary
City of Banning, California

City of Banning

Community Development Department
Conditions of Approval

PROJECT: Design Review 21-7008 & Tentative Parcel Map 21-4001
SUBJECT: Conditions of Approval (Planning Commission Resolution 2021-16)
APPLICANT: Pamela Steele, MIG, Inc.
LOCATION: North of Sun Lakes Boulevard, east of Highland Springs Avenue, south of Interstate 10, and west of Highland Home Road in the Sun Lakes Village North Specific Plan (APN 540-180-055)

EXHIBIT A
To Planning Commission Resolution 2021-16

*** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.**

Community Development Department

A. GENERAL REQUIREMENTS:

1. The project shall always comply with all federal, state, County and City laws, codes, regulations, and standards, including those that relate to hazardous materials.

2. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such actions are brought under the California Environmental Quality Act (CEQA), State Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City

shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

3. Approval of this entitlement shall not waive compliance with any sections of the Banning Municipal Code (BMC), other applicable City ordinances, in effect at the time of building permit issuance.

4. The Project permitted under Design Review 21-7008 & Tentative Parcel Map 21-4001 shall commence construction within two (2) years from the date of this approval, or the Design Review shall become null and void. Additionally, if after commencement of construction, activities are discontinued for a period of one (1) year, the Design Review approval shall become null and void. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current provisions of Title 17 of the Banning Municipal Code.

5. A copy of the signed Resolution of approval and all Conditions of Approval imposed on the Design Review shall be reproduced in legible form on the improvement plans submitted for review and approval as required by the reviewing department.

6. Prior to any occupancy/use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

7. A trash enclosure shall be provided with three decorative walls, enhanced wall caps, a pedestrian entrance, a gate, and a structural steel cover, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

8. 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.

9. Any roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public right-of-way, or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be

compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

10. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

    a. Water conservation concept statement.
    b. Calculation of maximum applied water allowance.
    c. Calculation of estimated total water use.
    d. Landscape design plan.
    e. Irrigation design plan.
    f. Certificate of substantial completion.
    g. The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to minimum dimensions and percentages of landscaping in parking areas, including required front yard setback landscaping.

11. Storage use and removal of toxic substances, solid waste, and flammable liquids shall conform to all applicable federal, state, and local regulations. All required licensing shall always be maintained in good order. Lapse or revocation of any required license shall result in the voiding of the Business License.

12. The subject property shall be developed and maintained in accordance with the site plans stamped approved by the City and on file in the Planning Division, the conditions contained herein, and the applicable regulations within the Banning Municipal Code.

13. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

14. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

15. All graffiti shall be removed immediately or within 24 hours of notice from the City.

16. Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.

17. Commercial zoning districts shall be permitted wall signs per the area of the wall (length times height of the wall). The area devoted to such signs shall not exceed twenty percent of the wall area. All parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or

damaged portion of a sign shall be repaired or replaced within thirty calendar days following notification by the City.

18. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.

PUBLIC WORKS DEPARTMENT:

19. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class "A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative

.

20. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:
    a. Fire Marshal (access)
    b. Public Works Department (grading permits, street improvement permits)
    c. Riverside County Flood Control & Water Conservation District (storm drain)
    d. California Regional Water Quality Control Board Colorado River Basin (RWQCB)
    e. South Coast Air Quality Management District (SCAQMD)

21. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

22. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

    a. Rough Grading Plans — 1" = 40' horizontal
        A. (All Conditions of Approval shall be reproduced
        B. on last sheet of set)

    b. Haul Route Plans — 1" = 40' horizontal

c. Clearing Plans — 1" = 50' horizontal
   A. (Include construction fencing plan)
d. Erosion Control & SWPPP, WQMP — 1" = 40' Horizontal
   A. (Note: a, b, c & d shall be reviewed
   B. and approved concurrently)
e. Storm Drain Plans — 1" = 40' Horizontal
f. Street Improvement Plans — 1" = 40' Horizontal
   i. 1" = 4' Vertical
g. Precise Grading Plans — 1" = 40' Horizontal
h. Landscaping Plans — 1" = 20 Horizontal
i. Water Improvement Plans — 1" = 40' Horizontal
   i. 1" = 4' Vertical
j. Sewer Improvement Plans — 1" = 40' Horizontal
   i. 1" = 4' Vertical

23. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

24. All off-site plan and profile, street improvement plans, and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

25. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.
26. Upon completion of construction, the Developer shall furnish the City with reproducible record drawings on Mylar film of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD files submitted to the City, revised to reflect the "As-Built" conditions.

Street Improvements/Right-of-Way

Construct right-of-way improvements (driveway approach, sidewalk, parkway, raised median, access ramp, street lighting, etc.) fronting the site per City of Banning Standard Drawings. Street lights shall be installed offset of the existing street lights.

27. Installation of a traffic signal at the intersection of Sun Lakes Boulevard, future Driveway 3 (as shown in the TIA) and Country Club Drive. Project applicant shall reach out to the Sun Lakes Country Club staff to discuss impacts to their access.

28. Provide paved golf cart access adjacent to the sidewalk through the property and at the proposed traffic signal entrance.
29. Construct street improvements as identified by the project's traffic impact analysis (TIA).
30. The City and Developer are to enter into a Public Improvement Agreement to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. The applicant shall work with the City Attorney's Office to execute the Agreement and pay all related legal processing fees.
31. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.
32. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.
33. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal. The applicant shall be required to enter into a Landscape Maintenance Agreement for the perpetual maintenance of landscaping within the public right-of-way fronting the project site.
34. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

GRADING & DRAINAGE:

35. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.
36. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.
37. Prior to issuance of any building permit, the applicant shall install trash filters in all catch basins adjacent to the site and/or will be constructed as part of the storm drain improvements for this development. The trash filters shall comply with the requirements of the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.
38. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

39. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the north.
40. The applicant shall comply with Chapter 13.24 "Stormwater Management Systems" of the Banning Municipal Code (BMC) and Title 18 "Grading, Erosion and Sediment Control" of the California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.
41. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.
42. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.
43. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):
44. Temporary Soil Stabilization (erosion control).
45. Temporary Sediment Control.
46. Wind Erosion Control.
47. Tracking Control.
48. Non-Storm Water Management.
49. Waste Management and Materials Pollution Control.
50. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.
51. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.
52. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.
53. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.
54. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.
55. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

TRAFFIC/CIRCULATION:

56. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps, control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.
57. Driveway grades shall not exceed eight percent unless approved by the City Engineer.
58. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.
59. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street/access driveway as approved by the Fire Marshall and must be maintained in good condition by the property owner until the street is accepted for maintenance.
60. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis and submit the report to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

TRASH & RECYCLING:

61. Construction debris shall be disposed of at a certified recycling site. It is the responsibility of the developer to contact the City's franchised solid waste hauler, Waste Management of the Inland Valley, at 1-800-423-9986 for disposal of construction debris.
62. The developer shall participate in the City's recycling and diversion programs by providing a solid waste enclosure to accommodate necessary solid waste containers.
63. All new development projects including, but not limited to, industrial and business buildings and facilities, as well as, multi-family complexes shall provide a solid waste enclosure to accommodate trash, recycle and organics waste bins and/or containers. Solid waste enclosures for multiple tenant properties, such as a shopping center, must design the enclosure to accommodate all waste containers of the property.
64. Solid waste enclosures shall be located on the site to be serviced.
65. The enclosure shall be designed for the exclusive use of housing solid waste containers including trash, recyclable and organics materials.
66. Enclosures Design Criteria:
    a. The size and dimensions of the trash enclosure shall be based on the required number and size of containers at a minimum accommodating one (1) container each for trash, recyclables and organics materials.

b. Enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design.
c. Exterior materials and colors of the enclosure shall match the building walls.
d. Chain link fencing with or without/plastic slats is prohibited.
e. Enclosure shall have solid metal or wood gates with latches that can be secured in an open or closed position.
f. Enclosures shall be constructed in a permanent manner.
g. Exterior must be fully enclosed with solid roofing to prevent rainfall from entering the enclosure and to prevent wind dispersal, as well as, offsite transport of trash and recycling.
h. Provide the minimum clearance for collector and user accessibility.
i. City Engineer approval shall be obtained in writing prior to the construction of any solid waste enclosure.

WATER:

67. Submit water improvement plans to the Public Works Department along with anticipated peak water demands and hydraulic analysis to justify pipe sizes. Pipes shall be ductile iron, wrapped in V-Bio polyethylene. All water services 2" and smaller shall use plastic-coated copper tubing.

68. Separate irrigation meters will be required for outdoor use.

69. All commercial, industrial, and irrigation water services shall have Reduced Pressure Principle Backflow Preventors. RP Backflow Preventors shall be of a model approved by USC.

70. On-site fire hydrants shall be part of a privately-owned and maintained fire protection system. Private fire hydrants shall be painted safety red, to differentiate from publicly-owned fire hydrants which are typically yellow.

71. Because of the project's location at a pressure zone boundary, an above-ground pressure regulating station may be required, pending review of the water improvement plans by the City Engineer.

RECYCLED WATER:

72. Plans for a purple-pipe non-potable irrigation system shall be designed and submitted to the Public Works Department. Pipes shall be ductile iron, wrapped in purple V-Bio polyethylene. All water services 2" and smaller shall use plastic-coated copper tubing. Plans should include a signage plan typical of a non-potable irrigation system.

73. An interim connection between the potable and non-potable systems shall be installed by way of a single backflow preventor, until such a time as the City's non-potable backbone system is extended west along Sun Lakes Blvd.

WASTEWATER

74. A sewer improvement plan shall be prepared and submitted to the Public Works Department, extending the public sewer from Sun Lakes Blvd. Sewer main material shall be PVC SDR 26. Sewer system design shall avoid placing manholes in low spots, or connecting storm water drainage facilities to the sewer system.

75. When available, estimated sewer discharge quantities and quality shall be submitted to the Public Works Department for review. Depending on the nature of the discharge, grease interceptor(s) may be required.

FEES:

76. Plan check fees for professional report review (geotechnical, drainage, WQMP, etc.), and all improvement plans review, shall be paid at the time of submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.
77. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.
78. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.
79. Water, Sewer, and Non-potable impact fees shall be paid prior to issuance of Building permit. Water meter and water meter installation fees shall be due prior to meter release.

FINAL PARCEL MAP:

80. Prior to approval of the Final Map, the applicant shall construct on-site and off-site improvements required for the development of the property in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof. For off-site improvements, the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City's requirement to obtain those rights.
81. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

a. Faithful Performance Bond 100% of estimated cost
b. Labor and Material Bond 100% of estimated cost
c. Monumentation Bond $5,000.00

82. Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.
83. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the tentative map, or associated conditions of approval, shall be administratively approved through the plan check process with the mutual consent and approval of the Developer, the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.
84. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's).
85. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division prior to final map approval.
86. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.
87. Public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond for such improvements. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.
88. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

FIRE DEPARTMENT:

89. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the arrival of combustible materials on site. Reference 2016 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

90. Fire Department Access: Prior to building permit issuance, provide a site plan showing the fire lanes. Access roads shall be provided to within 150 feet to all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 40,000 lbs. over two axles for areas of residential development and 60,000 lbs. over two axels for commercial developments. Approved vehicle access, either permanent or temporary, shall be provided during construction Ref. CFC 503.1.1, 3310.1 and 503.2.1

91. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1

92. Grading Permit Fire Department Review: Submittal to the Office of the Fire Marshal for Precise Grading Permit will be required.

93. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.

94. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1

95. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Banning.

96. Fire Alarm and Detection System: A water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72

97. Knox Box and Gate Access: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1

98. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01

99. Buildings in excess of 300,000 square feet in area shall be required to provide a fire command center for fire department operations and shall comply with 2019 CFC sections 508.1.1 through 508.1.8 as amended and adopted by the City of Banning and Riverside County Fire. (2019 CFC 508.1)

100. Emergency Responder Radio Coverage Systems: Projects that do not meet the exceptions set forth by the Riverside County Office of the Fire Marshal shall provide plans for an emergency responder radio coverage system. Ref. CFC 510.1 and Riverside County Office of the Fire Marshal Technical Policy #TP19-002

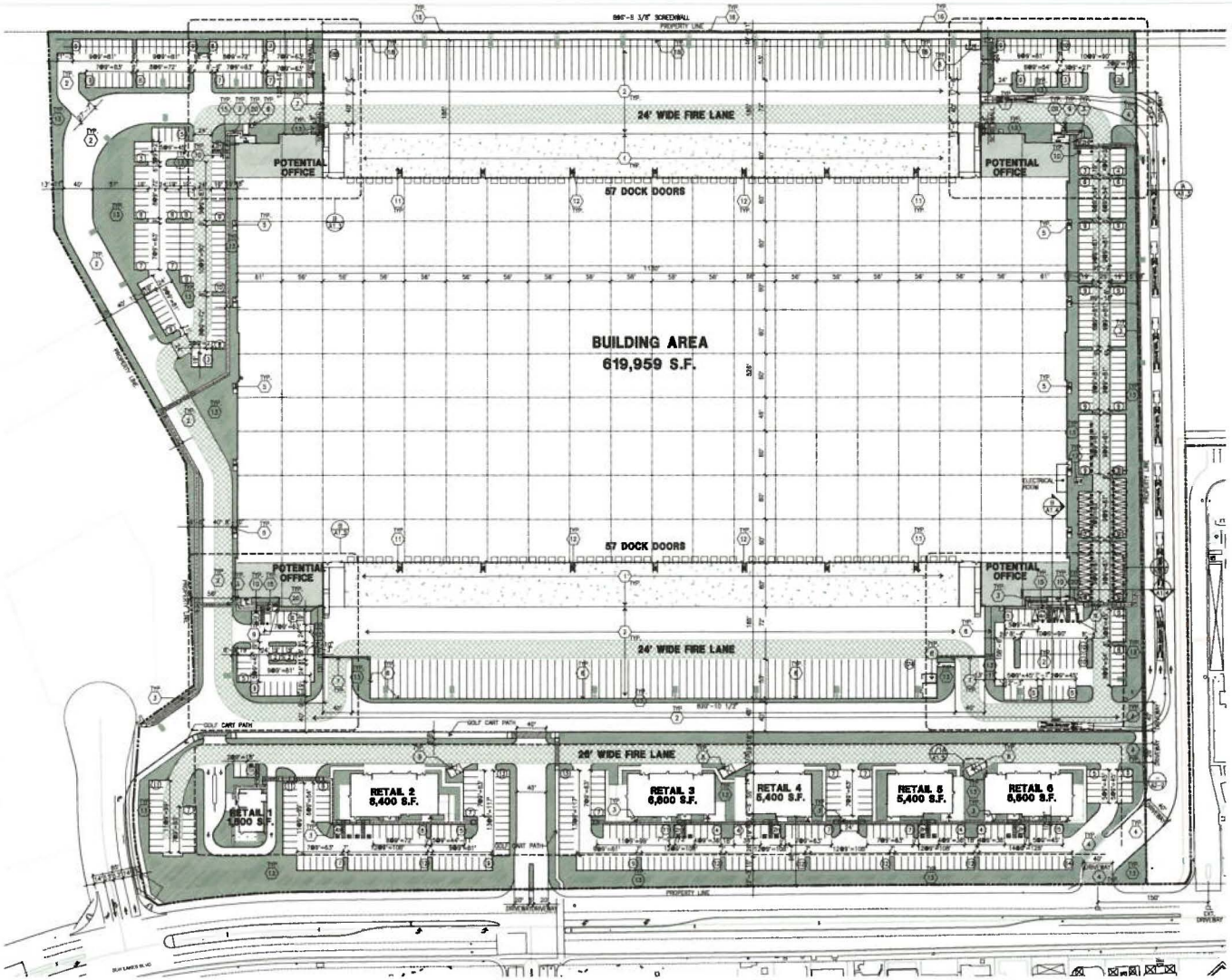
101. Strategic Planning Review: This planning case will also be reviewed by Riverside County Fire Department Strategic Planning for the cumulative impact on the Fire Department's ability to provide an acceptable level of service. Additional requirements may be conditioned by Strategic Planning to mitigate these impacts. Questions for Strategic Planning can be addressed to RRUStrategicPlanningBureau@fire.ca.gov.

102. Use the Above Statement only if it meets the Strategic Planning Case Review Criteria below:
    a. Environmental Impact Reports
    b. General Plan Amendments
    c. Specific Plans
    d. Developments that are in very high fire hazard severity zones in the LRA and developments in the SRA
    e. Residential with 500 or more dwelling units
    f. Commercial/Industrial developments of 1,000,000 sq ft or more

Added Condition by Planning Commission

103. The applicant is to work with the City of Beaumont to endeavor to have signal preemption devices installed on the exiting stop lights on the South Sun Lakes Blvd. between Second Street, Sun Lakes Blvd., and the Interchange.

END



OVERALL SITE PLAN (A) scale: 1" = 60'-0"

SCALE: 1" = 60'-0"
0 60' 120' 180'
TRUE NORTH

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT.
2. PAVING PER CIVIL
3. CONCRETE WALKWAY
4. DRIVEWAY APRON @ ENTRANCE
5. 5'-0"x5'-0"x6" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX.
6. 8'H WROUGHT IRON FENCE
7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE, REFER TO DAB-A1.5
9. SMOKING AREA.
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST 6 DIA. U.N.O. 42" H.
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE, SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. HANDICAPPED ENTRY SIGN
15. HANDICAPPED PARKING STALL SIGN
16. 14' CONCRETE TILT WALL TO SCREEN THE TRUCK YARD
17. APPROXIMATE LOCATION OF THE TRANSFORMER AND GENERATOR
18. 12" CONCRETE CURB
19. CONCRETE SIDEWALK. SEE CIVIL PLAN.
20. BIKE RACK.

SITE PLAN GENERAL NOTES

1. NOT USED.
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR CENTER LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES. DETAILS ON SHEET A0.1 ARE MINIMUM STANDARDS.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONNECTION. CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MINIMUM 12' EA. WAY W/ 1/2" MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.
11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO FIRE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
14. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.
15. ALL NEW UTILITY CONNECTIONS WITHIN THE ROAD RIGHT OF WAY ARE PER SEPARATE REVIEW AND PERMIT
16. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.
17. NOT USED.
18. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING - SEE "C" DWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

Property owner

LGE DESIGN GROUP
1200 NORTH 52ND STREET
PHOENIX, AZ 85008
ARCHITECT: BEN MoRAE
PROJECT DIRECTOR: JOHN MOCARSKI
PHONE: 480-966-4001
E-MAIL: JOHNM@LGEDESIGNGROUP.COM

Address of the property

TBD

Assessor's Parcel Number

418-140-057

Zoning

REGIONAL IDUSTRIAL

Legal description

REAL PROPERTY IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SECTION 13, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, SHOWN AS A PORTION OF THE REMAINDER PARCEL ON PARCEL MAP NO. 22175 ON FILE IN BOOK 145 PAGES 61 THROUGH 67, INCLUSIVE OF PARCEL MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING NORTH OF THE NORTH LINE OF SUN LAKES BOULEVARD AS DESCRIBED IN THE GRANT DEED TO THE CITY OF BANNING BY DEED RECORDED DECEMBER 12, 1986 AS INSTRUMENT NO. 86-318886 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND AS SHOWN ON SAID PARCEL MAP.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27480-1 IN BOOK 289 PAGES 58 THROUGH 68 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 23921 IN BOOK 158 PAGES 68 THROUGH 71 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 29395 IN BOOK 195 PAGES 86 AND 87 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27450-1 IN BOOK 254 PAGES 85 THROUGH 94 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27450-2 IN BOOK 260 PAGES 34 THROUGH 39 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-1 IN BOOK 288 PAGES 57 THROUGH 59 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-2 IN BOOK 288 PAGES 67 THROUGH 70 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 30184 IN BOOK 321 PAGES 77 THROUGH 78 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28032 IN BOOK 354 PAGES 90 THROUGH 98 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

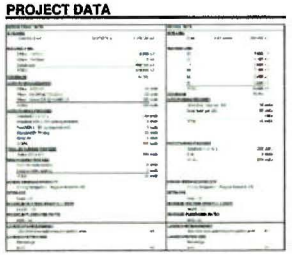
Applicant

LGE DESIGN GROUP
1200 NORTH 52ND STREET
PHOENIX, AZ 85008
ARCHITECT: BEN MoRAE
PROJECT DIRECTOR: JOHN MOCARSKI
PHONE: 480-966-4001
E-MAIL: JOHNM@LGEDESIGNGROUP.COM

Applicant's respresentative

HPA, INC.
18831 BARDEEN AVE SUITE 100
IRVINE CA 92612
TEL: 949-862-2116
ATTN: SHA LIU MAHONEY

PROJECT DATA



VICINITY MAP



HPA architecture
hpa, inc.
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irvine, ca.
92612
tel: 949-863-1770
fax: 949-863-0851
email: hpa@hparchi.com

Owner:

LGE DESIGN GROUP

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: OVERALL SITE PLAN

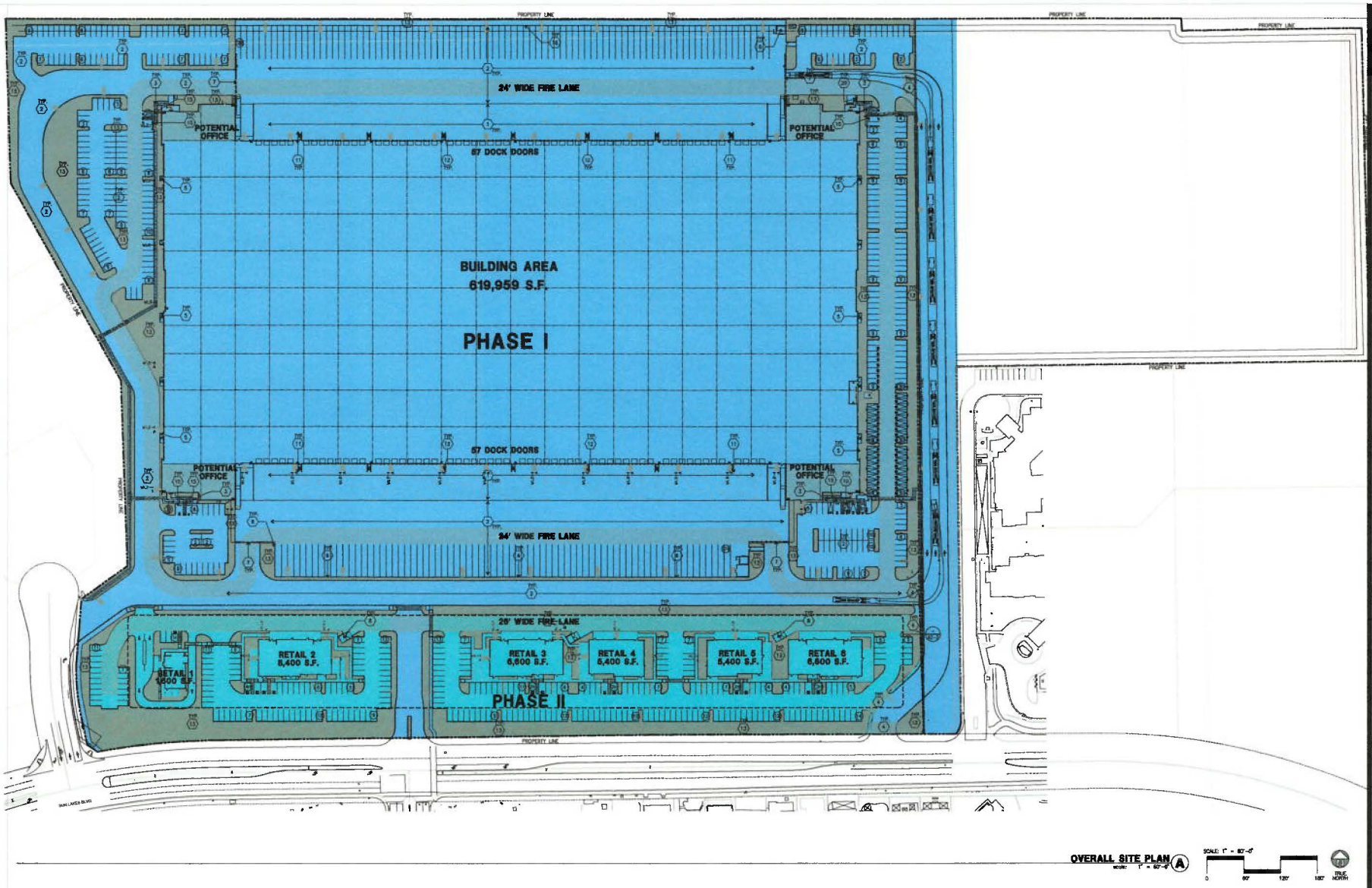
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Drawn by:	SLM
Date:	11/12/21
Revision:	

Sheet:

DAB-A1.1

OFFICIAL USE ONLY

2402



OVERALL SITE PLAN (A)
SCALE: 1" = 60'-0"

LEGEND

- PHASE I
- PHASE II

HPA architecture
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Owner:

LGE DESIGN/BUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

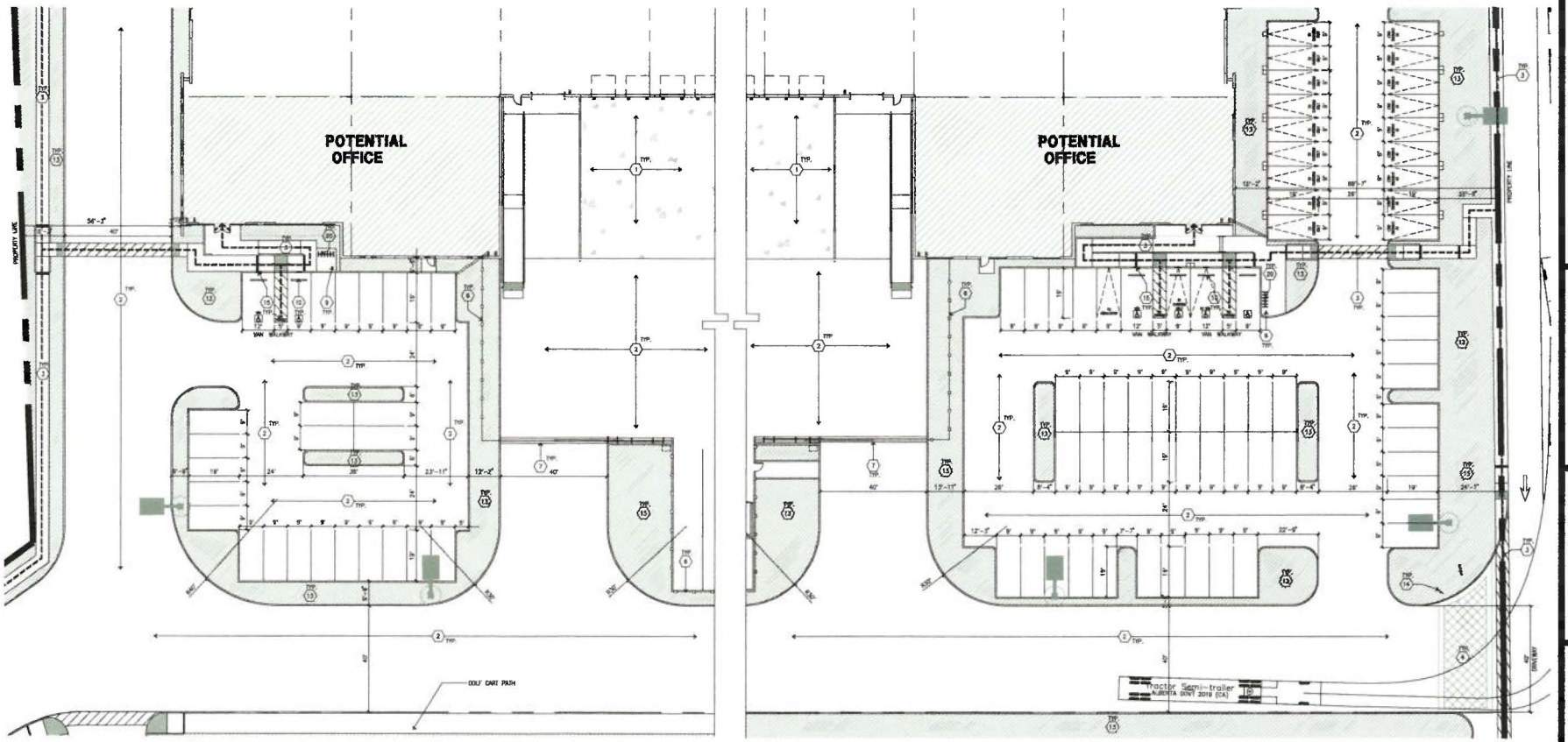
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Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

Sheet:

DAB-A1.1A

2403



ENLARGED SITE PLAN (B) scale: 1/16" = 1'-0"

0 16' 32' 48'

TRUE NORTH

ENLARGED SITE PLAN (A) scale: 1/16" = 1'-0"

0 16' 32' 48'

TRUE NORTH

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT.
2. PAVING PER CIVIL
3. CONCRETE WALKWAY
4. DRIVEWAY APRON @ ENTRANCE
5. 5'-4"X5'-8"X4" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" - 1/2" MAX.
6. 8'H WROUGHT IRON FENCE.
7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE, REFER TO DAB-A1.5
9. SMOKING AREA.
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST 6 DIA, U.N.O. 42" H.
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE. SEE "L" DWGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. HANDICAPPED ENTRY SIGN
15. HANDICAPPED PARKING STALL SIGN
16. 14' CONCRETE TILT WALL TO SCREEN THE TRUCK YARD
17. APPROXIMATE LOCATION OF THE TRANSFORMER AND GENERATOR
18. 12" CONCRETE CURB
19. CONCRETE SIDEWALK. SEE CIVIL PLAN.
20. BIKE RACK.

SITE PLAN GENERAL NOTES

1. NOT USED.
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR GRID LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES. DETAILS ON SHEET AD.1 ARE MINIMUM STANDARDS.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STARTING LAYOUT POINTS.
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TROWLED JOINTS AT 6' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1/20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.
11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
14. PRIOR TO FINAL CITY INSPECTION, THE LANDSCAPE ARCHITECT SHALL SUBMIT A CERTIFICATE OF COMPLETION TO PUBLIC FACILITIES DEVELOPMENT.
15. ALL NEW UTILITY CONNECTIONS WITHIN THE ROAD RIGHT OF WAY ARE PER SEPARATE REVIEW AND PERMIT
16. ALL LANDSCAPE AND IRRIGATION DESIGNS SHALL MEET CURRENT CITY STANDARDS AS LISTED IN GUIDELINES OR AS OBTAINED FROM PUBLIC FACILITIES DEVELOPMENT.
17. NOT USED.
18. LANDSCAPED AREAS SHALL BE DELINEATED WITH A MINIMUM SIX INCHES (6") HIGH CURB
19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING - SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

HPA architecture
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email: hpa@hparchs.com

LICENSED ARCHITECT JOSEPH A. POST 3-31-23 RENEWAL DATE STATE OF CALIFORNIA

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

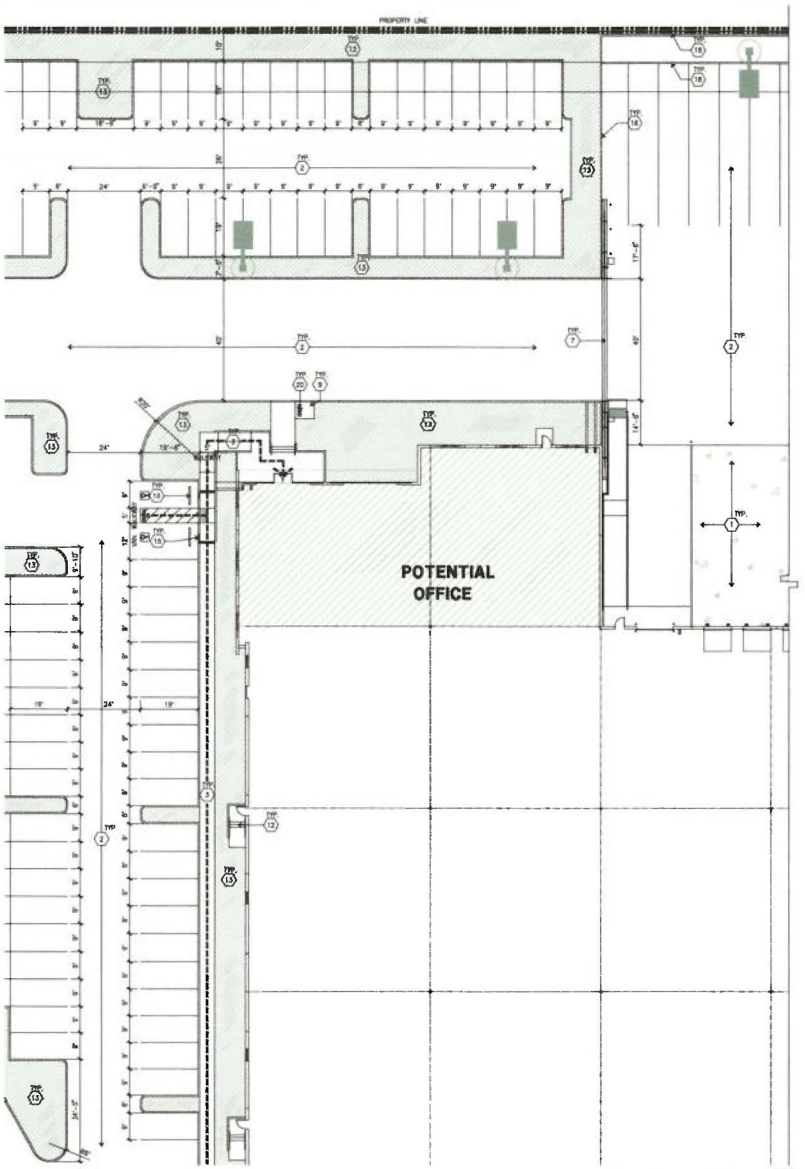
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Project Number: 20384
Drawn by: SLM
Date: 11/12/21
Revision:

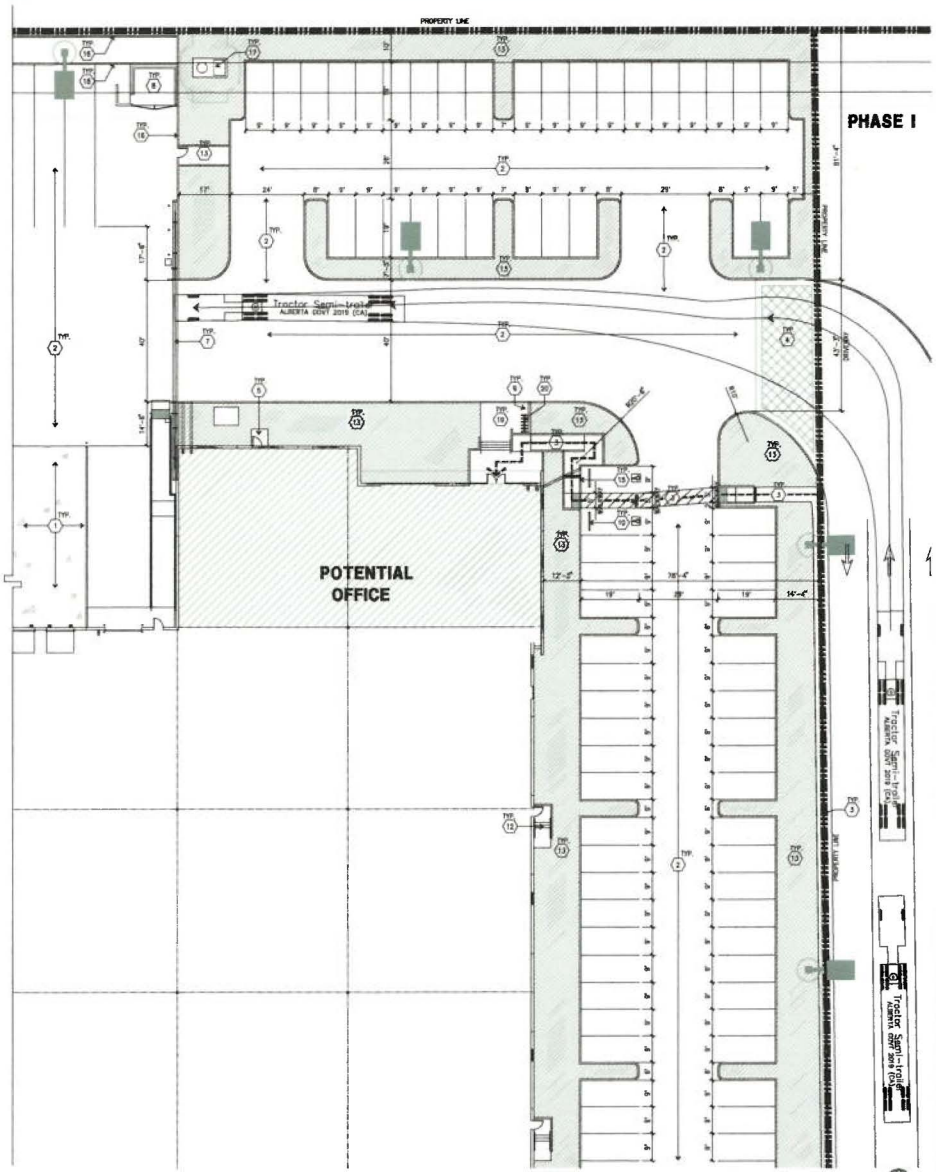
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DAB-A1.2

2404



ENLARGED SITE PLAN (B)
scale: 1/16" = 1'-0"



ENLARGED SITE PLAN (A)
scale: 1/16" = 1'-0"

SITE PLAN KEYNOTES

1. HEAVY BROOM FINISH CONC. PAVEMENT.
2. PAVING PER CIVIL
3. CONCRETE WALKWAY
4. DRIVEWAY APRON @ ENTRANCE
5. 5'-0"(@ -6"x6" MIN. THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREAS. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" : 12" MAX.
6. 8'H WROUGHT IRON FENCE
7. PROVIDE METAL, MANUAL OPERATED GATES W/ KNOX-PAD LOCK PER FIRE DEPARTMENT STANDARDS PER DRIVEWAY.
8. TRASH ENCLOSURE, REFER TO DAB-A1.5
9. SMOKING AREA.
10. PRE-CAST CONC. WHEEL STOP
11. CONC. FILLED GUARD POST "6 DIA. U.N.O. 42" H.
12. EXTERIOR CONC. STAIR.
13. LANDSCAPE. SEE "L" DRGS. LANDSCAPE AREAS INDICATED BY SHADED PATTERN.
14. HANDICAPPED ENTRY SIGN
15. HANDICAPPED PARKING STALL SIGN
16. 14' CONCRETE TILT WALL TO SCREEN THE TRUCK YARD AND GENERATOR
17. APPROXIMATE LOCATION OF THE TRANSFORMER AND GENERATOR
18. 12" CONCRETE CURB
19. CONCRETE SIDEWALK. SEE CIVIL PLAN.
20. BIKE RACK.

SITE PLAN GENERAL NOTES

1. NOT USED.
2. IF SOILS ARE EXPANSIVE IN NATURE, USE STEEL REINFORCING FOR ALL SITE CONCRETE.
3. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE WALL, FACE OF CONCRETE CURB OR CMU LINE U.N.O.
4. SEE "C" PLANS FOR ALL CONCRETE CURBS, GUTTERS AND SWALES. DETAILS ON SHEET A0.1 ARE MINIMUM STANDARDS.
5. THE ENTIRE PROJECT SHALL BE PERMANENTLY MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM, PRIOR TO INSTALLATION & AT LEAST 60 DAYS BEFORE BLDG. COMPLETION.
6. SEE "C" DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR SHALL VERIFY ACTUAL UTILITY CONTRACTOR SHALL VERIFY ACTUAL UTILITY LOCATIONS.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM BLDG. SEE "C" DRAWINGS.
8. CONTRACTOR TO REFER TO "C" DRAWINGS FOR ALL HORIZONTAL CONTROL DIMENSIONS. SITE PLANS ARE FOR GUIDANCE AND STAKING LAYOUT POINTS.
9. SEE "C" DRAWINGS FOR FINISH GRADE ELEVATIONS.
10. CONCRETE SIDEWALKS TO BE A MINIMUM OF 4" THICK W/ TOOLED JOINTS AT 8' O.C. EXPANSION/CONSTRUCTION JOINTS SHALL BE A MAXIMUM 12' EA. WAY W/ 1/20 MAX. SLOPE. EXPANSION JOINTS TO HAVE COMPRESSIVE EXPANSION FILLER MATERIAL OF 1/4". SEE "L" DRAWINGS FOR FINISH.
11. NOT USED
12. PAINT CURBS AND PROVIDE SIGNS TO INFORM OF FIRE LANES AS REQUIRED BY FIRE DEPARTMENT.
13. CONSTRUCTION DOCUMENTS PERTAINING TO THE LANDSCAPE AND IRRIGATION OF THE ENTIRE PROJECT SITE SHALL BE SUBMITTED TO THE BUILDING DEPARTMENT AND APPROVED BY PUBLIC FACILITIES DEVELOPMENT PRIOR TO ISSUANCE OF BUILDING PERMITS.
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19. APPROVED CONCEPTUAL LANDSCAPE PLAN PRIOR TO GRADING PERMIT

SITE LEGEND

- LANDSCAPED AREA
- PAVING - SEE "C" DRWGS. FOR THICKNESS
- CONCRETE PAVING SEE "C" DRWGS. FOR THICKNESS
- STANDARD PARKING STALL (9' X 19')
- HANDICAP PARKING STALL (9' X 19')

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3-31-23
RENEWAL DATE

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

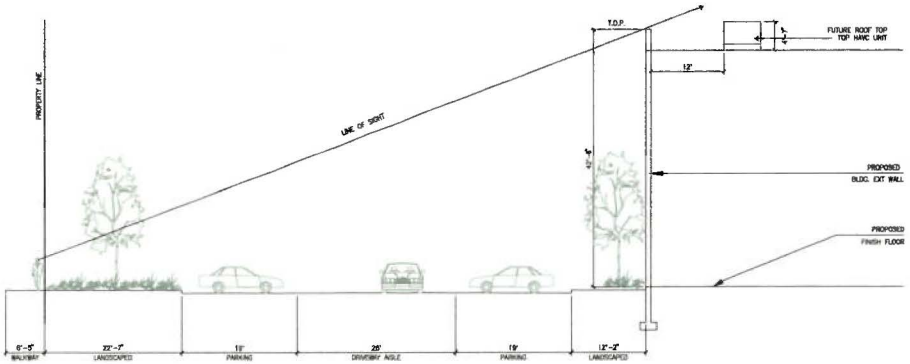
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Project Number:	20394
Drawn by:	SLM
Date:	11/12/21
Revision:	

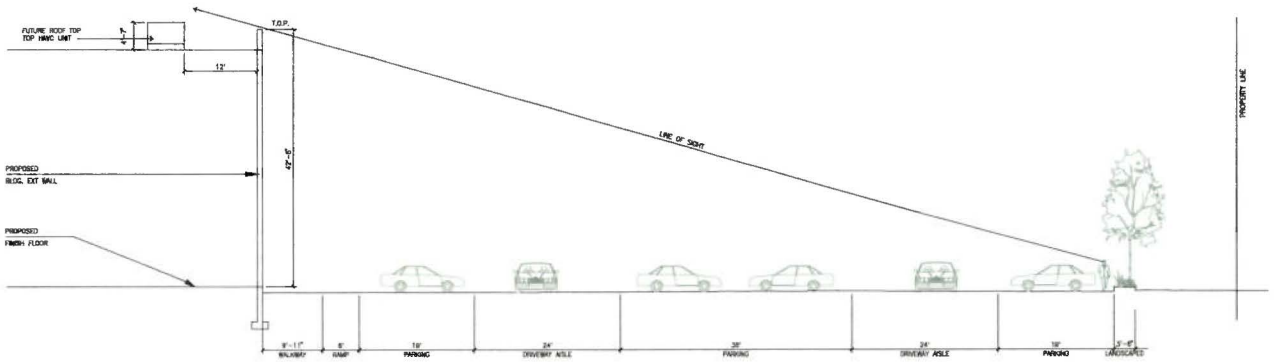
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2405



SECTION (A) scale: 1/8" = 1'-0"



SECTION (B) scale: 1/8" = 1'-0"

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tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchi.com

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

Title: SECTION

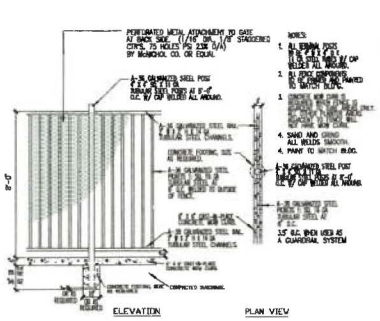
Project Number:	20394
Drawn by:	SLM
Date:	11/12/21

Revision:

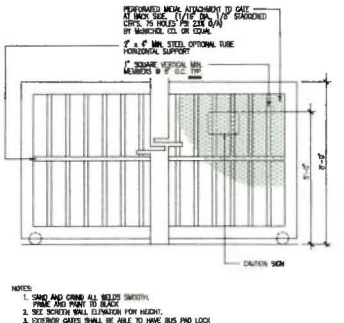
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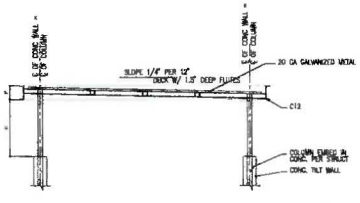
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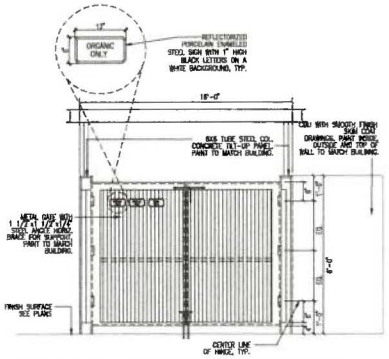
WROUGHT IRON FENCE
SCALE: 1/2" = 1'-0"
3



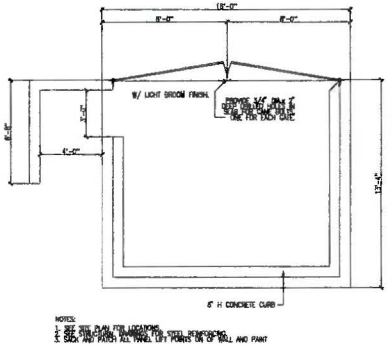
METAL GATE
SCALE: 1/2" = 1'-0"
1



TRASH ENCLOSURE/ CANOPY DETAIL
SCALE: N.T.S.
5



TRASH ENCLOSURE GATE ELEVATION
4



TRASH ENCLOSURE PLAN
SCALE: N.T.S.
2

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92612
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Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

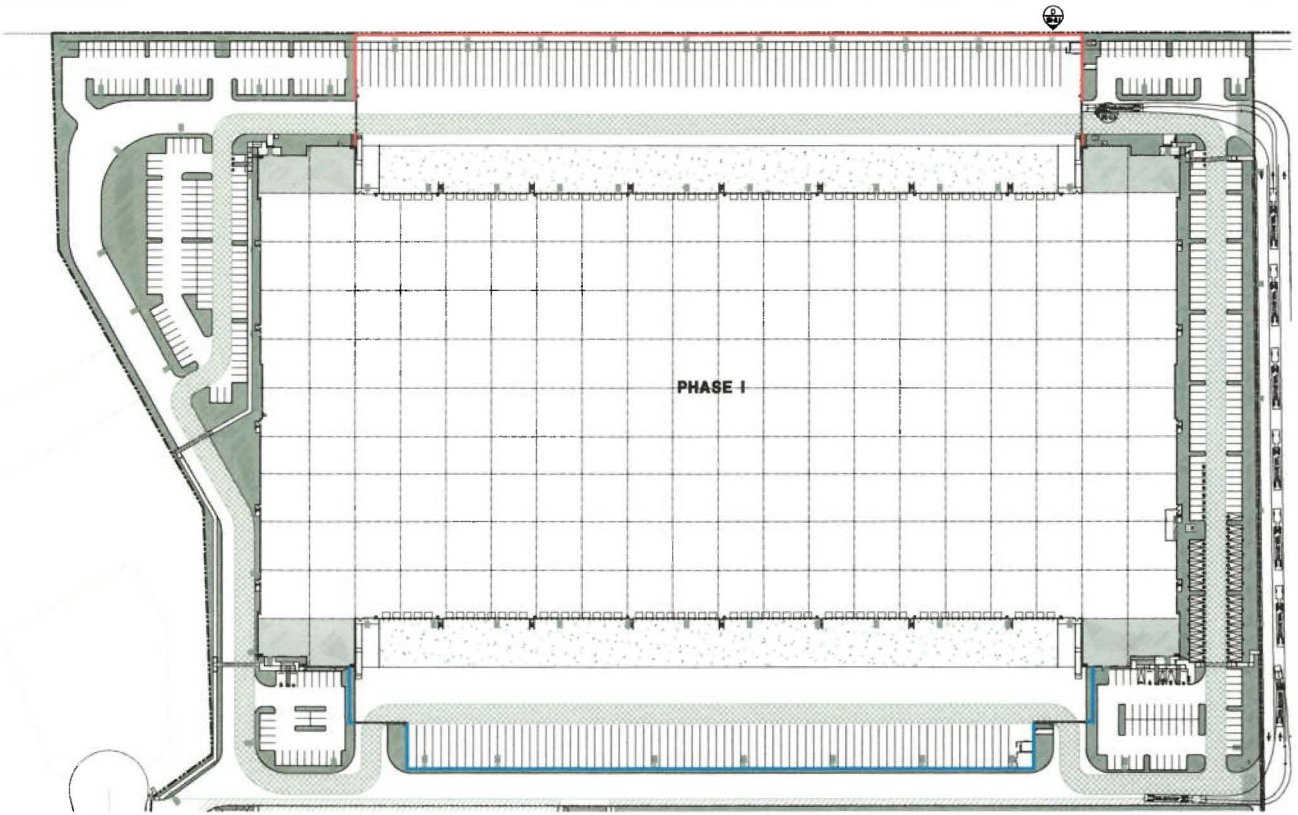
Consultants:

Title: DETAILS

Project Number: 20354
Drawn by: SLM
Date: 11/13/21
Revision

Sheet:

DAB-A1.5



OVERALL SITE PLAN (A)

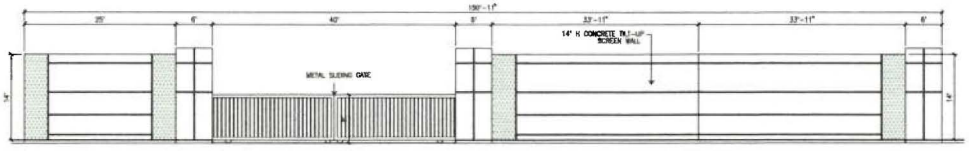
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0 60' 120' 180'

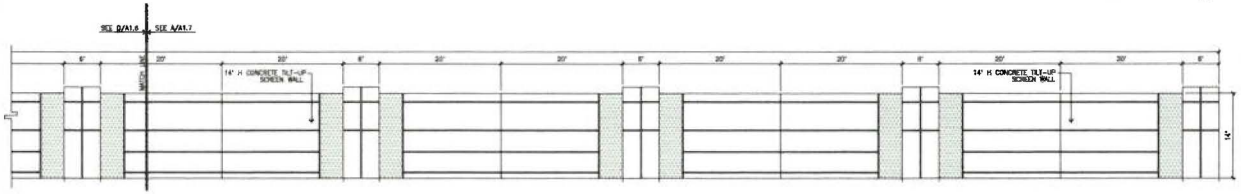
TRUE NORTH

LEGEND

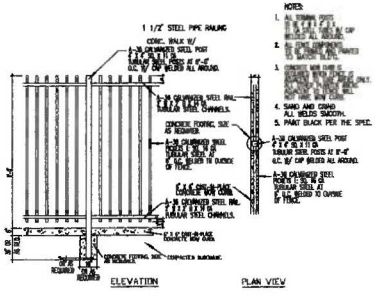
- FENCE
- SCREENWALL



SCREEN WALL (C)



SCREEN WALL (D)



METAL FENCE DETAIL (B)

HPA architecture

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18831 bardeen avenue, - ste. #100
irvine, ca
92612
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fax: 949-863-0851
email: hpa@hparchs.com

3-31-23
Renewal Date

Owner:

LGE DESIGN

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
ELECTRICAL	
LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

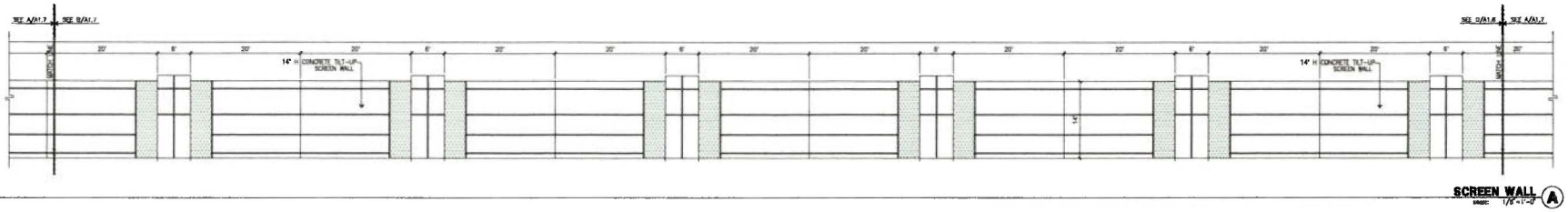
Title: SCREENWALL

Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

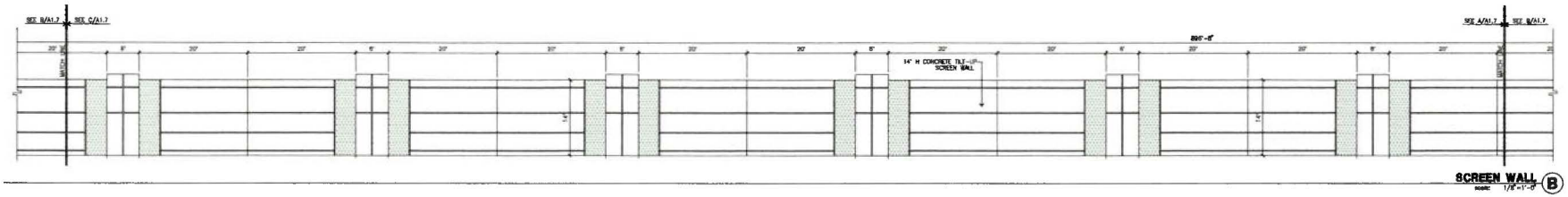
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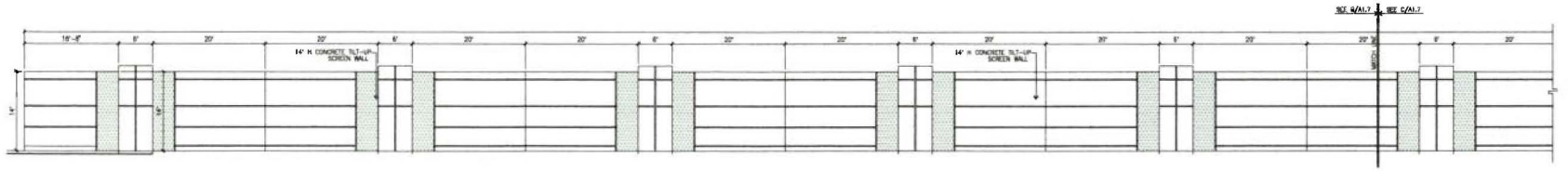
2408



SCREEN WALL (A)
scale: 1/8"=1'-0"

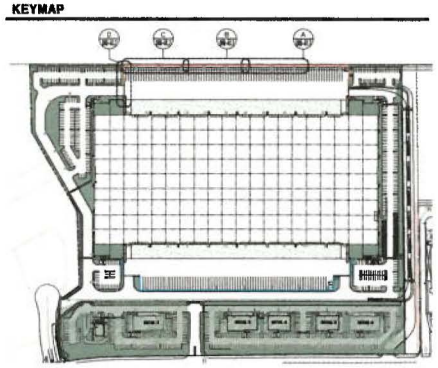


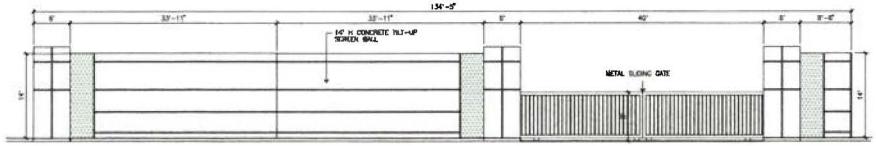
SCREEN WALL (B)
scale: 1/8"=1'-0"



SCREEN WALL (C)
scale: 1/8"=1'-0"

KEYMAP





SCREEN WALL (D)
scale: 1/8"=1'-0"

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3-31-23

Owner:

LGE DESIGN

Project:

Banning Point

City of Banning, CA

Consultants:

CIVIL	THIENES
STRUCTURAL	
MECHANICAL	
PLUMBING	
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LANDSCAPE	HUNTER
FIRE PROTECTION	
SOILS ENGINEER	

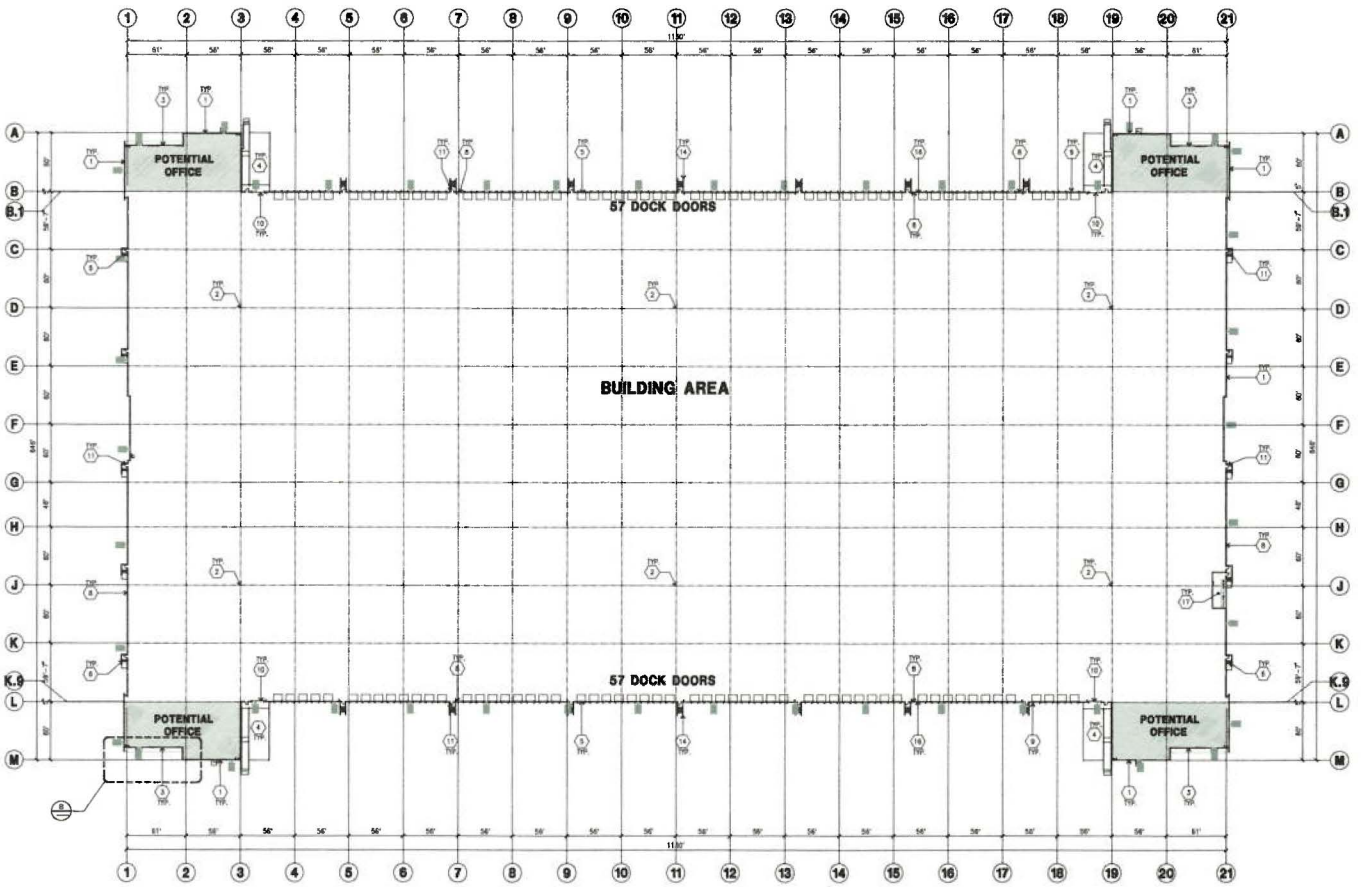
Title: SCREENWALL

Project Number: 20394
Drawn by: SLM
Date: 11/12/21
Revision:

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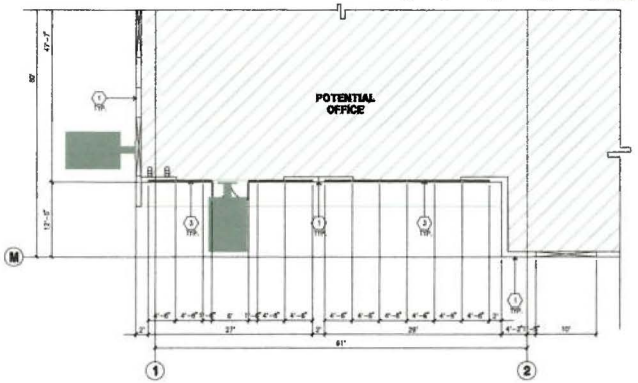
DAB-A1.7

2409



OVERALL FLOOR PLAN (A)
scale: 1" = 50'-0"

SCALE: 1" = 50'-0"
0 50' 100' 150'
TRUE NORTH



ENLARGED FLOOR PLAN (A)
scale: 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"
0 8' 16' 24'
TRUE NORTH

KETNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL.
2. STRUCTURAL STEEL COLUMN.
3. TYPICAL STOREFRONT SYSTEM WITH GLAZING. SEE OFFICE BLOW-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
4. CONCRETE RAMP W/ 42"HIGH CONC TILT-UP GUARD WALL OR BUILDING WALL ON BOTH SIDE OF RAMP. SEE "S" DWG FOR DETAIL.
5. 9'-0" X 10' TRUCK DOOR, SECTIONAL OH., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
6. EXTERIOR CONCRETE STAIR
7. 3'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR MAN DOORS TO LANDSCAPED AREA. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" - 12" MAX. PROVIDE WALK TO HARD SURFACE PER CITY REQUIREMENTS.
8. LOUVERED OPENING FOR VENTILATION.
9. DOCK DOOR BUMPER
10. 12' X 14' DRIVE THRU, SECTIONAL OH., STANDARD GRADE. DESIGNED TO RESIST WIND 90 MPH., EXPOSURE "C".
11. 3'X7' HOLLOW METAL EXTERIOR MAN DOOR. DESIGNED TO RESIST WIN 90 MPH., EXPOSURE "C".
12. NOT USED
13. NOT USED
14. CONC. FILLED GUARD POST. 8" DIA. U.N.O.. 42"H.
15. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER.
16. 2' GUARD
17. APPROXIMATE LOCATION OF ELECTRICAL ROOM

GENERAL NOTES - FLOOR PLAN

A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/CONVEYER SYSTEMS.
B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.
C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWINGS FOR FINISH SURFACE ELEVATIONS.
D. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL CMU, GD. WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
E. SLOPE POUR STRIP 1/2" TO EXTERIOR AT ALL MANDOOR EXITS. SEE "S" DRAWINGS FOR POUR STRIP LOCATION.
F. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.O.
G. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS. PLUMBING/ELECTRICAL COORDINATION.
H. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET A0.4. NOTE, ALL DOORS PER DOOR SCHEDULE ARE FINISH OPENINGS.
I. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE DIAPERED INCLUDING CARS AND TRUCKS.
J. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HARDWARE.
K. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
L. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
M. NON-ACCESSIBLE DOOR. PROVIDE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 11338.1.1.1
N. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW, SEE A/A6.1 OFFICE SECTION.

FLOOR SLAB AND POUR STRIPS REQ.

THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS

1. FLOOR COMPACTION - 95%
2. TRENCH COMPACTION - 90%
3. BUILDING FLOOR SLAB:
   A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS
   B. 3/4" - 16"LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS
      3/4" - 18"LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS.
   C. 4,000 P.S.I. REQUIREMENT.
   D. SLUMP TO BE 4" +/- 1"
   E. JOINT SPACING PER A.C.I. 302-R-96
   F. SAW-CUT DEPTH 1/4 T, SOFT SAW-CUTTING WITHIN 2 HRS OF FINISHING
4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-R-96
5. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH.
6. CONTRACTOR TO CURE SLAB TO BE WET CURING USING BURLENE FOR 7 DAYS MIN.
7. ALL EQUIPMENT & MOVING VEHICLES SHALL BE DIAPERED.
8. NO DRAINES, CONCRETE TRUCKS, OR ANYTHING HEAVIER WILL BE PLACED ON THE SLAB.
9. SLAB TO BE FF35 FL24 MEASURED WITHIN 24 HOURS.
10. NO FLY ASH IN THE CONCRETE
11. WHERE [ ] INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION.
    CONCRETE SLAB IN FUTURE OFFICE AREAS, WHERE SAND OVER WOVEN ARE REQUIRED, SHALL BE NATURALLY HYDRATED WITHOUT USE OF BURLENE, CURING COMPOUND, OR RELEASE AGENTS.
    CONTROL/CONSTRUCTION JOINTS SHALL NOT BE FILLED WITH MM-80 JOINT FILLER IN FUTURE OFFICE AREAS.
12. SEAL CONCRETE SLAB W/ "LIPIDOLIN" SEALER

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email: hpa@hparchs.com

LICENSED ARCHITECT JOHN P. HOLTZCLAW No. C-26157 3-31-23 RENEWAL DATE STATE OF CALIFORNIA

Owner:
LGE DESIGN BUILD

Project:
Banning Point
City of Banning, CA

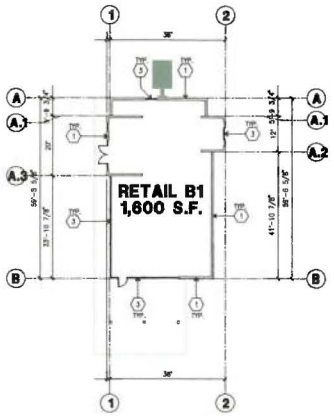
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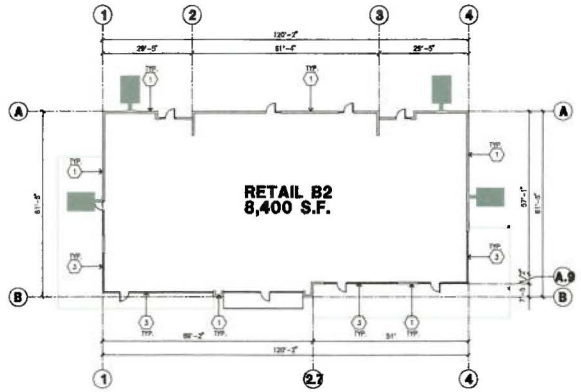
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Drawn by: SLM
Date: 11/10/21
Revision:

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DAB-A2.1

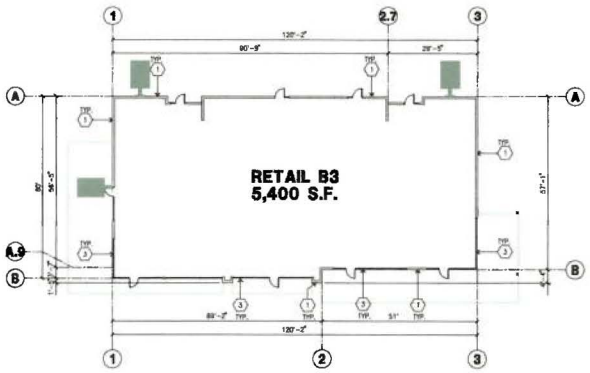
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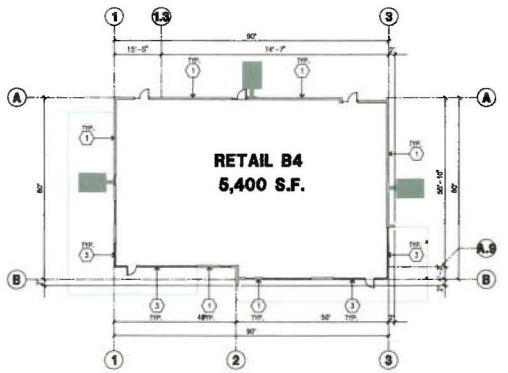
OVERALL FLOOR PLAN (A)



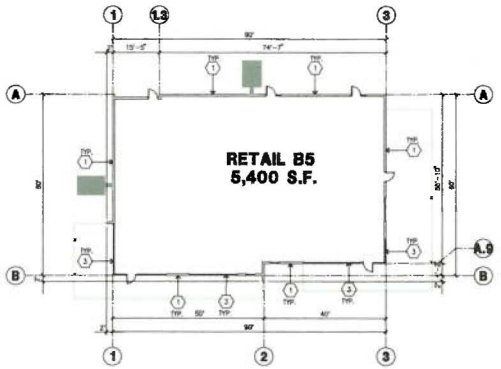
OVERALL FLOOR PLAN (B)



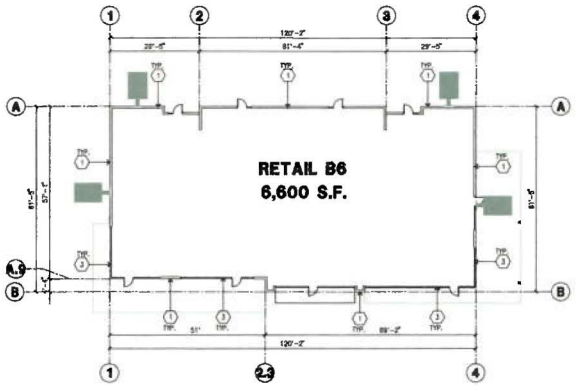
OVERALL FLOOR PLAN (C)



OVERALL FLOOR PLAN (D)



OVERALL FLOOR PLAN (E)



OVERALL FLOOR PLAN (F)

KETNOTES - FLOOR PLAN

1. CONCRETE TILT-UP PANEL.
2. STRUCTURAL STEEL CANOPY.
3. TYPICAL STOREFRONT SYSTEM WITH CLEARGLASS. SEE OFFICE ELOR-UP AND ELEVATIONS FOR SIZE, COLOR AND LOCATIONS.
4. CONCRETE RAMP 8'-0" VERT. CONC TILT-UP CURED WALL OR BUILDING WALL ON BOTH SIDE OF RAMP. SEE S- 0000 FOR DETAIL.
5. 8'-0" X 10' TRUCK DOOR, SECTIONAL STEEL STANDARD GRADE. DESIGNED TO RESIST 5PSI WE 50PSI, EXPOSURE "C".
6. EXTERIOR CONCRETE STAIR
7. 3'-0" X 6'-0" OR 6'-0" X 6'-0" THICK CONCRETE EXTERIOR LANDING PAD TYPICAL AT ALL EXTERIOR DOOR DOORS TO UNCONDITIONED AREA. FINISH TO BE MEDIUM BROOM FINISH. SLOPE TO BE 1/4" / 1'-0" MAX. PROVIDE GRAB TO HAND SURFACE PER CITY REQUIREMENTS.
8. LOUVERED OPENING FOR VENTILATION.
9. DOCK DOOR BUMPER
10. 12' X 14' DOOR, SHALL SECTIONAL GAL. STANDARD GRADE. DESIGNED TO RESIST 5PSI WE 50PSI, EXPOSURE "C"
11. 3'X7' HOLLOW METAL EXTERIOR MAN DOOR. DESIGNED TO RESIST 5PSI WE 50PSI, EXPOSURE "C".
12. NOT USED
13. NOT USED
14. CONC. FILLED GUARD POST. 5" DIA. U.N.O.. 42"H.
15. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPER.
16. 6' GUARD
17. APPROXIMATE LOCATION OF ELECTRICAL ROOM

GENERAL NOTES - FLOOR PLAN

A. THIS BUILDING IS DESIGNED FOR HIGH PILE STORAGE WITH FIRE ACCESS MAN DOORS AT 100' MAXIMUM O.C. A SEPARATE PERMIT WILL BE REQUIRED FOR ANY RACKING/STORAGE SYSTEMS.
B. FIRE HOSE LOCATIONS SHALL BE APPROVED PER FIRE DEPARTMENT.
C. THE BUILDING FLOOR SLAB IS SLOPED, SEE "C" DRAWING FOR FINISH SURFACE ELEVATIONS.
D. WAREHOUSE INTERIOR CONCRETE WALLS ARE PAINTED WHITE. COLUMNS ARE TO RECEIVE PRIMER ONLY. ALL CITY, CO., WALLS IN WAREHOUSE TO RECEIVE 1 COAT OF WHITE TO COVER.
E. SLOPE FOUR STOP 1/2" TO EXTERIOR AT ALL MANDOOR SWGL SEE "E" DRAWINGS FOR FOUR STRIP LOCATION.
F. ALL DIMENSIONS ARE TO THE FACE OF CONCRETE PANEL WALL, GRIDLINE, OR FACE OF STUD U.N.O.
G. SEE CIVIL DRAWINGS FOR POINT OF CONNECTIONS TO OFF-SITE UTILITIES. CONTRACTOR TO VERIFY ACTUAL UTILITY LOCATIONS. PLUMBING/ELECTRICAL COORDINATION.
H. FOR DOOR TYPES AND SIZES, SEE DETAIL SHEET A6.4. NOTE: ALL DOORS FOR DOOR SCHEDULE ARE FINISH OPTIONAL.
I. CONTRACTOR TO PROTECT AND KEEP THE FLOOR SLAB CLEAN. ALL EQUIPMENT TO BE SHROUDED INCLUDING CARS AND TRUCKS.
J. ALL EXIT MAN DOORS IN WAREHOUSE TO HAVE ILLUMINATED EXIT SIGN. HANDBARS.
K. HIGHLY FLAMMABLE AND COMBUSTIBLE MATERIAL SHALL NOT BE USED OR STORED IN THIS BUILDING.
L. EACH EXTERIOR EXIT DOOR SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE WORDS "EXIT". THE MOUNTING HEIGHT FOR SUCH SIGNAGE SHALL BE 60" FROM FINISH FLOOR LEVEL TO THE CENTER OF THE SIGN.
M. NON-ACCESSIBLE DOOR. PRIVATE WARNING SIGN LOCATED IN THE INTERIOR SIDE PER CBC 11.B.11.1.1)
N. ALL ROOF MOUNTED MATERIALS SHALL BE FULLY SCREENED FROM PUBLIC VIEW. SEE A/A4.1 OFFICE SECTION.

FLOOR SLAB AND POUR STRIPS REQ.

THESE NOTES ARE VERY MIN. REQUIREMENT. SEE "S" DWGS FOR ADDITIONAL REQUIREMENTS

1. FLOOR COMPACTION – 95%
2. TRENCH COMPACTION – 90%
3. BUILDING FLOOR SLAB:
   A. 6" THICK MIN. UNREINFORCED CONCRETE OVER COMPACTED SOILS
   B. 5/4" – 14'LONG @ 12" O.C. DOWELS AT ALL CONSTRUCTION JOINTS
      3/4" – 18'LONG @ 24" O.C. DOWELS IN DOWEL BASKET AT ALL CONTROL JOINTS.
   C. SAND FILL REQUIREMENT
   D. SLUMP TO BE 4" +/- 1"
   E. JOINT SPACING PER A.C.I. 302-01-96
   F. SAW-CUT DEPTH 1/4 TO 1/3RT SAW-CUTTING WITHIN 2 HRS OF FINISHING
4. CONTRACTOR TO BUILD FOR CLASS V FLOOR PER A.C.I. 302-01-96
5. CONCRETE SLAB TO HAVE STEEL FLOAT HARD TROWEL BURNISHED FINISH.
6. CONTRACTOR TO CURE SLAB TO BE WET DURING CURING TIMELINE FOR 7 DAYS MIN.
7. ALL EQUIPMENT & MOVING VEHICLES SHALL BE SHROUDED.
8. NO CRANES, CONCRETE TRUCKS, OR ANYTHING HEAVIER SHALL BE PLACED ON THE SLAB.
9. SLAB TO BE 4750 PLSI MINIMUM WITHIN 24 HOURS.
10. NO FLY ASH IN THE CONCRETE
11. WHERE [ ] INDICATED, PROVIDE VAPOR BARRIER (15MIL STEGO OR EQUAL) UNDER THE CONCRETE SLAB. PROVIDE SAND PER SOILS ENGINEER OR MANUFACTURER'S RECOMMENDATION.
    CONCRETE SLAB IN FUTURE OFFICE AREAS, WHERE SAND OVER MEMBRANE ARE REQUIRED, SHALL BE NATURALLY HYDRATED WITHOUT USE OF BURLING, CURING COMPOUND, OR RELEASE AGENTS.
    CONTROL/CONSTRUCTION JOINTS SHALL NOT BE FILLED WITH MM-80 JOINT FILLER IN FUTURE OFFICE AREAS.
12. SEAL CONCRETE SLAB W/ "LIMEDURE" SEALER

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Owner:

LGE DESIGN

Project:

Banning Point

City of Banning, CA

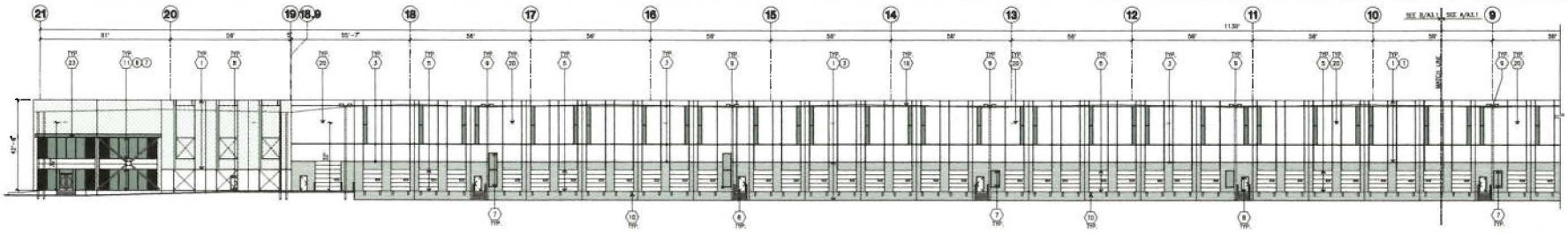
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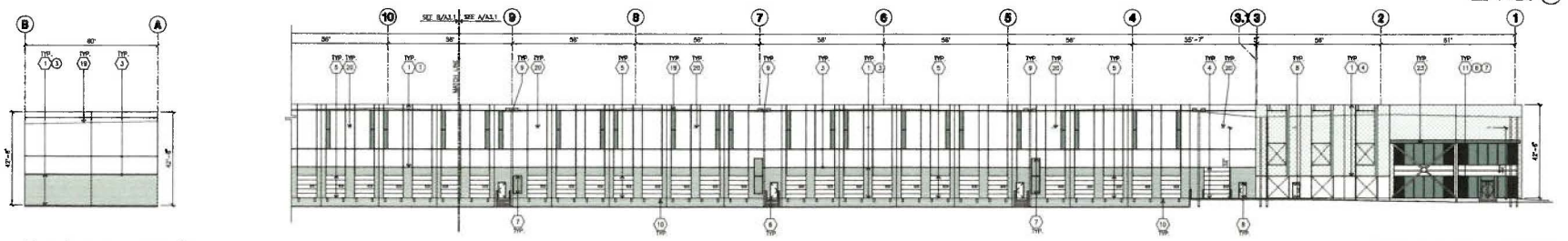
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Date: 11/10/21
Revision:

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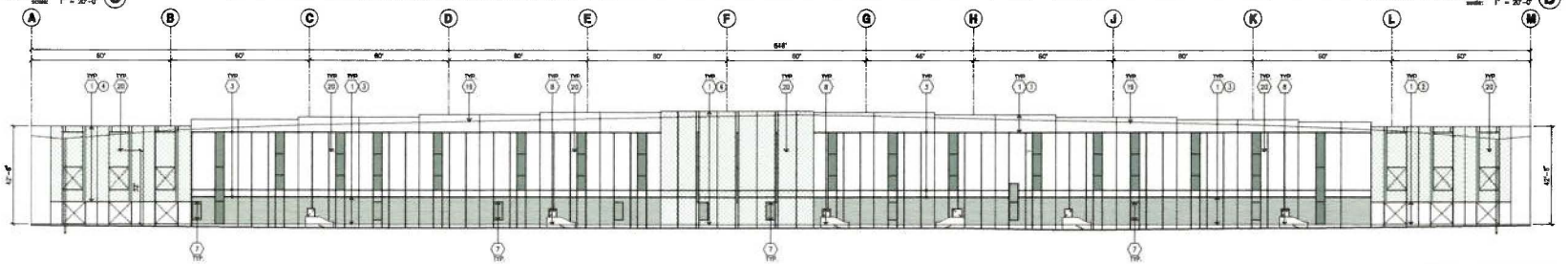


NORTH ELEVATION (A)
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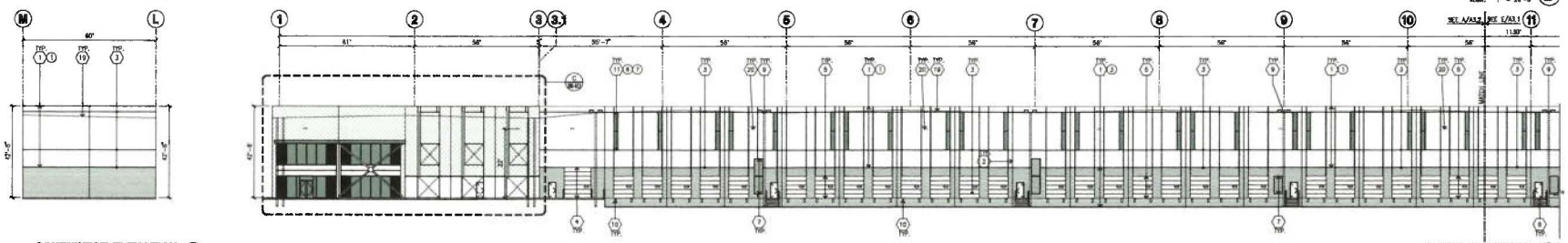


NORTHWEST ELEVATION (C)
scale: 1" = 20'-0"

NORTH ELEVATION (CON'T.) (B)
scale: 1" = 20'-0"



WEST ELEVATION (D)
scale: 1" = 20'-0"



SOUTHWEST ELEVATION (F)
scale: 1" = 20'-0"

SOUTH ELEVATION (E)
scale: 1" = 20'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL/PARAPET. PROVIDE CONTROL JOINTS AS SHOWN ON DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DRYLOCK TO CURB OR TIME TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT RAMP WALLS.
2. PANEL JOINT. SEE "S" DRAWINGS. SEE 4/A0.5
3. PANEL REVEAL. ALL REVEALS TO HAVE A MIN. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ SERVICE YARD. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
5. OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH BUILDING COLOR
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE DIAGONAL STRIPE DESIGN, TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER, SEE DETAIL 8/A0.6. PAINT TO MATCH BUILDING COLOR
8. METAL DOORS, SEE DOOR SCHEDULE.
9. PROVIDE COMPLETE DRAINAGE ALL AROUND DOOR. PROVIDE 7'0R MIN OVERTEX ABOVE DOOR. PAINT TO MATCH FIELD COLOR.
10. ENTRY WITH CANOPY, WITH 2 OVERFLOW SCUPPERS. SEE DETAIL 11/A1.1/A1.2
10. DOCK BUMPER. SEE DETAIL 4/A0.6.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, AND WINDOWS. SEE DETAIL 12/A0.6
13. METAL GATE WITH KNOX BOX PER FIRE DEPARTMENT SEE 8/A0.2
14. EXTERIOR METAL STAIR. SEE DETAILS 1, 2, 3, 3A, 5/A0.5.
15. EXTERIOR ROOF DRAIN WITH 2 OVERFLOW SCUPPERS. CONTRACTOR TO VERIFY WITH "P" RISER. SEE DETAIL 17/A0.5.
16. NOT USED.
17. ILLUMINATED ADDRESS PER FIRE DEPT. REQUIREMENTS. 24"H x 3" THICK HIGH DENSITY FOAM "HELVARD BOLD" LETTER W/ 1/16" PVC FACES EPOXY TO WALL. COLOR TO BE SELECTED BY ARCHITECT.
18. CONCRETE RAMP AND GUARDRAIL W/ METAL HANDRAIL.
19. PARAPET RETURN. SEE ROOF PLAN AND "S" DWGS.
20. ROOF LINE BEYOND.
21. EXTERIOR LIGHTING FIXTURE. CENTER BETWEEN PANEL OR ON JOINT U.N.O. SEE "E" DWGS.
22. CONC. FILLED STEEL BOLLARDS, SEE PLR. PLAN.
23. NOT USED.
24. PIPE STEEL CANOPY. SEE "S" DWG. DETAIL 17, 18/A0.3A.
25. DOWNSPOUT PROTECTION. SEE DETAIL 8/A0.3A.

SAFETY NOTES - GLAZING

NOTE: EACH LIGHT OF SAFETY GLAZING MATERIAL INSTALLED IN HAZARDOUS LOCATIONS SHALL BE DESIGNED BY PERMANENT LABEL THAT SPECIFIES THE LABELLER, AND STATES THAT SAFETY GLAZING MATERIAL HAS BEEN UTILIZED IN SUCH INSTALLATIONS.

A. GLAZING IN DOORS AND EGRESS DOORS EXCEPT JALOUSIES.

B. GLAZING IN FIXED AND SLIDING PANELS OF SLIDING DOOR ASSEMBLIES AND PANELS IN SWING DOORS OTHER THAN BARRIERS DOORS

C. GLAZING IN STORM DOORS.

D. GLAZING IN ALL UNFRAMED SWINGING DOORS.

E. GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHROOMS, AND SHOWERS.

F. GLAZING IN FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN 24 INCHES ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE.

G. GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL, OTHER THAN DESCRIBED IN ITEMS E AND F, THAT MEET ALL OF THE FOLLOWING ARC PRESENT:
1. EXPOSED ARC OF AN INDIVIDUAL PANE GREATER THAN 9 SQUARE FEET.
2. EXPOSED BOTTOM EDGE LESS THAN 18 INCHES ABOVE THE FLOOR.
3. EXPOSED TOP EDGE GREATER THAN 36 INCHES ABOVE THE FLOOR.
4. ONE OR MORE WALKING SURFACES WITHIN 36 INCHES HORIZONTALLY OF THE PLANE OF THE GLAZING.

H. GLAZING IN RAILINGS REGARDLESS OF HEIGHT ABOVE A WALKING SURFACE INCLUDING ALL SELECTORAL BALUSTER PANELS AND NONSTRUCTURAL WINFILL PANELS.

I. GLAZING IN WALLS AND FENCES USED AS THE BARRIER FOR INDOOR AND OUTDOOR SWIMMING POOLS AND SPAS WHEN ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:
1. THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE POOL SIDE OF THE GLAZING.
2. THE GLAZING IS WITHIN 5 FEET OF A WHARING POOL OR SPA WATER'S EDGE.

J. GLAZING IN WALLS ENCLOSING STAIRWAY LANDINGS OR STAIRS 5 FEET OF THE BOTTOM AND TOP OF STAIRWAYS WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60 INCHES ABOVE A WALKING SURFACE.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P., FL= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION, GLASS, METAL ATTACHMENTS AND LINTELS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ENTIRE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
I. USE ADHESIVE BACK BOOZI STRIPS FOR ALL BRICK FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHED. - ELEVATIONS

	1	CONCRETE TILT-UP PANEL	PAINT BRAND: SHERWIN WILLIAMS COLOR: SW 7674 PEPPERCORN
	2	CONCRETE TILT-UP PANEL	PAINT BRAND: SHERWIN WILLIAMS COLOR: SW 7071 GRAY SCREEN
	3	CONCRETE TILT-UP PANEL	PAINT BRAND: SHERWIN WILLIAMS COLOR: SW 7674 PEPPERCORN
	4	CONCRETE TILT-UP PANEL	PAINT BRAND: SHERWIN WILLIAMS COLOR: SW 7674 PEPPERCORN
	5	CONCRETE TILT-UP PANEL	PAINT BRAND: SHERWIN WILLIAMS COLOR: SW 7674 PEPPERCORN
	6	GLAZING	COLOR: BLUE REFLECTIVE GLAZING
	7	MULLIONS	COLOR: CLEAR ANODIZED MULLIONS
	8	CANOPY	SHERWIN WILLIAMS ACRYLIC LATEX EXTERIOR HIGH GLOSS/HIGH COVERAGE OR 7674 CREISPACE COLOR: METAL CANOPY

GLAZING LEGEND

TEMPERED SPANDREL GLASS 1/4" CLEAR WITH HARMONY BLUE OPACI #4-0085

TEMPERED VISION INSULATED GLASS (TYP). VISION/VIS. (2) PANES/4 + SOLARBAN SOLARBAN 60 (2) CLEAR U VALUE: 0.27, SHGC: 0.31 AND VLT: 39% 1" INSULATED GLASS WITH 1/2" AIRSPACE AND (2) 1/4" LITES.

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Owner:
LGE DESIGN BUILD

Project:
Banning Point
City of Banning, CA

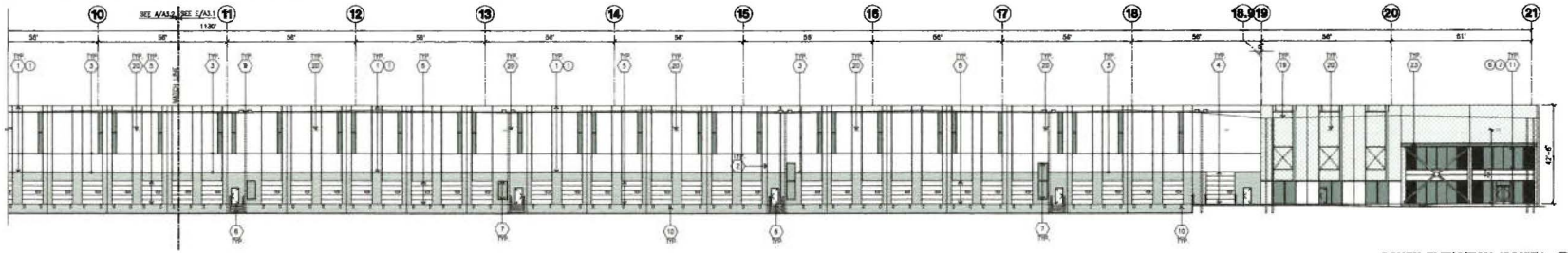
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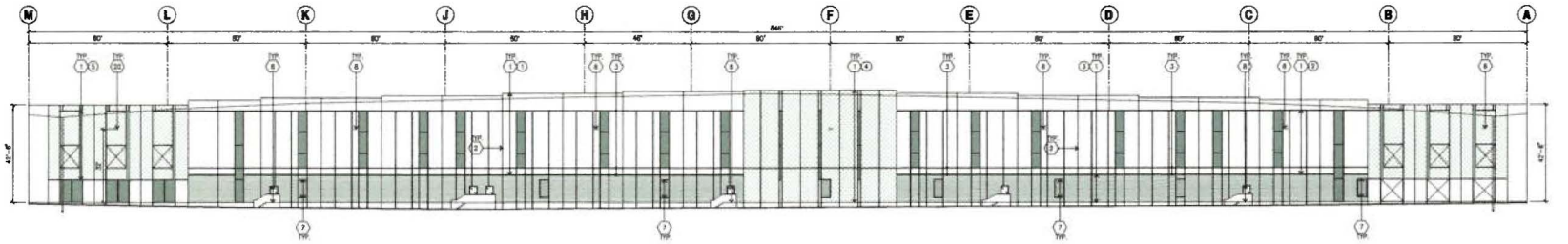
Project Number: 2038
Drawn by: SLM
Date: 11/13/21
Revision:

Sheet:
DAB-A3.1

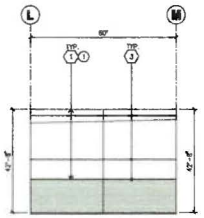
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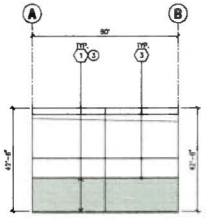
SOUTH ELEVATION (CON'T.) A
scale: 1" = 20'-0"



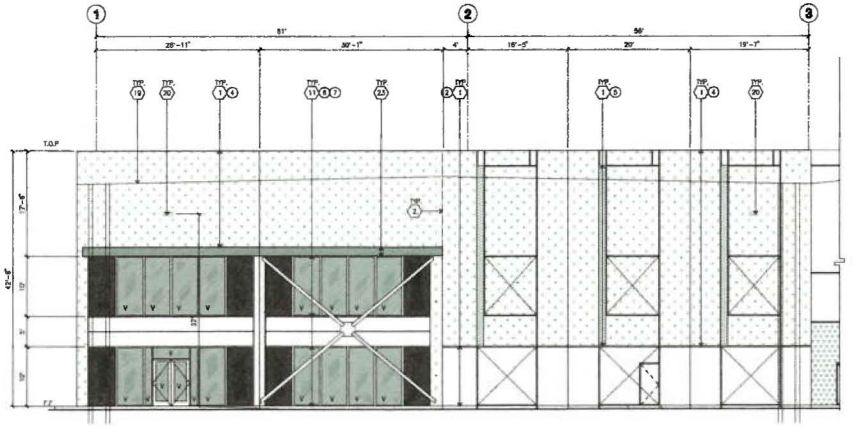
EAST ELEVATION B
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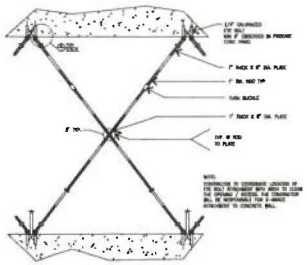
SOUTHEAST ELEVATION E
scale: 1" = 20'-0"



NORTHEAST ELEVATION D
scale: 1" = 20'-0"



ENLARGED NORTH ELEVATION C
scale: 1/16" = 1'-0"



X-BRACE ELEVATION AT STOREFRONT F
scale: NTS

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL/PARAPET. FINISH GRADE VARIES. SEE TYP. DRAWINGS. WATERPROOF ALL WALLS WHERE GRADE IS HIGHER AND EXPOSED TO THE WEATHER ONE SIDE. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR PAVE TO STORM DRAIN. NOT REQUIRED AT DOCK HIGH CONDITION OR AT WRAP WALLS.
2. PANEL JOINT. SEE "S" DRAWINGS. REF A/A0.3
3. PAINT. PAINT ALL REVEALS TO HAVE A MIN. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ BRAKE THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
5. OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. PAINT TO MATCH FIELD COLOR.
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. FINISHED RISER SHALL NOT EXCEED 7" AND TREAD SHALL NOT BE LESS THAN 11" WITH NOSING NOT EXCEEDING 1-1/2". PROVIDE CONTRASTING COLOR AT TOP AND BOTTOM STEP. ENSURE NO CONCRETE AT TOP LANDING AND BOTTOM STEP. REF DETAIL FOR ADA REQUIREMENTS.
7. METAL LOUVER. SEE DETAIL 6/A0.4. PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR. PAINT TO MATCH FIELD COLOR.
9. EXTERIOR METAL DOWNSPOUT WITH 3 OVERFLOW SCUPPERS. SEE DETAIL 13/A0.4, 17/A0.4
10. DOCK BUMPER. SEE DETAIL 4/A0.4.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, AND WINDOWS. SEE DETAIL 17/A0.4
12. METAL GATE WITH KNOX BOX PER FIRE DEPARTMENT SEE 8/A0.2
13. EXTERIOR METAL SIGN. SEE DETAILS 1, 2, 3, 3A, 5/A0.5.
14. INTERIOR ROOF DRAIN WITH 2 OVERFLOW SCUPPERS. CONTRACTOR TO VERIFY WITH "P" ENGR. SEE DETAIL 11/A0.5.
15. NOT USED.
16. ALUMINUM BUILDING ADDRESS PER FIRE DEPT. REQUIREMENTS. 24"H x 12"W SHOP HIGH DENSITY FOAM "HELVANO BOLD" LETTER W/ 1/16" PVC FACES EPOXY TO WALL. COLOR TO BE SELECTED BY ARCHITECT
17. CONCRETE RAMP AND GUARDRAIL W/ METAL HANDRAIL.
18. PARAPET BEYOND. SEE ROOF PLAN AND "S" DWGS.
19. ROOF LINE BEYOND.
20. EXTERIOR LIGHTING FIXTURE. CENTER BETWEEN PANEL OR ON JOINT U.N.O. SEE "E" DWGS.
21. CONC. FILLED STEEL BOLLARDS. SEE PLAN PLAN.
22. NOT USED.
23. TUBE STEEL CANOPY. SEE "S" DWG. DETAILS 17, 18/A0.3A
24. DOWNSPOUT PROTECTION. SEE DETAIL 5/A0.3A.

SAFETY NOTES - GLAZING

NOTE: EACH LIGHT OF SAFETY GLAZING MATERIAL INSTALLED IN HAZARDOUS LOCATIONS SHALL BE IDENTIFIED BY PERMANENT LABEL THAT SPECIFIES THE LABELLER, AND STATES THAT SAFETY GLAZING MATERIAL HAS BEEN UTILIZED IN SUCH INSTALLATIONS.

A. GLAZING IN MIRRORS AND DOORS (DOOR EXCEPT JALOUSIES.
B. GLAZING IN FIXED AND SLIDING PANELS OF SLIDING DOOR ASSEMBLIES AND PANELS IN SWING DOORS OTHER THAN WINDROSE DOORS
C. GLAZING IN STORM DOORS.
D. GLAZING IN ALL ENCLOSED SHOWING DOORS.
E. GLAZING IN DOORS AND ENCLOSURES FOR HOT TUBS, WHIRLPOOLS, SAUNAS, STEAM ROOMS, BATHTUBS, AND SHOWERS.
F. GLAZING IN FIXED OR OPERABLE PANELS ADJACENT TO A DOOR WHERE THE NEAREST EXPOSED EDGE OF THE GLAZING IS WITHIN 24 INCHES ARC OF EITHER VERTICAL EDGE OF THE DOOR IN A CLOSED POSITION AND WHERE THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE WALKING SURFACE.
G. GLAZING IN AN INDIVIDUAL FIXED OR OPERABLE PANEL, OTHER THAN DESCRIBED IN ITEMS E AND F, THAT MEET ALL OF THE FOLLOWING ARE PRESENT:
   1. EXPOSED ARC OF AN INDIVIDUAL PANE GREATER THAN 9 SQUARE FEET.
   2. EXPOSED BOTTOM EDGE LESS THAN 18 INCHES ABOVE THE FLOOR.
   3. EXPOSED TOP EDGE GREATER THAN 36 INCHES ABOVE THE FLOOR.
   4. ONE OR MORE WALKING SURFACES WITHIN 36 INCHES HORIZONTALLY OF THE PLANE OF THE GLAZING.
H. GLAZING IN RAILINGS REGARDLESS OF HEIGHT ABOVE A WALKING SURFACE, INCLUDING ANY STRUCTURAL BALUSTER PANELS AND NONSTRUCTURAL IN-FILL PANELS.
I. GLAZING IN WALLS AND FENCES USED AS THE BARRIER FOR INDOOR AND OUTDOOR SWIMMING POOLS AND SPAS WITH ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:
   1. THE BOTTOM EDGE OF THE GLAZING IS LESS THAN 60 INCHES ABOVE THE POOL SIDE OF THE GLAZING.
   2. THE GLAZING IS WITHIN 5 FEET OF A SWIMMING POOL OR SPA WATER'S EDGE.
J. GLAZING IN WALLS ENCLOSING STAIRWAY LANDINGS OR WITHIN 5 FEET OF THE BOTTOM AND TOP OF STAIRWAYS WHERE THE BOTTOM EDGE OF THE GLASS IS LESS THAN 60 INCHES ABOVE A WALKING SURFACE.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL.= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS, SCHEDULE AND SHALL APPROVE PRIOR TO PAINTING BALANCE OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHERING BACK BOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

COLOR SCHED. - ELEVATIONS

1	CONCRETE TILT-UP PANEL	PAINT SPAND SHERWIN WILLIAMS SW 7674 WHITE
2	CONCRETE TILT-UP PANEL	PAINT SPAND SHERWIN WILLIAMS SW 7071 GRAY SCREEN
3	CONCRETE TILT-UP PANEL	PAINT SPAND SHERWIN WILLIAMS SW 7069 IRON ORE
4	CONCRETE TILT-UP PANEL	PAINT SPAND SHERWIN WILLIAMS SW 7674 WHITE
5	CONCRETE TILT-UP PANEL	PAINT SPAND SHERWIN WILLIAMS SW 7069 IRON ORE
6	GLAZING	COLOR BLUE REFLECTIVE GLAZING
7	MULLIONS	COLOR CLEAR ANODIZED MULLIONS
8	CANOPY	SHERWIN WILLIAMS ACRYLIC LATEX EXTERIOR HIGH GLOSS ENAMEL PERFORMANCE, SW 7074 CYBERSPACE COLOR METAL CANOPY

GLAZING LEGEND

TEMPERED SPANDREL GLASS 1/4" CLEAR SEN HARMONY BLUE OPACI #4-0283

TEMPERED VISION INSULATED GLASS PPG VISTACOOL 20 PACIFICA + SOLARBAN SOLARBAN 60 (2) CLEAR U VALUE: 0.27, SHGC: 0.21 AND VLT: 39% 1" INSULATED GLASS SEN 1/2" AIRSPACE AND (2) 1/4" LITES.

HPA architecture

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LICENSED ARCHITECT JOHN H. PAN 28431 3-31-21 RENEWAL DATE STATE OF CALIFORNIA

Owner:

LGE DESIGN

Project:

Banning Point

City of Banning, CA

Consultants:

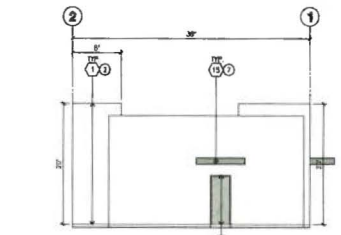
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Drawn by: SLM
Date: 11.19.21
Revision:

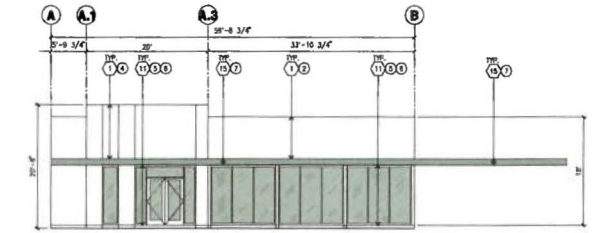
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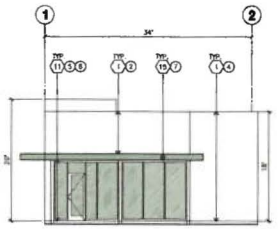
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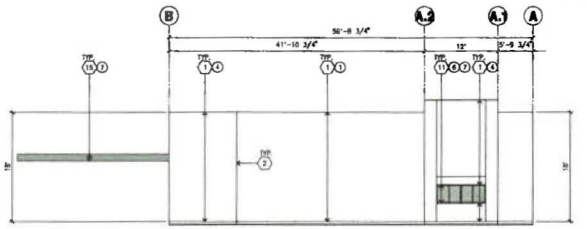
NORTH ELEVATION 1



WEST ELEVATION 2

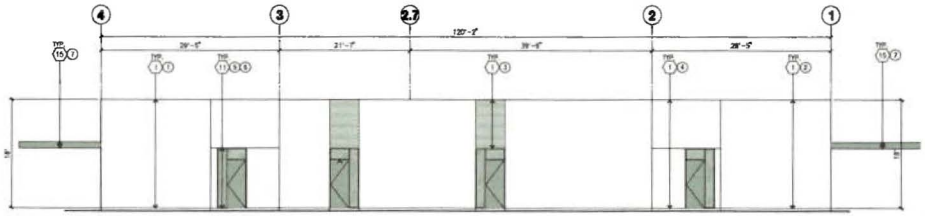


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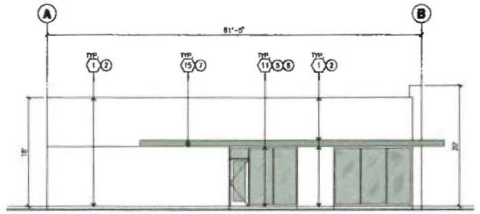


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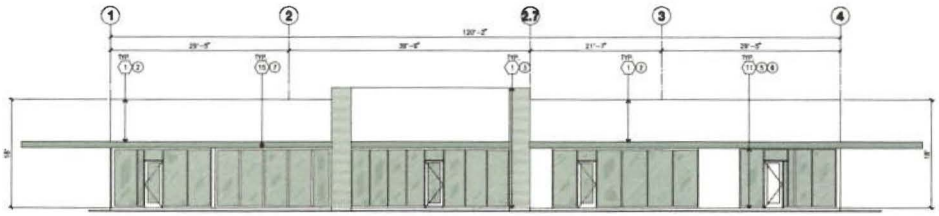
RETAIL BUILDING 1 ELEVATION A



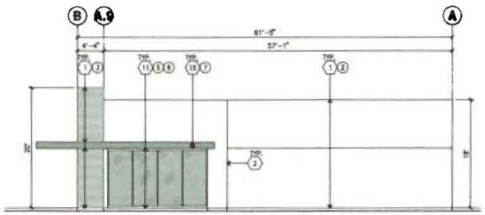
NORTH ELEVATION 1



WEST ELEVATION 2



SOUTH ELEVATION 3



EAST ELEVATION 4

RETAIL BUILDING 2 ELEVATION B

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL/PARAPETS.
2. PANEL JOINT.
3. PANEL REVEAL - ALL REVEALS TO HAVE A MIN. OF 1/2" CHAMFER. PAINT COLOR TO MATCH ADJACENT BUILDING FIELD COLOR, U.N.O.
4. OVERHEAD DOOR @ SERVICE YARD - SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
5. OVERHEAD DOOR @ DOCK HIGH - SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 3" WIDE WARNING STRIPE ALTERNAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD FOR ADA REQUIREMENTS.
7. METAL LOUVER, SCREEN TO RESIST 85 MPH WIND EXPOSURE "C". PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE SEMI-LITE GLAZED SIDEPANEL ALL AROUND DOOR. PROVIDE FOR PANIC HARDWARE ABOVE DOOR. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
9. EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
10. DOCK BUMPER
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
12. NOT USED.
13. NOT USED.
14. NOT USED.
15. ALUCOBOND METAL CANOPY
16. NOT USED.
17. NOT USED.

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. = T.O. OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. ROOFTOP CONSTRUCTION, GLASS, MECH. ATTACHMENT AND LAYOUTS SHALL BE DESIGNED TO BE NOT VISIBLE FROM 6'-0" ABOVE GROUND. CONTRACTOR SHALL FIELD VERIFY CONDITIONS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS AND FINISHES. OWNER SHALL APPROVE PRIOR TO FINISHING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BRACE+.
J. USE ADHESIVE BACK BUCK STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON.

COLOR SCHEDULE - ELEVATIONS

1	PAINT BRAND	SHERWIN WILLIAMS SW 7006 EXTRA WHITE
2	PAINT BRAND	WHITE BRICK
3	PAINT BRAND	WARM BRICK
4	PAINT BRAND	METAL SIDING
5 GLAZING	COLOR	BLUE REFLECTIVE
6 MULLIONS	COLOR	CLEAR ANODIZED
7 METAL CANOPY	PAINT BRAND SYSTEMS	SHERWIN WILLIAMS ACRYLIC LATEX SW 7005 PURE WHITE

GLAZING LEGEND

INSULATED VISION GLASS

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3-31-23 RENEWAL

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

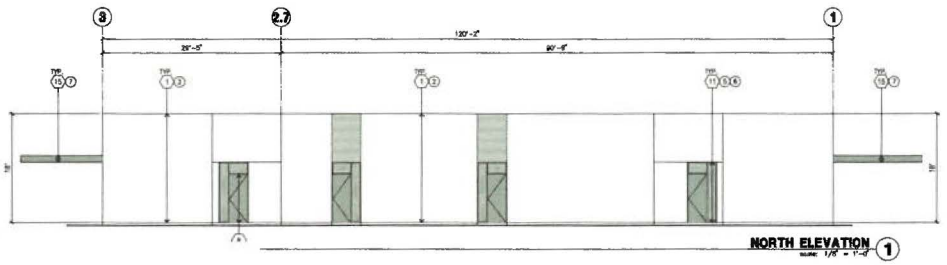
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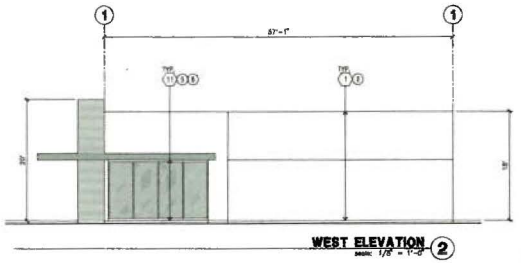
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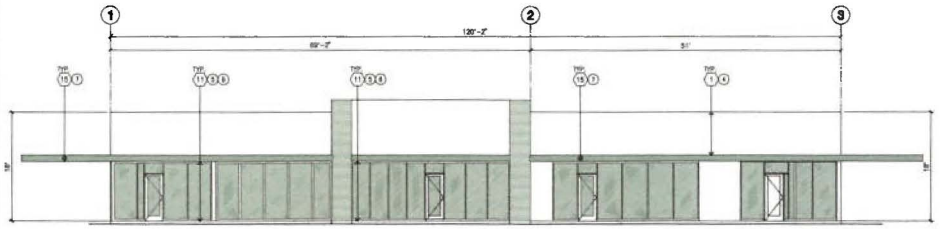
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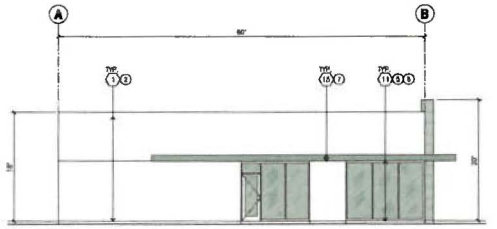
NORTH ELEVATION 1



WEST ELEVATION 2



SOUTH ELEVATION 3



EAST ELEVATION 4

RETAIL BUILDING 3 ELEVATION A

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(FRAMED).
2. PANEL JOINT.
3. PAINT, REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/4" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR, U.N.O.
4. OVERHEAD DOOR @ OPEN THRU. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
5. OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
6. CONCRETE STAIR, LANDING AND GUARDRAIL BY METAL PIPE HANDRAIL. PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING NOSINGS 2" BOX SWINGING STAIRS INTEGRAL TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER, DESIGN TO RESIST 85 MPH WIND EXPOSURE "C". PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPPING ALL AROUND DOOR. PROVIDE RAIN DIVERTER ABOVE DOOR. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C"
9. EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
10. DOCK BUMPER
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOOR, SIDELIGHT, GLAZING TO RECEIVE AND GLAZING WITH BOTTOMS OF GLAZING 18" AFF. AT ENTRY DOOR ELEVATION, DESIGN TO RESIST 85 MPH WIND EXPOSURE "C"
12. NOT USED.
13. NOT USED.
14. NOT USED.
15. ALUCOBOND METAL CANOPY
16. NOT USED.
17. NOT USED.

GENERAL NOTES - ELEVATIONS

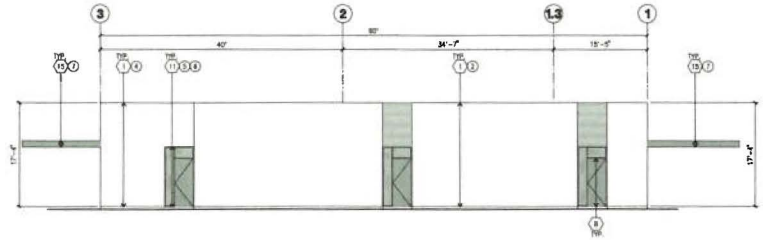
A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL.= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION, GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 85 MPH, EXPOSURE "C" WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL BY SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH CLEAR/BASIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHERING BACK BEDD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON.

COLOR SCHEDULE - ELEVATIONS

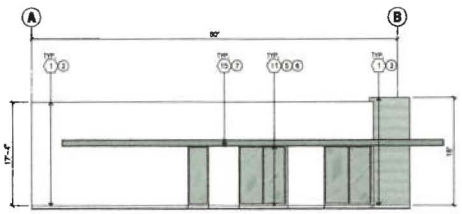
	1		PAINT BRAND SHERWIN WILLIAMS SW 7005 EXTRA WHITE
	2		PAINT BRAND WHITE BRICK
	3		PAINT BRAND WARM BRICK
	4		PAINT BRAND METAL SIDING
	5	GLAZING	COLOR BLUE REFLECTIVE
	6	MULLIONS	COLOR CLEAR ANODIZED
	7	METAL CANOPY	PAINT BRAND SHERWIN WILLIAMS ACRYLIC LATEX SYSTEMS-SW 7005 PURE WHITE

GLAZING LEGEND

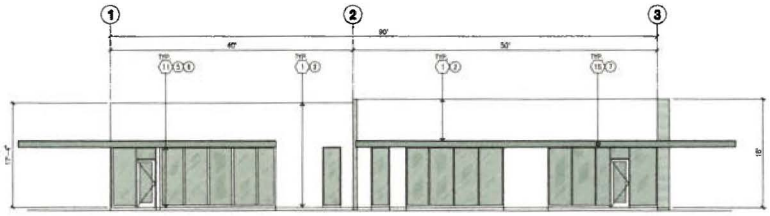
(1) INSULATED VISION GLASS



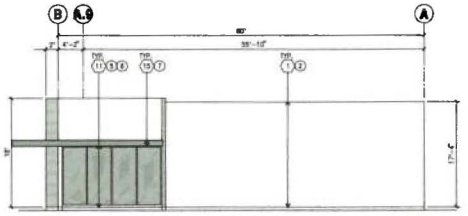
NORTH ELEVATION 1



WEST ELEVATION 2



SOUTH ELEVATION 3



EAST ELEVATION 4

RETAIL BUILDING 4 ELEVATION B

HPA architecture
hpa, inc.
18831 bardeen avenue, • ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchi.com

3-31-23

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

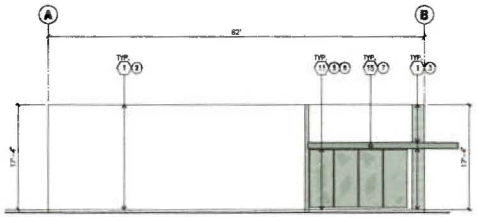
Consultants:

Title: ELEVATIONS

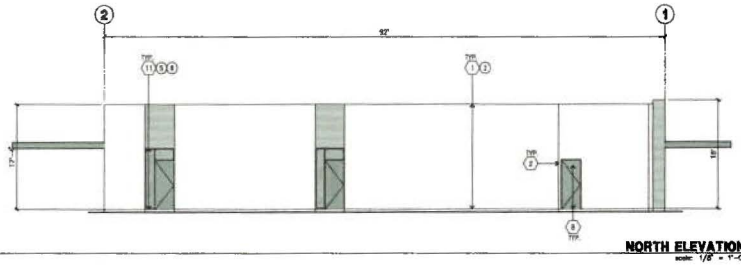
Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

Sheet:

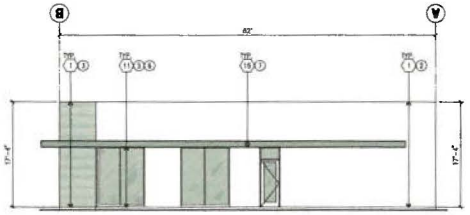
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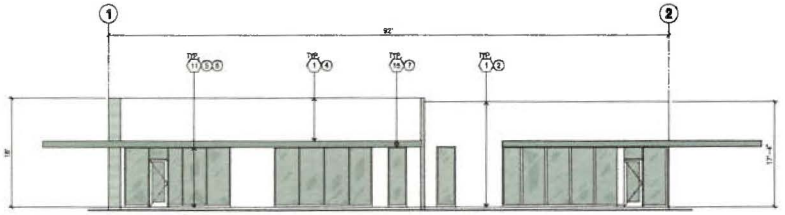
WEST ELEVATION 2
scale: 1/8" = 1'-0"



NORTH ELEVATION 1
scale: 1/8" = 1'-0"



EAST ELEVATION 4
scale: 1/8" = 1'-0"



SOUTH ELEVATION 3
scale: 1/8" = 1'-0"

RETAIL BUILDING 5 ELEVATION A
scale: 1/8" = 1'-0"

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED).
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/4" CHAMFER. REVEAL COLOR TO MATCH ATJACENT BUILDING FIELD COLOR, U.N.O.
4. OVERHEAD DOOR & FRAME, THRU - SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
5. OVERHEAD DOOR @ DOCK HIGH. SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
6. CONCRETE STAIR, LANDING AND GUARDRAIL W/ METAL PIPE HANDRAIL PROVIDE NON SKID NOSING TO MEET ADA REQUIREMENTS. PROVIDE CONTRASTING COLORED 2" WIDE WARNING STRIPS ACROSS TO CONCRETE AT TOP LANDING AND BOTTOM TREAD PER ADA REQUIREMENTS.
7. METAL LOUVER, DESIGN TO RESIST 85 MPH WIND EXPOSURE "C". PAINT TO MATCH BUILDING COLOR
8. HOLLOW METAL DOORS, SEE DOOR SCHEDULE. PROVIDE COMPLETE WEATHER STRIPPING ALL AROUND DOOR. PROVIDE PCR RAIN DEFLECTOR ABOVE DOOR. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
9. EXTERIOR DOWNSPOUT AND OVERFLOW SCUPPER
10. DOCK BUMPER
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOM LESS THAN 18" ABOVE FINISH FLOOR ELEVATION. DESIGN TO RESIST 85 MPH WIND EXPOSURE "C".
12. NOT USED.
13. NOT USED.
14. NOT USED.
15. ALUCOBOND METAL CANOPY
16. NOT USED.
17. NOT USED.

GENERAL NOTES - ELEVATIONS

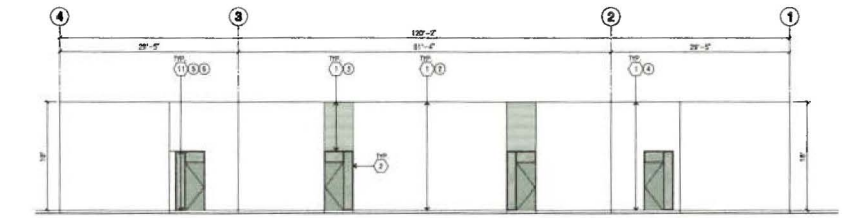
A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL.= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. NONARTICENT CONSTRUCTION, GLAZING, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST 85 MPH, EXPOSURE "C" WIND. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT ENE CONCRETE PANEL W/ SELECTED COLORS. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
I. USE ARMORE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. PAT FIRST COAT OF PAINT TO BE ROLLER-ON AND THE SECOND COAT TO BE SPRAYED-ON.

COLOR SCHEDULE - ELEVATIONS

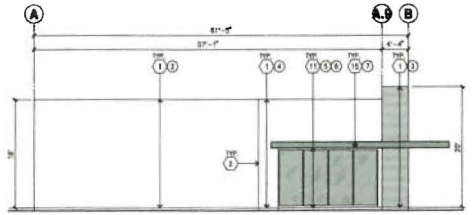
		SHERWIN WILLIAMS
1		PAINT BRAND SW 7008 EXTRA WHITE
2		PAINT BRAND WHITE BRICK
3		PAINT BRAND MARSH BRICK
4		PAINT BRAND METAL SIDING
5	GLAZING	COLOR BLUE REFLECTIVE
6	MULLIONS	COLOR CLEAR ANODIZED
7	METAL CANOPY	SHERWIN WILLIAMS ACRYLIC LATEX PAINT BRAND SYSTEMS-SW 7005 PURE WHITE

GLAZING LEGEND

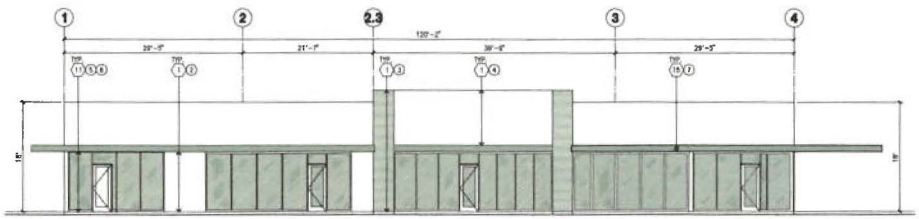
INSULATED VISION GLASS



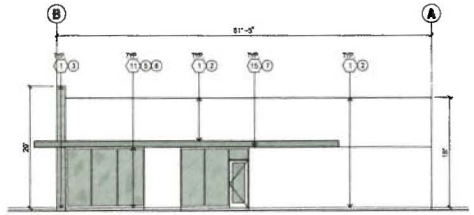
NORTH ELEVATION 1
scale: 1/8" = 1'-0"



WEST ELEVATION 2
scale: 1/8" = 1'-0"



SOUTH ELEVATION 3
scale: 1/8" = 1'-0"



EAST ELEVATION 2
scale: 1/8" = 1'-0"

RETAIL BUILDING 6 ELEVATION B
scale: 1/8" = 1'-0"

HPA architecture

hpa, inc.
18831 bardeen avenue, - ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchie.com

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

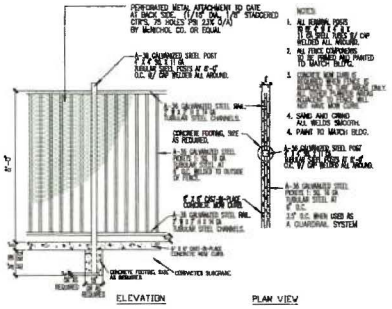
Consultants:

Title: ELEVATIONS

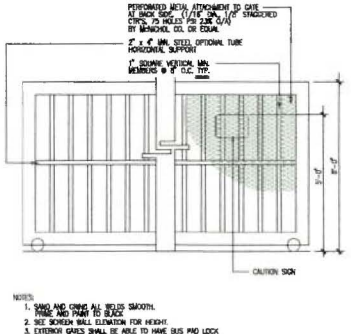
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Drawn by: SLM
Date: 11/16/21
Revision:

Sheet:

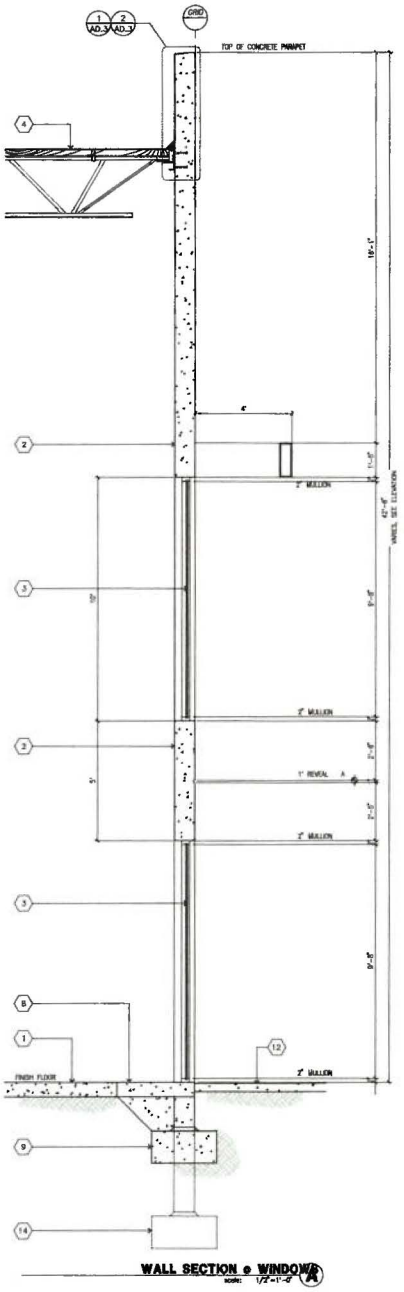
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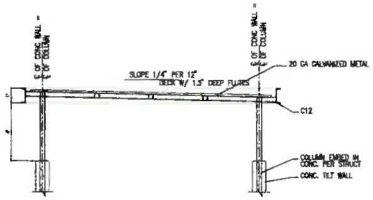
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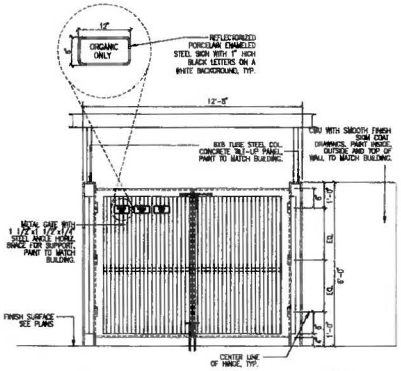
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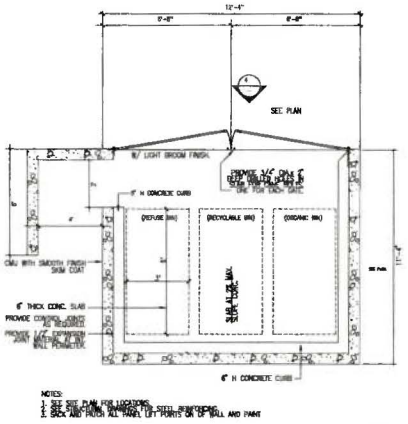
WALL SECTION @ WINDOW A



TRASH ENCLOSURE/ CANOPY DETAIL 5



TRASH ENCLOSURE GATE ELEVATION 4



TRASH ENCLOSURE PLAN 2

HPA architecture

hpa, inc.
18631 bardeen avenue, • ste. #100
irvine, ca
92612
tel: 949•863•1770
fax: 949•863•0851
email: hpa@hparchs.com

3-31-23
RENEWAL DATE

Owner:

LGE DESIGN BUILD

Project:

Banning Point

City of Banning, CA

Consultants:

Title: DETAILS

Project Number: 20394
Drawn by: SLM
Date: 11/10/21
Revision:

Sheet:

DAB-A4.1



North Elevation



West Elevation



South Elevation



East Elevation

HPA architecture

BANNING POINT

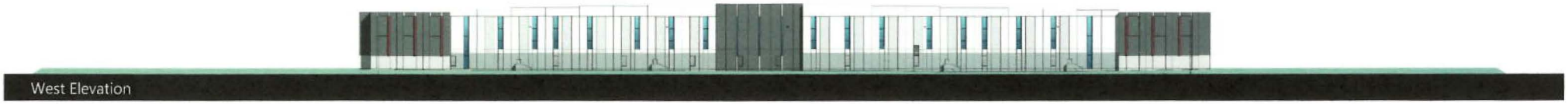
CITY OF BANNING, CALIFORNIA

LGE | DESIGNBUILD

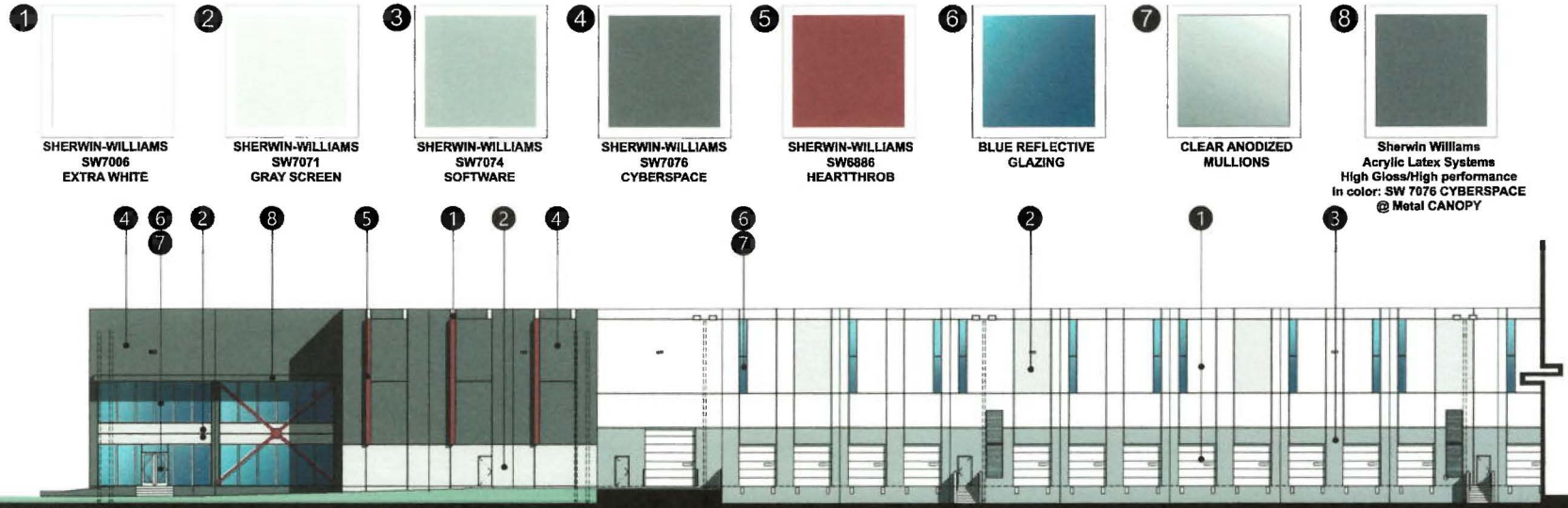
Job No. 20394.00 | CONCEPTUAL COLORED ELEVATIONS - WAREHOUSE BLDG. | 11.12.2021



North Elevation



West Elevation



Enlarged View of North Elevation

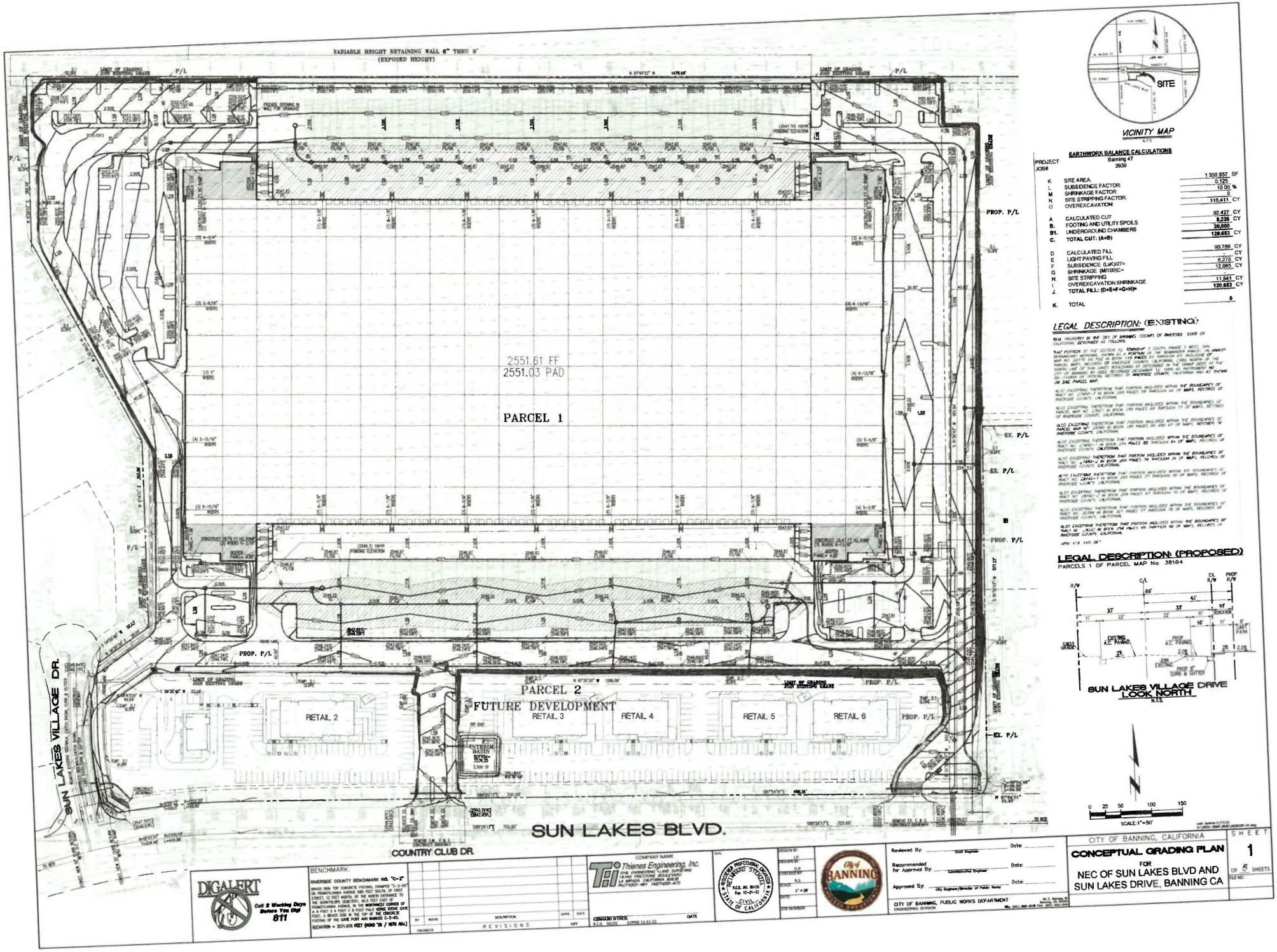
HPA architecture

BANNING POINT

CITY OF BANNING, CALIFORNIA

LGE | DESIGNBUILD

Job No. 20394.00 | CONCEPTUAL COLORED ELEVATIONS AND MATERIAL BOARD | 11.12.2021



EARTHWORK BALANCE CALCULATIONS

Banning 47
3939

PROJECT JOB#			
K	SITE AREA	1,355,957	SF
L	SUBSIDENCE FACTOR:	0.125	
M	SHRINKAGE FACTOR:	10.00	%
N	SITE STRIPPING FACTOR:	0	
O	OVEREXCAVATION:	115,411	CY
A	CALCULATED CUT	92,427	CY
B.	FOOTING AND UTILITY SPOILS	9,226	CY
B1.	UNDERGROUND CHAMBERS	26,890	
C.	TOTAL CUT: (A+B)	128,483	CY
D	CALCULATED FILL	90,789	CY
E	LIGHT PAVING FILL	-	CY
F	SUBSIDENCE (L*M)/(1+L)	6,278	CY
G	SHRINKAGE (M/(1+M))*C=	12,065	CY
H	SITE STRIPPING	-	CY
I	OVEREXCAVATION SHRINKAGE	11,541	CY
J.	TOTAL FILL: (D+E+F+G+H)=	120,683	CY
K.	TOTAL	0	

LEGAL DESCRIPTION: (EXISTING)

THAT PROPERTY IN THE CITY OF BANNING, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SECTION 10, TOWNSHIP 3 SOUTH, RANGE 1 WEST, SAN BERNARDINO MERIDIAN, SHOWN AS A PORTION OF THE SUBDIVISION AS SHOWN ON MAP NO. 3277 ON FILE IN BOOK 143 PAGES 83 THROUGH 87, INCLUSIVE OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING NORTH OF THE NORTH LINE OF SUN LAKES BOULEVARD AS DESCRIBED IN THE GRANT DEED TO THE CITY OF BANNING, BY DEED RECORDED DECEMBER 31, 1991 AS INSTRUMENT NO. 514000, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA AND AS SHOWN ON SAID PARCEL MAP.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27921-1 AS SHOWN ON MAP RECORDED IN BOOK 249 PAGES 59 THROUGH 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 27921-2 AS SHOWN ON MAP RECORDED IN BOOK 250 PAGES 59 THROUGH 71 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF PARCEL MAP NO. 25965 AS SHOWN ON MAP RECORDED IN BOOK 190 PAGES 89 AND 97 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27921-1 AS SHOWN ON MAP RECORDED IN BOOK 249 PAGES 59 THROUGH 66 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 27921-2 AS SHOWN ON MAP RECORDED IN BOOK 250 PAGES 59 THROUGH 71 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-1 AS SHOWN ON MAP RECORDED IN BOOK 255 PAGES 27 THROUGH 39 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 28142-2 AS SHOWN ON MAP RECORDED IN BOOK 255 PAGES 40 THROUGH 52 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 30184 AS SHOWN ON MAP RECORDED IN BOOK 277 PAGES 77 THROUGH 92 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

ALSO EXCEPTING THEREFROM THAT PORTION INCLUDED WITHIN THE BOUNDARIES OF TRACT NO. 30184-A AS SHOWN ON MAP RECORDED IN BOOK 294 PAGES 65 THROUGH 80 OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

APNS 418 140 001

LEGAL DESCRIPTION: (PROPOSED)

PARCELS 1 OF PARCEL MAP No. 38164

DIGALERT
Call 2 Working Days Before You Dig
811

BENCHMARK:
RIVERSIDE COUNTY BENCHMARK NO. "C-2"
BRASS DISK TOP CONCRETE FOOTING, STAMPED "C-2-1977" ON PENNSYLVANIA AVENUE 1060 FEET SOUTH OF FIRST STREET, 12 FEET NORTH OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 6 FOOT X 6 FOOT X 6 FOOT PALO VERDE STONE GATE POST, A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-1977.
ELEVATION = 2571.976 FEET (NGVD '29 / 1970 ADJ.)

REVISIONS

COMPANY NAME
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
(714)521-4811 FAX(714)521-4173

EDWARD D. STIRE, R.C.E. 56525 — DATE

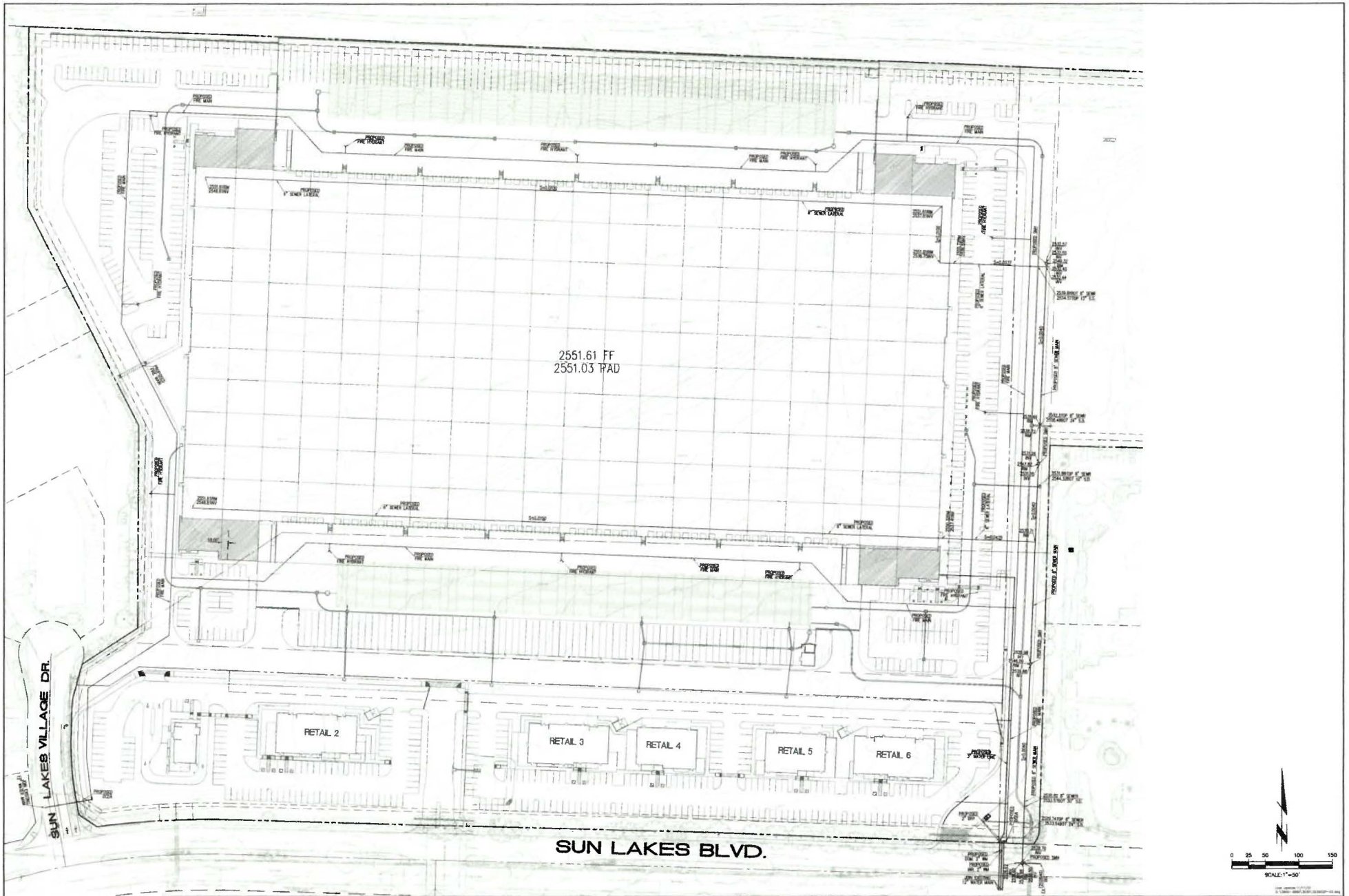
REGISTERED PROFESSIONAL ENGINEER — EDWARD D. STIRE — No. 56525 — CIVIL — STATE OF CALIFORNIA

DESIGN BY: S.P.
DRAWN BY: S.P.
CHECKED BY: E.S.
SCALE: 1" = 20'
DATE:
JOB NUMBER:

Reviewed By: _____ Date: _____
Recommended for Approval By: _____ Date: _____
Approved By: _____ Date: _____
CITY OF BANNING, PUBLIC WORKS DEPARTMENT

CITY OF BANNING, CALIFORNIA
CONCEPTUAL GRADING PLAN
FOR
NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

SHEET 1 OF 5 SHEETS



DIGALERT
Call 2 Working Days Before You Dig 811

BENCHMARK
RIVERSIDE COUNTY BENCHMARK NO. "C-2"
GRADE DISK TOP CONCRETE FOOTING, STAMPED "C-2-43" ON PENNSYLVANIA AVENUE AND FEET SOUTH OF FIRST STREET, 72 FEET NORTH OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 4 FOOT X 4 FOOT X 6 FOOT FIELD HERE STONE GATE POST, A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-43.
ELEVATION = 2571.570 FEET (NGVD "29 / 1970 ADJ.)

BY	MARK	DESCRIPTION	APPD	DATE
ENGINEER		REVISIONS		DATE

COMPANY NAME
Thienes Engineering, Inc.
CIVIL ENGINEERING / LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
(714)521-4811 FAX(714)521-4173

REGISTERED PROFESSIONAL ENGINEER RAYMOND "STUART" R.C.E. NO. 56150 Exp. 12-31-13 CIVIL STATE OF CALIFORNIA

REGISTERED ENGINEER
R.C.E. 56150 EXPIRE 12-31-13 DATE

DESIGN BY
DRAWN BY
CHECKED BY
SCALE 1" = 50'
DATE
FILE NUMBER

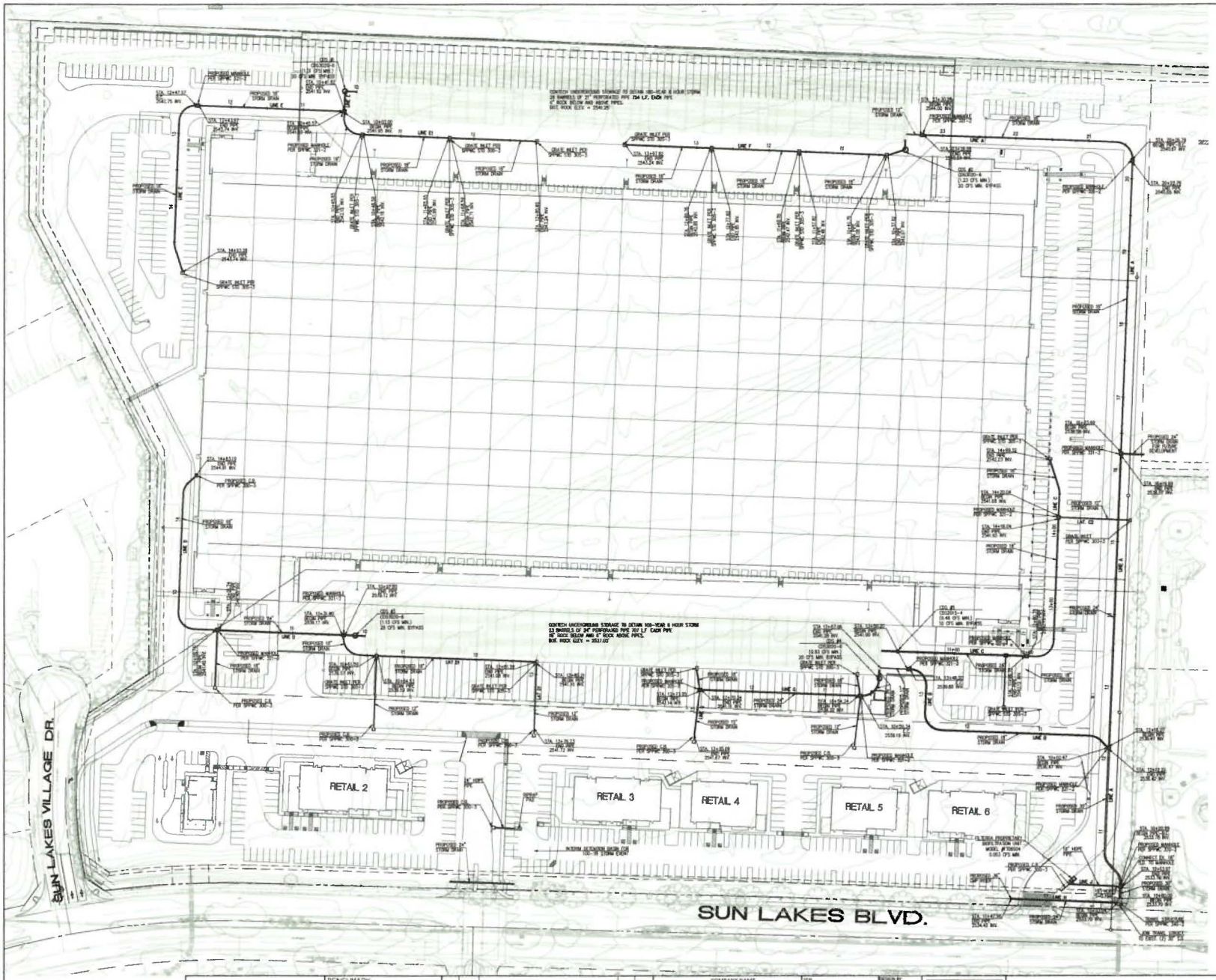
Reviewed By _____ Date _____
Recommended for Approval By _____ Date _____
Approved By _____ Date _____

CITY OF BANNING, PUBLIC WORKS DEPARTMENT

CITY OF BANNING, CALIFORNIA

CONCEPTUAL UTILITY PLAN
FOR
NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

SHEET 2 OF 5 SHEETS



DIGALERT Call 2 Working Days Before You Dig! 811

BENCHMARK:
RIVERSIDE COUNTY BENCHMARK NO. "C-2"
BRASS SIGN TOP CONCRETE PLUGING, STAMPED "C-2-1977" ON PENNSYLVANIA AVENUE 200 FEET SOUTH OF FIRST STREET, 12 FEET NORTH, OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 4 FOOT X 4 FOOT X 8 FOOT PALO VERDE STONE GATE POST, A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-1977.
ELEVATION = 2571.676 FEET (NGVD "29 / 1970 ADJ.)

BY	MARK	DESCRIPTION	APPD	DATE
ENGINEER		REVISIONS		

COMPANY NAME
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
PH.(714)521-4811 FAX(714)521-4173

BERNARDUS STIKVOL DATE
R.C.E. 56535 EXPIRE 12-31-23

REGISTERED PROFESSIONAL ENGINEER BERNARD STIKVOL R.C.E. NO. 56535 Exp. 12-31-23 CIVIL STATE OF CALIFORNIA

DESIGN BY: LF
DRAWN BY: D.O.
CHECKED BY: B.S.
SCALE: 1" = 20'
DATE:
STM NUMBER:

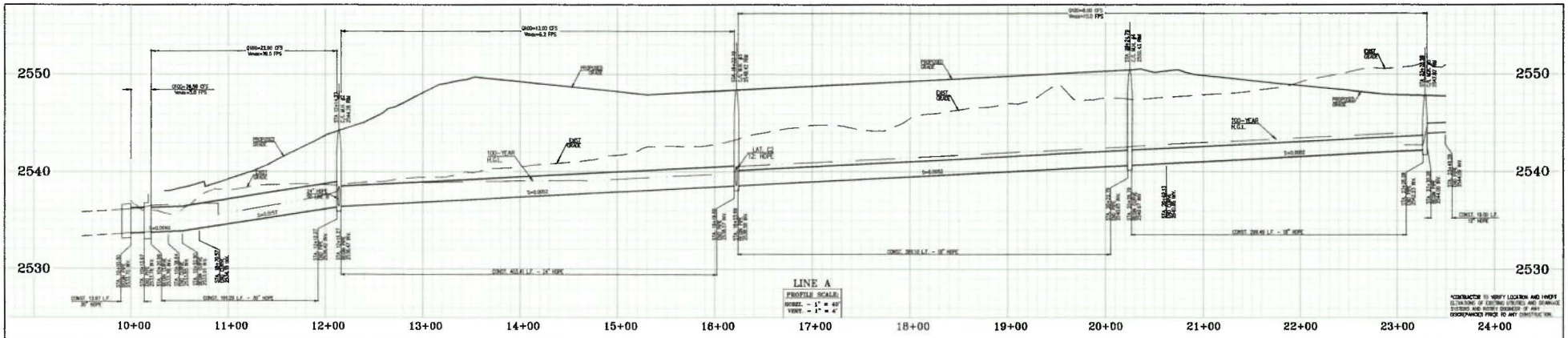
Reviewed By: _____ Date: _____
Public Works Engineer
Recommended for Approval By: _____ Date: _____
Administrative Engineer
Approved By: _____ Date: _____
City Engineer/Director of Public Works

CITY OF BANNING, PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

CITY OF BANNING, CALIFORNIA
CONCEPTUAL STORM DRAIN PLAN
FOR
NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

SHEET 3 OF 5 SHEETS
FILE NO:

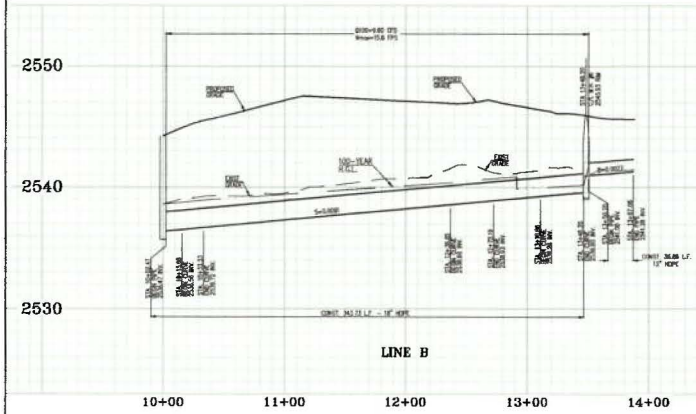
2422



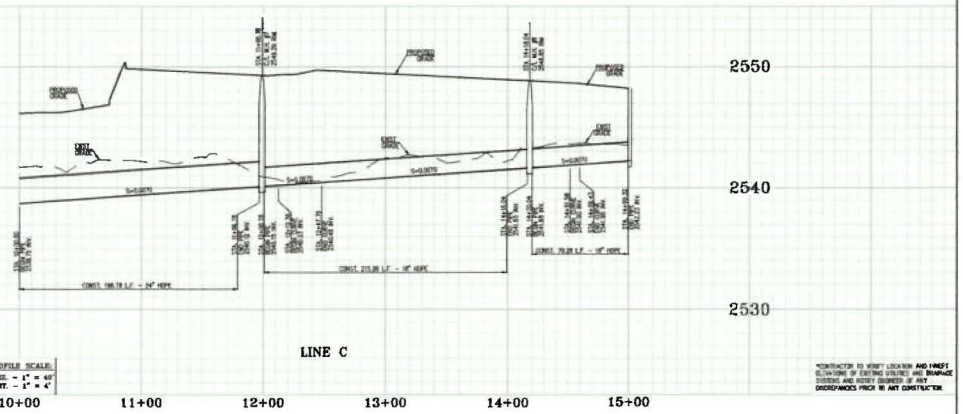
LINE A

PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.



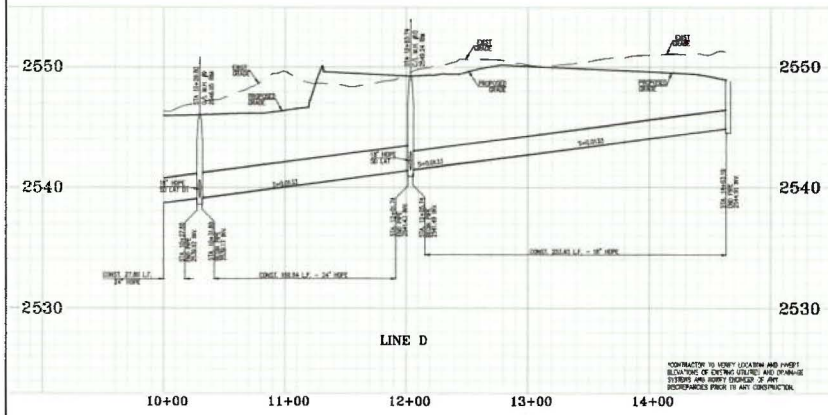
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LINE C

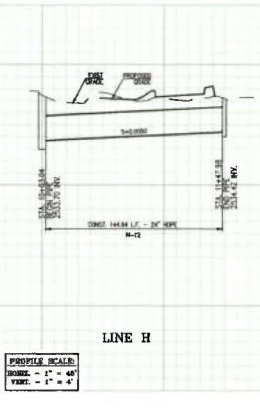
PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.



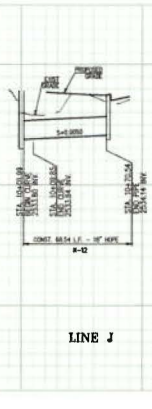
LINE D

*CONTRACTOR TO VERIFY LOCATION AND INVERT ELEVATIONS OF EXISTING UTILITIES AND DRAINAGE SYSTEMS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO ANY CONSTRUCTION.



LINE H

PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'



LINE J

DIGALERT
Call 2 Working Days Before You Dig! 811

BENCHMARK:
RIVERSIDE COUNTY BENCHMARK NO. "C-3"
BRASS DISK TOP CONCRETE FOOTING, STAMPED "C-3-1977" ON PENNSYLVANIA AVENUE, 880 FEET SOUTH OF FIRST STREET, 10 FEET NORTH OF THE NORTH ENTRANCE TO THE SUNNYSLOPE CEMETERY, 40.5 FEET EAST OF PENNSYLVANIA AVENUE, IN THE NORTHWEST CORNER OF A 4 FOOT X 4 FOOT X 6 FOOT PALO VERDE STONE GATE POST. A BRASS DISK IN THE TOP OF THE CONCRETE FOOTING OF THE GATE POST AND MARKED C-2-05.
ELEVATION = 2571.976 FEET (NGVD "29 / 1970 ADJ.)

BY	MARK	DESCRIPTION	APPR.	DATE
DRAWN BY		REVISIONS		CITY

COMPANY NAME
Thienes Engineering, Inc.
CIVIL ENGINEERING • LAND SURVEYING
14349 FIRESTONE BOULEVARD
LA MIRADA, CALIFORNIA 90638
(714)521-4811 FAX(714)521-4173

REINHARD STENGEL R.C.E. 38155 EXPIRE 12-31-22 DATE

SEAL: REGISTERED PROFESSIONAL ENGINEER REINHARD STENGEL R.C.E. NO. 38155 Exp. 12-31-22 CIVIL STATE OF CALIFORNIA

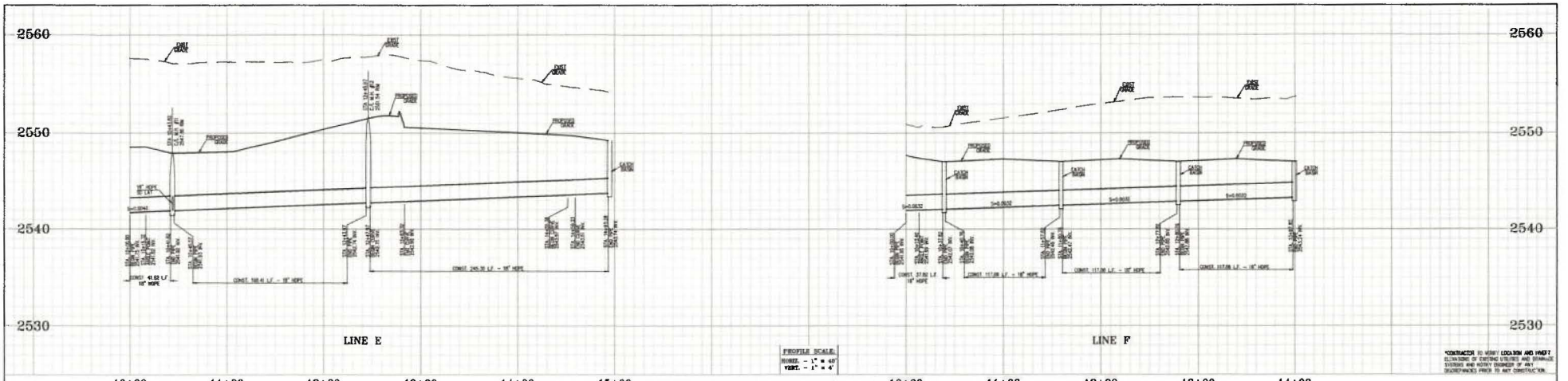
DESIGNED BY L.F.
DRAWN BY D.P.
CHECKED BY R.S.
SCALE 1" = 20'
DATE
JOB NUMBER

Reviewed By: _____ Date: _____ Staff Engineer
Recommended for Approval By: _____ Date: _____ Administrative Engineer
Approved By: _____ Date: _____ City Engineer/Director of Public Works

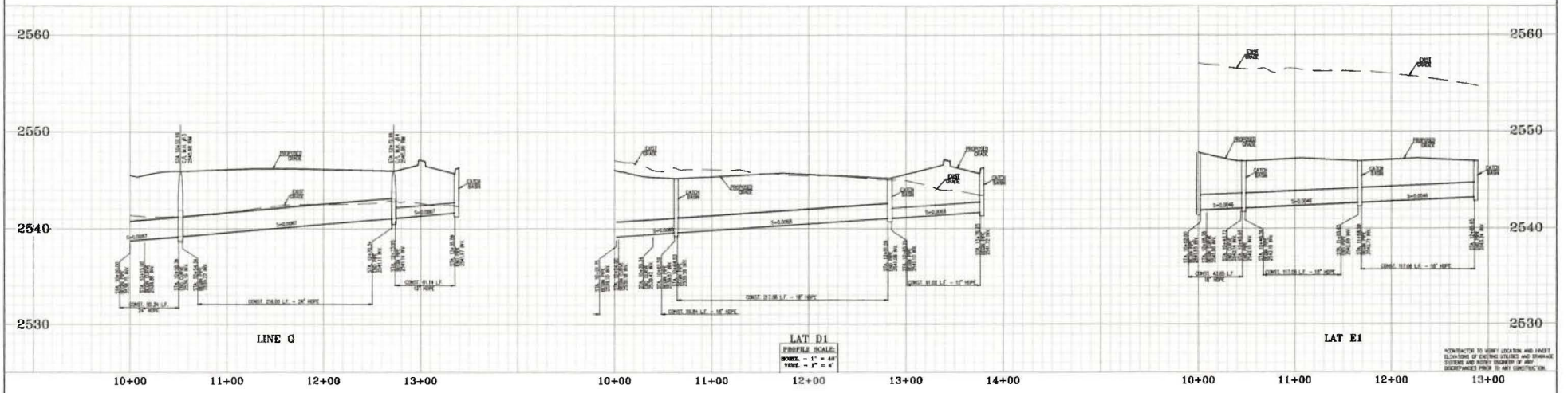
CITY OF BANNING, PUBLIC WORKS DEPARTMENT
ENGINEERING DIVISION

CITY OF BANNING, CALIFORNIA
CONCEPTUAL STORM DRAIN PROFILES
FOR
NEC OF SUN LAKES BLVD AND SUN LAKES DRIVE, BANNING CA

SHEET 4 OF 5 SHEETS
FILE NO.



PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'



PROFILE SCALE:
HORIZ. - 1" = 40'
VERT. - 1" = 4'

PREPARED FOR:
LCE DESIGN GROUP
1200 N. 52ND STREET
PHOENIX, AZ. 85008
PHONE: (602) 955-4301

Thienes Engineering, Inc.

CITY OF BANNING
PUBLIC WORKS DEPARTMENT

CONCEPTUAL STORM DRAIN PROFILES
BANNING 47
SUN LAKES BLVD.

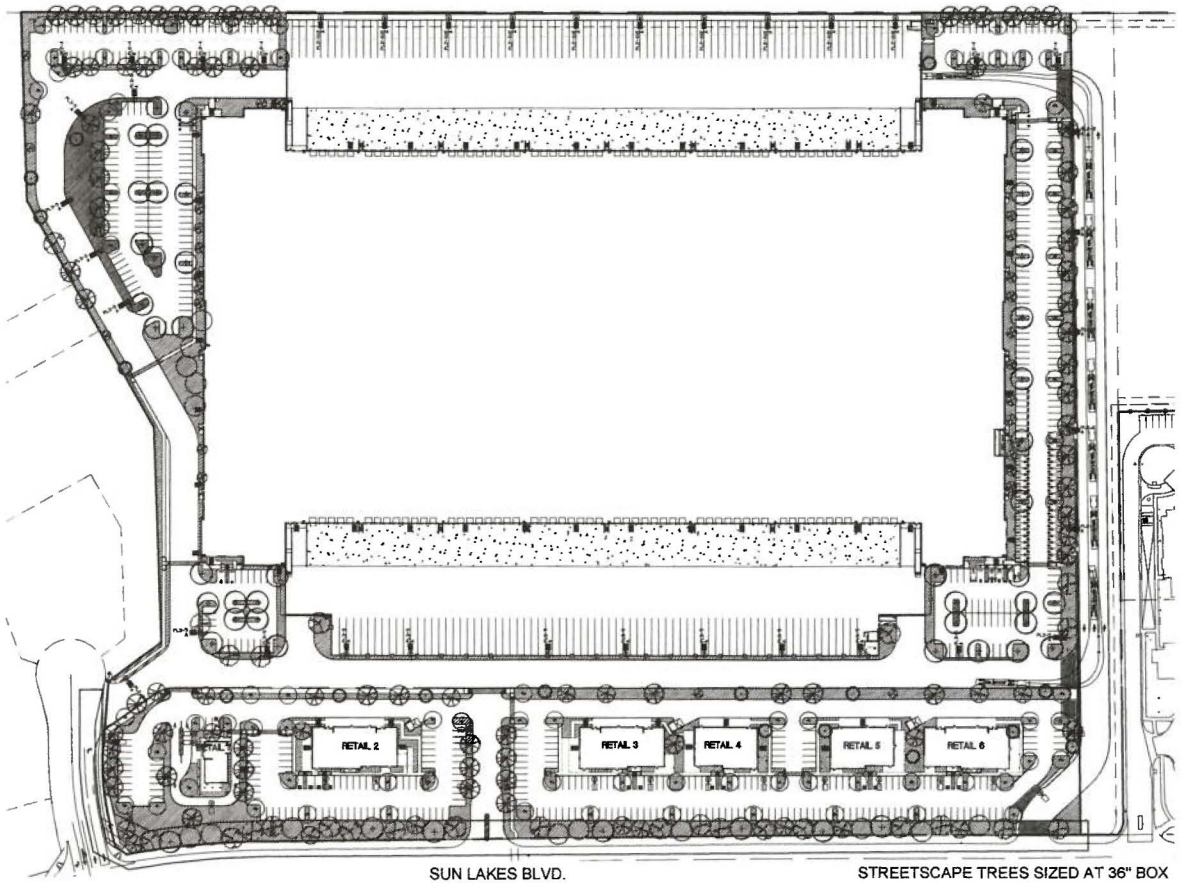
Designed by
Date
Checked by
Date
Designed by
Date
Checked by
Date

Approved by
Date
Public Works Director
R.C.E. 46926

Sheet 5 of 5 Sheets

3939/5 OF 5 SHEET

2424



PLANTING LEGEND

TREES

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Caesalpinia 'Desert Museum' Desert Museum Palo Verde	24" Box 36" Box	89 3	L	Multi
	Chilopsis linearis Desert Willow	24" Box 36" Box	32 2	L	Multi
	Chitalpa tashkentensis Chitalpa	24" Box 36" Box	6 11	L	Standard
	Geijera parviflora Australian Willow	24" Box 36" Box	9 9	M	Multi
	Lagerstroemia 'Muskogee' Crape Myrtle	36" Box	5	M	Multi
	Pinus eldarica Afghan Pine	24" Box	14	L	Standard
	Pistacia chinensis Chinese Pistache	24" Box 36" Box	39 8	L	Standard
	Prosopis chilensis Chilean Mesquite	24" Box	67	M	Multi
	Tabebuia rosea California Pepper	36" Box	12	L	Multi
	Tristania conferta Brisbane Box	15 Gal	21	M	Standard

SHRUBS

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Baccharis p. 'Centennial' Coyote Brush	5 Gal	4' OC	L	Hedge
	Callistemon 'Little John' Dwarf Bottle Brush	5 Gal	3' OC	L	Foreground
	Dietes bicolor Fortnight Lily	5 Gal	3' OC	M	Flowering Accent
	Leucadendron 'Safari Sunset' Safari Sunset	5 Gal	3' OC	M	Flowering Accent
	Leucophyllum f. 'Compacta' Texas Ranger	5 Gal	3' OC	M	Hedge
	Muhlenbergia rigens Deer Grass	5 Gal	4' OC	M	Grass
	Rosmarinus o. 'Tuscan Blue' Rosemary	5 Gal	3' OC	L	Hedge
	Salvia c. 'Allen Chickering' Allen Chickering Sage	5 Gal	4' OC	L	Flowering Accent
	Salvia greggii Autumn Sage	5 Gal	3' OC	L	Flowering Accent
	Salvia leucantha Mexican Sage	5 Gal	3' OC	L	Foreground
	Westringia f. 'Grey Box' Desert Coast Rosemary	5 Gal	3' OC	L	Foreground
	Westringia fruticosa Coast Rosemary	5 Gal	3' OC	L	Hedge

ACCENTS

SYMBOL	BOTANICAL/COMMON NAME	SIZE		WUCOLS	REMARKS
	Agave attenuata Agave	5 Gal	3' OC	L	
	Agave 'Blue Glow' Blue Glow Agave	5 Gal	3' OC	L	Foreground
	Aloe vaida Coral Aloe	1 Gal	3' OC	L	Foreground
	Hesperaloe parviflora Red Yucca	5 Gal	3' OC	L	Foreground

GROUNDCOVER

SYMBOL	BOTANICAL/COMMON NAME	SIZE	SPACING	WUCOLS	REMARKS
	Acacia redolens 'Low Boy' Dwarf Acacia	1 Gal	9' O.C.	L	Foreground
	Baccharis p. 'Pigeon Point' Dwarf Coyote Bush	1 Gal	6' O.C.	L	No Show
	Carpobrotus 'Yellow Wheel' Yellow Ice Plant	4" Pots	12" O.C.	M	No Show
	Carissa m. 'Green Carpet' Prostrate Natal Plum	1 Gal	36" O.C.	M	No Show
	Trachelospermum jasminoides Star Jasmine	1 Gal	24" O.C.	M	Foreground
	Lantana 'Gold Mound' Yellow Lantana	1 Gal	36" O.C.	L	Foreground
	Lonicera j. 'Maiblume' Hall's Honeysuckle	1 Gal	48" O.C.	L	Foreground
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	48" O.C.	L	Foreground

Landscape Area Calculations
Parking Lot Landscape Area 88,348 sf
Planting areas 128,980
Total Landscape Area 217,660 sf

N

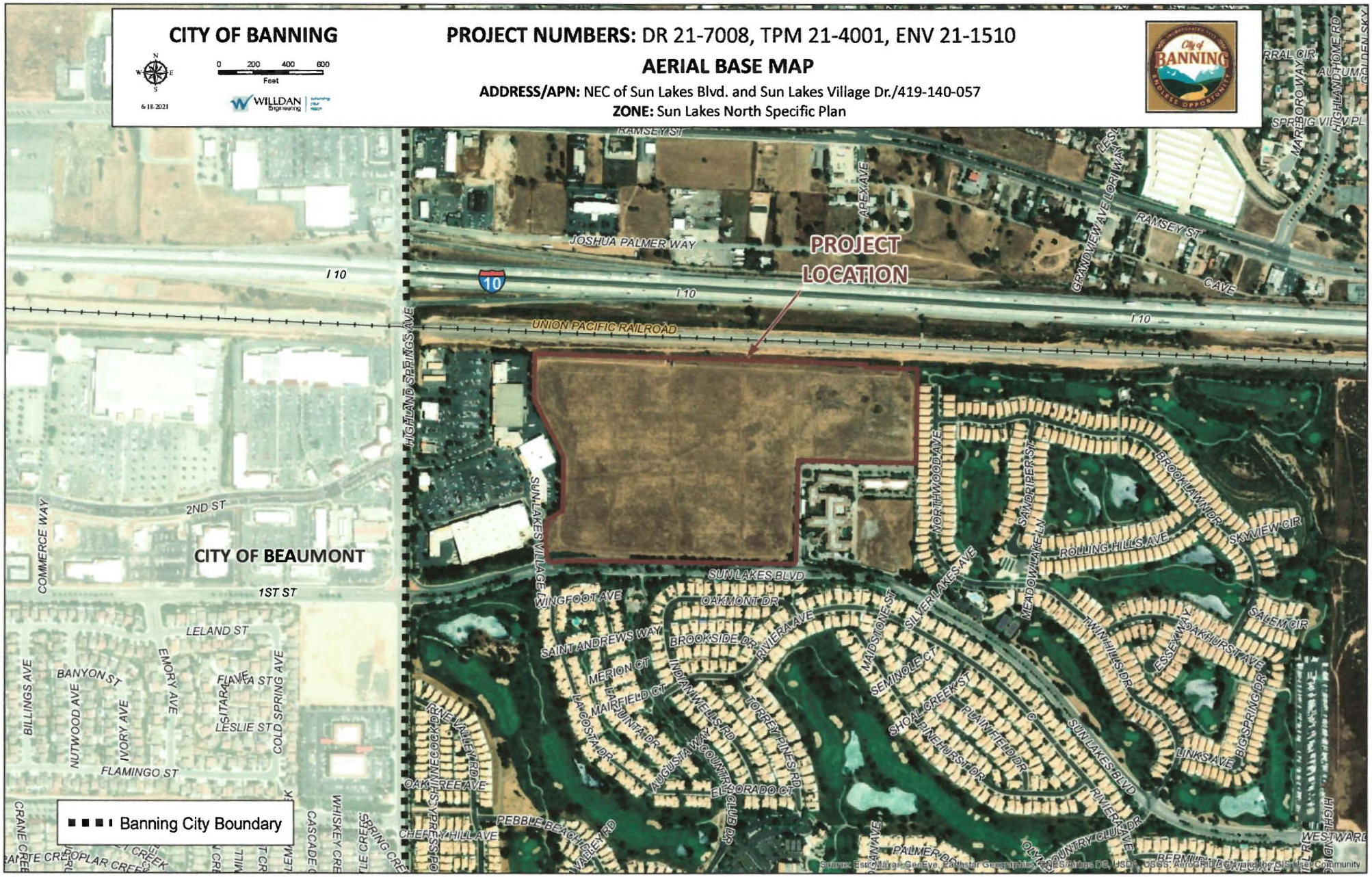
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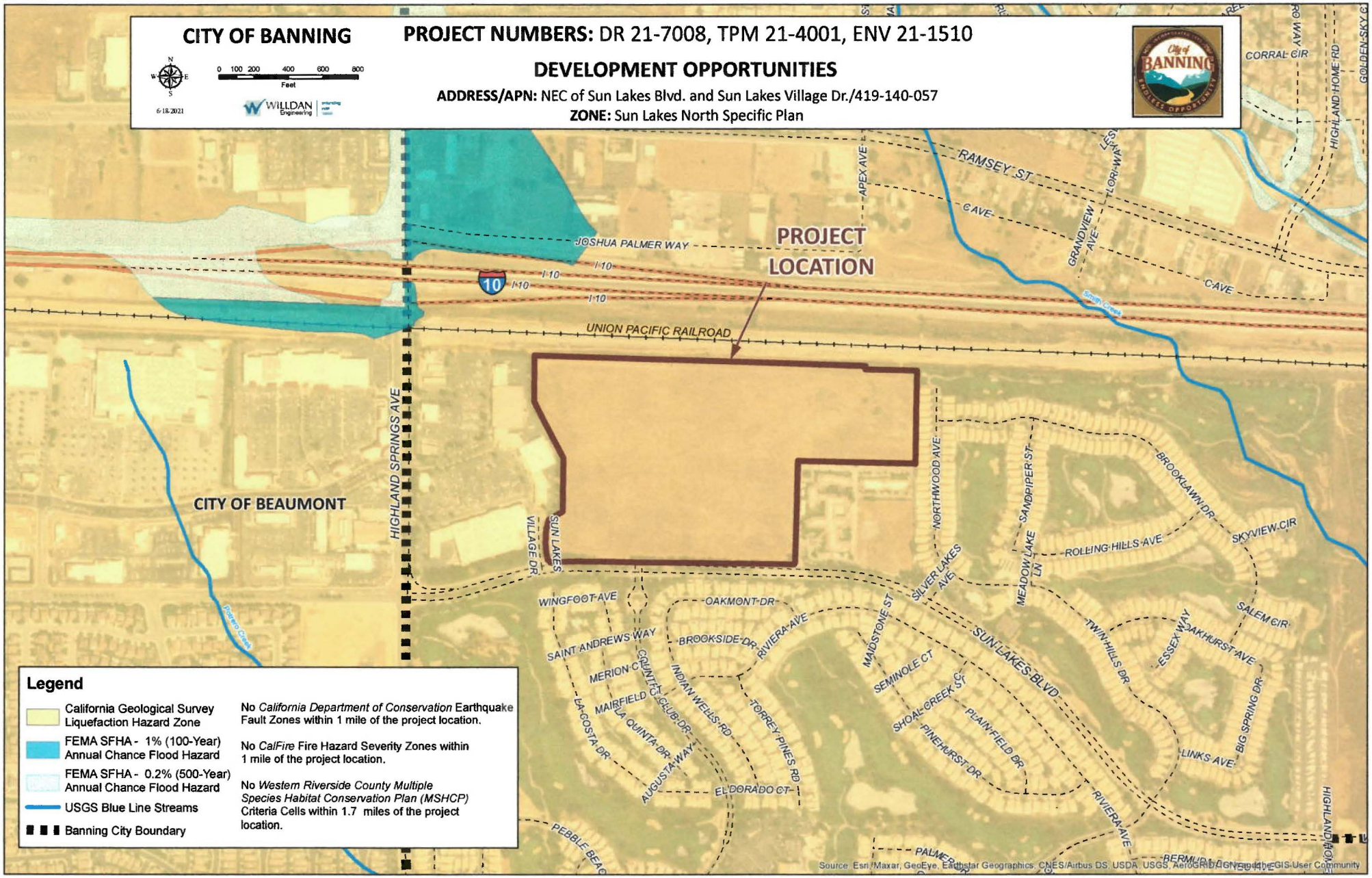
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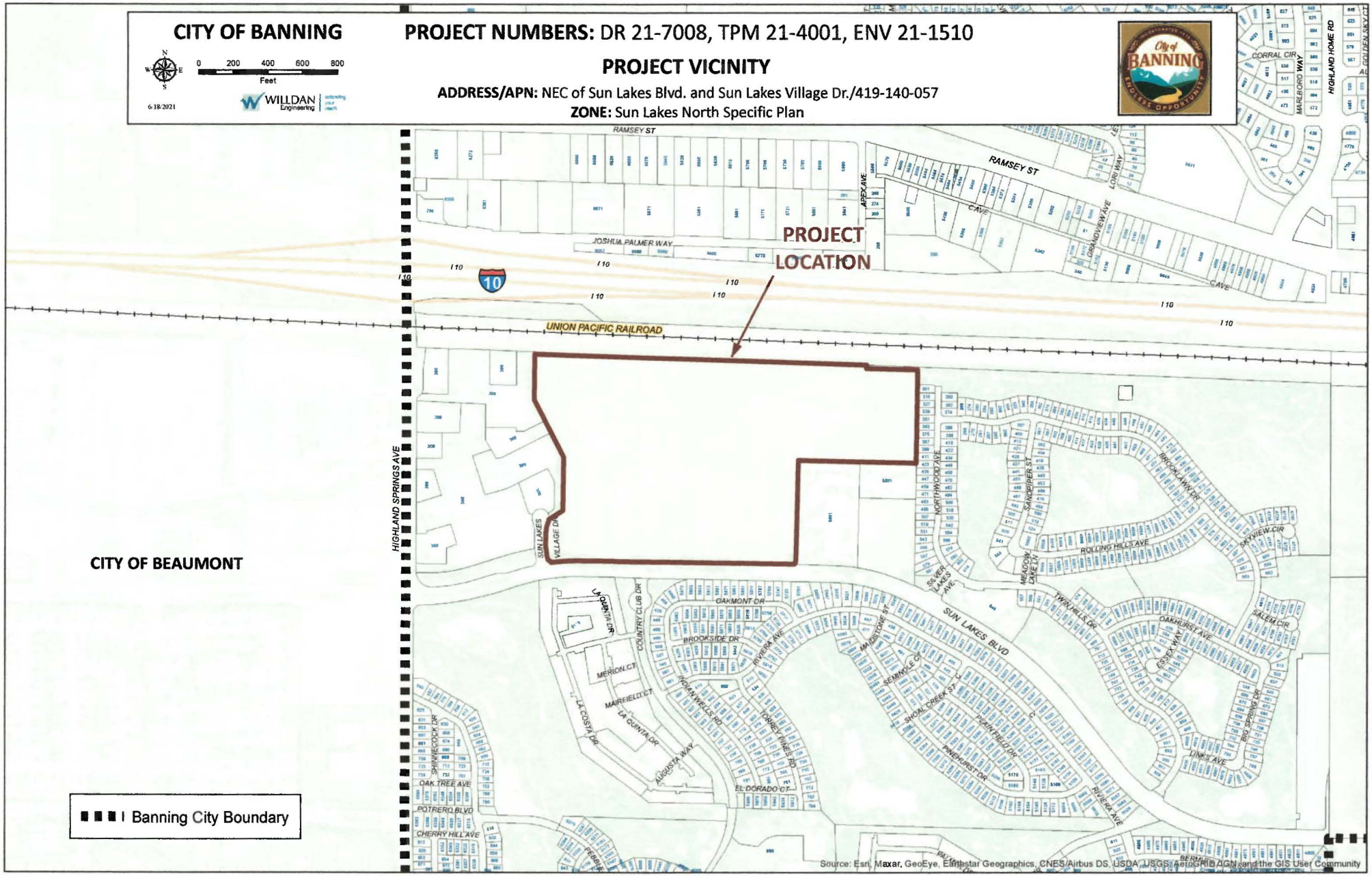
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04.20.21
10.06.21
11.16.21

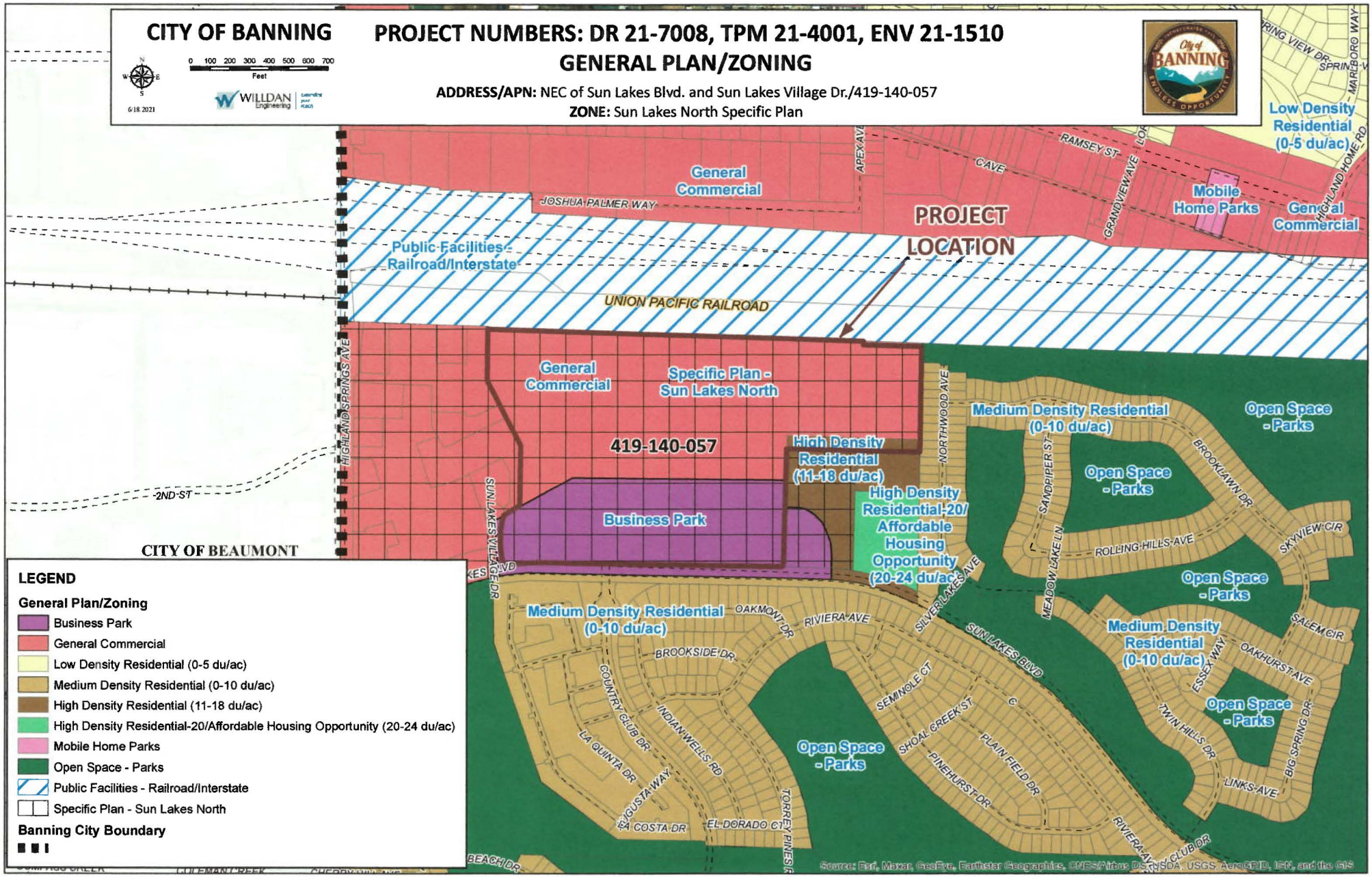
Banning, California

HUNTER LANDSCAPE
711 FEE ANA STREET PLACENTIA, CA 92870
714.986.2400 FAX 714.986.2408


CITY OF BANNING
PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510
AERIAL BASE MAP
ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057
ZONE: Sun Lakes North Specific Plan
0 200 400 600
Feet
6/18/2021
WILLDAN Engineering
PROJECT LOCATION
I 10
JOSHUA PALMER WAY
UNION PACIFIC RAILROAD
RAMSEY ST
APEX AVE
GRANDVIEW AVE
CAVE
HIGHLAND SPRINGS AVE
SUN LAKES VILLAGE
SUN LAKES BLVD
WINGFOOT AVE
OAKMONT DR
SAINT ANDREWS WAY
BROOKSIDE DR
RIVIERA AVE
MERION CT
MAIRFIELD CT
EL ADOBE DR
LA COSTA DR
INDIAN WELLS RD
AUGUSTA WAY
COUNTRY CLUB DR
ELDORADO CT
TORREY PINES RD
IRANE VALLEY RD
OAK TREE AVE
ROCKINGHORSE CT
CHERRY HILL AVE
PEBBLE BEACH DR
VALLEY RD
PALMER DR
OLD COUNTRY CLUB DR
NORTHWOOD AVE
SANDPIPER ST
MEADOWLAKE LN
SILVER LAKES AVE
MAIDSTONE ST
SEMINOLE CT
SHOAL CREEK ST
PINEHURST DR
PLAINFIELD DR
ROLLING HILLS AVE
BROOKLAWN DR
SKYVIEW CIR
TWIN HILLS DR
ESSEX OAKHURST AVE
SALEM CIR
BIG SPRING DR
LINKS AVE
SUN LAKES BLVD
RIVIERA DR
HIGHLAND HOME RD
MARSBORO WAY
SPRING VIEW PL
AUTUMN
GOLDEN SKY
WESTWARD
2ND ST
1ST ST
LELAND ST
COMMERCE WAY
CITY OF BEAUMONT
BANYON ST
FLAVIA ST
LESLIE ST
FLAMINGO ST
BILLINGS AVE
NUTWOOD AVE
IVORY AVE
EMORY AVE
COLD SPRING AVE
CRANE CREEK
POPLAR CREEK
WHISKEY CREEK
CASCADE
Banning City Boundary
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


CITY OF BANNING
PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510
DEVELOPMENT OPPORTUNITIES
ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057
ZONE: Sun Lakes North Specific Plan
6/18/2021
0 100 200 400 600 800
Feet
WILLDAN Engineering
PROJECT LOCATION
CITY OF BEAUMONT
JOSHUA PALMER WAY
I-10
UNION PACIFIC RAILROAD
RAMSEY ST
C AVE
APEX AVE
GRANDVIEW AVE
LORI WAY
CORRAL CIR
HIGHLAND HOME RD
HIGHLAND SPRINGS AVE
VILLAGE DR
SUN LAKES
NORTHWOOD AVE
SANDPIPER ST
MEADOW LAKE LN
SILVER LAKES AVE
BROOKLAWN DR
SKYVIEW CIR
ROLLING HILLS AVE
SALEM CIR
OAKHURST AVE
ESSEX WAY
TWIN HILLS DR
SUN LAKES BLVD
MAIDSTONE ST
SEMINOLE CT
SHOAL CREEK ST
PLAINFIELD DR
PINEHURST DR
LINKS AVE
BIG SPRING DR
RIVIERA AVE
WINGFOOT AVE
OAKMONT DR
SAINT ANDREWS WAY
BROOKSIDE DR
MERION CT
COUNTRY CLUB DR
MAIRFIELD CT
LA QUINTA DR
LA COSTA DR
AUGUSTA WAY
INDIAN WELLS RD
TORREY PINES RD
EL DORADO CT
PEBBLE BEACH
PALMER
BERMUDA
Legend
California Geological Survey Liquefaction Hazard Zone
FEMA SFHA - 1% (100-Year) Annual Chance Flood Hazard
FEMA SFHA - 0.2% (500-Year) Annual Chance Flood Hazard
USGS Blue Line Streams
Banning City Boundary
No California Department of Conservation Earthquake Fault Zones within 1 mile of the project location.
No CalFire Fire Hazard Severity Zones within 1 mile of the project location.
No Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP) Criteria Cells within 1.7 miles of the project location.
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


CITY OF BANNING
PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510
PROJECT VICINITY
ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057
ZONE: Sun Lakes North Specific Plan
0 200 400 600 800
Feet
6/18/2021
WILLDAN Engineering
City of BANNING
PROJECT LOCATION
RAMSEY ST
JOSHUA PALMER WAY
UNION PACIFIC RAILROAD
I 10
HIGHLAND SPRINGS AVE
SUN LAKES VILLAGE DR
CORRAL CIR
MARLBORO WAY
HIGHLAND HOME RD
APEX AVE
CAVE
LORI WAY
GRANDVIEW AVE
CITY OF BEAUMONT
OAKMONT DR
BROOKSIDE DR
COUNTRY CLUB DR
LA QUINTA DR
MERION CT
MAIREIELD CT
LA COSTA DR
AUGUSTA WAY
HOAN WELLS RD
TORREY PINES RD
EL DORADO CT
SHINNECOCK DR
OAK TREE AVE
POTRERO BLVD
CHERRY HILL AVE
RIVIERA AVE
SUN LAKES BLVD
MIDSTONE ST
SEMINOLE CT
SHOAL CREEK ST
PAINTFIELD DR
PINEHURST DR
NORTHWOOD AVE
SANDPIPER ST
MEADOW LAKE LN
SILVER LAKES AVE
ROLLING HILLS AVE
BROOKLAWN DR
SKYVIEW CIR
TWIN HILLS DR
OAKHURST AVE
ESSEX WAY
SALEM CIR
BIG SPRING DR
LINKS AVE
Banning City Boundary
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community


CITY OF BANNING
PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510
GENERAL PLAN/ZONING
ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057
ZONE: Sun Lakes North Specific Plan
0 100 200 300 400 500 600 700
Feet
6.18.2021
WILLDAN Engineering
PROJECT LOCATION
419-140-057
General Commercial
Specific Plan - Sun Lakes North
Public Facilities - Railroad/Interstate
UNION PACIFIC RAILROAD
JOSHUA PALMER WAY
APEX AVE
CAVE
RAMSEY ST
GRANDVIEW AVE
Mobile Home Parks
General Commercial
Low Density Residential (0-5 du/ac)
HIGHLAND SPRINGS AVE
2ND ST
CITY OF BEAUMONT
SUN LAKES VILLAGE DR
Business Park
High Density Residential (11-18 du/ac)
High Density Residential-20/ Affordable Housing Opportunity (20-24 du/ac)
NORTHWOOD AVE
Medium Density Residential (0-10 du/ac)
Open Space - Parks
SANDPIPER ST
BROOKLAWN DR
SKYVIEW CIR
ROLLING HILLS AVE
MEADOW LAKE LN
SILVER LAKES AVE
SUN LAKES BLVD
OAKMONT DR
RIVIERA AVE
BROOKSIDE DR
COUNTRY CLUB DR
INDIAN WELLS RD
LA QUINTA DR
AUGUSTA WAY
LA COSTA DR
EL DORADO CT
TORREY PINES
SEMINOLE CT
SHOAL CREEK ST
PLAIN FIELD DR
FINEHURST DR
ESSEX WAY
OAKHURST AVE
SALEM CIR
TWIN HILLS DR
BIG SPRING DR
LINKS AVE
CLUB DR
BEACH DR
LEGEND
General Plan/Zoning
Business Park
General Commercial
Low Density Residential (0-5 du/ac)
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)
Mobile Home Parks
Open Space - Parks
Public Facilities - Railroad/Interstate
Specific Plan - Sun Lakes North
Banning City Boundary
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS

RESOLUTION 2022-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, (1) APPROVING TENTATIVE PARCEL MAP NO. 38164, ALLOWING THE SUBDIVISION OF APPROXIMATELY 47 GROSS ACRES OF VACANT LAND, INTO THREE PARCELS; (2) APPROVING DESIGN REVIEW 21-7008 AND AFFIRMING THE PLANNING COMMISSION'S APPROVAL OF THAT APPLICATION AND DENYING AN APPEAL OF THAT DECISION AND PERMITTING THE CONSTRUCTION OF A PROPOSED INDUSTRIAL WAREHOUSE BUILDING OF 619,959 SQUARE FEET, INCLUDING 10,000 SQUARE FEET OF OFFICE SPACE, AND SIX RETAIL/COMMERCIAL BUILDINGS TOTALING 34,000 SQUARE FEET, ON REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN AMENDMENT NO. 5 (APN: 419-140-057); AND (3) ADOPTING AN ADDENDUM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND MAKING FINDINGS IN SUPPORT THEREOF, INCLUDING FINDING OF CONSISTENCY WITH THE CERTIFIED ENVIRONMENTAL IMPACT REPORT PREPARED FOR AMENDMENT NO. 5 TO THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN (SCH # 2020029074)

WHEREAS, on December 8, 2020, the City Council certified the Final Environmental Impact Report (EIR) (SCH #2020029074) prepared for, and approved, Amendment No. 5 to the Sun Lakes Village North Specific Plan (SLVNSP) (Ordinance 1571 for Zone Change 20-3501). Amendment No. 5 revised the Specific Plan Land Use Plan from Retail Commercial (Auto Dealer) to Business Park & Warehouse (BW), Office & Professional (OP), and Retail & Service (RS), and revised the permitted land uses, development standards (including maximum building height, setbacks, open space, landscaping, parking, and signage), and design guidelines for the development and implementation provisions of the SLVNSP; and

WHEREAS, the EIR for Amendment No. 5 to the SLVNSP is now final, beyond challenge, and is conclusively presumed to comply with CEQA; and

WHEREAS, in furtherance of the interests of Sun Lakes Highland, LLC (Applicant), an application was submitted for Tentative Parcel Map No. 38164 (TPM 21-4001) to subdivide approximately 47.11 acres of vacant real property into three commercial and industrial parcels, and for Design Review 21-7008, to construct a 619,959 square-foot industrial building with 10,000 square feet of office space, and six retail/commercial buildings totaling 34,000 square feet and associated utility, parking, roadway, and landscaping improvements (all together, the Project), on APN 419-140-057; and

WHEREAS, on October 19, 2021, and December 1, 2021, the Planning Commission conducted duly noticed public hearings on the Project, at which time interested persons had an opportunity to testify in support of or in opposition to the Project. At the conclusion of the public hearing on December 1, 2021, the Planning Commission adopted Resolution No. 2021-16, approving Tentative Parcel Map No. 38164 and approving Design Review 21-7008, including conditions of for approval of the Project. Pursuant to Banning Municipal Code Chapter 16.14, the Planning Commission's

decision has been interpreted by City Staff and the City Council as a recommendation to the City Council for approval of that Map; and

WHEREAS, pursuant to Banning Municipal Code Section 17.68.100, three applications seeking to appeal the Planning Commission's decision on the Project were received during the appeal period following the Planning Commission's action; and

WHEREAS, an appeal application was received from Golden State Environmental Justice Alliance and was subsequently rejected as being incomplete because it did not state the grounds or reasons for its appeal, did not request a specific action, and incorrectly described the project; and

WHEREAS, an appeal application was received from Supporters Alliance For Environmental Responsibility (SAFER), who subsequently withdrew its appeal on January 18, 2022, and announced its support for the Project; and

WHEREAS, on December 7, 2021, the law firm of Shute, Mihaly & Weinberger submitted an appeal on behalf of Appellant, Pass Area Action Group, and a three-page letter on behalf of Appellant, which was supplemented by a 428-page letter submitted via email on January 24, 2022; and

WHEREAS, the public hearing on Tentative Parcel Map 38164 and the appeal hearing on Design Review 21-7008 was scheduled for January 31, 2022, and in compliance with applicable law, the City provided public notice of the public hearing by advertising in the Record Gazette Newspaper on January 21, 2022, and by mailing notices to all property owners within 1,000 feet of the subject site; and

WHEREAS, the City subsequently received requests from both Pass Area Action Group and the Applicant to continue the appeal hearing to allow for additional time to review the materials related to the Project; and

WHEREAS, in recognition of the requests from both Appellant and Applicant for a continuance of the public hearing, at the regularly scheduled City Council meeting held on January 25, 2022, the City Council voted to cancel the appeal hearing previously noticed January 31, 2022, and to reschedule the public hearing to February 17, 2022; and

WHEREAS, the City provided public notice of the rescheduled public hearing on Tentative Parcel Map 38164 and the appeal hearing on Design Revie 21-7008 by advertising in the Record Gazette Newspaper on February 4, 2022, and by again mailing (on February 3, 2022) notices to property owners within a 1,000-foot radius of the subject site; and

WHEREAS, on February 17, 2022, the City Council of the City of Banning conducted a duly noticed public hearing on the Appeal, at which time all interested persons, including Appellant and Applicant, were given an opportunity to speak and to present both oral and written evidence in support of and in opposition to the Appeal; and

WHEREAS, all legal prerequisites prior to the adoption of this Resolution have occurred; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including supporting reports by City Staff, written materials timely received by the City, and information provided during public meetings.

NOW THEREFORE, the City Council of the City of Banning does hereby resolve, determine, find, and order as follows:

SECTION 1: **Recitals**. This Council hereby specifically finds that all of the facts set forth in the Recitals above are true and correct, and are incorporated herein.

SECTION 2: **Environmental Findings**.

A. The Project has been reviewed in connection with the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000, *et seq.*) and the State CEQA Guidelines (14 C.C.R. § 15000, *et seq.*). Based upon all of the applications, plans, submittals, and evidence presented to the Planning Commission on October 19, 2021 and December 1, 2021, the additional submittals from the Appellant and the Applicant, and the public hearing held on February 17, 2022 (including written and oral staff reports and supporting documentation, together with public testimony), and in the exercise of its independent judgment based upon the whole of the record and the evidence presented to it, this Council hereby specifically finds and concludes, as provided in the succeeding subsections of this Section 2, as follows with respect to environmental review related to the Project.

B. The EIR prepared for Amendment No. 5 to the SLVNSP analyzed the potential development of 877,298 square feet of industrial and warehouse uses, 52,065 square feet of medical office uses, and 37,189 square feet of retail uses. The EIR analyzed the potential environmental impacts from this type of development in the areas of: aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, transportation, tribal cultural resources, and utilities and service systems. The EIR concluded that Amendment No. 5 to the SLVNSP had the potential to result in a net increase of building square footage and that certain air quality, greenhouse gas emissions, and traffic impacts would be significant and unavoidable even after the imposition of mitigation and regulatory compliance. The City Council determined that the benefits of Amendment No. 5 outweighed the Amendment's environmental impacts, and adopted a Statement of Overriding Considerations on December 8, 2020. The EIR was certified on December 8, 2020, and was never challenged. It is now final, beyond challenge, and conclusive in all respects.

C. Amendment No. 5 to the SLVNSP was adopted on December 8, 2020, by way of City Council Resolution No. 2020-141. Its text was added into the City's Zoning Code portion of the Municipal Code by way of Ordinance No. 1571, which was introduced on December 8, 2020, adopted on January 12, 2021, and became effective on February 11, 2021. It was never challenged and is now final, beyond challenge, and in effect for all purposes.

D. The Project proposes a smaller development than that analyzed in the EIR. The Project proposes 619,959 square feet of industrial use (split between 75% [or 464,969 square feet] of high-cube fulfillment center warehouse use and 25 % [or 154,990 square feet] of high-cube cold storage warehouse use), and 34,000 square feet of retail uses, along with associated utility, parking, roadway, and landscaping improvements. The Project does not include development of any of the office uses analyzed in the EIR.

E. The project is found to be consistent with the Multi-Species Habitat Conservation Program (MSHCP). The project is located outside of any MSHCP criteria area and mitigation is provided through payment of the MSHCP Mitigation Fee.

F. The mitigation measures imposed as part of the prior EIR remain valid and applicable to the Project and are imposed as Condition of Approval No. 2. The same benefits described in the Statement of Overriding Considerations for Amendment No. 5 to the SLVNSP remain applicable to the Project.

G. The prior EIR, which was a "Program EIR," has been reviewed to determine if the Project is within the scope of what was analyzed in the EIR. Based on this review and analysis, an addendum/consistency checklist, entitled "Banning Point Addendum / Consistency Checklist to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report" (updated version dated February 10, 2022) ("Addendum") has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). CEQA Guidelines Section 15164(a) provides that the lead agency "shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred." CEQA Guidelines Section 15164(c) further provides that an "addendum need not be circulated for public review but can be included in or attached to the final EIR" and CEQA Guidelines Section 15164(e) provides that a "brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included" in the addendum, the agency's findings, or elsewhere in the administrative record.

H. The Addendum evaluated the Project's potential environmental effects in light of those effects previously disclosed in the prior EIR to determine

whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred.

I. The City Council has considered whether additional environmental review is required for the Project beyond what was analyzed and disclosed in the now-final EIR and in the Addendum. All environmental impacts of Amendment No. 5 to the SLVNSP (including those impacts related to the development of industrial and warehouse uses and retail uses, such as those proposed by the Project) were analyzed, disclosed, and mitigated as set forth in the EIR (SCH# 2020029074) that was certified on December 8, 2020; this conclusion is supported by the detailed Addendum and its supporting technical reports and data. Therefore, any potential environmental impacts resulting from the types of land development proposed by the Project already have been analyzed and disclosed in the certified EIR that is now final in all respects and is beyond challenge. Furthermore, a subsequent EIR is not required as discussed below.

J. Public Resources Code Section 21166 and the corresponding CEQA Guidelines Section 15162 provide that no subsequent EIR shall be prepared for a project unless, on the basis of substantial evidence in the light of the whole record, "major revisions" of the EIR are needed to reflect (i) substantial changes to the project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (ii) substantial changes to the circumstances under which the project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or (iii) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, showing that the project will have one or more significant effects not discussed in the previous EIR, or significant effects previously examined will be substantially more severe than shown in the previous EIR, or mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. At this point in the process, "in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired, and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process." (*Bowman v. City of Petaluma* (2008) 185 Cal.App.3d 1065, 1073-1074.) As a result, any issues with the earlier EIR that were raised or could have been raised are barred from further consideration. (*Comm. for Green Foothills v. Santa Clara County Bd. of Supervisors* (2010) 48 Cal.4th 32, 50.)

K. No information has been presented to the City demonstrating that any of the criteria set forth in Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, are present.

(1) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the Project involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. Rather, the Project proposes the same type of land uses analyzed in the EIR and approved as part of Amendment No. 5 to the SLVNSP, but it is smaller in scope. The Project therefore serves to implement the vision for the area described in Amendment No. 5 to the SLVNSP, and is consistent the land use envisioned in the SLVNSP and its EIR. Furthermore, the Addendum comprehensively analyzed the Project in comparison to the EIR in each environmental impact area and concluded that there are no new or substantially greater impacts than those previously disclosed, analyzed, and mitigated (to the extent feasible) in the EIR. The City Council finds that the Addendum, including its supporting technical reports, to constitute substantial evidence in support of this conclusion.

(2) No information has been presented to the City to demonstrate that any substantial changes have occurred with respect to the circumstances under which the Project is undertaken involving new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project remains consistent with the project described in the prior EIR for Amendment No. 5 to the SLVNSP and is smaller in scope than the development anticipated in that document and approved in Amendment No. 5 to the SLVNSP. There have been no changes to the SLVNSP area that would alter the ability of the Project to remain consistent with the SLVNSP and the environmental impacts analyzed in the prior EIR.

(3) No information has been presented to the City to demonstrate that there is any new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete showing that the Project will have any significant or more severe effects than those discussed in the prior EIR, or that additional mitigation measures or alternatives would substantially reduce any significant effects on the environment disclosed in the prior EIR. No information, let alone substantial evidence, has been presented to suggest that the current Project has environmental impacts beyond those previously analyzed, disclosed, and mitigated as set forth in the EIR. No information

regarding any purported greater environmental impacts, or the need for additional mitigation or alternatives, has been presented.

L. The Appellant's contention in its January 24, 2022, letter that preparation of a program-level EIR for Amendment No. 5 to the SLVNSP was not proper is a time-barred attack on that EIR. The EIR was never challenged and is lawful, valid, and conclusive for all purposes. Furthermore, the SLVNSP is a Specific Plan and therefore is a legislative enactment and environmental review at the program, or plan, level was appropriate.

M. The Appellant's contention in its January 24, 2022, letter that the Project constitutes a "new" project not within the scope of that studied in the EIR is unfounded. As shown in the Addendum, and its supporting technical reports in the areas of air quality, greenhouse gas emissions, health risk assessment, trip generation memorandum, and vehicle miles traveled (VMT) analysis, Project impacts are not greater or more impactful than previously disclosed, analyzed, and approved in connection with Amendment No. 5 to the SLVNSP, including considering the addition of 154,990 square feet of high-cube cold storage warehouse use within the overall 619,959 square feet of industrial use. The Addendum and its supporting documentation expressly considered the use of high-cube cold storage industrial uses and found impacts to be within the scope of those analyzed in the EIR. The City Council expressly finds that the analysis contained in the Addendum and its supporting technical reports is credible, supported by facts, and constitutes substantial evidence.

N. The Appellant's contention in its January 24, 2022, letter that the EIR's analysis in the areas of transportation, air quality, greenhouse gas emissions, and noise is insufficient to apply to the Project is unfounded. The City Council finds that several of Appellant's contentions, including those set forth in the technical memoranda attached to their letter, are unfounded; rely on flawed assumptions (including but not limited to those related to horsepower, emission factors, and trip generation rates) leading to incorrect conclusions; are speculative (such as unsupported assumptions about the use of emergency diesel generators); or amount at most to a disagreement among experts, including over issues such as trip generation and trip lengths that were settled in the EIR and are now beyond challenge. A disagreement among experts is not a sufficient reason to set aside an EIR and a lead agency such as the City may choose to accept the determinations and conclusions in the EIR if they are supported by substantial evidence. (CEQA Guidelines Section 15151.) The City Council further finds that other of Appellant's contentions, such as that no vehicle miles traveled (VMT) analysis or noise impacts analysis have occurred, are factually incorrect and therefore lack foundation. The City Council also finds that other contentions, including those regarding the efficacy of mitigation measures imposed as part of Amendment No. 5 to the SLVNSP and its EIR, are time-barred and an impermissible collateral attack on the prior EIR. The

City Council expressly finds that substantial evidence supports the conclusions in the certified EIR, and that no new information has been presented to invalidate these conclusions.

O. The Appellant's contention in its January 24, 2022, letter that a new cumulative impacts analysis was required is incorrect. The prior EIR included a cumulative impacts analysis; no such analysis is also required as a separate, standalone component of a determination that a subsequent EIR is not required.

P. The Appellant's contention in its January 24, 2022, letter that the City was required to separately notify South Coast Air Quality Management District (SCAQMD) and the California Air Resources Board of the Project is incorrect. There is no obligation to notify other public agencies of an addendum or a determination that a project does not require additional environmental review. Furthermore, other public agencies were properly notified of the preparation of the prior EIR and then subsequently had the opportunity to comment on it. SCAQMD provided a comment on the notice of preparation of the EIR and then did not submit any comments on the EIR.

Q. The City Council finds, in the exercise of its independent judgment and based on substantial evidence in the whole of the record, that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the EIR; (ii) all applicable mitigation measures in the EIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum. The Addendum and its supporting technical reports and memoranda constitute substantial evidence in support of the City Council's conclusion and findings. The City Council hereby adopts the Addendum.

R. The Community Development Director shall cause to be a filed a Notice of Determination for the Project in accordance with CEQA.

S. The custodian of records for the documents that constitute the record of proceedings upon which the City Council's decision is based is the City Clerk of the City of Banning. Those documents are available for public review in the Planning Division located at 99 E. Ramsey Street, Banning, California, 92220.

SECTION 3: **Tentative Parcel Map Findings**. Subsection (B) of Section 16.14.050 of the Banning Municipal Code provides that any action taken by the City Council with respect to the Tentative Parcel Map shall be supported by the findings required by Sections 66427.1, 66473.5, 66474, 66474.1 and 66474.6 of the California Government Code and Section 21100 of the California Public Resources Code.

A. Applicable Findings. The City Council finds that Sections 66427.1 does not apply because this Project does not involve the conversion of residential real property into a condominium project, a community apartment project, or a stock cooperative project. The City Council also finds that Section 66474.1 does not apply because the City Council's action in this matter relates to a Tentative Parcel Map and not a Final Parcel Map. The City Council finds that the other sections noted in the introductory paragraph of this Section do apply to this Tentative Parcel Map. The following subsections are intended to provide the required findings in accordance with Government Code Sections 66473.5, 66474, 66474.1, 66474.6 and Public Resources Code Section 21100.

B. Tentative Parcel Map No. 38164 is consistent with the goals, policies and programs of the City's General Plan and with the Sun Lakes Village North Specific Plan Amendment No. 5.

(1) The General Plan land use designations for the site are General Commercial and Business Park with a Specific Plan Overlay. The Specific Plan designations for the site are Business & Warehouse District and Retail and Service District. The Community Development Element of the General Plan provides that Specific Plan land use designations become the General Plan overlay land use designations in the Specific Plan area.

(2) The Tentative Parcel Map will divide the existing 47.11-acre property into three parcels consistent with the land uses proposed to be developed on the site and consistent with the General Plan and Specific Plan land use designations, as more fully explained in the succeeding subsections below. The subsections provided in this Subsection (B) provide the findings required by Government Code Section 66473.5 and 66474 (a).

(3) The proposed Project consists of the development of an industrial warehouse building of 619,959 square feet of gross floor area, which includes 10,000 square feet of office and a separate parcel containing six (6) retail buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet.

(4) The Community Development Element of the General Plan contains goals, policies and programs for the development of industrial, commercial and residential uses. With respect to the industrial uses, the General Plan specifies the general goal that "A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents." The project will provide a non-polluting industrial use and provide jobs for City residents. Specifically, the industrial portion of the project is not

an industrial factory and the uses within the buildings and the warehouse operation are subject to several mitigation measures that require the use of electrical hookups at loading docks (AQ-3), truck idling limitations (AQ-4), the use of electric or natural gas service equipment to reduce fuel consumption and emissions (AQ-5) and a minimum of three (3) electric-vehicle charging stations. In addition, other mitigation measures are imposed on the Project during the grading and construction of the site, including the use of low VOC paint (AQ-1) and limitations on grading activities to ensure emissions do not exceed SCAQMD's significance thresholds. With these mitigation measures the project will not exceed local significance thresholds for emissions and ensure that the Project satisfies the non-polluting goal for industrial uses as provided in the General Plan.

(5) The Community Development Element of the General Plan contains several policies applicable to industrial development projects including: Policy 6 that provides that the land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands; Policy 8 that provides that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized; and Policy 10 that provides that the Zoning Ordinance shall include principles, design standards and guidelines which encourage development of high quality industrial projects." The Project is consistent with Policy 6 because the size of the portion of the site designated for business and warehouse uses is relatively large (30.22 acres) and is appropriately located immediately adjacent to the I-10 freeway and the Southern Pacific Railroad line to the north of the Project site. In addition, the warehouse use is located on the portion of the site that will be screened and buffered from residential uses to the south and east by the retail and service buildings to be located in the Retail and Services District that exists between the residential uses in Sun Lakes to the south of Sun Lakes Boulevard and the industrial building and by the Office and Professional District uses in the future that will exist between the warehouse uses and the residential and assisted living uses to the east of the Project site. The Project is consistent with Policy 8 because it will be immediately adjacent to Interstate 10 on the north, and the lot configuration and access points into and out of the site are designed to provide for the minimum amount of travel distance on Sun Lakes Boulevard to Highland Springs Avenue and then onto Interstate 10 and eventually from Sun Lakes Boulevard to the Sunset Avenue and onto Interstate 10 when the Sun Lakes Boulevard extension is completed. Finally, the

Project, as more fully explained in connection the Project's consistency with the Specific Plan includes a variety of design elements, setbacks, landscaping features that will provide a high quality industrial project.

(6) The Economic Development Element of the General Plan provides the goal for a balanced, broadly based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection. The Project will increase the availability of job opportunities for not only warehouse employees but also retail and service based business opportunities. The Applicant has asserted that the Project would create as many as 722 local jobs in the City of Banning. The proposed development and buildings will improve the City's property tax base, boost sales tax, provide jobs and revenue for the City's economy. The Applicant has asserted that the Project would generate approximately $4,119,780 to the City in Development Impact Fees and as much as $325,000 in annual tax revenues to the City. The Project is also consistent with the following applicable Economic Development Element Policies: Policy 2 for the City to take a proactive role in the recruitment of new businesses that will generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund Revenues; Policy 3 to encourage infill development that will increase the efficiencies of new utilities, infrastructure and public services; and Policy 9 which require development to be responsible for its fair share of on-site and off-site improvements. The Project will provide physical space for a large business or businesses to conduct warehouse uses in the City and spaces for up to six new retail and service uses to serve the immediate community and the City. These new businesses will provide a wide range of different job opportunities from warehouse jobs to office, retail and services jobs and thereby create the diverse job opportunities in the City that will provide opportunities for residents to find new jobs to increase their discretionary incomes. Overall, through property tax, economic activity and job creation, the Project is anticipated to contribute to the City's General Fund revenues in and amount of approximately $325,000 per year. The Project is an infill project using a long-standing vacant site for land uses on lots configured and planned to be appropriately sited between other existing uses and already served by existing streets, utilities and infrastructure. Finally, the project includes design features to ensure all on-site amenities consistent with the City's development standards are paid for by the applicant and that fair share contributions in the form of payment of the City's

applicable development impact fees are collected from the development.

(7) The Sun Lakes Village North Specific Plan Amendment No. 5 specifies Guiding Objectives for the development in the Specific Plan Area. Those Objectives are as follows: (1) Allow for a range of land uses that reflects current market conditions given the trend away from brick-and-mortar retail; (2) Respond to an increase in e-commerce, especially driven by the coronavirus pandemic; (3) Promote high quality development to safeguard the existing asset of Sun Lakes Country Club and other development in the vicinity; (4) Locate and design truck courts and semi-truck circulation to minimize impacts on surrounding land uses and development; and (5) Expand access to restaurants, shopping, and services for the nearby Sun Lakes Country Club Community. The proposed Project accomplishes all these Objectives by reflecting current real estate market trends toward more e-commerce uses which necessarily includes warehouse uses as a key component of the supply chain required for the storage, shipping and availability of e-commerce goods. The lot configuration locates truck courts and semi-truck circulation towards the interior and northerly portion of the site next to the Southern Pacific Railroad line and Interstate 10 and away from the residential uses in the Sun Lakes Country Club. The design elements and project conditions will ensure that the landscape features and design elements projects a high quality development to safeguard the quality of development within the Sun Lakes Country Club community. Finally, the Project will provide up to six sites and buildings for restaurants, shopping and services for the Sun Lakes Country Club Community within the Retail and Service District of the Project site that is located immediately north of Sun Lakes Boulevard and convenient to that Community.

(8) Tentative Parcel Map No. 38164 is consistent with the following goals, policies, and/or programs of the Noise Element of the City's General Plan:

(a) Policy 1 states that the City shall protect noise sensitive land uses, including residential neighborhoods, from potentially significant sources of community noise. The certified Program Environmental Impact Report ("PEIR") prepared for the Sun Lakes Village North Specific Plan Amendment No. 5 ("SLVNSP") states that the maximum base ambient noise level in Municipal Code Section 8.44.050 applicable to the Project is 75 dB(A) while existing ambient noise levels in the vicinity of the site range from 60.4 to 66.2 dB(A). The PEIR

determined that construction noise from the Project site could be significant for the closest noise sensitive uses, which are the single-family homes located east of the Office & Professional District of the SLVNSP planning area and the senior apartments/assisted living/memory care residential facility located east of the planning area. The PEIR recommended Mitigation Measure NOI-1 to reduce this impact to less than significant levels. To minimize noise impacts of the proposed Tentative Parcel Map No. 38164, the applicant has been conditioned to implement Mitigation Measure NOI-1. PEIR Table 4.10-5 demonstrates that the proposed Tentative Parcel Map No. 38164 would not have significant operational traffic-related noise impacts on surrounding land uses.

(b) Program 1.B. states that the City shall maintain and enforce its Noise Control Ordinances that establish community-wide noise standards and identify measures designed to resolve noise complaints. The applicant has been conditioned to comply with the City's noise ordinances.

(9) The design and improvement of the subdivision proposed under Tentative Parcel Map No. 38164 is consistent with the Noise Element of the City's General Plan.

(a) Program 1.A. states that the City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise limit standards for private development projects as they occur. As indicated in Table 13 (Operational Noise Level Compliance) of the Urban Crossroads Noise Study prepared for PEIR Addendum/Consistency Analysis, the proposed Tentative Parcel Map No. 38164 will not exceed the City's noise limit standards for private development projects.

Table 13: Operational Noise Level Compliance

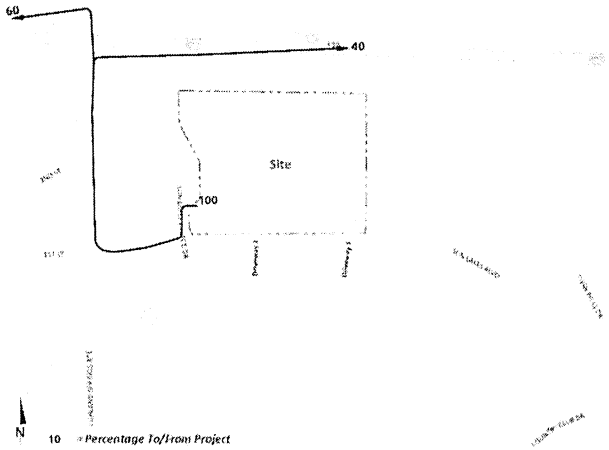
Receiver Location[1]	Noise Levels (dBA L_{eq})[2]		Noise Standard (dBA L_{eq})		Exceeds Standard?[4]	
	Daytime	Nighttime	Daytime	Nighttime[3]	Daytime	Nighttime
R1	47.5	46.5	60	68.3	No	No
R2	38.4	37.4	60	60.4	No	No
R3	44.1	42.9	60	57.0	No	No
R4	45.8	44.5	60	64.5	No	No
R5	45.9	44.7	60	63.1	No	No

Source: Table 7-4, Urban Crossroads, February 2022 Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

(b) Policy 4 states that the City shall assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only. The proposed Project will construct two (2)

new access driveways on Sun Lakes Boulevard, which will be constructed to meet City standards and will have direct access to/from Interstate 10 via Highland Springs Avenue, a major roadway. The future extension of Sun Lakes Boulevard to the east may also provide for future access to/from Interstate 10 via Sunset Avenue, another major roadway. Exhibit 4 from the Urban Crossroads Traffic Assessment for the project, below, indicates truck trip distribution based on current truck route conditions:

EXHIBIT 4: PROJECT (INDUSTRIAL TRUCK) TRIP DISTRIBUTION



C. The design and improvement of the subdivision proposed under Tentative Parcel Map No. 38164 is consistent with the City's General Plan and the Sun Lakes Village North Specific Plan Amendment No. 5.

(1) The Tentative Parcel Map covers an area of approximately 47.11 acres and proposes to divide that area into three parcels to be consistent with the proposed land uses to be allowed on each of those parcels. Based on the findings contained in the subsections below, the design and improvement of the subdivision is consistent with the General Plan and the Sun Lakes Village North Specific Plan Amendment No. 5. The findings in the following subsections are intended to provide the analysis for approval of the Tentative Parcel Map under Government Code Section 66474 (b).

(2) The largest proposed parcel is 30.22 acres and is in the northwestern portion of the Map and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is proposed for a warehouse building of approximately 619,959 square feet along with associated truck parking, loading, landscaping and

other uses. The design of the subdivision to locate this large parcel closest to the Southern Pacific Railroad line and to Interstate 10 and then have this parcel improved with a warehouse and associated uses is consistent with the General Plan Policies 7 of the City's Industrial Land Use Goal which provides that there shall be sufficient lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands. Creating a parcel of 30.22 acres sufficient to accommodate the proposed warehouse building while at the same time placing that parcel closest to commercial uses to the west, a railroad line and Interstate 10 to the north, a future office building to the east and a new grouping of commercial retail and service buildings to the south, allows for the warehousing proposed uses farthest away from residential uses to the south and complies with this Policy of carefully considering compatibility with adjacent land uses. In addition, designing this subdivision to accommodate a warehouse building is consistent with Policy 8 which provides that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized. The design provides for access into and out of the site from Sun Lakes Boulevard to Highland Springs Avenue and onto Interstate 10.

(3) The second largest parcel is approximately 10.06 acres and is located on the eastern portion of the side and adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. On this lot, offices and professional uses are intended to be located but no development is currently proposed. This parcel is sufficient in size in terms of depth and width to accommodate a variety of building configurations that could be proposed on the site and meet all required development standards as set forth in Table 2 of the Sun Lakes Village North Specific Plan Amendment No. 5.

(4) The third and smallest parcel is approximately 6.83 acres and is located on the southern edge of the Map and adjacent to Sun Lakes Boulevard. On this lot, retail stores, restaurants and service uses are proposed as contemplated by the Sun Lakes Village North Specific Plan Retail and Service District designation for the site. This lot design will provide for up to six separate retail and service uses to not only serve the needs of the residential neighborhood to the south, but also provide a buffer and screen between those residential uses and the warehouse building north of that parcel.

(5) The Tentative Parcel Map is designed to meet City standards which provide satisfactory pedestrian and vehicular circulation, including emergency vehicle access. Specifically, Section 2.2.1.(Semi-Truck Access) of the Specific Plan identifies Sun Lakes Village Drive as an access point for semi-trucks to the Business & Warehouse District. Currently, the Sun Lakes Village Shopping Center utilizes Sun Lakes Village Drive for truck deliveries in both eastbound and westbound directions. Project's access points along Sun Lakes Boulevard have been evaluated and necessary driveway widening, adequate truck maneuvering, and signalized intersections have been provided as conditions of approval (See Street Improvement/Right of Way Conditions of approval, including Condition 27.) Additionally, the Project is located near Interstate 10 freeway which allows for ideal access to industrial-type lands and helps minimize potential traffic impacts, which is consistent with General Plan Policy Nos. 8 for the Industrial Goal of the Community Development Element.

D. The subject site is physically suitable for the type of development proposed under Tentative Parcel Map No. 38164.

(1) The Tentative Parcel Map covers an area of approximately 47.11 acres and proposes to divide that area into three parcels to be consistent with the proposed land uses to be allowed on each of those parcels. Based on the findings contained in the subsections below, the site contained within the boundaries of the Tentative Parcel Map is physically suitable for the type of development proposed pursuant to Tentative Parcel Map 38164. The findings in the following subsections are intended to provide the findings required by Government Code Section 66474 (c).

(2) The largest proposed parcel is 30.22 acres and is in the northwestern portion of the Map and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is approximately 1,316,349 square feet in size, exceeds the minimum parcel size of 10,000 square feet, has a lot depth of 876 feet that exceeds the minimum required depth of 100 feet, has a lot width of 1,270 feet which exceeds the minimum lot width of 70 feet, and is large enough to accommodate the proposed development of a 619,959 square-foot warehouse building with associated truck access and parking areas, loading docks, employee parking and landscape areas. The proposed floor area ratio will be 47% of the site and less than the 55% maximum allowed for the parcel. The development will be set back 10 feet from the north and west property lines of the site, consistent with required development standards, and allow for building setbacks

to far exceed the required setbacks from the rear (185 feet when 20 feet is required) the side (70 feet when 20 feet is required) and front (185 feet when 20 feet is required). The parcel is also sufficient to provide for 402 parking spaces when 360-362 parking spaces are required by the Specific Plan and Banning Municipal Code Chapter 17.28.

(3) The second largest parcel is approximately 10.06 acres and is located on the eastern portion of the side and adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. On this lot, offices and professional uses are intended to be located but no development is currently proposed. This parcel is sufficient in size in terms of depth and width to accommodate a variety of building configurations that could be proposed on the site and meet all required development standards as set forth in Table 2 of the Sun Lakes Village North Specific Plan Amendment No. 5.

(4) The third and smallest parcel is approximately 6.83 acres and is located on the southern edge of the Map and adjacent to Sun Lakes Boulevard. On this lot, retail stores, restaurants and service uses are proposed. This parcel is approximately 297,492 square feet in size, exceeds the minimum parcel size of 6,000 square feet, has a lot depth of 200 feet that exceeds the minimum required depth of 100 feet, has a lot width of 1,300 feet which exceeds the minimum lot width of 60 feet, and is large enough to accommodate the proposed development of six commercial buildings ranging size from 1,600 square feet to 8,400 square feet for a total of 34,000 square feet, along with associated utility, parking roadway, and landscaping improvements. The proposed floor area ratio will be approximately 11% of the site and less than the 60% maximum allowed for the parcel. The development will satisfy the 20 foot and 10-foot landscape setbacks from Sun Lakes Boulevard and the west project boundary, respectively, and allow for building setbacks to exceed the required setbacks from the rear (30 feet when 20 feet is required) the side (80 feet when 20 feet is required) and front (100 feet when 10 feet is required). The parcel is also sufficient to provide for 289 parking spaces (16 for the drive-thru and 273 for the retail) when a total of 146 are required by the Specific Plan.

(5) All three of the parcels are relatively flat and are designed to take vehicular access from access points along Sun Lakes Boulevard that are adequate in location, design and configuration for truck traffic into and out of the warehouse parcel, the office parcel and the retail and service use parcel. All three parcels are adjacent to

Sun Lakes Boulevard to provide water, sewer and electricity to the site.

E. The site is physically suitable for the proposed density of development under Tentative Parcel Map No. 38164.

(1) As noted in the preceding section D above, the Tentative Parcel Map covers an area of approximately 47.11 acres and proposes to divide that area into three parcels to be consistent with the proposed land uses to be allowed on each of those parcels. Based on the findings contained in the subsections below, the site contained within the boundaries of the Tentative Parcel Map is physically suitable for the density of development proposed pursuant to Tentative Parcel Map 38164. The findings in the following subsections are intended to provide the findings required by Government Code Section 66474 (d).

(2) The largest proposed parcel is 30.22 acres and is in the northwestern portion of the Map and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is approximately 1,316,349 square feet in size and is large enough to accommodate the proposed development of a 619,959 square-foot warehouse building with associated truck access and parking areas, loading docks, employee parking and landscape areas. The proposed floor area ratio will be 47% of the site and less than the 55% maximum allowed for the parcel. The development will include landscape setbacks 10 feet from the north and west property lines of the site, consistent with required development standards, and allow for building setbacks to far exceed the required setbacks from the rear (185 feet when 20 feet is required) the side (70 feet when 20 feet is required) and front (185 feet when 20 feet is required). The parcel is also sufficient to provide for 402 parking spaces when 360-362 parking spaces are required by the Specific Plan and Banning Municipal Code Chapter 17.28. By achieving or exceeding all development standards, the density of the proposed development is suitable for the proposed site.

(3) The second largest parcel is approximately 10.06 acres and is located on the eastern portion of the side and adjacent to an assisted living facility and residential units designed on smaller lots that are part of the Sun Lakes Country Club active adult/golf course community. On this lot, offices and professional uses are intended to be located but no development is currently proposed. This parcel is sufficient in size in terms of depth and width to accommodate a variety of building configurations that could be

developed up to the 60% floor area of the site allowed on the parcel and large enough so that it could meet all required development standards as set forth in Table 2 of the Sun Lakes Village North Specific Plan Amendment No. 5.

(4) The third and smallest parcel is approximately 6.83 acres and is located on the southern edge of the Map and adjacent to Sun Lakes Boulevard. On this parcel, retail stores, restaurants and service uses are proposed. This parcel is approximately 297,492 square feet in size and is large enough to accommodate the proposed development of six commercial buildings ranging size from 1,600 square feet to 8,400 square feet for a total of 34,000 square feet, along with associated utility, parking roadway, and landscaping improvements. The proposed floor area ratio will be approximately 11% of the site and less than the 60% maximum allowed for the parcel. The development will satisfy the 20 foot and 10-foot landscape setbacks from Sun Lakes Boulevard and the west project boundary, respectively, and allow for building setbacks to exceed the required setbacks from the rear (30 feet when 20 feet is required) the side (80 feet when 20 feet is required) and front (100 feet when 10 feet is required). The parcel is also sufficient to provide for 289 parking spaces (16 for the drive-thru and 273 for the retail) when a total of 146 are required by the Specific Plan.

F. The design of the subdivision and improvements proposed under Tentative Parcel Map No. 38164 are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(1) As previously discussed in the findings contained in Subsection B of this Section 3, Tentative Parcel Map 38164 is consistent with the Sun Lakes Village North Specific Plan Amendment No. 5. That Specific Plan was analyzed in the previously certified EIR for the Sun Lakes North Specific Plan Amendment No. 5. As previously discussed in Section 2 of this Resolution, which findings are incorporated herein by this reference as if fully set forth herein, and as demonstrated by the Addendum referred to in that Section, the EIR disclosed and evaluated all potential environmental impacts related to the development of the Project site with the current land uses. The EIR found no significant and unavoidable impacts to any biological resources, and the Addendum found that no new or substantially greater impacts would occur pursuant to the Project. A condition of the Tentative Map approval imposes all mitigation measures set forth in the Mitigation Monitoring and Reporting Program that was adopted with the Sun Lakes Village North Specific Plan Amendment No.

5. Based on the imposed mitigation measures, the environmental impacts arising from the design and improvement of the Tentative Parcel Map will be mitigated to a level less than significance to not cause substantial environmental damage within the meaning of subsection (e) of Government Code Section 66474 and Public Resources Code Section 21100.

(2) The site is currently vacant and does not contain any significant vegetation or habitat for wildlife. The site is not located within any Multiple Habitat Conservation Plan (MSHCP) Criteria Cell or subunit which indicates that this site contains no endangered, threatened, or listed species of plant or animal, or its habitat, on the site. The site is not mapped within an area where additional surveys are required for any amphibian, mammal or other criteria species. There is no evidence that vernal pool complex, similar bodies of water, or conditions suitable for forming such bodies of water exist on the site. The site is not within or adjacent to any MSHCP Conservation Areas. The site is mapped within a Borrowing Owl required habitat and a pre-construction Burrowing Owl Survey and a Nesting Bird Survey are imposed as mitigation measures for this Project (BIO-1 and BIO-2). Finally, the site is mapped within a Narrow Endemic Plant Species required habitat suitability assessment survey area and an assessment was performed that determined that the site did not provide suitable habitat for the San Diego ambrosia, Brand's phacelia and the San Miguel Savory. In addition, the site does not show any existing trees on site, but even it if did, BIO-3 would require replacement of such trees. Therefore, based on these findings and with the imposition of BIO-1 through BIO-3, potential impacts to biological resources will be mitigated to less than significance so as not to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat within the meaning of subsection (e) of Government Code Section 66474 and Public Resources Code Section 21100.

G. The design of the subdivision and improvements proposed under Tentative Parcel Map No. 38164 are not likely to cause serious health problems.

(1) Based on the warehouse building proposed to be developed on the site, and pursuant to Mitigation Measure AQ-7, a diesel health risk assessment was prepared which is attached to the Addendum document as Appendix B to that document. That analysis evaluated the potential mobile source health risk impacts to receptors (residents or workers) associated with the development of the Project. Health risk exposures were modeled in accordance with the guidelines in the SCAQMD's Health Risk

Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis. SCAQMD recommends using the Environmental Protection Agency's (U.S. EPA's) AERMOD model which has been employed accordingly. Risk calculations were conducted consistent with the Office of Environmental Health Hazards Assessment (OEHHA)'s 2015 Risk Assessment Guidelines. Detailed health risk modeling results are presented at Appendix B to this Memorandum. The analysis also evaluated potential health risk impacts that could result from exposure to Toxic Air Contaminants (TACs), including diesel particulate matter (DPM) generated by heavy-duty diesel trucks from on-site idling, on-site travel, and off-site travel. The modeled source area is shown in Exhibit D to the Appendix B of the Addendum Document. At the maximally exposed individual receptor (MEIR), the maximum incremental cancer risk attributable to the Project is estimated at 1.32 in one million, which is less than the SCAQMD threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable SCAQMD threshold of 1.0. As such, the Project will not cause a significant human health or cancer risk at any potentially affected receptors within the meaning of subsection (f) of Government Code Section 66474.

(2) As noted in prior subsections, the design of proposed Tentative Parcel Map No. 38164 is in conformance with the City's General Plan, the Sun Lakes North Specific Plan Amendment No. 5 and the certified EIR. The Project has been conditioned to comply with all applicable Specific Plan requirements and requirements of the City's ordinances, codes, and standards including, but not limited to, the California Uniform Building Code, the City's Ordinances relating to Stormwater runoff management and controls. In addition, the design and construction of all improvements for the subdivision has been conditioned to be in conformance with adopted City street and public works standards. Based on the project design and its conformity to these standards, the design of the subdivision and its improvements are not likely to cause serious health problems within the meaning of subsection (f) of Government Code Section 66474.

H. The design of the subdivision and improvements proposed under Tentative Parcel Map No. 38164 will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Other than easements for City of Banning water, sewer and electrical utilities, Southern California Edison, no easements of record or easements

established by judgement of a court of competent jurisdiction for public access across the site have been disclosed in a search of the title records for the site and the City does not otherwise have any constructive or actual knowledge of any other such easements. Accordingly, the Parcel Map will not conflict with easements or access through the property within the meaning of subdivision (g) of Government Code Section 66474.

I. The design of the proposed Tentative Parcel Map No. 38164 provides, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision.

Tentative Parcel Map No. 38164 does not propose any design features that would conflict with future passive or natural heating or cooling opportunities.

J. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in a violation of existing requirements imposed by the California Regional Water Quality Control Board.

The discharge of sewage from the site will occur through a sewer connection within Sun Lakes Boulevard and proceed through a series of sewer pipes to the City's wastewater treatment plant in the southeast corner of the City. In connection with the approval of the Project, the applicant is required to obtain all necessary clearances and permits from the California Water Quality Control Board for the Colorado River Basin (Condition 20 (d)). With the design of the Project and Map and compliance with this condition, the discharge of waste into the City's sewer system will not result in a violation of Regional Water Quality Control Board requirements within the meaning of Government Code Section 66474.6.

SECTION 4: **Design Review Approval Findings.** Section 17.56.050 of the City of Banning Municipal Code requires that applications for Design Review approval satisfy certain specified findings and criteria. The City Council makes the following findings to approve Design Review 21-7008:

A. The proposed project is consistent with the General Plan.

(1) The General Plan land use designations for the site are General Commercial and Business Park with a Specific Plan Overlay. The Specific Plan designations for the site are Business & Warehouse District and Retail and Service District. The Design Review application seeks approval of buildings and improvements for development of an industrial warehouse building of 619,959 square feet of gross floor area, which includes 10,000 square feet of office and a separate parcel containing six (6) retail buildings totaling 34,000 square feet to the south varying in size from 1,600 square feet to 8,400 square feet.

(2) The Community Development Element of the General Plan contains goals, policies and programs for the development of industrial, commercial and residential uses. With respect to the industrial uses, the General Plan specifies the general goal that "A balanced mix of non-polluting industrial land uses which provide local jobs for the City's residents." The project will provide a non-polluting industrial use and provide jobs for City residents. Specifically, the industrial portion of the project is not an industrial factory and the uses within the buildings and the warehouse operation are subject to several mitigation measures that require the use of electrical hookups at loading docks (AQ-3), truck idling limitations (AQ-4), the use of electric or natural gas service equipment to reduce fuel consumption and emissions (AQ-5) and a minimum of three (3) electric-vehicle charging stations. In addition, other mitigation measures are imposed on the Project during the grading and construction of the site, including the use of low VOC paint (AQ-1) and limitations on grading activities to ensure emissions do not exceed SCAQMD's significance thresholds. With these mitigation measures the project will not exceed local significance thresholds for emissions and ensure that the Project satisfies the non-polluting goal for industrial uses as provided in the General Plan.

(3) The Community Development Element of the General Plan contains several policies applicable to industrial development projects including: Policy 6 that provides that the land use map shall include sufficient industrial lands for manufacturing, warehousing and distribution, while carefully considering compatibility with adjacent lands; Policy 8 that provides that industrial lands shall be located on major roadways with good access to Interstate 10, to assure that potential traffic impacts associated with tractor-trailers are minimized; and Policy 10 that provides that the Zoning Ordinance shall include principles, design standards and guidelines which encourage development of high quality industrial projects." The Project is consistent with Policy 6 because the size of the portion of the site designated for business and warehouse uses is relatively large (30.22 acres) and is appropriately located immediately adjacent to the I-10 freeway and the Southern Pacific Railroad line to the north of the Project site. In addition, the warehouse use is located on the portion of the site that will be screened and buffered from residential uses to the south and east by the retail and service buildings to be located in the Retail and Services District that exists between the residential uses in Sun Lakes to the south of Sun Lakes Boulevard and the industrial building and by the Office and Professional District uses in the future that will exist between the warehouse uses and the residential and assisted living uses

to the east of the Project site. The Project is consistent with Policy 8 because it will be immediately adjacent to Interstate 10 on the north, and the lot configuration and access points into and out of the site are designed to provide for the minimum amount of travel distance on Sun Lakes Boulevard to Highland Springs Avenue and then onto Interstate 10 and eventually from Sun Lakes Boulevard to the Sunset Avenue and onto Interstate 10 when the Sun Lakes Boulevard extension is completed. Finally, the Project, as more fully explained in connection the Project's consistency with the Specific Plan includes a variety of design elements, setbacks, landscaping features that will provide a high quality industrial project.

(4) The Economic Development Element of the General Plan provides the goal for a balanced, broadly based economy that provides a full range of economic and employment opportunities, while maintaining high standards of development and environmental protection. The Project will increase the availability of job opportunities for not only warehouse employees but also retail and service based business opportunities. The proposed development and buildings will improve the City's property tax base, boost sales tax, provide jobs and revenue for the City's economy. The Project is also consistent with the following applicable Economic Development Element Policies: Policy 2 for the City to take a proactive role in the recruitment of new businesses that will generate and broaden employment opportunities, increase discretionary incomes and contribute to City General Fund Revenues; Policy 3 to encourage infill development that will increase the efficiencies of new utilities, infrastructure and public services; and Policy 9 which require development to be responsible for its fair share of on-site and off-site improvements. The Project will provide physical space for a large business or businesses to conduct warehouse uses in the City and spaces for up to six new retail and service uses to serve the immediate community and the City. These new businesses will provide a wide range of different job opportunities from warehouse jobs to office, retail and services jobs and thereby create the diverse job opportunities in the City that will provide opportunities for residents to find new jobs to increase their discretionary incomes. Overall, through property tax, economic activity and job creation, these Project will contribute to General Fund revenues. The Project is an infill project using a long-standing vacant site for land uses on lots configured and planned to be appropriately sited between other existing uses and already served by existing streets, utilities and infrastructure. Finally, the project includes design features to ensure all on-site amenities consistent with the City's development standards are paid for by

the applicant and that fair share contributions in the form of payment of the City's applicable development impact fees are collected from the development.

(5) The proposed project is consistent with the following goals, policies, and/or programs of the Noise Element of the City's General Plan:

(a) Policy 1 states that the City shall protect noise sensitive land uses, including residential neighborhoods, from potentially significant sources of community noise. The certified PEIR prepared for the SLVNSP states that the maximum base ambient noise level in Municipal Code Section 8.44.050 applicable to the Project is 75 dB(A) while existing ambient noise levels in the vicinity of the site range from 60.4 to 66.2 dB(A). The PEIR determined that construction noise from the Project site could be significant for the closest noise sensitive uses, which are the single-family homes located east of the Office & Professional District of the SLVNSP planning area and the senior apartments/assisted living/memory care residential facility located east of the planning area. The PEIR recommended Mitigation Measure NOI-1 to reduce this impact to less than significant levels. To minimize noise impacts of the proposed Tentative Parcel Map No. 38164, the applicant is conditioned to implement Mitigation Measure NOI-1. PEIR Table 4.10-5 demonstrates that the proposed Tentative Parcel Map No. 38164 would not have significant operational traffic-related noise impacts on surrounding land uses.

(b) Program 1.A. states that the City shall require building setbacks, the installation of wall and window insulation, soundwalls, earthen berms, and/or other mitigation measures in areas exceeding the City's noise limit standards for private development projects as they occur. As indicated in Table 13 (Operational Noise Level Compliance) of the Urban Crossroads Noise Study prepared for PEIR Addendum/Consistency Analysis, the proposed Tentative Parcel Map No. 38164 will not exceed the City's noise limit standards for private development projects.

Table 13: Operational Noise Level Compliance

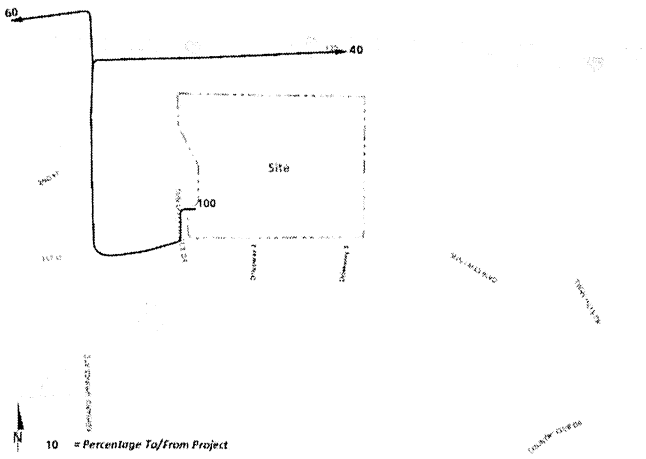
Receiver Location[1]	Noise Levels (dBA L_{eq})[2]		Noise Standard (dBA L_{eq})		Exceeds Standard?[4]	
	Daytime	Nighttime	Daytime	Nighttime[3]	Daytime	Nighttime
R1	47.5	46.5	60	68.3	No	No
R2	38.4	37.4	60	60.4	No	No
R3	44.1	42.9	60	57.0	No	No
R4	45.8	44.5	60	64.5	No	No
R5	45.9	44.7	60	63.1	No	No

Source: Table 7-4, Urban Crossroads, February 2022 Daytime" = 7:00 a.m. - 10:00 p.m.; "Nighttime" = 10:00 p.m. - 7:00 a.m.

(c) Program 1.B. states that the City shall maintain and enforce its Noise Control Ordinances that establish community-wide noise standards and identify measures designed to resolve noise complaints. The approval of the proposed project has been conditioned to comply with the City's noise ordinances.

(d) Policy 4 states that the City shall assure low levels of traffic within neighborhoods by assigning truck routes to major roadways only. The proposed Project will construct two (2) new access driveways on Sun Lakes Boulevard, which will be constructed to meet City standards and will have direct access to/from Interstate 10 via Highland Springs Avenue, a major roadway. The future extension of Sun Lakes Boulevard to the east may also provide for future access to/from Interstate 10 via Sunset Avenue, another major roadway. Exhibit 4 from the Urban Crossroads Traffic Assessment for the project, below, indicates truck trip distribution based on current truck route conditions:

EXHIBIT 4: PROJECT (INDUSTRIAL TRUCK) TRIP DISTRIBUTION



B. The proposed project is consistent with the Zoning Ordinance, including the development standards and guidelines for the district in which it is located.

(1) The Sun Lakes Village North Specific Plan Amendment No. 5, which was incorporated into the Zoning Ordinance as Section 17.96 by way of Ordinance No. 1591, provides the development standards and guidelines for the proposed Project site. The Specific Plan provides Guiding Objectives for the development in the Specific Plan Area. Those Objectives are as follows: (1) Allow for a range of land uses that reflects current market conditions given the trend away from brick-and-mortar retail; (2) Respond to an increase in e-commerce, especially driven by the coronavirus pandemic; (3) Promote high quality development to safeguard the existing asset of Sun Lakes Country Club and other development in the vicinity; (4) Locate and design truck courts and semi-truck circulation to minimize impacts on surrounding land uses and development; and (5) Expand access to restaurants, shopping, and services for the nearby Sun Lakes Country Club Community. The proposed Project accomplishes all these Objectives by reflecting current real estate market trends toward more e-commerce uses which necessarily includes warehouse uses as a key component of the supply chain required for the storage, shipping and availability of e-commerce goods. The proposed Project locates truck courts and semi-truck circulation towards the interior and northerly portion of the site next to the Southern Pacific Railroad line and Interstate 10 and away from the residential uses in the Sun Lakes Country Club. The design elements and project conditions will ensure that the landscape features and design elements projects a high quality development to safeguard the quality of development within the Sun Lakes Country Club community. Finally, the Project will provide up to six sites and buildings for restaurants, shopping and services for the Sun Lakes Country Club Community within the Retail and Service District of the Project site that is located immediately north of Sun Lakes Boulevard and convenient to that Community.

(2) As proposed, the Project meets all required development standards as outline in Section 3.1 (Development Standards) of the Sun Lakes Village North Specific Plan (SLVNSP). These include such requirements as setback, height, landscaping, parking, etc. Additionally, the Project meets those Design Guidelines outlined in Section 3.2 of the SLVNSP with regard to such elements as architectural articulation, blended use of building materials, and fenestration treatment. Therefore, the Project meets the City's Zoning Ordinance development standards and design guidelines, as more fully explained in the following subsections.

(3) The warehouse building is proposed to be located on a 30.22-acre parcel located in the northwestern portion of the Project site and is adjacent to backside of the Sun Lakes Village Shopping Center, the Southern Pacific Railroad and the Interstate-10 Freeway. This parcel is entirely within the Business and Warehouse District of the Specific Plan which allows for a variety of warehouse uses as permitted uses in that District. The parcel on which the warehouse building will be located is approximately 1,316,349 square feet in size and is large enough to accommodate the proposed development of a 619,959 square-foot warehouse building with associated truck access and parking areas, loading docks, employee parking and landscape areas. The proposed floor area ratio will be 47% of the site and less than the 55% maximum allowed for the parcel. The development will include landscape setbacks 10 feet from the north and west property lines of the site, consistent with required development standards, and allow for building setbacks to far exceed the required setbacks from the rear (185 feet when 20 feet is required) the side (70 feet when 20 feet is required) and front (185 feet when 20 feet is required). The parcel is also sufficient to provide for 402 parking spaces when 360-362 parking spaces are required by the Specific Plan and Banning Municipal Code Chapter 17.28. By achieving or exceeding all development standards, the proposed warehouse component of the Project satisfies the finding that the Project is consistent with the applicable development standards.

(4) The retail and service buildings are proposed to be located on an approximate 6.83-acre parcel that is located on the southern edge of the Project Site and adjacent to Sun Lakes Boulevard. This parcel is entirely within the Retail and Service District of the Specific Plan which allows for a variety of retail, restaurant and service uses as permitted uses in that District. On this parcel, retail stores, restaurants and services buildings are proposed. This parcel is approximately 297,492 square feet in size and is large enough to accommodate the proposed development of six commercial buildings ranging size from 1,600 square feet to 8,400 square feet for a total of 34,000 square feet, along with associated utility, parking roadway, and landscaping improvements. The proposed floor area ratio will be approximately 11% of the site and less than the 60% maximum allowed for the parcel. The development will satisfy the 20 foot and 10-foot landscape setbacks from Sun Lakes Boulevard and the west project boundary, respectively, and allow for building setbacks to exceed the required setbacks from the rear (30 feet when 20 feet is required) the side (80 feet when 20 feet is required) and front (100 feet when 10 feet is required). The

proposed Project will provide for 289 parking spaces (16 for the drive-thru and 273 for the retail) when a total of 146 are required by the Specific Plan.

(5) The proposed project is consistent with the Noise Ordinance. As detailed in the Urban Crossroads Noise Study prepared for PEIR Addendum/Consistency Analysis, the proposed project will not exceed an ambient noise level of 75 dB(A), as required under Banning Municipal Code ("BMC") Section 8.44.050. As detailed in the Urban Crossroads Noise Study prepared for PEIR Addendum/Consistency Analysis, the proposed project will not exceed the maximum exterior noise levels required of nonresidential uses. Further, the project has been conditioned to comply with all applicable noise standards set forth in BMC Section 8.44.090 and the Sun Lakes North Village Specific Plan Amendment No. 5 and mitigation measures imposed under the PEIR.

C. The design and layout of the proposed project will not unreasonably interfere with the use and enjoyment of neighboring existing or future development and will not result in vehicular and/or pedestrian hazards.

(1) The design and layout of the proposed Project places the warehouse use on the largest of the three parcels (30.22 acres) and appropriately locates that parcel and warehouse building and associated uses immediately adjacent to the I-10 freeway and the Southern Pacific Railroad line to the north of the Project site. In addition, the warehouse use is located on the portion of the site that will be screened and buffered from residential uses to the south and east by the retail and service buildings to be located in the Retail and Services District that exists between the residential uses in Sun Lakes Golf Course Community that lies south of Sun Lakes Boulevard and the industrial building and by the Office and Professional District uses in the future that will exist between the warehouse uses and the residential and assisted living uses to the east of the Project site. In addition, the warehouse building will back up against the rear of the Sun Lakes Village Shopping Center buildings rather than facing those Shopping Center buildings. By this design of the location of the warehouse building, the Project is not anticipated to unreasonably interfere with the use and enjoyment of neighboring uses and future development.

(2) The proposed Project locates truck courts and semi-truck circulation towards the interior and northerly portion of the site next to the Southern Pacific Railroad line and Interstate 10 and away from the residential uses in the Sun Lakes Country Club. The lot configuration

and access points into and out of the site are designed to provide for the minimum amount of travel distance on Sun Lakes Boulevard to Highland Springs Avenue and then onto Interstate 10 and eventually from Sun Lakes Boulevard to the Sunset Avenue and onto Interstate 10 when the Sun Lakes Boulevard extension is completed. Sun Lakes Boulevard is a Major Highway between Highland Springs Avenue to Highland Home Road with adequate capacity for truck and automobile traffic volumes for commercial and industrial purposes. Signalized intersections are proposed to be installed at Highland Springs/Sun Lakes Boulevard and at Sun Lakes Boulevard/Country Club Drive to ensure safe pedestrian and vehicular crossing along Sun Lakes Boulevard. For these reasons, the development will not result in vehicular or pedestrian hazard.

D. The design of the proposed project is compatible with the character of the surrounding neighborhood.

(1) As explained in Subsection (C) above, the warehouse building and associated uses will be surrounded by compatible uses. The entire northern boundary of the site on which the warehouse building will be located is bounded by the Southern Pacific Railroad line and then Interstate 10. Locating a warehouse building up against that rail line and freeway corridor is entirely appropriate and compatible with transportation uses that occur on that rail line and freeway corridor. To the west of the warehouse building is the backside of the Sun Lakes Village Shopping Center. This is commercial development project that will shield the warehouse building from persons coming to and from that Shopping Center. Locating the warehouse building behind a commercial shopping center building will not interfere with the use of that Shopping Center and is compatible with that use. To the south of the warehouse building is the Retail and Service District of the Specific Plan. On that site there will be shops, restaurants and services businesses along with a parking lot. Located the warehouse to the rear of and on the backside of these retail and service buildings will not interfere with those retail and service business and is compatible with those uses. Finally, most of the easterly side the warehouse parcel will be adjacent to a currently vacant parcel that is proposed for office and professional uses. That future office and professional development on that easterly parcel will provide substantial screening and buffering of the residential and assisted living uses to the east of the warehouse building. In addition, a landscape buffer along the entire easterly edge of the Project site will further screen the warehouse use from those other easterly uses. Finally, the placement of the warehouse building and associated uses on this site will mean that the warehouse building and truck uses on that site will be more than 800 feet from the northern boundary of the Sun Lakes Country Club residential community. For

all these reasons, the design of the project to place and develop a warehouse building and use on the rear of the Project site and as buffered by the other buildings and uses surrounding that site, provides that it will be compatible with the character of the surrounding neighborhood.

(2) As noted in part (1) of this Subsection (D) above, the proposed retail, restaurant and service buildings to be located on the southerly parcel of the proposed development will be situated between Sun Lakes Boulevard on the south and the industrial warehouse building on the north. In addition, to the proposed landscaping along the frontage of Sun Lakes Boulevard, these retail, restaurant and service buildings and uses will function as a visual and physical buffer from the Sun Lakes Country Club residents on the south side of Sun Lakes Boulevard, the closest of which is approximately 800 feet away from the proposed industrial building. These proposed retail, restaurant and services uses in proximity of existing adjacent residential uses will also be similar to the uses in the existing commercial/retail uses in the Sun Lakes Village Shopping Center. These buildings and uses will provide needed retail, restaurant and service uses for the residents of the Sun Lakes Country Club community. For these reasons, the Project's proposed uses on the Retail and Service District parcel will be compatible with the surrounding neighborhood.

SECTION 5: Project Approval and Denial of Appeal. Based upon the findings and conclusions set forth in Sections 1 through 4 above, and all of the evidence (both written and oral) in the record, this Council hereby approves Tentative Parcel Map 38164; approves Design Review 21-7008, and thereby denying the Appeal of the Planning Commission's approval of Design Review 21-7008; and imposes all of the Conditions of Approval set forth on Exhibit A to this Resolution, which are hereby incorporated.

SECTION 6: Certification. The City Clerk shall certify to the adoption of this Resolution.

SECTION 7: Effect. This Resolution shall take effect immediately upon its adoption.

SECTION 8: Judicial Review. The time within which judicial review, if available, of this decision must be sought is governed by California Code of Civil Procedure Section 1094.6, unless a shorter time is provided by other applicable law. The City Clerk shall mail by first class mail, postage prepaid, a certified copy of this Resolution and a copy of the affidavit or certificate of mailing to the Appellant, Applicant, and any other persons or entities requesting notice of determinations related to the decision.

PASSED, APPROVED AND ADOPTED this 17th day of February 2022.

Kyle Pingree, Mayor
City of Banning

ATTEST:

Caroline Patton, Deputy City Clerk
City of Banning

APPROVED AS TO FORM AND LEGAL CONTENT:

Kevin G. Ennis, City Attorney
Richards, Watson & Gershon

CERTIFICATION:

I, Caroline Patton, Deputy City Clerk of the City of Banning, California, do hereby certify that the foregoing Resolution 2022-14, was duly adopted by the City Council of the City of Banning, California, at a regular meeting thereof held on the 17th day of February 2022 by the following vote, to wit:

AYES: Happe, Pingree, Sanchez, and Wallace.

NOES: Hamlin.

ABSENT:

ABSTAIN:

Caroline Patton, Deputy City Clerk
City of Banning, California

EXHIBIT A
CONDITIONS OF APPROVAL

City of Banning

Community Development Department

Conditions of Approval

PROJECT: Design Review 21-7008 & Tentative Parcel Map 38164 (Banning Point)
SUBJECT: Conditions of Approval (City Council Resolution 2022-14)
APPLICANT: Sun Lakes Highland, LLC.
LOCATION: North of Sun Lakes Boulevard, east of Highland Springs Avenue, south of Interstate 10, and west of Highland Home Road in the Sun Lakes Village North Specific Plan (APN 540-180-055)

EXHIBIT A
To City Council Resolution 2022-14

*** All fair share agreements, covenant agreements and agreements subject to recordation will be subject to review and approval by the City Attorney and will include appropriate enforcement provisions by the City and be properly securitized.**

Community Development Department

A. GENERAL REQUIREMENTS:

1. The project shall always comply with all federal, state, County and City laws, codes, regulations, and standards, including those that relate to hazardous materials.

2. All activities undertaken in connection with the development and operation of the project that is approved by Tentative Parcel Map 8164 and Design Review 21-7008 shall be subject to and shall comply with all Mitigation Measures contained in the Final EIR for the Sun Lakes Village North Specific Plan Amendment No. 5 (SCH No. 20200029074) and the Mitigation Monitoring and Reporting Program (MMRP) adopted in connection with the approval of the Sun Lakes Village North Specific Plan Amendment No. 5.

3. The applicant shall indemnify, protect, defend, and hold harmless, the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, writs of mandamus, and other actions and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolutions procedures (including, but not limited to, arbitrations, mediations, and other such procedures) (collectively "Actions"), brought against the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, the action of, or any permit or approval issued by, the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City), for or concerning the project, whether such actions are brought under the California Environmental Quality Act

(CEQA), State Planning and Zoning Law, the Subdivisions Map Act, Code of Civil Procedure Section 1085 or 1094.5, or any other state, federal, or local statute, law, ordinance, rule, regulation, or any decision of a competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that applicant shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the applicant of any Action brought and City shall cooperate with applicant in the defense of the Action.

4. Approval of this entitlement shall not waive compliance with any sections of the Banning Municipal Code (BMC), other applicable City ordinances, in effect at the time of building permit issuance.

5. The Project permitted under Design Review 21-7008 & Tentative Parcel Map 38164 shall commence construction within two (2) years from the date of this approval, or the Design Review shall become null and void. Additionally, if after commencement of construction, activities are discontinued for a period of one (1) year, the Design Review approval shall become null and void. The Community Development Director may, upon a written application being filed 30 days prior to expiration and for good cause, grant a onetime extension not to exceed 12 months. Upon granting of an extension, the Community Development Director shall ensure that the Design Review complies with all current provisions of Title 17 of the Banning Municipal Code.

6. A copy of the signed Resolution of approval and all Conditions of Approval imposed on the Design Review shall be reproduced in legible form on the improvement plans submitted for review and approval as required by the reviewing department.

7. Prior to any occupancy/use of the project site, or business activity being commenced thereon, all Conditions of Approval shall be completed to the satisfaction of the Community Development Director.

8. A trash enclosure shall be provided with three decorative walls, enhanced wall caps, a pedestrian entrance, a gate, and a structural steel cover, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.

9. 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.

10. Any roof-mounted equipment or utility equipment on the side of the structure, or on the ground, shall not be visible from adjacent properties, the public right-of-way, or the parking lot. Any architectural screening that is proposed to shield the roof-mounted equipment shall be compatible in terms of colors and materials of the building. Landscape screening for ground mounted equipment shall be of sufficient size and quantity to fully screen the equipment.

11. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the Planning Division prior to issuance of building permit. The plans shall include the following elements:

    a. Water conservation concept statement.

b. Calculation of maximum applied water allowance.

c. Calculation of estimated total water use.

d. Landscape design plan.

e. Irrigation design plan.

f. Certificate of substantial completion.

g. The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to minimum dimensions and percentages of landscaping in parking areas, including required front yard setback landscaping.

12. A. Prior to the issuance of the Temporary Certificate of Occupancy for the warehouse building the developer shall install all landscaping specified for the retail service district pursuant to city approved landscape plans.

12. B. Storage use and removal of toxic substances, solid waste, and flammable liquids shall conform to all applicable federal, state, and local regulations. All required licensing shall always be maintained in good order. Lapse or revocation of any required license shall result in the voiding of the Business License.

13. The subject property shall be developed and maintained in accordance with the site plans stamped approved by the City and on file in the Planning Division, the conditions contained herein, and the applicable regulations within the Banning Municipal Code.

14. If human remains are encountered during grading and other construction excavation, the developer/owner shall stop/cease work in the immediate vicinity and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5.

15. Trash collection shall occur between the hours of 8:00 a.m. and 6:00 p.m. only.

16. All graffiti shall be removed immediately or within 24 hours of notice from the City.

17. Hours of operation shall be no earlier than 7:00 a.m. and no later than 10:00 p.m.

18. Commercial zoning districts shall be permitted wall signs per the area of the wall (length times height of the wall). The area devoted to such signs shall not exceed twenty percent of the wall area. All parts, portions, and materials shall be maintained and kept in good repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy or other unmaintained or damaged portion of a sign shall be repaired or replaced within thirty calendar days following notification by the City.

19. Pedestrian walkways should not intersect the drive-through aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving or striping.

PUBLIC WORKS DEPARTMENT:

20. A Public Works Permit shall be required prior to commencement of any work within the public right-of-way. The contractor working within the public right-of-way shall submit proof of a Class

"A" State Contractor's License, City of Banning Business License, and Liability Insurance. Any existing public improvements, or public improvements not accepted by the City that are damaged during construction shall be removed and replaced as determined by the City Engineer or his/her representative.

21. Prior to the issuance of any grading, construction, or public works permit by the City, the applicant shall obtain any necessary clearances and/or permits from the following agencies:

    a. Fire Marshal (access)

    b. Public Works Department (grading permits, street improvement permits)

    c. Riverside County Flood Control & Water Conservation District (storm drain)

    d. California Regional Water Quality Control Board Colorado River Basin (RWQCB)

    e. South Coast Air Quality Management District (SCAQMD)

22. The applicant is responsible for meeting all requirements of permits and/or clearances from the above listed agencies. When the requirements include approval of improvement plans, the applicant shall furnish proof of such approvals when submitting improvements plans to the City.

23. The following improvement plans shall be prepared by a Civil Engineer licensed by the State of California and submitted to the Engineering Division for review and approval. A separate set of plans shall be prepared for each line item listed below. Unless otherwise authorized in writing by the City Engineer, the plans shall utilize the minimum scale specified and shall be drawn on 24" x 36" Mylar film. Plans may be prepared at a larger scale if additional detail or plan clarity is desired (Note: the applicant may be required to prepare other improvement plans not listed here pursuant to improvements required by other agencies and utility purveyors):

    a. Rough Grading Plans — 1" = 40' horizontal
        A. (All Conditions of Approval shall be reproduced
        B. on last sheet of set)

    b. Haul Route Plans — 1" = 40' horizontal

    c. Clearing Plans — 1" = 50' horizontal
        A. (Include construction fencing plan)

    d. Erosion Control & SWPPP, WQMP — 1" = 40' Horizontal
        A. (Note: a, b, c & d shall be reviewed
        B. and approved concurrently)

    e. Storm Drain Plans — 1" = 40' Horizontal

    f. Street Improvement Plans — 1" = 40' Horizontal
        i. 1" = 4' Vertical

    g. Precise Grading Plans — 1" = 40' Horizontal

h.	Landscaping Plans	1" = 20 Horizontal
i.	Water Improvement Plans	1" = 40' Horizontal i. 1" = 4' Vertical
j.	Sewer Improvement Plans	1" = 40' Horizontal i. 1" = 4' Vertical

24. Other engineered improvement plans prepared for City approval that are not listed herein shall be prepared in formats approved by the City Engineer prior to commencing plan preparation.

25. All off-site plan and profile, street improvement plans, and signing & striping plans shall show all existing improvements for a distance of at least 200-feet beyond the project limits, or at a distance sufficient to show any required design transitions.

26. A small index map shall be included on the title sheet of each set of plans, showing the overall view of the entire work area.

27. Upon completion of construction, the Developer shall furnish the City with reproducible record drawings on Mylar film of all improvement plans that were approved by the City Engineer. Each sheet shall be clearly marked "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying the accuracy and completeness of the drawings. The applicant shall have all AutoCAD files submitted to the City, revised to reflect the "As-Built" conditions.

Street Improvements/Right-of-Way

28. Construct right-of-way improvements (driveway approach, sidewalk, parkway, raised median, access ramp, street lighting, etc.) fronting the site per City of Banning Standard Drawings. Street lights shall be installed offset of the existing street lights.

29. Installation of a traffic signal at the intersection of Sun Lakes Boulevard, future Driveway 3 (as shown in the TIA) and Country Club Drive. Project applicant shall reach out to the Sun Lakes Country Club staff to discuss impacts to their access.

30. Provide paved golf cart access adjacent to the sidewalk through the property and at the proposed traffic signal entrance.

31. Construct street improvements as identified by the project's traffic impact analysis (TIA).

32. The City and Developer are to enter into a Public Improvement Agreement to guarantee the construction of the public improvements as listed in the Conditions of Approval and as shown on the approved plans. The applicant shall work with the City Attorney's Office to execute the Agreement and pay all related legal processing fees.

33. All street improvement designs shall provide pavement and lane transitions per City of Banning and Caltrans standards for transition to existing street sections.

34. Any public improvements damaged during the course of construction shall be replaced to the satisfaction of the City Engineer, or his/her designee.

35. The applicant shall plant and perpetually maintain trees, shrubs, and ground cover placed in the parkway, slopes adjacent to public right-of-ways constructed in connection with the project. This includes providing irrigation and the clearing of debris and weed removal. The applicant shall be required to enter into a Landscape Maintenance Agreement for the perpetual maintenance of landscaping within the public right-of-way fronting the project site.

36. All required public improvements for the project shall be completed, tested, and approved by the Engineering Division prior to issuance of any Certificate of Occupancy.

GRADING & DRAINAGE:

37. Submit a Drainage Study with hydrologic and hydraulic analysis for developed and undeveloped (existing) conditions to the Engineering Division for review and approval. The study and analysis shall be prepared by a civil engineer licensed by the State of California. Drainage design shall be in accordance with Banning Master Drainage Plan adopted by Riverside County Flood Control and Water Conservation District (RCFCD), RCFCD Hydrology Manual, and standard plans and specifications. The 10-year storm flow shall be contained within the street curbs, and the 100-year storm shall be contained within the street right-of-way; when this criteria is exceeded, additional drainage facilities shall be designed and constructed.

38. At a minimum, all development will make provisions to store runoff from rainfall events up to and including the one-hundred three-hour during event. Post-development peak urban runoff discharge rates shall not exceed pre-development peak urban runoff discharge rates.

39. Prior to issuance of any building permit, the applicant shall install trash filters in all catch basins adjacent to the site and/or will be constructed as part of the storm drain improvements for this development. The trash filters shall comply with the requirements of the Trash Amendment as amended and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

40. If the site is located in a Flood Area as identified in Flood Insurance Rate Map dated August 28, 2008 the developer is responsible for providing a certification by a registered professional engineer or architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

41. The project grading shall be designed in a manner that perpetuates the existing natural drainage patterns with respect to tributary drainage areas, outlet points and outlet conditions. Otherwise, a drainage easement shall be obtained for the release of concentrated or diverted storm flows. The project shall accept and convey storm flows from the adjacent property to the north.

42. The applicant shall comply with Chapter 13.24 "Stormwater Management Systems" of the Banning Municipal Code (BMC) and Title 18 "Grading, Erosion and Sediment Control" of the California Building Code related to excavation and grading; and, the State Water Resources Control Board's orders, rules and regulations.

43. For construction activities including clearing, grading or excavation of land that disturbs one (1) acre or more of land, or that disturbs less than one (1) acre of land, but which is a part of a construction project that encompasses more than one (1) acre of land, the applicant shall be required to submit a Storm Water Pollution Protection Plan (SWPPP) and file a Notice of Intent (NOI) with the Regional Water Quality Control Board.

44. The applicant shall ensure that the required SWPPP is available for inspection at the project site at all times through and including acceptance of all improvements by the City.

45. The applicant's SWPPP shall include provisions for all of the following Best Management Practices ("BMPs"):

46. Temporary Soil Stabilization (erosion control).

47. Temporary Sediment Control.

48. Wind Erosion Control.

49. Tracking Control.

50. Non-Storm Water Management.

51. Waste Management and Materials Pollution Control.

52. All erosion and sediment control BMPs proposed by the applicant shall be designed using the CASQA BMP handbook and approved by the City Engineer prior to any onsite or offsite grading, pursuant to this project.

53. The approved SWPPP and BMPs shall remain in effect for the entire duration of project construction until all improvements are completed and accepted by the City.

54. Prior to issuance of any grading or building permit, a Project-Specific Water Quality Management Plan (WQMP) shall be reviewed and approved in accordance with California Regional Water Quality Control Board Colorado River Basin Region Order No. R7-2013-0011.

55. Prior to the issuance of any building permit(s), a precise grading plan shall be submitted to the City Engineer for review and approval. A grading permit shall be obtained prior to commencement of any grading activity.

56. Grading and excavations in the public right-of-way shall be supplemented with a soils and geology report prepared by a professional engineer or geologist licensed by the State of California.

57. Prior to the issuance of a building permit, the applicant shall provide a lot pad certification stamped and signed by a qualified civil engineer or land surveyor. Pad certification shall list the pad elevation as shown on the approved grading plan, the actual pad elevation and the difference between the two, if any. Such pad certification shall also list the relative compaction of the pad soil.

TRAFFIC/CIRCULATION:

58. Prior to the issuance of a grading permit or building permit, the applicant shall submit and obtain approval in writing from the Fire Marshall for the plans for all public or private access drives or streets. The plans shall include plan and sectional views and indicate the grade and width of the access road measured flow-line to flow-line. When a dead-end access exceeds 150 feet or when otherwise required, a clearly marked fire apparatus access turnaround must be provided and approved by the Fire Marshall. Applicable covenant, conditions or restrictions or other approved documents shall contain provisions which prohibit obstructions such as speed bumps/humps,

control gates or other modifications within said easement or access road unless prior approval of the Fire Marshall is granted.

59. Driveway grades shall not exceed eight percent unless approved by the City Engineer.

60. Access drives to the public right-of-way shall be restricted to those approved by the City Engineer as shown on the approved plans.

61. Prior to the issuance of any certificate of occupancy, all fire hydrants shall have a blue reflective pavement marker indicating the hydrant location on the street/access driveway as approved by the Fire Marshall and must be maintained in good condition by the property owner until the street is accepted for maintenance.

62. Prior to the issuance of a grading permit or building permit, the applicant shall conduct a Traffic Impact Analysis and submit the report to the Engineering Division for review and approval. All mitigation identified in the Traffic Impact Analysis shall be implemented by the applicant to the satisfaction of the City Engineer.

TRASH & RECYCLING:

63. Construction debris shall be disposed of at a certified recycling site. It is the responsibility of the developer to contact the City's franchised solid waste hauler, Waste Management of the Inland Valley, at 1-800-423-9986 for disposal of construction debris.

64. The developer shall participate in the City's recycling and diversion programs by providing a solid waste enclosure to accommodate necessary solid waste containers.

65. All new development projects including, but not limited to, industrial and business buildings and facilities, as well as, multi-family complexes shall provide a solid waste enclosure to accommodate trash, recycle and organics waste bins and/or containers. Solid waste enclosures for multiple tenant properties, such as a shopping center, must design the enclosure to accommodate all waste containers of the property.

66. Solid waste enclosures shall be located on the site to be serviced.

67. The enclosure shall be designed for the exclusive use of housing solid waste containers including trash, recyclable and organics materials.

68. Enclosures Design Criteria:

    a. The size and dimensions of the trash enclosure shall be based on the required number and size of containers at a minimum accommodating one (1) container each for trash, recyclables and organics materials.
    b. Enclosure shall be architecturally compatible with the primary building on site to provide a coordinated design.
    c. Exterior materials and colors of the enclosure shall match the building walls.
    d. Chain link fencing with or without/plastic slats is prohibited.
    e. Enclosure shall have solid metal or wood gates with latches that can be secured in an open or closed position.

f. Enclosures shall be constructed in a permanent manner.

g. Exterior must be fully enclosed with solid roofing to prevent rainfall from entering the enclosure and to prevent wind dispersal, as well as, offsite transport of trash and recycling.

h. Provide the minimum clearance for collector and user accessibility.

i. City Engineer approval shall be obtained in writing prior to the construction of any solid waste enclosure.

WATER:

69. Submit water improvement plans to the Public Works Department along with anticipated peak water demands and hydraulic analysis to justify pipe sizes. Pipes shall be ductile iron, wrapped in V-Bio polyethylene. All water services 2" and smaller shall use plastic-coated copper tubing.

70. Separate irrigation meters will be required for outdoor use.

71. All commercial, industrial, and irrigation water services shall have Reduced Pressure Principle Backflow Preventors. RP Backflow Preventors shall be of a model approved by USC.

72. On-site fire hydrants shall be part of a privately-owned and maintained fire protection system. Private fire hydrants shall be painted safety red, to differentiate from publicly-owned fire hydrants which are typically yellow.

73. Because of the project's location at a pressure zone boundary, an above-ground pressure regulating station may be required, pending review of the water improvement plans by the City Engineer.

RECYCLED WATER:

74. Plans for a purple-pipe non-potable irrigation system shall be designed and submitted to the Public Works Department. Pipes shall be ductile iron, wrapped in purple V-Bio polyethylene. All water services 2" and smaller shall use plastic-coated copper tubing. Plans should include a signage plan typical of a non-potable irrigation system.

75. An interim connection between the potable and non-potable systems shall be installed by way of a single backflow preventor, until such a time as the City's non-potable backbone system is extended west along Sun Lakes Blvd.

WASTEWATER

76. A sewer improvement plan shall be prepared and submitted to the Public Works Department, extending the public sewer from Sun Lakes Blvd. Sewer main material shall be PVC SDR 26. Sewer system design shall avoid placing manholes in low spots, or connecting storm water drainage facilities to the sewer system.

77. When available, estimated sewer discharge quantities and quality shall be submitted to the Public Works Department for review. Depending on the nature of the discharge, grease interceptor(s) may be required.

FEES:

78. Plan check fees for professional report review (geotechnical, drainage, WQMP, etc.), and all improvement plans review, shall be paid at the time of submittal of said documents for review and approval in accordance with the fee schedule in effect at the time of submittal.

79. Public Works Inspection fees shall be paid prior to issuance of any permits in accordance with the fee schedule in effect at time of time of scheduling.

80. A plan storage fee shall be paid for any engineering plans that may be required prior to issuance of certificate of occupancy in accordance with the fee schedule in effect at the time the fee is paid.

81. Water, Sewer, and Non-potable impact fees shall be paid prior to issuance of Building permit. Water meter and water meter installation fees shall be due prior to meter release.

FINAL PARCEL MAP:

82. Prior to approval of the Final Map, the applicant shall construct on-site and off-site improvements required for the development of the property in accordance with the approved plans and satisfy its obligations for same, or shall furnish a fully secured and executed Subdivision Improvement Agreement on terms agreed to by the Parties guaranteeing the construction of such improvements and the satisfaction of its obligations for same, or shall agree to any combination thereof. For off-site improvements, the procedures and requirements of Government Code Section 66462.5 shall apply, including the potential acquisition of those rights by the City or waiver of the City's requirement to obtain those rights.

83. Security for the construction of public improvements in accordance with Government Code Section 66499 shall be as follows:

a.	Faithful Performance Bond	100% of estimated cost
b.	Labor and Material Bond	100% of estimated cost
c.	Monumentation Bond	$5,000.00

84. Securities for the public improvements shall be on file with the City Clerk prior to scheduling the final map for approval by City Council. Unit prices for bonding estimates shall be those specified or approved by the City Engineer.

85. Revisions to the tentative map during plan check including, but not limited to, lot line alignments, easements, improvement plan revisions, and similar minor changes that are in substantial compliance with the tentative map, or associated conditions of approval, shall be administratively approved through the plan check process with the mutual consent and approval of the Developer, the Community Development Director and City Engineer. Final maps shall be amended in accordance with the Subdivision Map Act.

86. Prior to approval of any final map the applicant shall identify and include in its improvement plans those routine structural and non-structural Best Management Practices (BMP's).

87. Submit a copy of the title report, closure calculations, and any separate instruments or necessary right-of-way documents to the Engineering Division prior to final map approval.

88. An original Mylar of the final map (after recordation) shall be provided to the City for the record files.

89. Public improvements shall be completed and accepted by City of Banning prior to release of Faithful Performance Bond and Labor and Material Bond for such improvements. Faithful Performance Bond for applicable public improvements shall be reduced to 10% once City accepts improvements into maintenance period. Final 10% to serve as the maintenance bond for the 1-year maintenance period.

90. A record of all street centerline monument ties shall be submitted to the Engineering Division upon completion of improvements or prior to release of Monumentation Bond.

FIRE DEPARTMENT:

91. Fire Hydrants and Fire Flow: Prior to the issuance of building permits, plans for the water system shall be submitted to the fire department for review and approval. The water system shall be capable of delivering the required fire flow. Fire hydrant(s) location and spacing shall comply with the fire code. An approved water supply for fire protection during construction shall be made available prior to the arrival of combustible materials on site. Reference 2016 California Fire Code (CFC) 507.5.1, 3312, Appendices B and C.

92. Fire Department Access: Prior to building permit issuance, provide a site plan showing the fire lanes. Access roads shall be provided to within 150 feet to all portions of the exterior building walls and shall have an unobstructed width of not less than 24 feet. The construction of the access roads shall be all weather and capable of sustaining 40,000 lbs. over two axles for areas of residential development and 60,000 lbs. over two axels for commercial developments. Approved vehicle access, either permanent or temporary, shall be provided during construction Ref. CFC 503.1.1, 3310.1 and 503.2.1

93. Requests for installation of traffic calming designs/devices on fire apparatus access roads shall be submitted and approved by the Office of the Fire Marshal. Ref. CFC 503.4.1

94. Grading Permit Fire Department Review: Submittal to the Office of the Fire Marshal for Precise Grading Permit will be required.

95. Construction Permits Fire Department Review: Submittal of construction plans to the Office of the Fire Marshal for development, construction, installation and operational use permitting will be required. Final fire and life safety conditions will be addressed when the Office of the Fire Marshal reviews these plans. These conditions will be based on occupancy, use, California Building Code (CBC), California Fire Code, and related codes, which are in effect at the time of building plan submittal.

96. Phased Construction Access: If construction is phased, each phase shall provide approved access for fire protection prior to any construction. Ref. CFC 503.1

97. Fire Sprinkler System: All new commercial structures 3,600 square feet or larger shall be protected with a fire sprinkler system. Ref CFC 903.2 as amended by the City of Banning.

98. Fire Alarm and Detection System: A water flow monitoring system and/or fire alarm system may be required and determined at time of building plan review. Ref. CFC 903.4, CFC 907.2 and NFPA 72

99. Knox Box and Gate Access: Buildings shall be provided with a Knox Box. The Knox Box shall be installed in an accessible location approved by the Office of the Fire Marshal. All electronically

operated gates shall be provided with Knox key switches and automatic sensors for access. Ref. CFC 506.1

100. Addressing: All commercial buildings shall display street numbers in a prominent location on the address side and additional locations as required. Ref. CFC 505.1 and County of Riverside Office of the Fire Marshal Standard #07-01

101. Buildings in excess of 300,000 square feet in area shall be required to provide a fire command center for fire department operations and shall comply with 2019 CFC sections 508.1.1 through 508.1.8 as amended and adopted by the City of Banning and Riverside County Fire. (2019 CFC 508.1)

102. Emergency Responder Radio Coverage Systems: Projects that do not meet the exceptions set forth by the Riverside County Office of the Fire Marshal shall provide plans for an emergency responder radio coverage system. Ref. CFC 510.1 and Riverside County Office of the Fire Marshal Technical Policy #TP19-002

103. Strategic Planning Review: This planning case will also be reviewed by Riverside County Fire Department Strategic Planning for the cumulative impact on the Fire Department's ability to provide an acceptable level of service. Additional requirements may be conditioned by Strategic Planning to mitigate these impacts. Questions for Strategic Planning can be addressed to RRUStrategicPlanningBureau@fire.ca.gov.

104. Use the Above Statement only if it meets the Strategic Planning Case Review Criteria below:

a. Environmental Impact Reports

b. General Plan Amendments

c. Specific Plans

d. Developments that are in very high fire hazard severity zones in the LRA and developments in the SRA

e. Residential with 500 or more dwelling units

f. Commercial/Industrial developments of 1,000,000 sq ft or more

Condition Added by Planning Commission and Modified by City Council

105. The Developer shall pay for and install traffic signal preemption devices on up to 5 traffic signal intersections from and including Ramsey/Highland Springs to Sun Lakes Boulevard/Highland Springs, not to exceed the cost of $100,000. The applicant shall coordinate these efforts with both the City of Banning and Beaumont..

Condition Added by City Council

106. The Developer shall pay the City $175,000 to be used by the City for fire station/fire apparatus capital improvements in the City, which amount shall be in addition to the Fire Facilities Development Impact Fee that is owing for the Project. The fee shall be paid prior to the Temporary Certificate of Occupancy on the warehouse building.

END

The following information comprises the minutes for a special meeting of the City Council, a joint meeting of the Banning City Council and Banning Utility Authority and a joint meeting of the Banning City Council and the Banning City Council sitting in its capacity as the Successor Agency Board.

MINUTES **2/17/2022**
CITY COUNCIL **SPECIAL MEETING**

COUNCIL MEMBERS PRESENT: Council Member Mary Hamlin
Council Member David Happe
Council Member Alberto Sanchez
Mayor Pro Tem Colleen Wallace
Mayor Kyle Pingree

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Doug Schulze, City Manager
Kevin Ennis, City Attorney
Marie Calderon, City Clerk
Caroline Patton, Deputy City Clerk
Adam Rush, Community Development Director
Art Vela, Director of Public Works*
Suzanne Cook, Finance Director*
Tom Miller, Electric Utility Director*
Ralph Wright, Parks and Recreation Director*
Nate Smith, Deputy Director of Public Works/City Engineer*
James Wurtz, Economic Development Manager
Ginetta Giovinco, City Attorney's Office*
Jeff Horn, Police Captain
Emery Papp, Senior Planner
Paul Lindley, Fire Marshal*
Sandra Calderon, Development Project Coordinator
Sandra Castaneda, Office Specialist
*Participated via teleconference.

1. CALL TO ORDER

Mayor Pingree called the special meeting to order at 5:00 p.m.

1.1 Roll Call

COUNCIL MEMBER	PRESENT	ABSENT
Hamlin, Mary	✕	
Happe, David*	✕	
Pingree, Kyle	✕	
Sanchez, Alberto	✕	
Wallace, Colleen	✕	

1.2 Pledge of Allegiance - Mayor Pro Tem Wallace led the pledge of allegiance.

2. PUBLIC HEARINGS

2.1. Banning Point Project – Consideration of a Tentative Subdivision Map to Divide 47 Acres into 3 Parcels of Land and Design Review Approval of a Proposed Industrial Warehouse Building of 619,959 Square Feet, including 10,000 Square Feet of Office Space and Six Retail/Commercial Buildings Totaling 34,000 Square Feet within the Sun Lakes Village North Specific Plan Amendment No. 5 (APN 419-140-057)

Mayor Pingree announced the procedural requirements that would be followed during the public hearing.

Mayor Pro Tem Wallace announced she had met with Bob Walter from Sun Lakes on February 10th and the project developers around November 10th to ask questions about the project.

Council Member Hamlin announced she had met with Josh Zemon on October 18th via Zoom, November 10th and January 19th.

Council Member Happe announced he had met with the applicant (representatives from both Creation Equity and Urban Crossroads) on January 7th and January 19th.

Council Member Sanchez announced he had not met with the applicant or appellants, but has received a lot of emails and public comment.

Mayor Pingree announced he met with the applicant on November 10th and around January 13th.

All members of the City Council said that the information learned in these meetings was already included in the staff report. They brought no predetermined bias and had not made up their mind regarding the determinations they would be considering tonight.

Adam Rush, Community Development Director, presented the staff report.

Mayor Pingree announced a recess at 6:28 p.m. The meeting resumed at 6:40 p.m.

Applicant Presentation
Josh Zemon of Creation Equity presented on behalf of the project applicant.

Appellant Presentation
Gabriel Ross of Shute, Mihaly & Weinberger LLP presented on behalf of the appellant, Pass Area Action Group.

Public Testimony

- Alphonso Sanchez spoke in support of the project.
- Juan Serrato spoke in support of the project.
- Alex Zamora spoke in support of the project.
- Richard Licerio spoke in support of the project.
- Jose Radillo spoke in support of the project.
- Bill Quisenberry spoke in support of the project.
- Ralph Velador spoke in support of the project.
- Efrain Lopez spoke in support of the project.
- Virginia Cervantes (Regina?) spoke in opposition to the project.
- John Ramey spoke in opposition to the project.
- Randy Robbins spoke in opposition to the project.
- Ken Johnson spoke in opposition to the project.
- Jim Thurow spoke in opposition to the project.
- Bonnie Mitchell spoke in opposition to the project.
- Bill Hobbs spoke in opposition to the project.
- Lynette Smilac spoke in opposition to the project.
- Ron Pitts did not speak to the project.
- Diane Berley spoke in opposition to the project.
- Paul Perkins spoke in opposition to the project.
- William McNees-Smith spoke in opposition to the project.
- Howard Katz spoke in opposition to the project.
- Brown Bruce spoke in opposition to the project.
- Marian Putnam spoke in opposition to the project.
- Charles (Michael) Volz spoke in opposition to the project.
- Beverly Rashidd spoke in support of the project.
- Vickie Sellers spoke in support of the project.
- Bob Messier spoke in opposition to the project.

Mayor Pingree announced a recess at 8:03 p.m. The meeting was reconvened at 8:18 p.m.

- Anita Chatigny spoke in opposition to the project.
- Susan Knepper-Moore spoke in opposition to the project.
- Juanita Diaz spoke in support of the project.

Speakers Jim Johnson and Tom Leamy had left the meeting before they were called to speak.

- Sheri Flynn spoke in opposition to the project.
- Dave Getka spoke in opposition to the project.
- Ann Oliver spoke in opposition to the project.
- Gregg Schafer spoke in opposition to the project.
- Bob Walter spoke in opposition to the project.

- Hebe Tabachnik spoke in opposition to the project.
- Daniel Rappelhofer spoke in opposition to the project.
- Virginia DeBry spoke in opposition to the project.
- Lilly Aguilera spoke in opposition to the project.
- Liliana Hollmann spoke in opposition to the project.
- Ken Fazekas spoke in opposition to the project.
- Richard Meltard spoke in opposition to the project.
- Jose Garcia spoke in support to the project.
- Jayson Baiz spoke in support to the project.
- Thomas Ruiz spoke in support to the project.
- Joanne Graham spoke in opposition to the project.
- Corinne Marshall said she was neutral on the project, but she thought it was a lightning rod for other issues.
- Kathleen Aranda spoke in opposition to the project.
- Kathleen Dale spoke in opposition to the project.
- Karen Amirson spoke in opposition to the project.
- Laura Leindecker said she was neutral on the project but that the city needed development.
- Ron Roy spoke in opposition to the project.

Deputy City Clerk Patton announced that the city had received seven items of correspondence since the agenda was published. Comments received included:

- Letter from Urban Crossroads (Applicant's CEQA consultant) – Received 2/15/2022
- Letter from Shute, Mihaly & Weinberger, LLP (Representing Appellant) – Received 2/16/2022
- Allen Matkins LLP Letter in Support – Received 2/16/2022
- Kathleen Dale Letter in Opposition – Received 2/17/2022
- Ron Roy Letter of Opposition – Received 2/17/2022
- Prejext CEQA Consultant Response to Comments – Received 2/17/2022

Additional written comments following Public Comment included:

- Ron Pitts Public Comment in Opposition – Submitted in Meeting 2/17/2022
- Paul Perkins Public Comment in Opposition – Submitted in Meeting 2/17/2022

Appellant Rebuttal
Gabriel Ross provided a response to comments made in public testimony on behalf of the appellant.

Applicant Rebuttal
Josh Zemon and project consultants responded on behalf of the applicant.

City Council asked questions of the applicant and staff regarding potential conditions of approval.

Mayor Pingree announced a recess at 10:39 p.m. The meeting was reconvened at 11:00 p.m.

Mayor Pingree closed the public hearing at 11:23 p.m.

Motion to approve the Resolution 2022-14 as amended with three added conditions of approval:

- **Divide Condition 11 into two parts. Existing Condition 11 is retitled 11b, and an additional section be added to be titled 11a, which will read "Prior to the issuance of the Temporary Certificate of Occupancy for the warehouse building the developer shall install all landscaping specified for the retail service district pursuant to city approved landscape plans."**
- **Update Condition 103, to read, "The developer shall pay for and install traffic signal preemption devices on up to 5 traffic signal intersections from and including Ramsey/Highland Springs to Sun Lakes Boulevard/Highland Springs, not to exceed the cost of $100,000. The applicant shall coordinate these efforts with both the City of Banning and Beaumont."**
- **Additional requirement that the applicant contribute an amount equal to the Development Impact Fee (DIF) payment for the development, $175,000, to go toward a fire apparatus for a future fire station in the area.**

Motion by Council Member Sanchez
Seconded by Mayor Pro Tem Wallace

COUNCIL MEMBER	YES	NO	ABSTAIN	RECUSE	ABSENT
Hamlin, Mary		✕			
Happe, David	✕				
Pingree, Kyle	✕				
Sanchez, Alberto	✕				
Wallace, Colleen	✕				

Motion approved by a vote of 4-1.

3. ADJOURNMENT

The Special City Council meeting adjourned at 11:27 p.m.

Minutes Prepared by:

Caroline Patton, Deputy City Clerk

This entire meeting may be viewed here:
https://banninglive.viebit.com/index.php?folder=City+Council+Meetings

All documents related to this meeting are available here:
http://banning.ca.us/Archive.aspx?ADID=2594

Public Record Materials

1. Public Comment submitted by Pass Area Action Group – Received 1/24/2022
   http://banning.ca.us/718/%5bhttps%3A/banningca.gov/DocumentCenter/View/10099/Att-13-Public-Comment-from-PAAG

2. Project CEQA Consultant Response to Comments – Received 2/15/2022
   https://banningca.gov/DocumentCenter/View/10135/Applicant-Rebuttal-Letter_02-15-2022

3. Allen Matkins Leck Gamble Mallory & Natsis LLP Letter of Support – Received 2/16/2022
   https://banningca.gov/DocumentCenter/View/10153/Allen-Matkins-et-al_Letter-of-Support_02-16-2022

4. Appellant Supplement Letter – Received 2/16/2022
   https://banningca.gov/DocumentCenter/View/10155/Appellant-Supplemental-Letter_02-16-2022

5. Project CEQA Consultant Response to Comments – Received 2/17/2022
   https://banningca.gov/DocumentCenter/View/10158/Urban-Crossroads-Response_02-17-2022

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

#1
~~1000~~
1000

Name (First and Last) Alphonso Sanchez

Residential Address

Representing *(if applicable)* LIUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

2
0002

Name (First and Last) JUAN SERRATO

Residential Address

Representing *(if applicable)* LIUNA

Speaking in: ☑ Support ☐ Opposition ☐ Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

3

0003

Name (First and Last) Alex Zamora

Residential Address

Representing *(if applicable)* LiUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

4

0004

Name (First and Last) Richard Licerio

Residential Address

Representing *(if applicable)* LiUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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5

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Jose Radillo

Residential Address

Representing *(if applicable)* Liuna

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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6

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Bill Quisenberry

Residential Address

Representing *(if applicable)* LIUNA

Speaking in: ☑ Support ☐ Opposition ☐ Neutral

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7

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Ralph Velador

Residential Address

Representing *(if applicable)* LIUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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8

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Efrain Lopez

Residential Address

Representing *(if applicable)* LIUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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9

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Virginia Cervantes

Residential Address 350 Northwood

Representing *(if applicable)* Community

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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10

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) John Ramey

Residential Address 1485 La Olina Banning

Representing *(if applicable)* Self

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

9

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) RANDY ROBBINS

Residential Address 5972 INDIAN CANYON DR.

Representing *(if applicable)* PASS ACTION GROUP

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

10

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) KEN JOHNSON

Residential Address 2429 BIRDIE DR

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

11

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Jim Thurow

Residential Address 1550 Rio Grande, Beaumont

Representing *(if applicable)* Self

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

12

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Bonnie Mitchell

Residential Address 464 Sandpiper

Representing *(if applicable)* myself

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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13

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Gilbert Habib

Residential Address 5175 Rio Bravo, Banning

Representing *(if applicable)*

Speaking in: ☐ Support ☑ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

14

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Lynette Smilac

Residential Address 1536 Williamson Park
Beaumont 92223

Representing *(if applicable)*

Speaking in: ☐ Support ☑ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

15

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Ron Pitto

Residential Address 1523 Paradise Island Ln.

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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16

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Diane Berley

Residential Address 753 Torrey Pines

Representing *(if applicable)* (Pass Action Group)

Speaking in: ☐ Support ☑ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

17

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Paul Perkins Paul Perkins

Residential Address 4808 Cherokee Circle

Representing *(if applicable)* Self

Speaking in: ☐ Support ☑ Opposition ☐ Neutral

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18

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) William McNees-Smith

Residential Address 854 Twin Hills Dr

Representing *(if applicable)* self

Speaking in: ☐ Support ☑ Opposition ☐ Neutral

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19

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Howard Katz

Residential Address 6351 Turn Berry Dr. Banning

Representing *(if applicable)* _____

Speaking in: ☐ Support ☐ Opposition ☐ Neutral

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20

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Brown Bruce

Residential Address 512 Sandpiper St., Banning, CA

Representing *(if applicable)* Self

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

21

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) MARIAN PUTNAM

Residential Address 677 La Costa, Banning

Representing *(if applicable)* _____

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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21

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Charles M. Volz VOLZ

Residential Address 5970 Myrtle Beach Dr

Representing *(if applicable)* PAB

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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23

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Beverly Rashidd

Residential Address 905 Twin Hills Dr

Representing *(if applicable)* _____

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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20

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Vickie Sellers

Residential Address 2573 W Williams St

Representing *(if applicable)* _____

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

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25

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Bob Messier

Residential Address 844 Pine Valley Rd

Representing *(if applicable)* _____

Speaking in: ☑ Support ☐ Opposition ☐ Neutral

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26

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Anita Chatigny

Residential Address 5984 Myrtle Beach Dr

Representing *(if applicable)* Banning

Speaking in: ☒ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

27

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Susan Knepper-Moore

Residential Address 6106 Spanish Trail CV

Representing *(if applicable)* Sun Lakes

Speaking in: ~~☒ Support~~ ☒ Opposition ☐ Neutral

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28

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Janet Diaz

Residential Address 1310 S. Hargrave St.

Representing *(if applicable)*

Speaking in: ☑ Support ☐ Opposition ☐ Neutral

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29

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Jim Johnson

Residential Address 440 Brooklawn Dr. Banning

Representing *(if applicable)* Self

Speaking in: ☐ Support ☐ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

30

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Tom Leamy

Residential Address 6093 Warwick Hills Way

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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31

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Sheri Flynn

Residential Address

Representing *(if applicable)* Pass Action Group

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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32

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Dave Gethka Getka

Residential Address 1554 Rio Grande

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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33

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Ann Oliver

Residential Address 1878 Fairway Oaks

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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34

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Gregg Schafer

Residential Address 11440 Potrero Rd, Banning

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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35

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Bob WALTER

Residential Address 4113 Skyview circle

Representing *(if applicable)* myself + SLCC

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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36

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

HEBE

Name (First and Last) Hebe TABACHNIK

chnik

Residential Address 1384 Pine Valley Rd.

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

37

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) DANIEL RAPPELHOFER

Residential Address 5935 TURNBERRY DR BANNING CA 92220

Representing *(if applicable)* _____

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

38

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Virginia DeBry

Residential Address 5259 W. Pinehurst Dr Banning CA 92220

Representing *(if applicable)* myself

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

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39

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Lilly Aguilera

Residential Address 2722 Spring Place Bannin

Representing *(if applicable)* 225 Residents of Serrano Del Vista

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

40

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Liliana HOLLMANN

Residential Address 1425 ARCHER AVE.

Representing *(if applicable)* _____

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

41

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Ken Fazekas

Residential Address 675 La Quinta Dr

Representing *(if applicable)* Sun lakes residents

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

42

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Richard McHard

Residential Address 4816 W. Glen Abbey Way, Banning

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

43

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Jose Garcia

Residential Address

Representing *(if applicable)* LiUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

44

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) Jayson Baiz

Residential Address

Representing *(if applicable)* LiUNA

Speaking in: ☒ Support ☐ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

45

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) THOMAS RUIZ

Residential Address

Representing *(if applicable)* LABORERS UNION

Speaking in: ☑ Support ☐ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

46

CITY COUNCIL – PUBLIC COMMENT CARD
FEBRUARY 17, 2022 SPECIAL MEETING

Name (First and Last) JOANNE GRAHAM

Residential Address 1454 PINE VALLEY Rd

Representing *(if applicable)*

Speaking in: ☐ Support ☒ Opposition ☐ Neutral

To allow an opportunity for all to speak, a ***2:00 minute time limit*** will apply for each speaker. Each speaker will only be provided with one opportunity to speak. Ceding your time to other speakers is not permitted. **Please address your comments to the City Council ONLY**. Speaker cards must be handed into the City Clerk to be called for comment.

From: Kathleen Dale <kdalenmn@aol.com>
Sent: Thursday, February 17, 2022 10:13 AM
To: Caroline Patton
Subject: City Council Special Meeting 2/17/22 - Comments
Attachments: 021722_CComments.pdf

Good morning - please share the attached comments with each Council member and appropriate City staff.

Please ensure that these comments are included in the project record.

Thank you,

Kathleen Dale
Resident and Property Owner, District 4

It is abundantly clear from what has transpired over the course of the hearings for this project that this Council and City administration are seriously disconnected from the community. Even if you can dismiss the emotional pleas you have heard from scores of community members, your decision must be based upon evidence and facts in the record before you. THE SIMPLE FACT IS THAT YOU MAY NOT APPROVE THE DEVELOPER'S PROJECT AS PRESENTED ON THE BAISIS OF THE RECORD BEFORE YOU.

The following is by no means an exhaustive listing of all that is wrong with the record before you, but it is enough to demonstrate that if you want to accommodate the developer's request, you must first amend the Specific Plan, amend the City's Commercial Vehicle Routes (Resolution 2005-91), and conduct an environmental analysis that adequately addresses and mitigates project impacts.

Supporting facts:

1. **The proposed project conflicts with substantive requirements of the Sun Lakes Village North Specific Plan**.
    a. Key excerpts from the Specific Plan are provided on page 5 for your convenience. The Specific Plan is only 41 pages and each of you should take the time to read and digest it before taking any action on development of this site.
    b. Circulation. There is not an exhibit that clearly depicts the proposed parcel boundaries in the current agenda package or any of the prior agenda packages. Based upon language within the staff report, the public can only assume that the proposed parcel configurations conform to the land use designation boundaries under the specific plan (see Figure 2, page 4 of the staff report). The circulation design for the warehouse has usurped the intended access for the Office and Professional District, which besides being in conflict with specific plan provisions requiring truck access to be limited to the Business and Warehouse District, effectively landlocks this parcel.
    c. Pedestrian Circulation. The expansive foot print of the warehouse building, associated slopes, and the use of the intend access to the Office and Professional District for truck circulation preclude any reasonable implementation of the fundamental concept within the Specific Plan for pedestrian interconnection between the three land use districts. The landscaping plan on page 24 of Attachment 5 of the staff report provides a good overview of the site plan that illustrates the complete lack of consideration for this key specific plan provision.
    d. Phasing. Specific Plan provisions at Section 4.7.1 clearly provide that the retail uses along the Sun Lakes Boulevard frontage are to go in first. The proposed reversed phasing with this project is in direct conflict with the Specific Plan.

e. Screening. The conclusory statements in the staff report regarding the effects of landscaping and the future retail buildings in screening the proposed massive warehouse must instead be supported by substantial evidence. This could take the form of illustrative diagrams depicting lines of sight from key perspectives and/or an on-site framework erection (as is used within coastal communities to understand building mass and visibility). Analysis must take into effect comparative finished grades, including that the truck drive adjacent to The Lakes development is 10 feet above that existing facility, and that finished grades for the warehouse pad are up to 10 feet above existing Sun Lakes Boulevard.

f. Screening. The plans for the warehouse building incredulously include a 14-foot concrete screen wall along the truck docks where they face the railroad and freeway, but a 6-foot open metal fence where the truck docks face Sun Lakes Boulevard (see plan sheet DAB A1.6, page 7 of staff report Attachment 5). Even if the future retail buildings would ultimately provide effective screening, how on earth will a six-foot open fence provide screening in the interim?

g. Screening. The plans before you include no landscape buffer adjacent to The Lakes development (recall that the warehouse truck drive at this common boundary is perched 10 feet above them). See the landscaping plan on page 24 of Attachment 5 of the staff report.

2. The CEQA analysis presented for your consideration does not take key project characteristics into consideration

a. Analyses for aesthetics, air quality and noise does not appear to take into consideration the relative grade of the source and receptors, namely that the trucks along the eastern access drive are 10 feet above the adjacent receptors.

b. Analyses for air quality and noise does not appear to take into consideration the design change that pushed the truck access for the warehouse out onto the access panhandle for the Office and Professional District and closer to sensitive receptors (see Exhibit C, page 11 of 2/10/22 air quality memo and Exhibit 8-A, page 36 of 2/7/22 noise study report).

c. Exhibit 6 on addendum page 69 and Exhibit 7 on addendum page 71 suggest that attenuation effects for a 6-foot wall along the edge of The Lakes development have been considered in the noise analysis – how can such a wall provide any such attenuation when the finished grade on the truck access road is above the top of the wall?

d. Analysis for air quality and noise appears to erroneously characterize the nature of outdoor use areas for residential receptors across Sun Lakes Boulevard (assumes no outdoor yard areas oriented toward the road; see page 10 of 2/10/22 air quality memorandum).
e. Analysis of biological impacts does not address the narrow endemic plant species of concern, which are correctly Marvin's Onion and Many-stemmed dudleya (verifiable with interactive mapping tool on Western Riverside County Regional Conservation Agency website).
f. Analysis of biological impacts does not address the riverine/riparian resources on the site.
a. The feasibility of the temporary noise barrier noted in Mitigation Measure NOI-1 on page 67 of the addendum must be demonstrated. Slopes and grade differentials at the interface with The Lakes facility suggest it is not likely a temporary noise barrier could be effectively erected. If this is the case, construction noise impacts would be unavoidable and significant and would trigger the requirement for a subsequent EIR.
b. The resolution presented for your approval claims that Condition of Approval 2 pulls forward all applicable mitigation measures from the prior specific plan EIR (see item F on page 4). No such condition is apparent in the conditions appended to the resolution posted with the staff report.

3. The intended CEQA compliance vehicle for this project only became evident with release of the City Council agenda a few days ago

Prior to issuance of public notices for this hearing sometime between February 1, 2022 and February 4, 2022, notices and staff reports had only disclosed that staff had done a consistency analysis and that a Notice of Determination had been prepared for Planning Commission and City Council consideration. No documentation associated with the purported staff consistency analysis was made available to the public, nor does it appear to have been provided to the Planning Commission, or the City Council until a few days ago. It was only with the release of the agenda packet a few days ago that the 686-page addendum finally surfaced. The fundamental omissions with the applicability of an addendum in this circumstance aside, that document is only dated February 10, 2022, including some of the supporting technical analysis! Even if the City is not required to provide public review for an addendum, how on earth did the Planning Commission consider this information, how on earth has the Council had time to independently review it, and how on earth did the City release a public notice relying on this document before it even existed?

4. **City zoning and General Plan designations**
   The General Plan and Zoning exhibit included as page 28 of Attachment 5 to the staff report depicts land use designations that are the reverse of those in the Specific Plan – namely a Business Park designation is depicted adjacent to Sun Lakes Boulevard and a General Commercial designation is depicted adjacent to the freeway. This fundamental discrepancy in the City's plans must be resolved.
5. **Commercial vehicle routes**
   The City has designated certain streets in the city for use by heavy trucks by means of Resolution 2005-91. A copy of the current map is attached for your convenience. Please note that Sun Lakes Boulevard is not a designated commercial vehicle route.

Sun Lakes Village North Specific Plan (Amendment 5) Excerpts

Section 2.2-1 – Semi-truck access is to be limited to the Business and Warehouse District.

Section 2.2.5 – on-site pedestrian circulation to connect the three districts and facilitate employee access to restaurants and retail uses. Repeated in Section 3.2.1, item 4; Section 3.2.5, item 5; Section 3.2.6, item 5; and Section 3.2.7, item 3.

Section 3.2.1, item 2 – provide a connected internal drive aisle linking the Retail & Service District to the Office & Professional District entry road to allow greater passenger vehicle access. Repeated in Section 3.2.6, Item 2 and Section 3.2.7, item 8.

Section 3.2.1, item 5 – stormwater management facilities are to be developed as landscaped features that integrate with onsite pedestrian circulation system.

Section 3.2.1, item 7 – drive aisles are to be design to minimize conflicts with pedestrian movements.

Section 3.2.2, item 4 – provide enhanced architectural detail for Business Park & Warehouse District building elevations visible from Sun Lakes Boulevard.

Section 3.2.3, item 7 - locate, grade, and design projects to direct stormwater runoff from building roofs and paved areas into swaled landscape areas that serve a dual purpose of retention/infiltration as well as a visual amenity.

Section 3.2.4, item 2 - locate, design, and/or screen truck courts, dock doors, and truck parking areas so they are not visible from Sun Lakes Boulevard. Ensure that these areas are concealed while in use, including the tops of truck trailers. Repeated in Section 3.2.5, item 4.

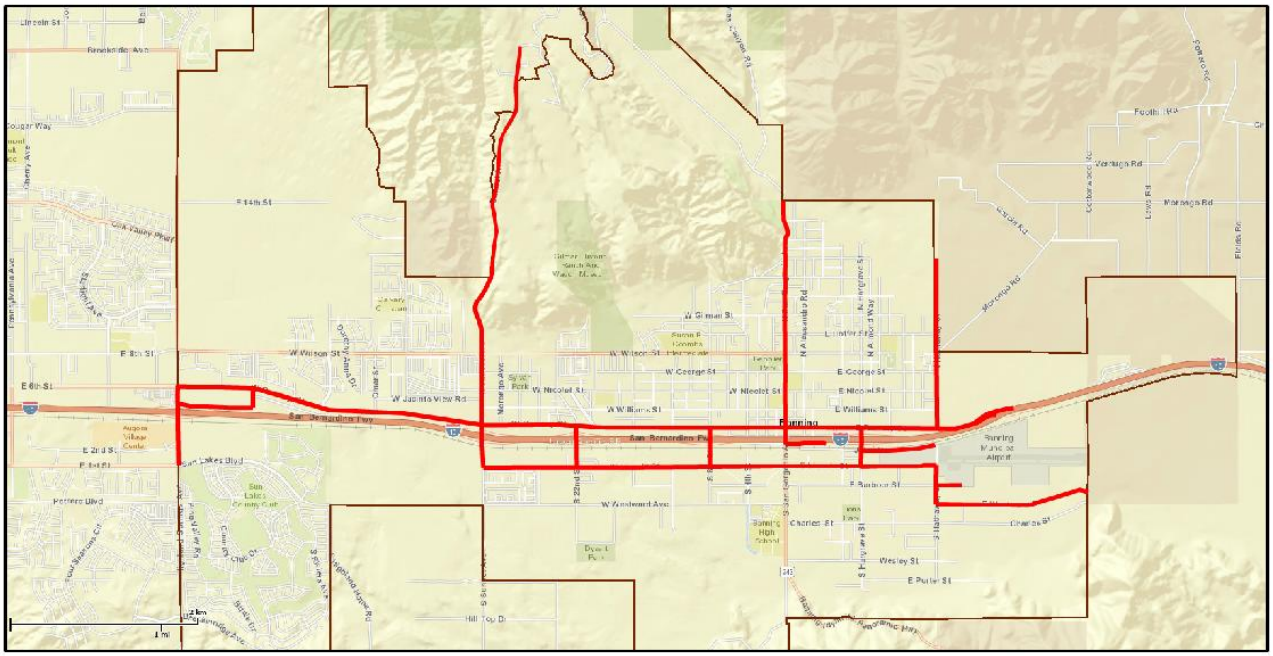
Section 3.2.4, item 3 - use evergreen screen trees along with shrubs and groundcover to create a 20-foot-wide landscape buffer along the northeastern Specific Plan boundary adjacent to the existing residential parcels. Select tree species and size to ensure a solid tree screen above the existing wall within one year. Repeated in Section 3.2.6, item 4.

Section 3.2.7, item 4 - provide clear and well-designed pedestrian access to buildings from the street, parking lot, and Specific Plan pedestrian circulation system through careful building siting, circulation design, decorative hardscape, and landscaping.

Section 4.6.2 - Specific Plan Amendments are required when proposed changes to text or exhibits significantly alter the intent or development concepts of the Specific Plan. Specific Plan Amendments shall be processed in the same manner as the original Specific Plan approval, which includes review by the Planning Commission and adoption by the City Council.

Section 4.7.1 - construction of development and improvements within the Retail & Service District shall be completed prior to occupancy of development within the Business & Warehouse District.

Resolution No. 2005-91 Commercial Vehicle Routes



This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Banning staff for the most up-to-date information.

From: Harry Finigan <hfinigan@gmail.com>
Sent: Thursday, January 27, 2022 2:06 PM
To: Caroline Patton
Subject: Banning Point warehouse project

Follow Up Flag: Follow up
Flag Status: Completed

I am opposed to allow a truck warehouse in this location. Senior resident communities. Sun Lakes, Four Seasons,and the Lakes Memory care facilities.

You are seeing before you this evening a group of people that have expressed a concern about this project and future projects that will effect our City.

You the City Council need to investigate all areas of what is presented to you to vote on. This means you need to go beyond what is stated by staff to you. This means that information presented may be incorrect or slanted to be made acceptable. I understand that READING all the attachments is time consuming but is necessary to be successful as a Council Member.

If a problem is presented do not through it away, ask for an explanation that is believable.

It is time for the City Council start asking your voters what they want, not what you want or the City Staff wants. I believe you are blocking the will of the Community which makes you out of touch. You are becoming Autocratic, instead of Democratic.

Thank You

Paul Perkins

Exhibit B - Written Public Comment

2/17/2022 Recd CP

Good Evening Mayor, City Council, Staff and Residents of Banning,

My name is Ron Pitts; my Wife's Name is Bobby Pitts. We are residents in District 3 and are respectfully asking for the recusal of Council Member Hamlin in the Banning Point Warehouse vote tonight and are further asking for her resignation as City Council member for District 3 immediately. In addition to the evidence that the lawyer for the Pass Action Group submitted of bias in favor of the Banning Point warehouse project the following additional reasons are provided.

1. Council Member Hamlin has received over 100 emails from concerned citizens asking her to vote NO on this project. She forwarded those emails to city employees like Adam Rush but then forwarded those same emails to Josh Zemon (managing principal, creation equity (developer)), some to Phil Lomardo (Cushman & Wakefield, leasing broker for this project) and some to her public relations company, OPRUSA, often times complaining that she is receiving and I quote "another one." Or "Another one from someone who doesn't understand…"

2. On several occasions she has sent Sun Lakes and Pass Action Group Facebook postings that are private Facebook pages to these same individuals who have no access to them "warning " them of comments and actions i.e. protests, hiring of lawyers, what the Sun Lakes HOA is thinking about, etc. For example and I quote

"This is what is being spread around the community. There are ads in the newspaper, letters to the editor and articles in our community magazine. They are raising funds to sue the City and possibly the developers. You have a real battle on your hands." Or

"I hope I'm not bugging you, but I feel you need to know. These posts are from private groups that only Sun Lakers can see. I want to keep you updated on the "chatter".

3. By her actions and comments she no longer represents the Citizens of District 3 but feels it is her duty to keep the developers and their vendors informed about what her constituents are doing to stop this atrocity. Her numerous emails to the developers (over 100) show that her concern is ensuring the project goes through as planned. And again I quote from emails between the Council Member and Creation Equity.

"Josh
Congratulations on passing the first hurdle with the Planning Commission. As you saw, my constituents are extremely upset with me and don't understand that there was nothing I could do. It was not presented to the Council for a vote - yet. I am sure the group will appeal but probably have no legal grounds to stop the project." Email to Josh Zemon (Creation Equity dated Dec 2, 2021.) (Day after planning commission vote to approve.)

"Josh
I guess your company needs an aggressive campaign to correct the misinformation, speculations, rumors, and fears about the Banning Pointe project. Maybe some sort of handout with the facts might be helpful.

Mary" Email dated 13 Dec 2021@10:30am

4. Her Constituents have no trust in her ability nor do they believe that she can represent them in the future. She even believes this, as on multiple emails she has made the same statements. From the same email above to Josh Zemon (Creation Equity dated Dec 2, 2021.):

"I need to do some damage control. A building is just a building until someone occupies it. I would like to be seen and being involved in finding suitable businesses to occupy the property.
I know that I can't control who leases the property, but if I can be perceived as being part of the selection process, it might go a long way to repair the negativity. "

Not only does this particular email show what she believes is a lost of trust from the Constituents of District 3 but also shows her complete bias for voting "Yes" prior to the tonight's hearing on the appeal before the council.

Here is another example in he own words: "I know. All I tried to do is give the facts. When that sign was put up and they heard the word "warehouse" the panic set in. Their ears are closed and their mouths are open.
Now my reputation is ruined. People I have known for 14 years won't speak to me. Some are calling for me to resign, sell my home and move. There is even a recall movement. It's become a nightmare." Email dated 11/29/2021 to Josh Zemon. This seems to enough of a nightmare that she has hired a Public Relations firm (OPRUSA) to repair her reputation, but even with that the voters in her district are organizing a recall campaign because they do not believe or trust her.

5. Mary Hamlin has had several "off the record" meetings with the developers and their representatives. I'm sure they are just "fact" finding but from a perception point of view, individuals (Mr. Santana) have been remove from their positions for far less. Again according to emails between the Leasing Broker for the project and the Council Member:

Council Member Hamlin meet with Phil Lomardo 6 Dec 2021@ 2:00 pm at Starbucks in Barnes and Noble Citrus Plaza, Redlands to discuss working with Cushman and Wakefield in assisting to choose the tenants for the warehouse.

Or email exchange between Josh Zemon and Mary Hamlin:
"Hi Councilwoman Hamlin – can we plan on 12:00pm PT on 11/10? Location TBD, maybe lunch at a local Banning restaurant? Please let me know and I will circulate an invite.
Thank you,
Josh

"12 noon on the 10th will work for me.
Mary Hamlin"

"Did you decide on a location for Wed? I would vote for Russo's since Station Tap House is owned by a member of the City Council.
Mary Hamlin

Sent from my iPhone"

Based on the above and over 100 emails between Council Member Mary Hamlin, Josh Zemon of Creation Equity (the developers) and their representatives, her bias in favor of this project both by deeds and written word under both State and Local Law require her to recluse herself from consideration of this project, the perception of wrong doing and the most important point the lost of Trust and belief that she can not nor will she represent the Constituents of District 3 in the future. We ask that she recluse herself from the vote and resign her position as Council Member for District 3 tonight.

Thank You

Exhibit B - Written Public Comment

From: Sandra Calderon
Sent: Monday, February 21, 2022 3:54 PM
To: Caroline Patton
Cc: Adam Rush
Subject: FW: Banning Point | Creation Equity

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fcreationequity.com%2fproject%2fbanning-point%2f&c=E,1,1R6xRlVfSBZEcgwBdGMFIUOqjoAWp1D20hdgllL3CudGi8hpkv4FOd0oy88Jb01oeilIcUICMR1KPRXjybm6JFRZyELxE08xGFRd7rUl88rWuCO_mo7xJNmT&typo=1

-----Original Message-----
From: Kathleen Aranda <karanda2011@gmail.com>
Sent: Thursday, February 17, 2022 9:30 PM
To: Sandra Calderon <scalderon@banningca.gov>
Subject: Banning Point | Creation Equity

Please find attached CREATIONS public information on their website regarding Banning Point wherein CREATION describe the following: Banning Point provides excellent freeway access with a full diamond interchange at Highland Springs Avenue and the I 10 freeway allowing for unparalleled is an access

I am requesting this Document added to the record.
Also aware and it indicates that Banning point is convenient alternative to the perpetual land constrained and expensive inland Empire West market located just 22 miles east of Redlands Banning point provides a scalable solution at a fraction of the cost I would like to make part of the record this entire section a total of six pages from the creation website I have attached a copy of the website for your review if you prefer I can send it to you in PDF form please advise and confirm your receipt I would like to make this part of the public record.
https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fcreationequity.com%2fproject%2fbanning-point%2f&c=E,1,1R6xRlVfSBZEcgwBdGMFIUOqjoAWp1D20hdgllL3CudGi8hpkv4FOd0oy88Jb01oeilIcUICMR1KPRXjybm6JFRZyELxE08xGFRd7rUl88rWuCO_mo7xJNmT&typo=1

KEVIN P. BUNDY (State Bar No. 231686)
GABRIEL M.B. ROSS (State Bar No. 224528)
ORRAN G. BALAGOPALAN (State Bar No. 341508)
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bundy@smwlaw.com
Ross@smwlaw.com
obalagopalan@smwlaw.com

Attorneys for Petitioner PASS ACTION GROUP

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, RIVERSIDE HISTORIC COURTHOUSE

PASS ACTION GROUP,

Petitioner and Plaintiff,

v.

CITY OF BANNING; CITY COUNCIL OF THE CITY OF BANNING; and DOES 1-20,

Respondents and Defendants.

SUN LAKES HIGHLAND, LLC; CREATION EQUITY, LLC; and DOES 21-40,

Real Parties in Interest.

Case No. CVRI2201482

NOTICE OF ENTRY OF JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE

Assigned for All Purposes to:
Hon. Harold W. Hopp, Dept. 1

Action Filed: April 18, 2022
Trial Date: March 13, 2024

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on April 9, 2024, the Court in the above-captioned action entered Judgment Granting Peremptory Writ of Mandate. A true and correct copy of the Judgment is attached hereto as **Exhibit A**.

DATED: April 12, 2024

SHUTE, MIHALY & WEINBERGER LLP

By: _____

KEVIN P. BUNDY
GABRIEL M.B. ROSS
ORRAN G. BALAGOPALAN

Attorneys for PASS ACTION GROUP

Exhibit A

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
APR 09 2024
E. Escobedo

CA
APR 10 2024
R

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF RIVERSIDE, RIVERSIDE HISTORIC COURTHOUSE

PASS ACTION GROUP, Petitioner and Plaintiff, v. CITY OF BANNING; CITY COUNCIL OF THE CITY OF BANNING; and DOES 1-20, Respondents and Defendants.	Case No. CVRI2201482 **~~[PROPOSED]~~ JUDGMENT** Dept.: 1 Judge: Hon. Harold W. Hopp Action Filed: April 18, 2022 Trial Date: March 13, 2024
SUN LAKES HIGHLAND, LLC; CREATION EQUITY, LLC; and DOES 21-40, Real Parties in Interest.	

Petitioner and Plaintiff Pass Action Group ("Petitioner") challenged the City of Banning's February 17, 2022 adoption of Resolution 2022-14, which approved (1) Tentative Parcel Map No. 38164, (2) Design Review 21-7008, and (3) an Addendum and related findings pursuant to the California Environmental Quality Act ("CEQA") for the Banning Point Project.

The hearing on Petitioner's Verified Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") in this matter was held on March 13, 2024 before the Honorable Harold W. Hopp in Department 1 of the Riverside County Superior Court. Kevin P. Bundy and Orran G. Balagopalan of Shute, Mihaly & Weinberger LLP appeared on behalf of Petitioner.

Ginetta L. Giovinco of Richards, Watson & Gershon appeared on behalf of Respondents and Defendants City of Banning and City Council of the City of Banning. Paige H. Gosney of Allen Matkins Leck Gamble Mallory & Natsis LLP appeared on behalf of Real Parties in Interest Sun Lakes Highland, LLC and Creation Equity, LLC.

On March 15, 2024, having reviewed the administrative record, Petitioner's request for judicial notice, the briefs and papers submitted by counsel, and the arguments of counsel, and the matter having been submitted for decision, the Court issued its Ruling on Matter Submitted ("Ruling"), attached hereto as Exhibit A and incorporated herein.

IT IS HEREBY ORDERED AND ADJUDGED that:

1. The Petition is granted for the reasons and to the extent set forth in this Court's March 15, 2024 Ruling.

2. A peremptory writ of mandate ("Writ") directed to Respondents and Defendants shall issue under seal of this Court:

a. Ordering Respondents and Defendants to set aside and vacate all approvals for the Banning Point Project in which City Council Member Mary Hamlin participated, including Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project, within 90 days; and

b. Instructing Respondents and Defendants that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of the biased council member.

3. Respondents and Defendants shall file and serve an initial return to the Writ no later than 120 days after service of the Writ or as otherwise agreed by the parties. The return shall specify the actions taken to comply with the terms of the Writ. Respondents and Defendants may file supplemental returns to the writ as necessary to apprise the Court of any further actions taken to comply with the Writ.

4. For purposes of cost recovery, Petitioner is the prevailing party. Petitioner may apply to recover its costs in an amount to be determined by this Court pursuant to a timely filed

and served memorandum of costs, subject to any timely filed and served motion to tax costs. (Cal. Rules of Court, rule 3.1700.)

5. This Court shall retain jurisdiction to consider a motion by Petitioner for an award of reasonable attorneys' fees pursuant to Code of Civil Procedure, section 1021.5 and California Rules of Court, rule 3.1702.

The Clerk is ordered to enter this Judgment.

DATED: 4/3, 2024

HON. HAROLD W. HOPP
JUDGE OF THE SUPERIOR COURT

1763561.2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
Ruling on Matter Submitted

03/15/2024
8:08 AM
Department 1

CVRI2201482
PASS ACTION GROUP vs CITY OF BANNING

Honorable Harold W. Hopp, Judge
E. Escobedo, Courtroom Assistant
Court Reporter: None

APPEARANCES:
No Appearances

Court subsequently rules on matter taken under submission on: 03/13/2024 for Hearing on Writ of Mandate (CEQA).
-
Petitioner Pass Action Group brings this action challenging the approval of the Banning Point Project, which it alleges violates CEQA, petitioner's and the public's right to a fair hearing, planning and zoning laws, and the Banning Municipal Code. The Banning Point Project (the Project) includes a tentative parcel map and design review authorizing the subdivision of the site and construction of a warehouse of approximately 620,000 square feet, 10,000 square feet of office space, and 150,000 square feet of high-cube cold storage and six retail buildings comprising 34,000 square feet. The property that would be subject to the development is 47 acres of undeveloped land in the City of Banning. Respondents are the City and its City Council. Real party is Sun Lakes Highland, LLC and Creation Equity, LLC. Petition, ¶¶s 14 to 18.

Right to a Fair Hearing. The petition and complaint raise four issues. First, that three members of the City Council participated in the discussion and approval of the Project despite having made comments allegedly showing bias in favor of it, violating Petitioner's and the public's right to a fair hearing.

"Quasi-judicial or "administrative" hearings are subject to the fair process requirements of California Code of Civil Procedure section 1094.5(b) and, when a vested property or liberty interest is implicated, to the due process requirements of both the federal and state constitutions." The California Municipal Law Handbook (Cal. CEB 2023) § 2.56 citing Today's Fresh Start, Inc. v Los Angeles County Office of Education (2013) 57 Cal.4th 197, 212. "The decision-maker must be fair and impartial." Id. citing, Woody's Group, Inc. v. City of Newport Beach (2015) 233 Cal.App.4th 1012,

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they are unbiased. There has been no showing of a financial or personal interest in the Project and no specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias, in the language used by the Court in the Morongo Band of Mission Indians case. 45 Cal.4th at 741.

Councilmember Hamlin, however, demonstrated a personal interest in the success of the Project, rehabilitating her reputation with her constituents. Further, her statements clearly advocate a position in favor of the Project. She not only made statements in favor of the Project, she circulated information that inaccurately understated the number of truck trips the Project would generate, contrary to the final traffic study. AR 592. She stated that the warehouse was not a distribution center but was more like an industrial office building, which is clearly incorrect. AR 13052. While review of the Project was pending, she asked to be involved in leasing discussions. She encouraged the principal of Creation Equity to seek positive press releases and to engage in an "aggressive campaign" to support the Project. AR 17615, 19742. These actions are similar to the "coaching" found in Petrovich, 48 Cal.App.5th at 974-976 (council member took affirmative steps to assist project proponents, acting as an advocate, not as a neutral). That she stated at the hearing that she was unbiased and ultimately voted against its approval does not show her to be unbiased.

City of Fairfield, on which the City relies, is a different situation. As the Supreme Court noted, the "proceedings did not turn upon the adjudication of disputed facts" or applying standards to facts, "the few factual controversies were submerged into the overriding issue of whether the construction of the shopping center would serve the public interest." 14 Cal.3d at 779-780. Moreover, many of the statements made by council members in City of Fairfield were made during election campaigns. The Supreme Court stated that such statements "do not disqualify the candidate from voting on matters which come before him after his election." 14 Cal.3d at 781.

These factors are not present here. The City Council was making a determination as to whether the facts required a subsequent or supplemental Environmental Impact Report or whether an addendum to the Project Environmental Impact Report would be sufficient. Council member Hamlin's statements were not made during an election campaign. Her participation in the City Council's discussion and decision to approve the Project requires the Court to grant the petition. Woody's Group, Inc., 233 Cal.App.4th at 1031 (remedy for participation of biased council member is to grant writ and send

matter back to city council with instructions to reconsider the matter without the participation of the biased council member).

Although the Court is not required to go farther, having found sufficient basis to grant the writ, it will briefly explain its view on the remaining issues. In summary, it does not find that Petitioner has carried its burden of proof on any remaining issue and would not grant the writ but for the fair hearing issue.

There was substantial evidence to support the Council's decision not to prepare a supplemental EIR. Petitioner contends that the City failed to comply with CEQA because it merely prepared an addendum to the Program EIR and did not prepare a supplemental or subsequent EIR for the Project addressing cumulative impacts from the Project and the Sunset Crossroads project, which is currently under environmental review. The Sunset Crossroads project would include 5.5 million square feet of warehouse space and would be located not far from the Project.

Whenever a further discretionary approval by the lead or responsible agency is required for a project for which an EIR or a negative declaration has been certified or adopted, the agency has to consider whether a subsequent or supplemental EIR should be required for that further approval. Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) § 19.2. "To give a degree of finality to the results, CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared for a project." Id., citing Cal. Pub. Res. Code § 21161; Friends of the College of San Mateo Gardens v. San Mateo County Community College District (2016) 1 Cal. 5th 937, 949; see also CEQA Guidelines § 15162.

As the court explained in the leading case of Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065, 1073: "[S]ection 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired [§21167(c)], and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process." Once a project has been approved, no additional steps to comply with CEQA are required, unless a further discretionary approval of the project is necessary. Id. citing Martis Camp Community Ass'n v. County of Placer (2020) 53 Cal.App.5th 569, 604. New information appearing after a project approval does not require that the approval be reopened (CEQA Guidelines

§ 15162(c)), but if another discretionary approval is needed, "the agency considering that approval must determine whether further CEQA review is required due to changes in the project, changes in circumstances, or new information." Id. citing CEQA Guidelines § 15162(a), (c); Willow Glen Trestle Conservancy v. City of San Jose (2020) 49 Cal.App.5th 127, 131.

There are three formats available to add to or amend the EIR depending on the circumstances. If major changes are required to make a previous EIR adequate, a subsequent EIR is required. Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) § 19.4.

A supplemental EIR may be prepared by the agency if any of the conditions requiring a further EIR exist, "but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) §19.5; CEQA Guidelines §15162(a). CEQA Guidelines do not define "minor additions or changes" however, a supplement only has to have the information necessary to make the previous EIR adequate. Id.; CEQA Guidelines §15163(b). "Thus, an EIR supplement need respond only to the project changes, changes in circumstances, or new information that triggered the need to prepare a further EIR …." Id. The discretionary decision to prepare a supplemental EIR as opposed to a subsequent EIR "is tested under a reasonableness standard, with the focus on 'the substance of the EIR, not its nominal title." Id.; City of Irvine v. County of Orange (2015) 238 Cal.App.4th 526, 540.

An addendum to a previously certified EIR must be prepared "when changes or additions to the EIR are necessary but none of the conditions in" CEQA Guidelines §15162 that trigger preparation of a subsequent or supplemental EIR have occurred. Kostka & Zischke, Practice Under the CEQA (CEB 2020-2021) §19.6; citing Friends of the College of San Mateo Gardens, 1 Cal.5th at 946. "Preparation of an addendum is thus a way to make minor corrections to an EIR without recirculating the EIR for further review." Id. at §19.6; CEQA Guidelines §15164(c). "An addendum may also be used to evaluate changes to a project, changes in circumstances, or new information, and to document the agency's determination that a subsequent or supplemental EIR is not required. Id.; CEQA Guidelines §15164(e). "The agency's decision-making body must consider the addendum along with the final EIR before making a decision on the project." Ibid.

Where the agency finds "that impacts resulting from changes to the project do not differ significantly

from those described in the prior EIR, a further EIR is not required." Id. at § 19.13 citing Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065, 1079 (following a change in access to a project site, an updated traffic report's conclusions were substantially identical to those in the original EIR, which were not considered substantial so, no further EIR was required); see Citizens Against Airport Pollution v. City of San Jose (2014) 227 Cal.App.4th 788, 802 (an addendum's analysis showing that noise and air pollution impacts from airport operations would decrease in the future, supported agency's determination that changes would not result in new significant impacts or substantially different impacts from what was described in prior EIRs); Fund for Environmental Defense v. County of Orange (1988) 204 Cal.App.3d 1538, 1548 (subsequent EIR not required for change in source of water for project because addendum to EIR concluded that impacts were same as those assessed in project EIR even though provider of water service changed).

There is no dispute but that the differences between the original project and the current version of the Project do not result in new significant environmental impacts. Indeed, the current version of the Project is significantly smaller than the original project.

Have there been substantial changes "with respect to the circumstances under which the project is being undertaken which would require major revisions to the environmental impact report"? Cal. Pub. Res. Code § 21166(b); CEQA Guidelines § 15612(a)(2) (adds "due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects.") If there are such changes, a subsequent or supplemental EIR is required only if: 1) the change in circumstances is substantial; 2) the change involves new or more severe significant environmental impacts; 3) the change will require major revisions to the previous EIR on the new or more severe impacts; and 4) the impacts were not covered in the previous EIR. Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) § 19.14.

Third, has new information that "was not known and could not have been known at the time the environmental impact report was certified as complete" become available? Id. at § 19.18 citing Cal. Pub. Res. Code §21166(c). The CEQA Guidelines explain that the new information could not have been known with the exercise of reasonable diligence and must be of "substantial importance." Id. citing CEQA Guidelines § 15162(a)(3).

Petitioner argues that both the second (substantial changes to the circumstances under which the Project is being undertaken) and third (new information that could not have been known has become available) conditions exist because of the Sunset Crossroads project.

Petitioner asserts that three months after the PEIR was certified, the City issued a notice of preparation for thee Sunset Crossroads project. AR112944-12961. Sunset Crossroads involves over 500 acres and, as noted above, would include 5.5 million square feet of industrial/logistics use. AR 12944, 12950, 12956. It requires an amendment of the City's general plan for much of the acreage, a specific plan creating 19 distinct planning areas, a parcel map and vesting tract map, and a pre-annexation and development agreement. AR 12944-12945. The Sunset Crossroads would be about half a mile away from the Project at the closest point. The Sun Lakes senior community is between the projects. AR 8580, 12954. The Sunset Crossroads would include an extension of Sun Lakes Boulevard, which trucks from the Project could use to access the nearby freeway (although as City points out, there would be a much shorter access to the freeway without using the extension of Sun Lakes Boulevard).

Petitioner is correct, of course, that the PEIR and the addendum do not analyze the cumulative impact of the Project and Sunset Crossroads. However, City argues that Petitioner has not shown that the changed circumstances compel the conclusion that the significant environmental effects will be different or more severe than those previously identified and that "major revisions" to the PEIR are necessary. The Project is smaller—about 30 percent smaller—than what was contemplated by the PEIR. Would the Project have cumulatively considerable incremental effects? CEQA Guidelines § 15130(a). If not, the effect is not so significant as to require a subsequent or supplemental EIR. Id. If other projects by themselves would have significant cumulative impacts—something that is highly likely true for Sunset Crossroads—that "does not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." CEQA Guidelines § 15064(h)(4).

City asserts that it relied on SCAQMD methodology in concluding that if the project-specific impacts exceed SCAQMD's local and regional thresholds of significance, only then would the impact be cumulatively considerable. The City determined that the Project would comply with the Air Quality Management Plan, and would not exceed regional or local significance levels. AR 135-138, 224-226, 5861, 2760.

City also argues that the Sunset Crossroads project is too uncertain to constitute a change in circumstances that would require assessing the cumulative impact of the Project and Sunset Crossroads.

To the extent that it is certain, the Sunset Crossroads project if approved would involve far more land, a much larger construction, and a general plan amendment, a specific plan creating 19 distinct planning areas, a parcel map and vesting tract map, and a pre-annexation and development agreement. It would no doubt have far more significant environmental impacts than the Project. If other projects by themselves would have significant cumulative impacts—which seems clearly the case here—that is not substantial evidence that the proposed project's incremental effects are cumulatively considerable. CEQA Guidelines § 15064(h)(4). Accordingly, the Court concludes that substantial evidence supported the City's decision not to include cumulative impacts from the Project and Sunset Crossroads in the environmental documents for the Project and to prepare an addendum instead of a supplemental or subsequent EIR for the Project.

Substantial evidence supported the City's project approval findings. Petitioner argues that there is no guarantee that the office and retail space that is to serve as a buffer between the existing housing and the warehouse element of the Project will be built in time to serve as a buffer and may never be built. City found the tentative map and design review consistent with the general plan and the specific plan amendment.

"Courts will defer to an agency's decision on consistency with its own plan unless, on the basis of evidence before the decision-making body, a "reasonable person" could not have found the project to be consistent." Kostka & Zischke, Practice Under the CEQA (CEB 2023) § 12.33 citing The Highway 68 Coalition v County of Monterey (2017) 14 Cal.App.5th 883, 896 (a determination of consistency between a project and a "general plan can be reversed only if it is based on evidence from which no reasonable person could have reached the same conclusion"); Clover Valley Foundation v City of Rocklin (2011) 197 Cal.App.4th 200, 239 ("no reasonable person would have determined that the project was inconsistent with the general plan").

Notably, perfect conformity between a project and the general plan is not required, only compatibility

with the general plan's objectives and policies is needed. That determination is subject to a highly deferential standard of review. It is Petitioner's burden to establish inconsistency. California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 603, 638. The Court will not substitute its judgment for the City's; the City's determination "comes to this court with a strong presumption of regularity." Ibid. This is because courts recognize that "the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity" and "the governmental agency must be allowed to weigh and balance the plan's policies when applying them." Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto (2016) 1 Cal.App.5th 9, 18-19.

City's conclusion that the Project is consistent with the general plan and specific plan amendment is supported by substantial evidence. The City found that the Project will not unreasonably interfere with use and enjoyment of neighboring properties because the warehouse is to be built up against the I-10 freeway and the railroad away from residences; it will back up against Sun Lakes Village Shopping Center buildings away from residences to the south and east; and the retail and offices uses will provide screening/buffering from these residential uses "in the future." AR 81 (emphasis added by Petitioner.) However, as argued by the City, there is nothing in its findings that required the retail and office elements (R&S District) would be built before or concurrently with the warehouse or would change the findings if the retail and office space were developed later. That an alternative condition could be proposed to address Petitioner's screening concerns—requiring the landscaping—and was adopted supports the City's finding. City could and did find that landscaping is a reasonable alternative for buffering to the construction of the office and retail space.

Project does not conflict with the noise element of the general plan. Petitioner argues that the Project approval authorizes heavy truck use on Sun Lakes Boulevard, which violates the noise element of the general plan because that street is not designated as a truck route. Program 4.A provides that other than traffic providing location-specific services and deliveries, construction and delivery trucks are limited to designated truck routes, which does not include Sun Lakes Boulevard. The City is within its discretion to interpret its general plan. Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto (2016) 1 Cal.App.5th 9, 18-19. Its determination is within that discretion.

For the foregoing reasons, the Petition is granted in part. Petitioner to prepare a proposed Writ and to

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circulate it in the manner required by Rule 3.1312 of the California Rules of Court.

Notice to be given by Clerk.
Minute entry completed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
4050 Main Street, Riverside, CA 92501

Case Number: CVRI2201482

Case Name: PASS ACTION GROUP vs CITY OF BANNING

GABRIEL M.B. ROSS
396 HAYES STREET
San Francisco, CA 94102

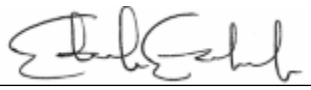
CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing notice on this date, by depositing said copy as stated above.

Notices Mailed: Ruling on Submitted Matter-Petition for Writ of Mandate/Complaint for Injunctive Relief

Dated: 03/15/2024

JASON B. GALKIN,
Court Executive Officer/Clerk of the Court

by: 

E. Escobedo, Deputy Clerk

CW-CCM
(Rev. 08/24/17)

Notice has been printed for the following Firm/Attorneys or Parties: CVRI2201482

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PROOF OF SERVICE

Pass Action Group v. City of Banning, et al.
Case No. CVRI2201482
Riverside County Superior Court

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, CA 94102.

On April 12, 2024, I served true copies of the following document(s) described as:

NOTICE OF ENTRY OF JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE

on the parties in this action as follows:

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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address tsanchez@smwlaw.com to the persons at the e-mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 12, 2024, at San Francisco, California.

Tuloa Sanchez

1769507.2

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
Ruling on Matter Submitted

03/15/2024
8:08 AM
Department 1

CVRI2201482
PASS ACTION GROUP vs CITY OF BANNING

Honorable Harold W. Hopp, Judge
E. Escobedo, Courtroom Assistant
Court Reporter: None

APPEARANCES:
No Appearances

Court subsequently rules on matter taken under submission on: 03/13/2024 for Hearing on Writ of Mandate (CEQA).
-
Petitioner Pass Action Group brings this action challenging the approval of the Banning Point Project, which it alleges violates CEQA, petitioner's and the public's right to a fair hearing, planning and zoning laws, and the Banning Municipal Code. The Banning Point Project (the Project) includes a tentative parcel map and design review authorizing the subdivision of the site and construction of a warehouse of approximately 620,000 square feet, 10,000 square feet of office space, and 150,000 square feet of high-cube cold storage and six retail buildings comprising 34,000 square feet. The property that would be subject to the development is 47 acres of undeveloped land in the City of Banning. Respondents are the City and its City Council. Real party is Sun Lakes Highland, LLC and Creation Equity, LLC. Petition, ¶¶s 14 to 18.

Right to a Fair Hearing. The petition and complaint raise four issues. First, that three members of the City Council participated in the discussion and approval of the Project despite having made comments allegedly showing bias in favor of it, violating Petitioner's and the public's right to a fair hearing.

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CVRI2201482
PASS ACTION GROUP vs CITY OF BANNING

Honorable Harold W. Hopp, Judge
E. Escobedo, Courtroom Assistant
Court Reporter: None

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Council member Sanchez moved for approval of the Project and council member Wallace seconded the motion. However, even with that context, their statements do not overcome the presumption that

they are unbiased. There has been no showing of a financial or personal interest in the Project and no specific evidence demonstrating actual bias or a particular combination of circumstances creating an unacceptable risk of bias, in the language used by the Court in the Morongo Band of Mission Indians case. 45 Cal.4th at 741.

Councilmember Hamlin, however, demonstrated a personal interest in the success of the Project, rehabilitating her reputation with her constituents. Further, her statements clearly advocate a position in favor of the Project. She not only made statements in favor of the Project, she circulated information that inaccurately understated the number of truck trips the Project would generate, contrary to the final traffic study. AR 592. She stated that the warehouse was not a distribution center but was more like an industrial office building, which is clearly incorrect. AR 13052. While review of the Project was pending, she asked to be involved in leasing discussions. She encouraged the principal of Creation Equity to seek positive press releases and to engage in an “aggressive campaign” to support the Project. AR 17615, 19742. These actions are similar to the “coaching” found in Petrovich, 48 Cal.App.5th at 974-976 (council member took affirmative steps to assist project proponents, acting as an advocate, not as a neutral). That she stated at the hearing that she was unbiased and ultimately voted against its approval does not show her to be unbiased.

City of Fairfield, on which the City relies, is a different situation. As the Supreme Court noted, the “proceedings did not turn upon the adjudication of disputed facts” or applying standards to facts, “the few factual controversies were submerged into the overriding issue of whether the construction of the shopping center would serve the public interest.” 14 Cal.3d at 779-780. Moreover, many of the statements made by council members in City of Fairfield were made during election campaigns. The Supreme Court stated that such statements “do not disqualify the candidate from voting on matters which come before him after his election.” 14 Cal.3d at 781.

These factors are not present here. The City Council was making a determination as to whether the facts required a subsequent or supplemental Environmental Impact Report or whether an addendum to the Project Environmental Impact Report would be sufficient. Council member Hamlin’s statements were not made during an election campaign. Her participation in the City Council’s discussion and decision to approve the Project requires the Court to grant the petition. Woody’s Group, Inc., 233 Cal.App.4th at 1031 (remedy for participation of biased council member is to grant writ and send

matter back to city council with instructions to reconsider the matter without the participation of the biased council member).

Although the Court is not required to go farther, having found sufficient basis to grant the writ, it will briefly explain its view on the remaining issues. In summary, it does not find that Petitioner has carried its burden of proof on any remaining issue and would not grant the writ but for the fair hearing issue.

There was substantial evidence to support the Council's decision not to prepare a supplemental EIR. Petitioner contends that the City failed to comply with CEQA because it merely prepared an addendum to the Program EIR and did not prepare a supplemental or subsequent EIR for the Project addressing cumulative impacts from the Project and the Sunset Crossroads project, which is currently under environmental review. The Sunset Crossroads project would include 5.5 million square feet of warehouse space and would be located not far from the Project.

Whenever a further discretionary approval by the lead or responsible agency is required for a project for which an EIR or a negative declaration has been certified or adopted, the agency has to consider whether a subsequent or supplemental EIR should be required for that further approval. Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) § 19.2. "To give a degree of finality to the results, CEQA includes a presumption against requiring any further environmental review once an EIR has been prepared for a project." Id., citing Cal. Pub. Res. Code § 21161; Friends of the College of San Mateo Gardens v. San Mateo County Community College District (2016) 1 Cal. 5th 937, 949; see also CEQA Guidelines § 15162.

As the court explained in the leading case of Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065, 1073: "[S]ection 21166 comes into play precisely because in-depth review has already occurred, the time for challenging the sufficiency of the original EIR has long since expired [§21167(c)], and the question is whether circumstances have changed enough to justify repeating a substantial portion of the process." Once a project has been approved, no additional steps to comply with CEQA are required, unless a further discretionary approval of the project is necessary. Id. citing Martis Camp Community Ass'n v. County of Placer (2020) 53 Cal.App.5th 569, 604. New information appearing after a project approval does not require that the approval be reopened (CEQA Guidelines

§ 15162(c)), but if another discretionary approval is needed, "the agency considering that approval must determine whether further CEQA review is required due to changes in the project, changes in circumstances, or new information." Id. citing CEQA Guidelines § 15162(a), (c); Willow Glen Trestle Conservancy v. City of San Jose (2020) 49 Cal.App.5th 127, 131.

There are three formats available to add to or amend the EIR depending on the circumstances. If major changes are required to make a previous EIR adequate, a subsequent EIR is required. Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) § 19.4.

A supplemental EIR may be prepared by the agency if any of the conditions requiring a further EIR exist, "but only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation." Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) §19.5; CEQA Guidelines §15162(a). CEQA Guidelines do not define "minor additions or changes" however, a supplement only has to have the information necessary to make the previous EIR adequate. Id.; CEQA Guidelines §15163(b). "Thus, an EIR supplement need respond only to the project changes, changes in circumstances, or new information that triggered the need to prepare a further EIR …." Id. The discretionary decision to prepare a supplemental EIR as opposed to a subsequent EIR "is tested under a reasonableness standard, with the focus on 'the substance of the EIR, not its nominal title." Id.; City of Irvine v. County of Orange (2015) 238 Cal.App.4th 526, 540.

An addendum to a previously certified EIR must be prepared "when changes or additions to the EIR are necessary but none of the conditions in" CEQA Guidelines §15162 that trigger preparation of a subsequent or supplemental EIR have occurred. Kostka & Zischke, Practice Under the CEQA (CEB 2020-2021) §19.6; citing Friends of the College of San Mateo Gardens, 1 Cal.5th at 946. "Preparation of an addendum is thus a way to make minor corrections to an EIR without recirculating the EIR for further review." Id. at §19.6; CEQA Guidelines §15164(c). "An addendum may also be used to evaluate changes to a project, changes in circumstances, or new information, and to document the agency's determination that a subsequent or supplemental EIR is not required. Id.; CEQA Guidelines §15164(e). "The agency's decision-making body must consider the addendum along with the final EIR before making a decision on the project." Ibid.

Where the agency finds "that impacts resulting from changes to the project do not differ significantly

from those described in the prior EIR, a further EIR is not required." Id. at § 19.13 citing Bowman v. City of Petaluma (1986) 185 Cal.App.3d 1065, 1079 (following a change in access to a project site, an updated traffic report's conclusions were substantially identical to those in the original EIR, which were not considered substantial so, no further EIR was required); see Citizens Against Airport Pollution v. City of San Jose (2014) 227 Cal.App.4th 788, 802 (an addendum's analysis showing that noise and air pollution impacts from airport operations would decrease in the future, supported agency's determination that changes would not result in new significant impacts or substantially different impacts from what was described in prior EIRs); Fund for Environmental Defense v. County of Orange (1988) 204 Cal.App.3d 1538, 1548 (subsequent EIR not required for change in source of water for project because addendum to EIR concluded that impacts were same as those assessed in project EIR even though provider of water service changed).

There is no dispute but that the differences between the original project and the current version of the Project do not result in new significant environmental impacts. Indeed, the current version of the Project is significantly smaller than the original project.

Have there been substantial changes "with respect to the circumstances under which the project is being undertaken which would require major revisions to the environmental impact report"? Cal. Pub. Res. Code § 21166(b); CEQA Guidelines § 15612(a)(2) (adds "due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects.") If there are such changes, a subsequent or supplemental EIR is required only if: 1) the change in circumstances is substantial; 2) the change involves new or more severe significant environmental impacts; 3) the change will require major revisions to the previous EIR on the new or more severe impacts; and 4) the impacts were not covered in the previous EIR. Kostka & Zischke, Practice Under the CEQA (CEB 2022-2023) § 19.14.

Third, has new information that "was not known and could not have been known at the time the environmental impact report was certified as complete" become available? Id. at § 19.18 citing Cal. Pub. Res. Code §21166(c). The CEQA Guidelines explain that the new information could not have been known with the exercise of reasonable diligence and must be of "substantial importance." Id. citing CEQA Guidelines § 15162(a)(3).

Petitioner argues that both the second (substantial changes to the circumstances under which the Project is being undertaken) and third (new information that could not have been known has become available) conditions exist because of the Sunset Crossroads project.

Petitioner asserts that three months after the PEIR was certified, the City issued a notice of preparation for thee Sunset Crossroads project. AR112944-12961. Sunset Crossroads involves over 500 acres and, as noted above, would include 5.5 million square feet of industrial/logistics use. AR 12944, 12950, 12956. It requires an amendment of the City's general plan for much of the acreage, a specific plan creating 19 distinct planning areas, a parcel map and vesting tract map, and a pre-annexation and development agreement. AR 12944-12945. The Sunset Crossroads would be about half a mile away from the Project at the closest point. The Sun Lakes senior community is between the projects. AR 8580, 12954. The Sunset Crossroads would include an extension of Sun Lakes Boulevard, which trucks from the Project could use to access the nearby freeway (although as City points out, there would be a much shorter access to the freeway without using the extension of Sun Lakes Boulevard).

Petitioner is correct, of course, that the PEIR and the addendum do not analyze the cumulative impact of the Project and Sunset Crossroads. However, City argues that Petitioner has not shown that the changed circumstances compel the conclusion that the significant environmental effects will be different or more severe than those previously identified and that "major revisions" to the PEIR are necessary. The Project is smaller—about 30 percent smaller—than what was contemplated by the PEIR. Would the Project have cumulatively considerable incremental effects? CEQA Guidelines § 15130(a). If not, the effect is not so significant as to require a subsequent or supplemental EIR. Id. If other projects by themselves would have significant cumulative impacts—something that is highly likely true for Sunset Crossroads—that "does not constitute substantial evidence that the proposed project's incremental effects are cumulatively considerable." CEQA Guidelines § 15064(h)(4).

City asserts that it relied on SCAQMD methodology in concluding that if the project-specific impacts exceed SCAQMD's local and regional thresholds of significance, only then would the impact be cumulatively considerable. The City determined that the Project would comply with the Air Quality Management Plan, and would not exceed regional or local significance levels. AR 135-138, 224-226, 5861, 2760.

City also argues that the Sunset Crossroads project is too uncertain to constitute a change in circumstances that would require assessing the cumulative impact of the Project and Sunset Crossroads.

To the extent that it is certain, the Sunset Crossroads project if approved would involve far more land, a much larger construction, and a general plan amendment, a specific plan creating 19 distinct planning areas, a parcel map and vesting tract map, and a pre-annexation and development agreement. It would no doubt have far more significant environmental impacts than the Project. If other projects by themselves would have significant cumulative impacts—which seems clearly the case here—that is not substantial evidence that the proposed project's incremental effects are cumulatively considerable. CEQA Guidelines § 15064(h)(4). Accordingly, the Court concludes that substantial evidence supported the City's decision not to include cumulative impacts from the Project and Sunset Crossroads in the environmental documents for the Project and to prepare an addendum instead of a supplemental or subsequent EIR for the Project.

Substantial evidence supported the City's project approval findings. Petitioner argues that there is no guarantee that the office and retail space that is to serve as a buffer between the existing housing and the warehouse element of the Project will be built in time to serve as a buffer and may never be built. City found the tentative map and design review consistent with the general plan and the specific plan amendment.

"Courts will defer to an agency's decision on consistency with its own plan unless, on the basis of evidence before the decision-making body, a "reasonable person" could not have found the project to be consistent." Kostka & Zischke, Practice Under the CEQA (CEB 2023) § 12.33 citing The Highway 68 Coalition v County of Monterey (2017) 14 Cal.App.5th 883, 896 (a determination of consistency between a project and a "general plan can be reversed only if it is based on evidence from which no reasonable person could have reached the same conclusion"); Clover Valley Foundation v City of Rocklin (2011) 197 Cal.App.4th 200, 239 ("no reasonable person would have determined that the project was inconsistent with the general plan").

Notably, perfect conformity between a project and the general plan is not required, only compatibility

with the general plan's objectives and policies is needed. That determination is subject to a highly deferential standard of review. It is Petitioner's burden to establish inconsistency. California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4th 603, 638. The Court will not substitute its judgment for the City's; the City's determination "comes to this court with a strong presumption of regularity." Ibid. This is because courts recognize that "the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity" and "the governmental agency must be allowed to weigh and balance the plan's policies when applying them." Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto (2016) 1 Cal.App.5th 9, 18-19.

City's conclusion that the Project is consistent with the general plan and specific plan amendment is supported by substantial evidence. The City found that the Project will not unreasonably interfere with use and enjoyment of neighboring properties because the warehouse is to be built up against the I-10 freeway and the railroad away from residences; it will back up against Sun Lakes Village Shopping Center buildings away from residences to the south and east; and the retail and offices uses will provide screening/buffering from these residential uses "in the future." AR 81 (emphasis added by Petitioner.) However, as argued by the City, there is nothing in its findings that required the retail and office elements (R&S District) would be built before or concurrently with the warehouse or would change the findings if the retail and office space were developed later. That an alternative condition could be proposed to address Petitioner's screening concerns—requiring the landscaping—and was adopted supports the City's finding. City could and did find that landscaping is a reasonable alternative for buffering to the construction of the office and retail space.

Project does not conflict with the noise element of the general plan. Petitioner argues that the Project approval authorizes heavy truck use on Sun Lakes Boulevard, which violates the noise element of the general plan because that street is not designated as a truck route. Program 4.A provides that other than traffic providing location-specific services and deliveries, construction and delivery trucks are limited to designated truck routes, which does not include Sun Lakes Boulevard. The City is within its discretion to interpret its general plan. Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto (2016) 1 Cal.App.5th 9, 18-19. Its determination is within that discretion.

For the foregoing reasons, the Petition is granted in part. Petitioner to prepare a proposed Writ and to

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circulate it in the manner required by Rule 3.1312 of the California Rules of Court.

Notice to be given by Clerk.
Minute entry completed.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
4050 Main Street, Riverside, CA 92501

Case Number: CVRI2201482

Case Name: PASS ACTION GROUP vs CITY OF BANNING

GINETTA LORRAINE GIOVINCO
350 S. Grand Avenue, 37th Floor
Los Angeles, CA 90071

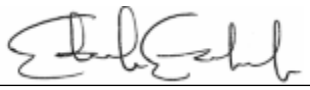
CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing notice on this date, by depositing said copy as stated above.

Notices Mailed: Ruling on Submitted Matter-Petition for Writ of Mandate/Complaint for Injunctive Relief

Dated: 03/15/2024

JASON B. GALKIN,
Court Executive Officer/Clerk of the Court

by: 
E. Escobedo, Deputy Clerk

CW-CCM
(Rev. 08/24/17)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
4050 Main Street, Riverside, CA 92501

Case Number: CVRI2201482

Case Name: PASS ACTION GROUP vs CITY OF BANNING

PAIGE HOPKINS GOSNEY
2010 Main Street, 8th Floor
Irvine, CA 92614

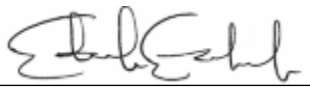
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by: 
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CW-CCM
(Rev. 08/24/17)

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House
4050 Main Street, Riverside, CA 92501

Case Number: CVRI2201482

Case Name: PASS ACTION GROUP vs CITY OF BANNING

GABRIEL M.B. ROSS
396 HAYES STREET
San Francisco, CA 94102

CERTIFICATE OF MAILING

I certify that I am currently employed by the Superior Court of California, County of Riverside, and that I am not a party to this action or proceeding. In my capacity, I am familiar with the practices and procedures used in connection with the mailing of correspondence. Such correspondence is deposited in the outgoing mail of the Superior Court. Outgoing mail is delivered to and mailed by the United States Postal Service, postage prepaid, the same day in the ordinary course of business. I certify that I served a copy of the foregoing notice on this date, by depositing said copy as stated above.

Notices Mailed: Ruling on Submitted Matter-Petition for Writ of Mandate/Complaint for Injunctive Relief

Dated: 03/15/2024

JASON B. GALKIN,
Court Executive Officer/Clerk of the Court

by: _____
E. Escobedo, Deputy Clerk

CW-CCM
(Rev. 08/24/17)

Notice has been printed for the following Firm/Attorneys or Parties: CVRI2201482

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Los Angeles, CA 90071

From: Adam Rush
Sent: Saturday, January 8, 2022 9:58 AM
To: Sandra Calderon
Subject: Fwd: "Banning Point" Warehouse Project

Please file.
Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director

City of Banning
99 Ramsey Street
Banning, CA, 92220
Office: (951) 922-3131
Fax: (951) 922-3128
Cell: (760) 219-2791
Email: arush@banningca.gov
www.banningca.gov

Begin forwarded message:
From: Gordon Farley <fargoisinsocal@aol.com>
Date: January 8, 2022 at 9:40:19 AM PST
To: Kyle Pingree <kpingree@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>, Doug Schulze <dschulze@banningca.gov>, eshaw@banningca.gov, Adam Rush <arush@banningca.gov>, editor@recordgazette.net, bob.walter@sunlakescc.com, marsha.midgett@sunlakescc.com
Subject: "Banning Point" Warehouse Project
Reply-To: Gordon Farley <fargoisinsocal@aol.com>

I am protesting the warehouse project based upon the following reasons:

1. Traffic congestion currently being experienced at the Highland Springs underpass of
the I-10 and on Highland Springs Avenue between the I-10 and First Street (Beaumont)

and Sun Lakes Boulevard (Banning).

2. Anticipated additional traffic congestion from the hundreds of trucks traveling between
the I10 and the warehouse complex
.
3. Anticipated noise emanating from the warehouse and from the hundreds of trucks traveling between the I10 and the warehouse and moving within the warehouse complex.

4. Anticipated pollution caused by hundreds of trucks traveling to and from the warehouse and moving within the warehouse complex.

INCREASED TRAFFIC The developer has stated that there will

be one truck arrival every five minutes, for a minimum of twelve trucks per hour and 288 trucks per day; AT PEAK HOURS IT COULD MEAN TWENTY TRUCKS ON OUR STREETS AT THE SAME TIME, this will massively congest our streets. Large numbers of trucks will also endanger pedestrian, golf cart and automobile traffic.

· HEALTH AND SAFETY Increased traffic means fire, police, and medical emergency vehicles will be delayed in reaching their destinations, creating the potential for life threatening situations.

· NOISE, LIGHT AND AIR POLLUTION Diesel trucks create noise, pollute the air, and the distribution centers have exterior lights; pollution taking place twenty-four hours per day.

· IMPACT ON "THE LAKES" CARE FACILITY
The Distribution Center will be immediately adjacent to "The Lakes", a care facility for seniors with compromised health conditions. Noise, air pollution, light pollution, and restricted emergency traffic all pose serious complications to their well-being. · PROPERTY VALUES The presence of a Distribution Center across the street from a retirement community will certainly diminish the appeal of retiring in this environment, and as a consequence, will reduce property values.

· CITY ISSUES
Distribution Centers require infrastructure support including significant electrical needs, water, natural gas, and sewer, which when combined with existing residential and commercial requirements, will stress the City's capacity. Furthermore, increased truck traffic will increase the needs for street repair and will necessitate increases in City staff to accommodate these needs. Finally, it can be anticipated that litigation against the City (and City Council members as individuals) from a variety of incidents, as the result of the City Council's decision to move this project forward, will place additional far reaching financial strains on resources, both now and in the future.

PASS ACTION GROUP BOARD MEETING MINUTES

The Pass Action Group Board Meeting was held in the Main Clubhouse Lounge at 2:00 pm on January 4, 2022.

Board Members Present: 11 of the 16 were present.

Randy Robbins, Howard Katz, Jeannie Lloyd, Jim Moran, Bob Messier, Diane Berley, Sheri Flynn, Jim Corrigan, Bruce Brown, Janet Flamang, and Beverly Rashidd were in attendance.

Call to Order

President Randy Robbins called the meeting to order at 2:06 PM.

Jim Moran circulated a sign in sheet for the meeting record.

Jeannie Lloyd distributed copies of the Treasurer's report.

Review and vote on meeting minutes from 12/28 meeting.

Minutes were reviewed and Diane Berley motioned for approval with changes/corrections noted below, Jim Moran seconded motion and the motion carried with an 11-0 vote.

Noted changes:

1) In the Legal Report, "roll" should be "role"
2) In the New Business section, wordsmithing relating to a future meeting in the Sun Lakes Ballroom was needed.

There was also a discussion about AQMD that Sheri Flynn felt should have been in the meeting minutes. After a long debate, it was decided that Randy Robbins, Sheri Flynn, and Howard Katz would remain at the table after today's meeting was adjourned to have further discussion on the topic.

President's Report – Randy Robbins

Randy Robbins reported that there was no indication that the hearing has been scheduled as of yet.

Treasurer's Report – Jeannie Lloyd

The status of the funds in the bank for the month of December was presented to the group.

There were two expenses noted since the last meeting was held. One was check 1002, written for $704.70 to cover the cost of the printing copies of PAG letter to all residents in Sun Lakes and to many homes in Four Seasons. The other was check 103, which was written to cover the cost of two billboards for four weeks. That check was written for $4,940. Bevely Rashidd motioned approval, seconded by Jim Corrigan – Motion carried 11-0

Bruce Brown asked if our financial information was being kept in more than one place. Those records are kept by both Jeanne Lloyd and Randy Robbins.

Legal Report – Diane Berley and Sheri Flynn

Sheri Flynn discussed a letter that Gabriel Ross had asked her and Diane Berley to review. The letter, being sent to the Banning City Council and Mayor, detailed the inadequacies related to the EIR. Gabe was asking if we felt that his letter should be sent right away or held until the Appeal date was known. The belief was that sending the letter early was a good idea only if we believed that appeared willing to work with us. Otherwise, sending it early was showing out hand and providing them more time to address issues. The advantage to sending the letter later was that the city would have less time to prepare for the appeal meeting. It was decided to send the letter 10 days before the appeal was to be heard. That decision was based partly on our own perception of how the City of Banning was leaning. It was also influenced by Randy Robbins reporting that not one of the many emails he had sent to the City Council members had been answered.

There was follow-up discussion regarding details of how the appeal will be handled. It was discussed as to whether or not Gabe Ross will be in attendance at the appeal or simply handle via zoom. Gabriel Ross would prefer handling the appeal via zoom. Another option would be for him to drive down. That does not appear to be an appealing option, as the entire drive would be billed. Randy Robbins asked Diane Berley if she thought that Gabriel Ross could be effective on Zoom. Diane Berley indicated that it wouldn't be terrible. While there is some concern about the facility and Zoom, and it would be more personal and better overall if Mr. Ross could be on hand.

There were questions about who performed the initial EIR, as well as who had paid for it. Sheri Flynn believes that the City of Banning provided the EIR and that the developer paid for it. Diane Berley asked about the differences between a Program EIR, and a Project EIR. Sheri Flynn explained that a Program EIR covers a wider array of area, but lacks the detail that a Project EIR provides.

Sheri Flynn believes we should attempt to get the Zoning thrown out, as the EIR performed was not for an industrial site. She explained that the city did not follow their own rules, because you cannot change zoning if the change results in a negative effect on the health and welfare of residents of Banning.

Volunteer Committee – Bruce Brown

Bruce Brown reported that there would be no formal report at today's meeting. He did indicate that new signs had been ordered and that he will show them at next week's meeting.

Howard Katz will work with Bruce Brown and Jim Corrigan to determine the cost of a mass-mailing in Banning.

Jim Corrigan is looking into rules and regulations for yard signs in the area.

Communication Committee – Howard Katz

Howard Katz reported on the billboards that will be in place by January10th. One billboard is 12X24, and the other is roughly 10X36. Examples were shared with the group.

There was discussion using The Patch or the Next Door app for advertising. Both methods can localize information, and the patch is a no-cost option. Howard Katz noted that he had posted something on The Patch, but had not been able to find it online yet.

Howard Katz and Beverly Rashidd detailed advertising options for The Press Enterprise and Record Gazette. Howard Katz took the lead on The Press Enterprise and outlined three options.

1. Ads in the paper at a cost of $2,161 per day.
2. Stickers on the paper, above the fold. A minimum of 10,000.
3. Ads on the Press Enterprise Website. Unlike options 1 & 2, there were advantages to option 3.
    a. Can be localized by zip code.
    b. The ability to click a link to the Pass Action Group Website.
    c. Minimum but is manageable at $500

Howard Katz recommended option 3 only.

Beverly Rashidd reported on options at The Record Gazette. Options included:

1. Full Page ads at $1,025 (Black & White) or $1,335 (Color). Non-profit prices were less. Prime Placement (page 3) ads cost more.
2. Stickers that we would have to make and supply cost $295 per week.

The decision was made to table this discussion and revisit it at a later time.

Howard Katz indicated that Newsletter #7 was about ready to be sent ou8

HOA/Government Committee – Randy Robbins

Randy Robbins noted that there would be no update for Government this week.

Randy Robbins reported that he had spoken to the President of the Four Seasons HOA this week.

Randy Robbins is working to get an article/update into the February issue of Lifestyles.

Old Business

Randy Robbins noted that he is continuing to address incorporation. His CPA has an attorney that he uses to set up corporations. That attorney will make contact with Randy Robbins.

Randy Robbins asked the group to be thinking about the upcoming appeal, and what approach the PAG should take.

Sheri Flynn reported thar Gabriel Ross indicated that we should utilize protestors on the day before and day of the appeal. It was suggested that we make 5-10 signs specific to the hearing to increase community awareness.

New Business

No new business was added this week.

Adjournment

A motion was made by Bruce Brown and seconded by Diane Berley to adjourn the meeting. Motion carried and meeting was adjourned at 4:15 pm

PASS ACTION GROUP BOARD MEETING MINUTES

The Pass Action Group Board Meeting was held in the Main Clubhouse Lounge at 2:00 pm on January 11, 2022.

Board Members Present: 8 of the 16 were present.

Randy Robbins, Howard Katz, Jim Moran, Diane Berley, Sheri Flynn, Janet Flamang, Gracie Luna, and Beverly Rashidd were in attendance.

Call to Order

President Randy Robbins called the meeting to order at 2:09 PM.

Jim Moran circulated a sign in sheet for the meeting record.

Review and vote on meeting minutes from 1/11 meeting.

Minutes were reviewed and Howard Katz motioned for approval with change/clarification noted below, Janet Flamang seconded the motion and the motion carried with an 8-0 vote.

1. **Noted change:** 1) Beverly Rashidd pointed out that the minutes stated that "Stickers that we would have to make and supply cost $295 per week". The $295 would actually cover one edition of the Record Gazette.

President's Report – Randy Robbins

Randy Robbins provided information to our attorney Gabe Ross following a call with Sheri Flynn and Diane Berley. Among the items forwarded to Mr. Ross were copies of his earlier interactions with Mary Hamlin and Adam Rush.

The PAG strategy of getting the word out was discussed and examples of how it is working were presented. The Four Seasons Breeze, Sun Lakes Life, and Record Gazette remain constant providers of information. There has been a recent article in the Banning Estates, and a newsletter in the Gilman Springs Estates.

The Appeal meeting on January 31st will be by Zoom only. Randy Robbins is attempting to clarify how much time we will be given to speak. To date, the City of Banning and the developers have been given unlimited time to present, and we have been limited.

Treasurer's Report – Randy Robbins presenting for Jeannie Lloyd

There was no formal report presented, but Randy Robbins noted that we have currently raised nearly $3,000 in donations through the Give Butter on-line site.

Legal Report – Diane Berley and Sheri Flynn

Sheri Flynn and Diane Berly had an extensive call with the assistant for attorney Gabe Ross this week. It was noted that if our case turns into a lawsuit, Kevin Bundy is expected to be brought in. Mr. Bundy was unavailable when the process began, but was part of conversations as we began.

The attorneys continue to work on the letter that will be sent to the City Council and Mayor on January 21st. They are clarifying that the EIR was prepared in a Business Warehouse setting that later was

changed to Industrial. Sheri Flynn believes we should attempt to get the Zoning thrown out, as the EIR performed was not for an industrial site. She explained that the city did not follow their own rules, because you cannot change zoning if the change results in a negative effect on the health and welfare of residents of Banning.

It was noted that we may not be able to address some areas of the EIR due to a statute of limitations. Later in the meeting, Randy Robbins asked Diane Berley if we missed a deadline due to fraudulent action, would the deadline be revised? Dinae Berley responded that if we should show that our lack of reacting was due to their lack of notification, it would help. As noted in previous minutes, our HOA claims they were not notified and the letter to The Lakes was sent to a previous lender and did not reach anyone currently associated with The Lakes.

Another topic discussed involved the ability, or inability to get documents from the City of Banning. Sheri Flynn indicated that she has set up an account twice with the city, yet it does not recognize her email.

Sheri Flynn spoke of the early plans from the developer. Those plans noted that the retail area would be built first, acting as a buffer to the warehouse. Today, plans call for the warehouse to be built in 2022, with the retail area to follow in 2023. Randy Robbins noted that there were also mixed messages coming from the developer on how much of a presence they have in California. On one occasion, Creation indicated that Banning Pointe was their only project in the state. Recently, they have said they have 41 projects in work here.

Another change noted by Sheri Flynn discussed related to the change to expected operating hours of the project. The sign initially called for operating hours of 7:00am to 10:00pm. With no notification or discussion, the operating hours became 24 hours per day, 7 days a week. That change would certainly affect traffic and pollution. Sheri Flynn believes that this alone constitutes a sufficient cause to obtain a new EIR.

Diane Berley outlined the role of the Attorney General, who could get involved later but possesses more influence than power. It was also noted that the best results of a CEQA lawsuit might be in forcing the City of Banning and developers to start the process over. This could delay things for up to three years. Randy Robbins added that a delay like that could cause concern for investors, as he discussed typical investor expectations and timelines. A long delay in this flawed process could influence them to look at alternative options.

Sheri Flynn indicated that Gabe Ross has contacts at the AG's office and AQMD and that Mr. Ross would be sending letters to both.

<u>Volunteer Committee – Bruce Brown</u>

Bruce Brown was ill and unable to attend the meeting. He did indicate that new signs had been made and had been given to Randy Robbins.

Bruce Brown had a proposal for a mass-mailing to Sun Lakes and Four Seasons residents. The cost for this would exceed $2,000. The proposal was not a recommendation. Instead, it was provided in case the group wanted to proceed in that direction. There was talk of using non-typical sized postcards in this effort, hoping that they would get more attention.

Howard Katz noted that the use of oversized postcards increases the cost, as they are not priced as postcards. This can expensive for a process that typically leads to only 1-2% of people actually taking the time to read it. Janet Flamang suggested using volunteers to place postcards in the cubbies below mailboxes. Jim Moran those who did not know, that not all districts have mailboxes. This extends the time it takes to deliver. As District Delegate, Jim Moran can deliver his newsletters in a district with mailboxes in 20 minutes. As a Delegate in a district with no mailboxes, it takes Randy Robbins nearly to hours to leave newsletters on porches.

Communication Committee – Howard Katz

Howard Katz reported that he currently uses two different email addresses to sent messages. He is limited to 1,000 per day from each. This activity is pushing the limits of his ability to communicate and is recommending the use of a service like Constant Contact, which would allow him to send an unlimited number of messages. Another option discussed was Mail Chimp, which was thought to be less expensive and more user friendly. This topic will be on Old Business next week to clarify cost and have a motion presented, though we all agree that this is warranted.

The Newsletters developed and distributed by Howard Katz have been well reviewed and have resulted in an increase of requests to get on our mailing list.

As a follow-up to a question in the January 4th meeting, Howard Katz clarified the website option of The Press Enterprise. Last week, Howard was asked if you had to have a subscription to the Press Enterprise enable to view ads. The answer was both yes and no. To view ads on the Press Enterprise site, you need to have a subscription. However, anybody with extra ad space can bid on and pick up an ad. Plus, the Press Enterprise acts as an agent. Howard Katz indicated that he would set it up if we choose to proceed. Randy Robbins suggested postponing that decision until we understand what kind of impact our billboards would have.

At this point, too many people in zip codes 92220 and 92223 still have no idea that this battle is even taking place. Janet Flamang would like to see information getting into the hands of residents. Sheri Flynn feels that the people we need to influence are the members of the City Council and that the letter coming from our attorneys on January 21st will do that. Randy Robbins provided his opinion that the City of Banning staff has misled the City Council. Beverly Rashidd reiterated that we needed to ensure that this is presented as a Banning issue, and not a Sun Lakes issue.

Janet Flamang asked if we could put out a communication explaining all of the acronyms used and what they mean. We constantly use EIR, CC&R, CEQA, and others. The hope is that by providing a full explanation of terms, we make it easier for everyone to understand. It was requested that this information be put into the next Communication Newsletter.

HOA/Government Committee – Randy Robbins

Randy Robbins asked Bob Walter discussed a potential change to the CC&R's to be put on the ballot for Sun Lakes elections in April. Currently, the CC&R's do not allow money from the HOA to be spent on items outside the walls of Sun Lakes. As a result, the HOA is prohibited from providing any funds to the PAG. The advantage of having this item coincide with an already scheduled election is that it adds no cost to the process. If a special election takes place, the cost is roughly $15,000 including the use of a third-party firm.

Old Business

The only topic on the agenda concerned the use of newspapers, and that topic was covered earlier in the meeting.

New Business

Randy Robbins presented a letter of resignation from George Moyer. The Moyers are leaving Sun Lakes. After hearing from Howard Katz, who was reviewing our bylaws, potential replacements were discussed. Randy Robbins gave an overview on John Swem, who had shown interest early on. Another name was Ron Roy. Sheri Flynn committed to speak with Ron Roy to see if he had interest. Beverly Rashidd made a motion to postpone the nomination for one week. This would allow some of the members out today to take part. It would also give the team time to consider any other viable candidates. Diane Berley provided the 2nd for the motion, and the motion carried with an 8-0 vote.

There was a great deal of discussion on picketing/protesting. With the Appeal meeting being conducted via Zoom, there is little to be gained by protesting outside on that day. Gracie Luna suggested that the corner of 2nd street and Highland Springs would be a good place to start. Howard Ketz clarified that we do not need a permit to protest and that he had already spoken to the police. The police response was that as long as we behaved ourselves and stayed out of traffic, there would be no problem. Sheri Flynn requests that we get people to send letters and emails to the City of Banning. Randy Robbins was asked by Sheri Flynn if a protest sign that included email addresses for City of Banning staff members. Randy Robbins responded that creating a sign should not be a problem. Jim Moran made a motion with a 2nd from Howard Katz January 23rd and 29th, at times to be decided by the volunteer committee. Motion carried 8-0.

Adjournment

A motion was made by Howard Katz and seconded by Beverly Rashidd to adjourn the meeting. Motion carried and meeting was adjourned at 3:42 pm.

PASS ACTION GROUP BOARD MEETING MINUTES

The Pass Action Group Board Meeting was held in the Main Clubhouse Lounge at 2:00 pm on January 18, 2022.

Board Members present: 9 of the 16 were present.

Randy Robbins, Howard Katz, Jeannie Lloyd, Bob Messier, Jim Corrigan, Jan Flammang, Sheri Flynn, Bruce Brown, and Diane Berley were in attendance.

Call to Order

President Randy Robbins called the meeting to order at 2:08 pm.

Randy Robbins circulated a sign in sheet for the meeting record.

Protest Planning and Communication – Bruce Brown

Ron and Bobby Pitts attended as special attendees to discuss plans for the protest of 01/21/22. Bruce noted that Ron and Bobby have been instrumental in getting signs designed and made. There was discussion as to where protesters would meet and sign distribution. Protesters were to meet at Sun Lakes Blvd and Highland Springs Ave and disburse from there. After this discussion Ron and Bobby Pitts were dismissed from the meeting and thanked for their attendance.

Vacant Board Position – Randy Robbins

Randy Robbins reported that with the resignation of George Moyer, there is now a vacancy and asked for a motion to open the floor for nominations. Howard Katz moved, Jeannie Lloyd seconded, and the motion carried to open the floor for nominations. Howard Katz nominated John Swem. Sheri Flynn nominated Ron Roy. John Swem was in attendance and introduced himself and discussed his qualifications. Sheri Flynn read a resume for Ron Roy. John Swem left the room while the Board discussed both candidates. There was a vote done by hand and Ron Roy was appointed to fill the position.

Review and vote on meeting minutes from 01/18/22 meeting.

Minutes were reviewed and Jim Corrigan moved approval with below noted changes and clarifications. Howard Katz seconded the motion, motion carried 9-0.

Changes:

1. Page 1 – Under Legal Report – Paragraph 1 - First sentence to read: Sheri Flynn and Diane Berley had a one-hour call with attorney Gabe Ross and assistants this week.
2. Page 2 – Under Legal Report – Paragraph 3 – Third sentence to read: Diane Berley responded that if we show that our lack of reacting was due to their lack of notification, it would help, but there is no remedy under CEQA.
3. Page 2 – Under Legal Report – Paragraph 6 – Second sentence to read: The resolution initially called for operating hours of 7:00a, to 10:00pm.
4. Page 3 – Under HOA/Government – First sentence to read: Randy Robbins reported Bob Walter discussed a potential change to the CC&R's to be put on the ballot for Sun Lakes elections in April.

President's Report – Randy Robbins

Randy reported that Josh Zemon of Creation Equity had reached out via email inviting the P.A.G. to meet with Creation Equity representatives on Wednesday January 19th. After discussion with Sheri Flynn, Diane Berley, and Gabe Ross it was determined that it would not be in our best interests, and we declined the meeting.

Randy reported that he had reached out the City Clerk to clarify our speaking time for the 01/31/22 appeal hearing. At the time of the meeting the City Clerk's office had not yet responded. Randy will follow up.

Randy will continue to make periodic Facebook posts addressing protests and other important information.

Treasurer's Report – Jeannie Lloyd

Jeannie submitted a Treasurers report. Donations are still coming in weekly.

Legal Report – Diane Berley and Sheri Flynn

A letter was read from our attorney, Gabe Ross, detailing a letter that will be sent to the City on Friday 01/21/22. Among the details was asking for a continuance until the we can present our case in person versus on Zoom. Diane and Sheri will continue to work with Gabe Ross on our final letter that will be sent to City ahead of the Appeal Hearing.

EIR – Sheri Flynn

Sheri reported that she had requested more documents from the city.

Volunteers – Bruce Brown

In addition to the protest information noted above, Bruce emphasized that we need to continue to get the word out about the protests so that we have maximum participation.

Communication – Howard Katz

Howard reported that the billboards were up, and he has received positive comments via email on them. Howard discussed if we were to reserve the billboards for additional time it would be best to commit as soon as possible.

Howard discussed the online "click ads." It was decided that for now we would not implement this program.

There was further discussion about continuing to get more awareness. Randy Robbins reported that various HOA's in the City of Banning had placed our information in their respective newsletters.

Old Business

Jim Corrigan addressed the issue of incorporation and Board Member protections. Randy Robbins noted that he had a name for a new attorney for advice and would be talking to her and have a report at the January 25th Board meeting.

Randy Robbins reported that he will work with Howard Katz on looking into using an email service, such as Mail Chimp or Constant Contact. This will relieve pressure on Howard's personal email accounts.

New Business

There was discussion about alternative uses for the Creation property. During discussion it was noted that at this time our commitment to our donors is to fight the warehouse across from Sun Lakes. Should the project change there would need to be further discussion as to Pass Action Group's role moving forward.

There was discussion noting the Mary Hamlin has potential "Conflict of Interest" due to her leadership involvement in both Faith in Action and the Pass Job Connection employment agency. Sheri stated she would bring these potential conflicts to Gabe Ross' attention.

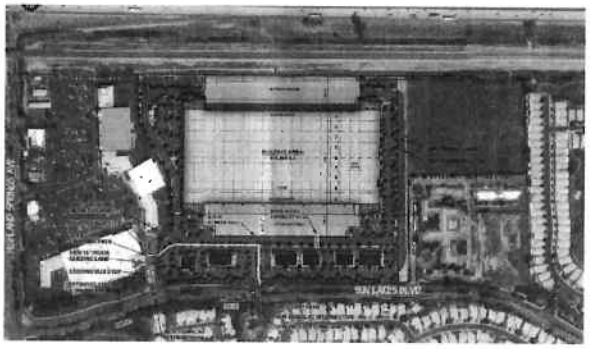
Adjournment

A motion was made by Howard Katz to adjourn the meeting, it was seconded by Jim Corrigan. The motion carried and the meeting was adjourned at 3:35 p.m.

PASS ACTION GROUP NEWSLETTER 8

January 28, 2022





Subjects:
- Pass Action Group Board Meeting Minutes
- Banning City Council Special Meeting to Hear Our Warehouse Appeal
- January Street Protests
- Distributing Our Message
- January 28th Record Gazette Warehouse Article
- Future Activities
- Background
- Funding
- Website
- Join Our Group

PASS ACTION GROUP BOARD MEETING MINUTES

Minutes from three of our January 2022 Board meetings are attached for your information. They are from our January 4th, 11th, and 18th meetings.

BANNING CITY COUNCIL SPECIAL MEETING TO HEAR OUR WAREHOUSE APPEAL

The City of Banning has postponed a special City Council meeting to hear our appeal of the Banning Planning Commission's approval of the Banning Point Warehouse/Distribution Center project from Monday, January 31, 2022, to Thursday February 17, 2022, at 5:00pm in the Banning City Council Chambers. The postponement was granted based upon requests by us and the Banning Point developer.

We believe the City of Banning and the developer were surprised by the depth, quantity, and quality of information submitted by our legal representative in a letter dated January 24, 2022 with attachments sent to the Banning City Council

(17 pages of letter and 421 pages of attachments). We think the city and the developer needed extra time to digest this information and prepare their responses.

The January 31st meeting was to be all Zoom attendance. As of now, we do not know if attendance at the February 17th meeting will be the same or if the public will be allowed to attend in-person. We will distribute that information by email and posted on our website, www.passactiongroup.org, as it becomes available. Please watch for our emails and postings.

However, the format of the appeal portion of the February 17th meeting (postponed from January 31st) will have basically the following format, as stated in the following excepted from a letter from Kevin G. Ennis, the City of Banning's attorney:

> "...The Applicant [developer] and the Appellant (Pass Area Action Group) will each be given ten (10) minutes to present their position after the staff presentation at the Public Hearing on Monday January 31, 2022. They will also each be given five (5) minutes to rebut each other's presentation. Then there will be questions from the City Council to the Applicant and the Appellant followed by public comments. After all comments, the Applicant and the Appellant will each be given a few minutes to respond to any comments made by the public..."
>
> Please refer to the attachment for the full text of Mr. Ennis' letter.

After all of this, the City Council will vote to accept or deny our appeal. What will happen after the vote, acceptance or denial of our appeal, we will learn at that time.

JANUARY STREET PROTESTS

January 21st

We held a street protest between 3:00pm and 5:00pm on January 21st. It was very successful. The estimated number of people who attended is from 120 to 150, depending upon who was asked. In other words, we did not do an official count of attendees.

Signs were plentiful and colorful. There were professionally printed and home made signs and all of them were colorful with appropriate messages. We

supplied almost 100 of the signs. Most of them were returned to us so we could use them for future protests. We appreciate their return.

After discussions with the Banning City Hall and the Banning Police Department, we requested attendees stay off the grass around the businesses in the shopping center, stay off the streets, and be polite. Everyone adhered to these requests. The protest was orderly and not a single problem was encountered.

We invited KABC-TV, KNBC-TV, the Desert Sun, the Press Enterprise, the Record Gazette, Sun Lakes Life, and a unattached free-lance reporter to attend and cover us. Only the free-lance reporter joined us. He took a video of the protest and also the location where the proposed warehouse complex is planned for construction. Please click on the following link to watch the video:

https://youtu.be/DQ0ozpewPnE

January 28th

The January 29th street protest will be held between 12:00 noon and 2:00pm. We hoping for at least as good a turnout as the one on January 21st. Signs will again be available for attendees or they can display their individuality and creativity by making and bringing their own.

We anticipate the same decorum shown at last week's protest to be shown on the 29th so that we can continue to protest in Banning without running afoul of Banning City Hall and the Banning Police Department.

We again invited KABC-TV, KNBC-TV, the Desert Sun, the Press Enterprise, the Record Gazette, Sun Lakes Life, and the free-lance reporter attend and cover us.

DISTRIBUTING OUR MESSAGE

Billboards

We contracted for two billboards on the I10 which are displaying our message in opposition to the planned warehouse. One billboard faces west for viewing by traffic traveling east on the I10 and is located just before the eastbound Highland Springs offramp. The other faces east for traffic traveling west on the I10 and is located just before the westbound Highland Springs offramp. The billboard proofs are attached for your information.

The billboards are being seen and getting peoples' attention. We know that from the positive comments and feedback we have received since they were installed.

Internet Postings

We have a Facebook group that has been gaining popularity and getting a lot of action. We and others have been posting to the group to share news and commentary. If you are a Facebook subscriber, please visit the site/group and catch up with the latest news and commentary.

Information on our www.passactiongroup.org website has been growing since it was introduced. Please visit the site to see what is available. Also, please sign up on the site to be added to our email list to receive our weekly newsletters.

JANUARY 28TH RECORD GAZETTE WAREHOUSE ARTICLE

The following article authored by David James Heiss was published in the January 28, 2022 edition of the Record Gazette.

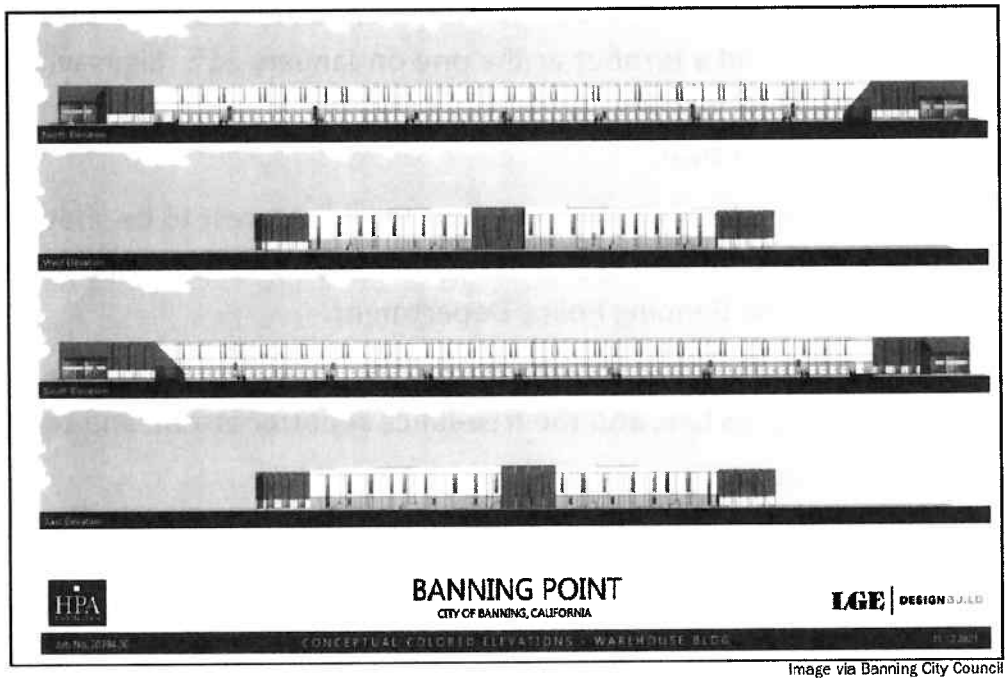


Image via Banning City Council
Proposed Banning Point warehouse plans.

By DAVID JAMES HEISS, *Record Gazette front page, January 28, 2022*

The contentious Banning Point, with its proposed 619,959 square-foot industrial building and additional 34,000 square feet of office space and retail or restaurant space planned across the street from Sun Lakes Country

Club, will be the subject of a public hearing at Banning's city hall on Feb. 17, beginning at 5 p.m.

The Banning Point project has raised numerous complaints and concerns and letters to the editor of the Record Gazette regarding an already overwhelmed traffic nightmare on Highland Springs [Avenue], public safety accessibility, and citizens' health related to a potential proliferation of increased truck traffic.

At the Dec. 1, 2021 Banning Planning Commission's meeting, the Sun Lakes Village North Specific Plan project to subdivide 47 acres into three lots narrowly approved 3-2, with Commissioner Richard Krick explaining to a packed city hall filled with mostly Sun Lakes residents that "the developer has every legal right" to build its warehouse in the location across the street from the retirement community, and that "it cannot be changed."

Krick motioned to approve the planning commission's resolution, and received additional support from commissioners Scott Brosious and Eric Shaw.

Commissioners David Lopez and Marco Santana opposed the measure.

A coalition of citizens calling themselves the Pass Action Group has been coordinating protests, and have officially filed to appeal the Planning Commission's vote.

Pass Action Group's Communications Chairman Howard Katz has expressed "We are protesting the City of Banning Planning Commission's approval of the construction of a 620,000 square foot warehouse on 49 acres on Sun Lakes Boulevard in the middle of senior, 55+ communities with more than 10,000 inhabitants," stating that "estimates are for one tract[or]-trailer or large box truck every five minutes in or out of the warehouse 24 hours a day ... the negative health impact on our seniors is incalculable."

The meeting will be in-person and via Zoom, and broadcast on line at banninglive.viebit.com

Staff Writer David James Heiss may be reached at dheiss@recordgazette.net, and messages may be left at (951) 849-4586 x114.

FUTURE ACTIVITIES

Public Meeting

We are considering holding another public Pass Action Group meeting after the City of Banning Special City Council meeting on February 17th, maybe on February 25th. We will distribute specific meet4ing information by Tuesday evening, February 22nd.

BACKGROUND

Introduction

This is not the first time a major commercial development has been proposed for the vacant land across from Sun Lakes Country Club. The two previous attempts were for a sewage treatment plant and a new car dealership. Both projects were eventually cancelled due to the determined pushback from Sun Lakes Country Club residents.

We are banding together this time to oppose the construction of a warehouse that will bring an unacceptable number of daily truck traffic, diesel truck noise, and diesel truck pollution. The Pass Action Group was formed to be the head of our opposition to this project.

Pictures

The two pictures presented at the top of this newsletter were received from the site developer:

1. The left picture presents the proposed warehouse from its southwest corner, from a slightly elevated position, looking northeasterly. Just south of the warehouse is a string of retail/restaurant businesses.
2. The right picture presents the warehouse and retail/restaurant businesses looking from overhead. Please notice the comparative size of the warehouse building to the current shopping center buildings to its left, or west of it. The proposed warehouse is considerably bigger than the other buildings and they are not small.

   Please notice the yellow line in the picture. This is a defined as a golf cart path to ease Sun Lakes resident entry into the shopping center. The

2574

developer is offering this to Sun Lakes residents to lessen our resistance to the project.

The street to the right of Big 5, between it and the proposed development, will be widened 14 feet to provide an additional lane for incoming truck traffic. The developer proposes the newly widened street will be divided into five lanes. Three inbound lanes, the right two dedicated for truck traffic into the warehouse and the left one for traffic into the shopping center and passenger bus traffic, since passenger buses will continue to use the bus stop currently located on this street. The other two lanes will be for trucks exiting the warehouse onto Sun Lakes Boulevard merging with exiting shopping center traffic and exiting bus traffic.

Send Your Comments (emails and letters) to the City of Banning and the Media

Emails and letters protesting the warehouse should be sent to one or more of the people listed below:

1. Banning Mayor – Kyle Pingree, kpingree@banningca.gov
2. Banning District 3 Councilwoman – Mary Hamlin, mhamlin@banningca.gov
3. Banning City Manager – Doug Schulze, dschulze@banningca.gov
4. Banning City Planning Commission – Eric Shaw, eshaw@banningca.gov
5. Banning City Community Development Director – Adam Rush, arush@banningca.gov
6. KABC-TV Reporter – Rob McMillan, rob.m.mcmillan@abc.com
7. KNBC-TV Reporter – Tony Shin – tony.shin@nbcuni.com
8. Desert Sun Reporter – Tom Coulter, tcoulter@gannet.com
9. Press Enterprise Reporter – David Downey, ddowney@scng.com
10. Press Enterprise Reporter – Jeff Horseman, jhorseman@scng.com
11. Record Gazette Editor – Rachael Garcia, editor@recordgazette.net
12. Record Gazette Reporter – David James Heiss, dheiss@recordgazette.net
13. Sun Lakes Life Editor – Rachael Garcia, editor@recordgazette.net

14. Sun Lakes Country Club Board of Directors Vice President – Robert Walter, bob.walter@sunlakescc.com
15. Sun Lakes Country Club Board of Directors President – Marsha Midgett, marsha.midgett@sunlakescc.com

You could state that you are protesting the warehouse project based upon one or more of the following reasons:

1. Traffic congestion currently being experienced at the Highland Springs underpass of the I10 and on Highland Springs Avenue between the I10 and First Street (Beaumont) and Sun Lakes Boulevard (Banning).
2. Anticipated additional traffic congestion from the hundreds of trucks traveling between the I10 and the warehouse complex.
3. Anticipated noise emanating from the warehouse and from the hundreds of trucks traveling between the I10 and the warehouse and moving within the warehouse complex.
4. Anticipated pollution caused by hundreds of trucks traveling to and from the warehouse and moving within the warehouse complex.

FUNDING

As you can imagine, we will need funds to accomplish this effort. The following are the types of expenditures we anticipate:

1. Commercial copying;
2. Printing supplies;
3. Website registration and monthly charges;
4. Billboards and signs;
5. Newspaper advertisements;
6. Posters and flyers; and
7. Legal fees.

If you can contribute to help fund our expenses, please contact Randy Robbins at randyllump@yahoo.com or Howard Katz at hkatz@twopawz.net. A contribution button is located on our website for your convenience. Please note, contributions to this project are not tax deductible.

WEBSITE

Our internet domain name was registered with Godaddy and our website is currently operational, thanks to our web expert Lyndon Taylor. Please visit our website www.passactiongroup.org.

JOIN OUR GROUP

When you visit our website click on **CONTACT US** at the top of the screen. A new page will be displayed where you can request to **JOIN OUR GROUP** and provide your thoughts about the warehouse. Please enter your personal contact information and any comments you want to make.

Joining is free and you will receive in return updates about our activities. We will keep your personal information confidential, that is, we will not distribute our membership database.

LAMAR



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12 X 24

LAMAR



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10-6 X 36

2580

Sandra Calderon

From: Mary Hamlin
Sent: Saturday, February 5, 2022 11:27 AM
To: Josh Zemon; Adam Rush; poreilly@oprusa.com
Subject: Fw: Banning Point Project

From: aj37boo@gmail.com <aj37boo@gmail.com>
Sent: Saturday, February 5, 2022 11:25 AM
To: Kyle Pingree <kpingree@banningca.gov>; Colleen Wallace <cwallace@banningca.gov>; Alberto Sanchez <asanchez@banningca.gov>; Mary Hamlin <mhamlin@banningca.gov>; David Happe <dhappe@banningca.gov>
Subject: Banning Point Project

Mayor Kyle Pingree,
Mayor Pro Tem Colleen Wallace
Councilman Alberto Sanchez
Councilwoman Mary Hamlin
Councilman David Happe

We are writing to ask that you vote against building warehouses in a residential area and specifically to vote against the Banning Point Project on Sun Lakes Boulevard near Highland Springs Avenue.

We moved to this area almost 24 years ago because of the rural beauty of Banning. During that time, we have watched Beaumont explode with growth (both residential and commercial). Traffic on Highland Springs Avenue is reflective of that growth, all without anything being done to improve the current infrastructure.

Change is inevitable and we would like to see growth and municipal income for the city Banning, but building a warehouse in a residential part of the city is not the way to achieve that. The eastern end of Banning has very little in the way of services such as grocery stores, shopping opportunities and service based industries that would generate income for the city. Bringing in these type of businesses would serve the residents, provide jobs and tax dollars.

As an alternative to a warehouse, the land could be utilized to build a sit-down restaurant(s), a shopping venue, office buildings or service based businesses, providing much needed services for residents, jobs, and tax dollars.

The truck traffic that the Banning Point warehouse will bring will make the traffic on Highland Springs Avenue untenable while significantly increasing air and noise pollution.

We are asking that you please vote NO on the Banning Point Project.

Sincerely,

William & Anita Lawrence

Sent from Mail for Windows

2582

Sandra Calderon

From: Mary Hamlin
Sent: Saturday, February 5, 2022 11:31 AM
To: Josh Zemon; Adam Rush; poreilly@oprusa.com
Subject: Fw: LOOKING FORWARD!

From: E.McGarry <e.mcgarry@earthlink.net>
Sent: Saturday, February 5, 2022 11:30 AM
To: Kyle Pingree <kpingree@banningca.gov>; Colleen Wallace <cwallace@banningca.gov>; David Happe <dhappe@banningca.gov>; Alberto Sanchez <asanchez@banningca.gov>; Mary Hamlin <mhamlin@banningca.gov>
Subject: LOOKING FORWARD!

JUST ONE REASON - AMONG MANY FOR SURE:
R U READY? PLAN ON THIS: BANNING 'POINTE'
NUTHIN' BUT LAWSUITS!
HERE'S HOW:
WAREHOUSES IN RESIDENTIAL AREA!

BIG TRUCKS + NARROW STREETS + SENIOR DRIVERS - ALL DAY EVERY DAY!

O BOY! TRAFFIC 'INCIDENTS' GALORE! LAWSUITS GALORE!

MONEY FOR LAWYERS!
CLOGS IN COURTS!
IRRITATED JUDGES!
INJURED AND DEAD IN HOSPITALS!

NUTHIN' BUT FUN, RIGHT?
WAREHOUSES IN TOWN!

MEANWHILE, MILES OF EMPTY FLAT DESERT LAND STRETCH OUT TO THE EAST ALONG THE 10 FREEWAY. EASY ACCESS. WHY?
VOTE 'NO' ON WAREHOUSES IN 'BANNING POINTE' DEVELOPMENT.
PRESERVE LIFE! THANKS!
- E. MCGARRY, 74 (RETIRED ATTORNEY) SUN LAKES

Sandra Calderon

From: mmurshedi@aol.com
Sent: Saturday, February 5, 2022 11:41 AM
To: joshz@creationequity.com; Adam Rush; poreilly@oprusa.com
Subject: Fwd: ===> Hurry - Limited Time Sale of Pass Action Group Shirts

Want one???

-----Original Message-----
From: Howard Katz <hkatz@iinet.com>
To: hkatz@iinet.com
Sent: Sat, Feb 5, 2022 10:23 am
Subject: ===> Hurry - Limited Time Sale of Pass Action Group Shirts

The Pass Action Group is offering the shirts shown below for a very limited time, from now through February 7th. This is a fundraiser. Proceeds will help pay our legal fees.

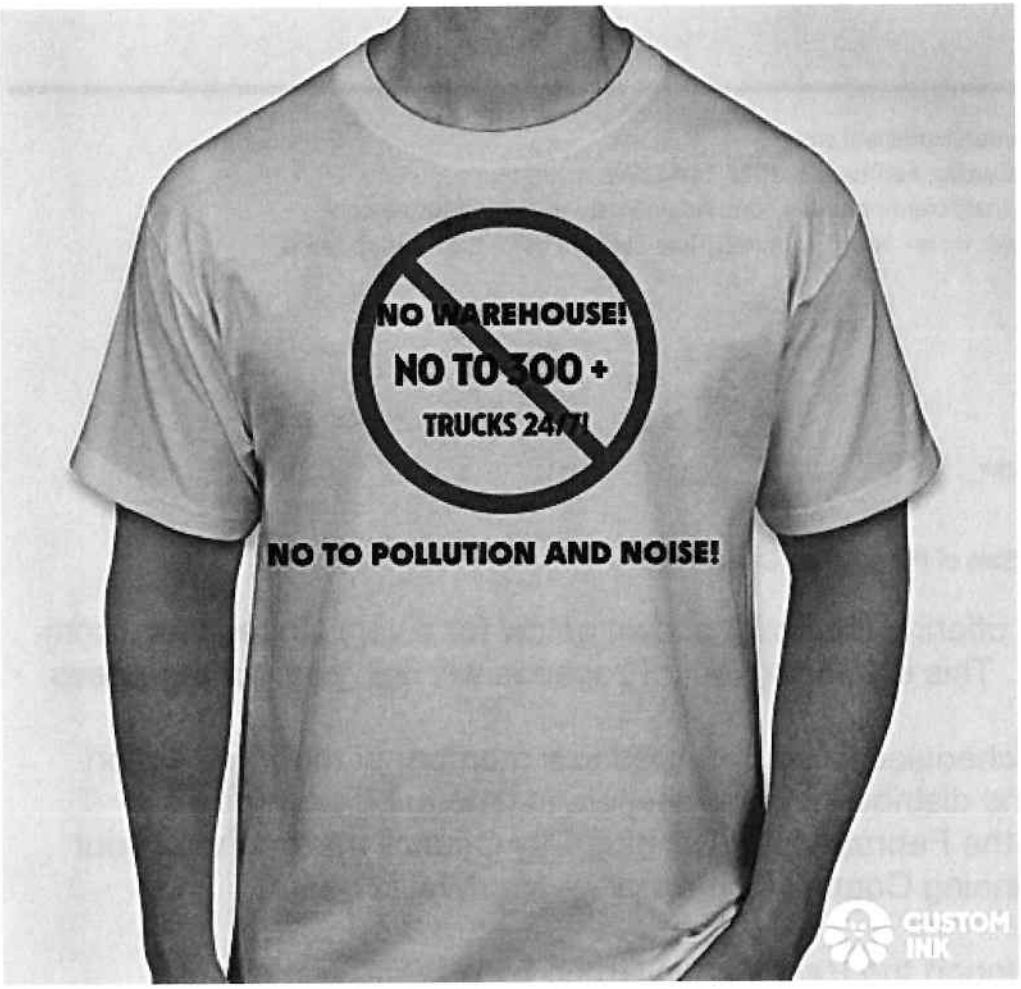
The shirts you order are scheduled to be delivered to a member of the Pass Action Group on February 14th and distributed to purchasers in time to be worn at our February 16th protest and the February 17th Banning City Council meeting when our appeal of the Banning Planning Commission's project approval is heard.

Join the opposition and support the Pass Action Group by wearing one of our shirts. Just click on the following link:

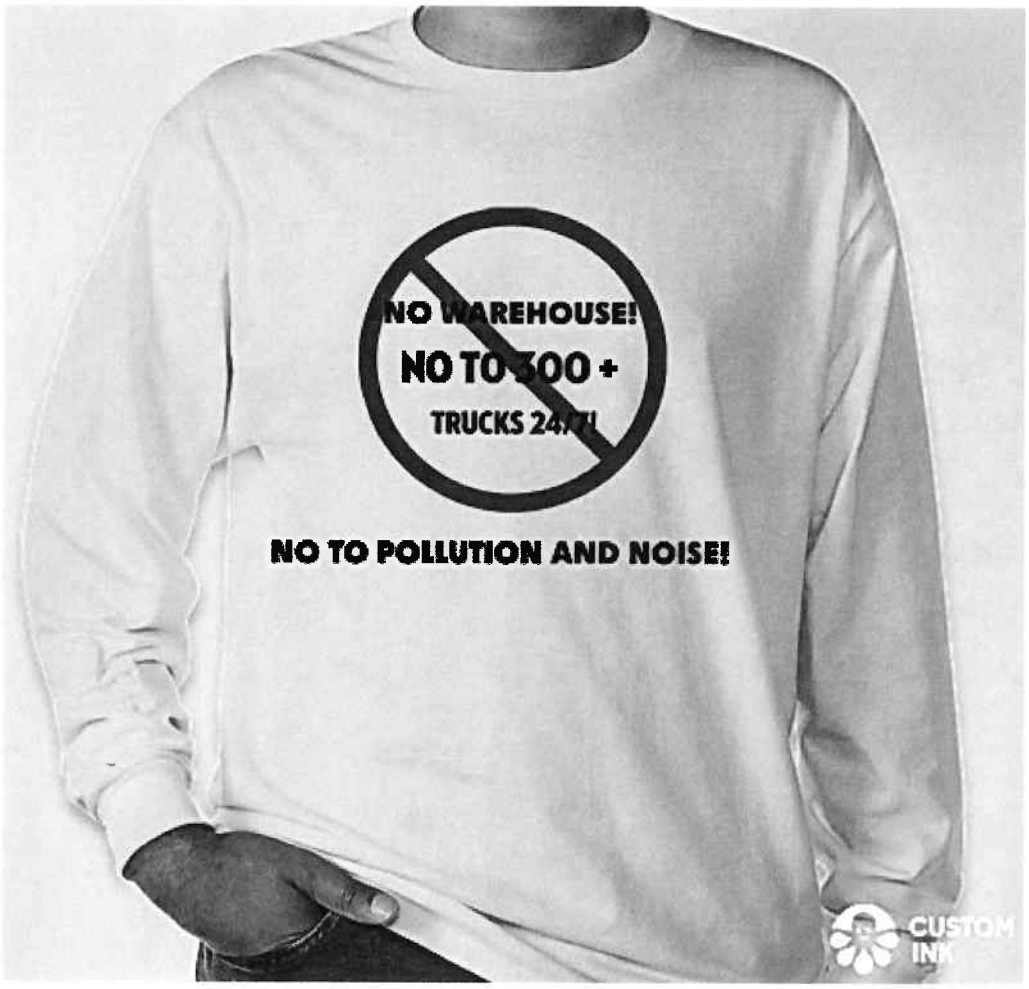
https://www.customink.com/g/cmz0-00cj-aw9r?pc=TXN-173480&utm_campaign=gof_org_open&utm_content=body_gof&utm_medium=email&utm_source=gof_org_txn

The following are pictures of the shirts being offered. Just click on the above link to transfer to the webpage where you can order them.

Hanes Authentic T-shirt — Lime



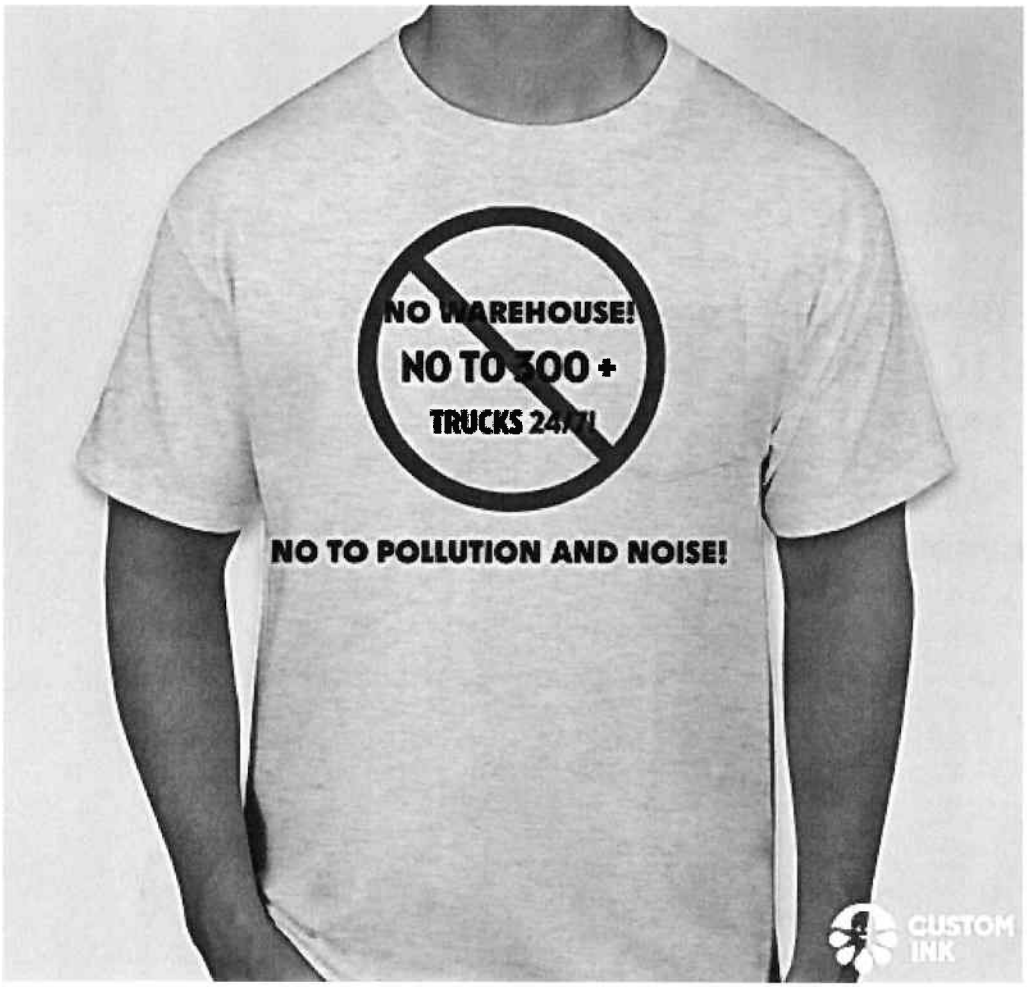
Hanes Authentic Long Sleeve T-shirt — Lime



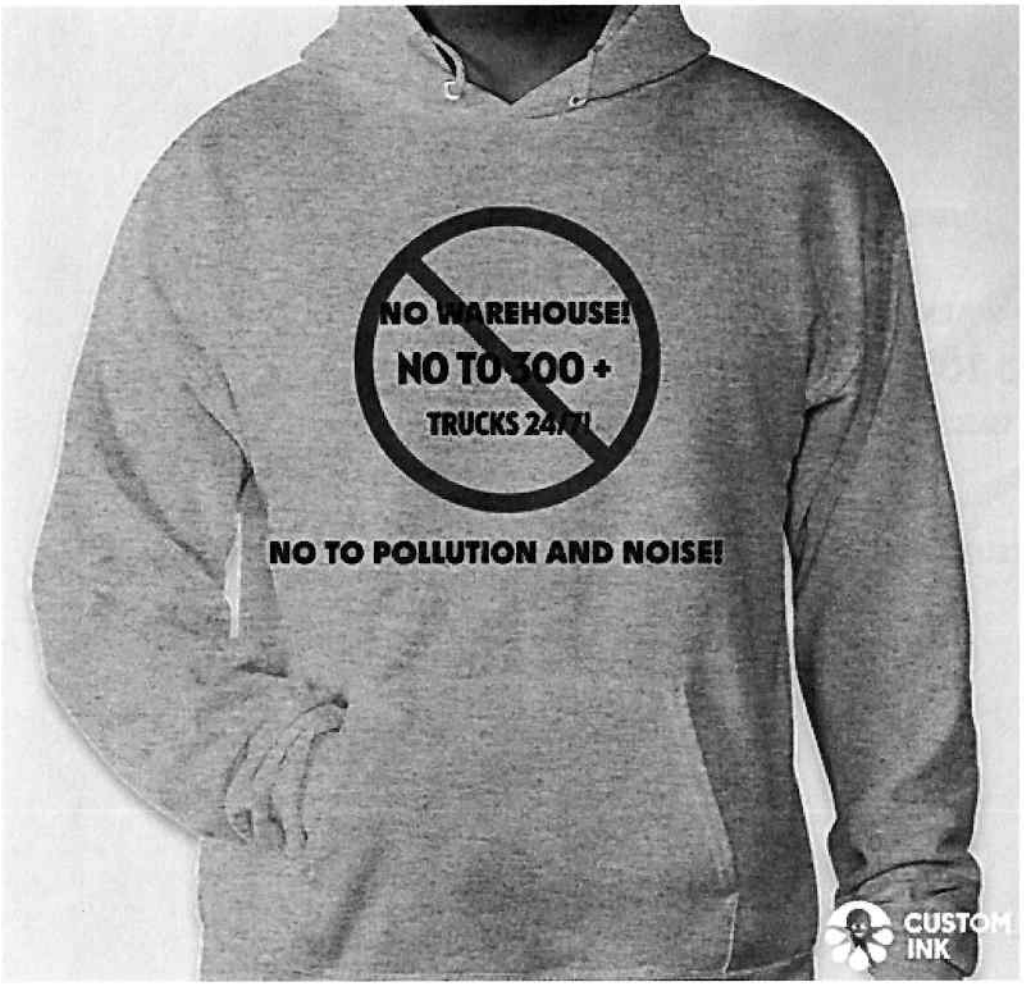
Hanes Authentic Long Sleeve T-shirt — Oxford Gray



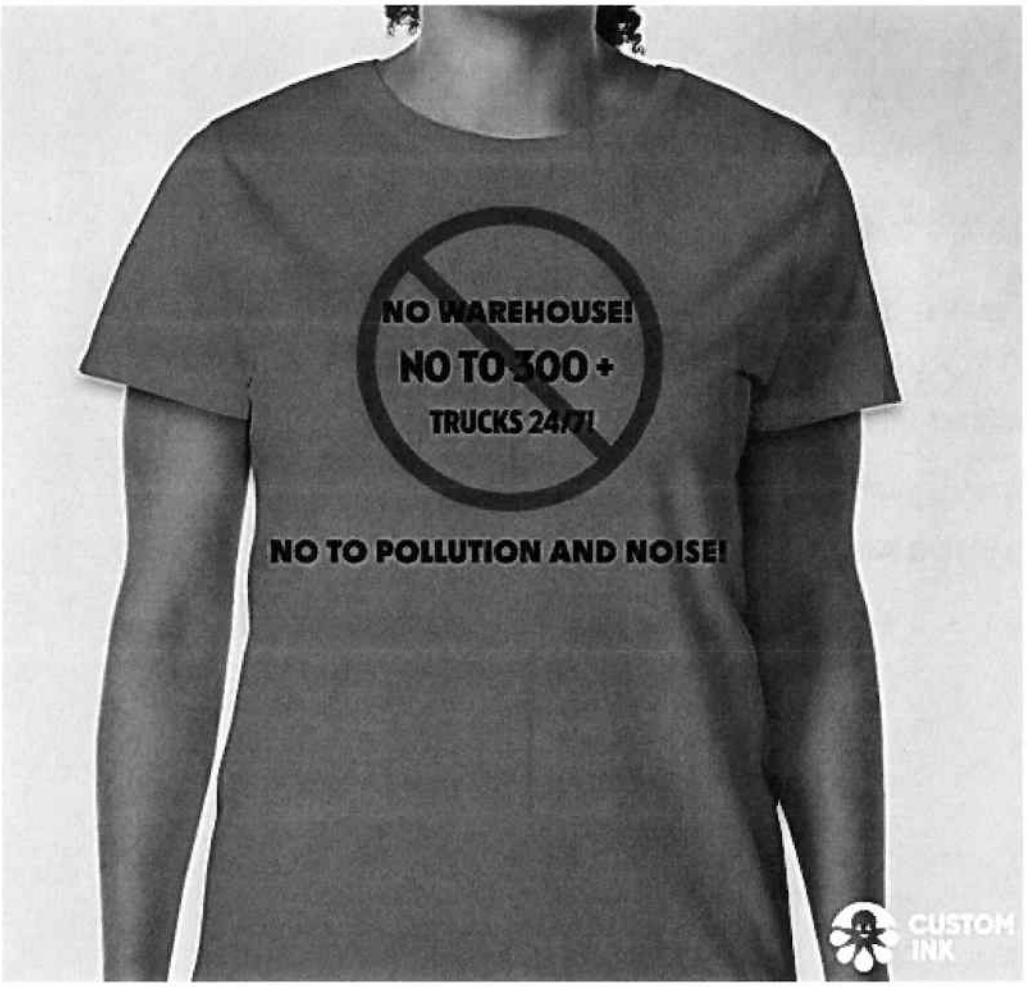
Hanes Authentic Pocket T-shirt — Ash



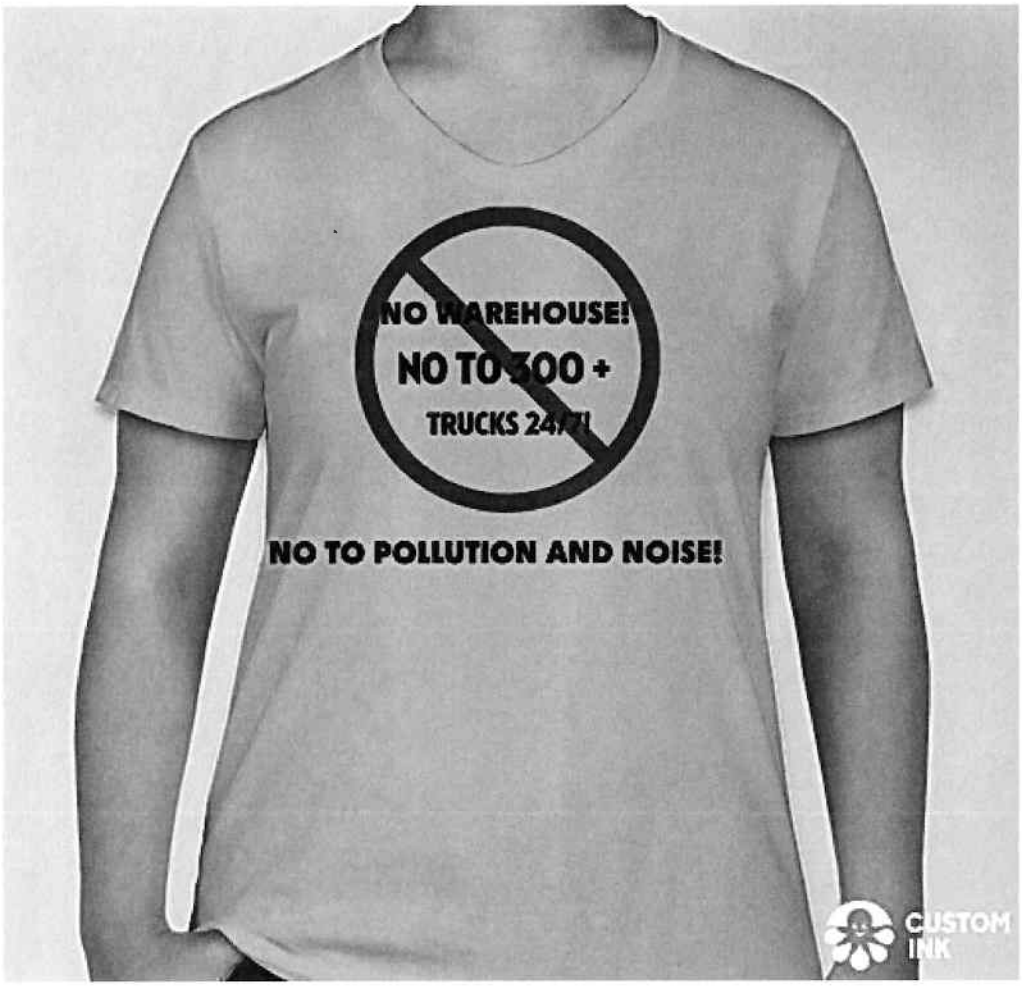
Hanes EcoSmart 50/50 Pullover Hoodie — Light Steel



Hanes Women's Essential 100% Cotton T-shirt — Shamrock Green



Hanes Women's Essential 100% Cotton V-Neck T-shirt — Aquatic Blue


NO WAREHOUSE!
NO TO 300 +
TRUCKS 24/7!
NO TO POLLUTION AND NOISE!
CUSTOM INK

Sandra Calderon

From: Mary Hamlin
Sent: Saturday, February 5, 2022 4:25 PM
To: Josh Zemon; Adam Rush; poreilly@oprusa.com
Subject: Fwd: Banning Pointe Warehouse Project

They keep coming...

Sent from my iPhone

Begin forwarded message:

> **From:** Richard Berbiar <rberbiar@gmail.com>
> **Date:** February 5, 2022 at 2:28:44 PM PST
> **To:** Kyle Pingree <kpingree@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>, David Happe <dhappe@banningca.gov>, Alberto Sanchez <asanchez@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>
> **Subject: Banning Pointe Warehouse Project**
>
> As a concerned citizen and a resident of Banning, I am sending you this email to protest against the City Council's decision to approve the building of the Banning Pointe Warehouse Project.
>
> You have heard the arguments against this project, and those that have spoken are but a few of the residents of this community who are opposed to building a warehouse in this community which is within close proximity to residential properties.
>
> As elected officials with responsible positions, you should be aware that the Highest and Best Use of this property is not Industrial, but rather Commercial and/or Residential use. Warehouses and other Industrial type properties that utilize the continued use of big rigs are best suited for outlying areas where traffic, noise and pollution would not directly affect a populated area.
>
> I hope you will consider this serious matter and do the right thing for the residents of our city.
>
> Sincerely,
>
> Richard Berbiar

Sandra Calderon

From: Mary Hamlin
Sent: Sunday, February 6, 2022 11:32 AM
To: Josh Zemon; poreilly@oprusa.com; Adam Rush
Subject: Fwd: Bob Agahi - Organized Crime Links - Valley East & Creation Equity Partner

Sent from my iPhone

Begin forwarded message:

> **From:** Kathleen Aranda <karanda2011@gmail.com>
> **Date:** February 6, 2022 at 11:05:50 AM PST
> **To:** Kyle Pingree <kpingree@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>, David Happe <dhappe@banningca.gov>, Alberto Sanchez <asanchez@banningca.gov>
> **Subject: Bob Agahi - Organized Crime Links - Valley East & Creation Equity Partner**
>
> https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fbobagahi.com%2f&c=E,1,scJhiAfEbvHJVQ9mBPxySYYrdFcma_yt7ZnZLib8t022XdHtX3rReygwBaMGUYFDIMWLY4FXvPSzoZPdSBq9x3erjOH7vQMxmTOIziWQGvYun-I,&typo=1
>
> I hope you can read the attached article I wanted to bring to your attention not only this article but something about the developers or creation that you are working with I've been looking on their website and I wanted you to take a look at how many black and brown people they have on their staff all of their publicity basically shows white wealthy men with a few white wealthy pretty slim women sprinkled in. I would like to encourage you to look closely at the warehouse development on sun lakes Boulevard. I would like you to look closely at the infrastructure of firefighters how they fight fires for tilt up buildings the mega water needed how would they evacuate an assisted living facility with one way in and one way out with fire trucks fire hoses mega water different mutual aid working together radio frequencies command control the list goes on. I live in the 21st-century and I realize warehouses will come no matter how much I don't want them to and how much I know it will ruin our environment. But if all the places you put warehouses you must really see if you look with your heart and common sense and not dollar signs that this location for a refrigeration logistics warehouse is just not the right place the traffic trucks the roads the freeway first responders and the other millions and millions of square foot of warehouses that are coming. Money gets everybody's attention including mine but my community is not for sale not like this you tell me over and over again my friend you don't believe we're on the eve of destruction. If any of you would meet with me I would love to sit down and talk to you respectfully and share my thoughts
>
> two minutes in a public forum and I requested three minutes from the mayor but who knows? call me I owe a debt of gratitude that debt of gratitude is for the people who came before me the ones who wanted to protect the air the children the environment our cities. The ones who came before me I owe a debt of gratitude I feel I must try. 805 208-4529
> I won't ask your opinion I won't ask you how You are voting I won't ask you anything I just want to say some things that may shed light on an area you haven't thought about before that's all. I am not a senior. I'm too old to be young and I'm too young to be old so that's where my age group falls in. I think PAG is a good thing but I am not involved with them as I believe their shift in talking to the council

is different than mine.
Thank you for your consideration.
Kathleen Aranda

2596

Sandra Calderon

From: Mary Hamlin
Sent: Sunday, February 6, 2022 11:32 AM
To: Josh Zemon; poreilly@oprusa.com; Adam Rush
Subject: Fwd: Current & Added Warehouse Traffic

Sent from my iPhone

Begin forwarded message:

From: Robert Mitoff <RMitoff@msn.com>
Date: February 6, 2022 at 10:41:18 AM PST
To: Alberto Sanchez <asanchez@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>, Kyle Pingree <kpingree@banningca.gov>, David Happe <dhappe@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>
Subject: Current & Added Warehouse Traffic

Dear Banning City Council Members:

Currently, traffic on Highland Springs is horrendous; the addition of hundreds of trucks/day will create a real nightmare. So given that Highland Springs cannot handle current traffic, how can a mega warehouse project be approved? Have you personally witnessed the current amount of traffic on Highland Springs when the stores in Beaumont are open? Please come and observe traffic at about 4 pm, and you'll witness gridlock as drivers attempt to turn north from 2nd street onto Highland Springs. The proposed project will negatively affect the population of adjacent communities, businesses and also shoppers who come from surrounding cities.

Also, for the safety and welfare of Banning and Beaumont residents living south of the 10 Freeway, wouldn't it be prudent to have a fire station built south of the 10 before enabling warehouse truck traffic to slow down response times for fire and ambulance vehicles coming from north of the freeway?

I don't know where in Banning you live, but ask yourself one question: Would I want to live across the street from a mega warehouse with all the traffic, noise and pollution created by such a structure? It's inconceivable to think that any City Council Members could vote to approve such a project which will negatively affect thousands of residents within this area.

Bob Mitoff
Banning, CA

Sandra Calderon

From: Mary Hamlin
Sent: Friday, February 4, 2022 8:23 PM
To: Josh Zemon; Adam Rush; poreilly@oprusa.com; Doug Schulze
Subject: Fwd: EMS, FIRE AND POLICE RESPONSE TIMES

Sent from my iPhone

Begin forwarded message:

> **From:** Kathy Frydendall <frydendalls@aol.com>
> **Date:** February 4, 2022 at 7:01:02 PM PST
> **To:** Kyle Pingree <kpingree@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>, Alberto Sanchez <asanchez@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>, David Happe <dhappe@banningca.gov>
> **Subject: EMS, FIRE AND POLICE RESPONSE TIMES**
>
> Dear elected official(s), My name is Ray Frydendall, I am a newer resident of the 4 Season community. I am also a recently retired fire captain / paramedic. I served 33 years for the city of Alhambra Fire Department. Both my wife and I understand the importance of city revenue; however, there is the major importance of public safety in the community and the cities of Banning and Beaumont.
> As a former fire captain, I cant stress the importance of response times, specially to the retirement communities.
> The Riverside County Fire Department serves both communities of 4 Seasons and Sun Lakes. Both are 55+ communities with over 5000 homes combined.
> As you are aware, there are NO fire stations or police stations other than the CHP station south of the 10 freeway. The traffic on both Pennsylvania and Highland Springs is horrible as it is right now!
> If you add more traffic with the warehouse (semi-trucks), there will be no way for EMS, fire or police to have reasonable response times to these communities! This WILL result in loss of life and loss of property!
> I encourage you to look into the public safety aspect of the warehouse location and its affect on OUR public safety! The other option is to build more fire stations and police stations south of the freeway! I would really like to hear from you.
>
> Respectfully,
>
> Ray and Kathy Frydendall
> 4 Seasons residents

2601

Sandra Calderon

From: Adam Rush
Sent: Saturday, January 29, 2022 10:42 AM
To: Sandra Calderon
Subject: Fwd: Warehouse objection

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director

City of Banning
99 Ramsey Street
Banning, CA, 92220
Office: (951) 922-3131
Fax: (951) 922-3128
Cell: (760) 219-2791
Email: arush@banningca.gov
www.banningca.gov

Begin forwarded message:

> **From:** Mary Hamlin <mhamlin@banningca.gov>
> **Date:** January 28, 2022 at 4:39:30 PM PST
> **To:** Josh Zemon <joshz@creationequity.com>, poreilly@oprusa.com, Adam Rush <arush@banningca.gov>
> **Subject: Fwd: Warehouse objection**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Diane Nethercott <di.nethercott@gmail.com>
> > **Date:** January 28, 2022 at 4:38:13 PM PST
> > **To:** Mary Hamlin <mhamlin@banningca.gov>
> > **Subject: Warehouse objection**
> >
> > My name is Diane Nethercott. I have owned a home at Sun Lakes since 2013.
> >
> > I strenuously object to the building of a warehouse on the proposed site primarily for health reasons. The warehouse is directly adjacent to an assisted living center with the most vulnerable residents in the city and adjacent to the many homes on the north side of Sun Lakes, and directly across the street from the rest of Sun Lakes.

From everything I have read, the city has not been honest or forthcoming about the pollution that would be caused 24/7 by refrigeration trucks polluting the air in the immediate vicinity of the thousands of homes belonging to Seniors in Banning.

This is shameful and a dereliction of duty of the elected officials in Banning.

DO NOT POLLUTE THE AIR THAT WILL DIRECTLY AFFECT THOUSANDS OF SENIORS LIVING IN BANNING.

Sincerely, Diane Nethercott

2602

From: Adam Rush
To: Sandra Calderon
Subject: Fwd: Warehouse
Date: Monday, February 7, 2022 2:52:36 PM

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director

City of Banning
99 Ramsey Street
Banning, CA, 92220
Office: (951) 922-3131
Fax: (951) 922-3128
Cell: (760) 219-2791
Email: arush@banningca.gov
www.banningca.gov

Begin forwarded message:

> **From:** Mary Hamlin <mhamlin@banningca.gov>
> **Date:** February 7, 2022 at 2:44:43 PM PST
> **To:** Josh Zemon <joshz@creationequity.com>, poreilly@oprusa.com, Adam Rush <arush@banningca.gov>
> **Subject: Fwd: Warehouse**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Jean Bowman <bowman1208@aol.com>
> > **Date:** February 7, 2022 at 2:10:35 PM PST
> > **To:** Kyle Pingree <kpingree@banningca.gov>, Colleen Wallace <cwallace@banningca.gov>, David Happe <dhappe@banningca.gov>, Mary Hamlin <mhamlin@banningca.gov>
> > **Subject: Warehouse**
> > **Reply-To:** Jean Bowman <bowman1208@aol.com>
> >
> > I will keep this short . I'm extremely upset about this warehouse location. I

know that warehouses will be the thing of the future and I know that Banning needs funds but when I attended the meeting over a year ago this area was going to be a go to place for tourists and locals. It sounded great and now this. To put a warehouse right in our faces is unreal. Next to a health facility and in the midst of us seniors. You've heard thousands of times already our traffic is a mess. We are concerned about the air, ambulances and general getting around our towns. I beg you to please turn down this warehouse that is costing us so much money to fight and put something nice in it's spot. You can put the warehouses elsewhere where it won't interfere with our traffic and be an eye sore. Mary, I was hoping you would have looked out for us. I even let you put your sign in my yard when you were running. I pray everyday that you will listen to the people of Banning and Beaumont and do the right thing. Don't put the warehouse in our faces.

From: Adam Rush
To: Sandra Calderon
Subject: Fwd: Warehouse objection
Date: Saturday, January 29, 2022 10:41:54 AM

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director

City of Banning
99 Ramsey Street
Banning, CA, 92220
Office: (951) 922-3131
Fax: (951) 922-3128
Cell: (760) 219-2791
Email: arush@banningca.gov
www.banningca.gov

Begin forwarded message:

> **From:** Mary Hamlin <mhamlin@banningca.gov>
> **Date:** January 28, 2022 at 4:39:30 PM PST
> **To:** Josh Zemon <joshz@creationequity.com>, poreilly@oprusa.com, Adam Rush <arush@banningca.gov>
> **Subject: Fwd: Warehouse objection**
>
> Sent from my iPhone
>
> Begin forwarded message:
>
> > **From:** Diane Nethercott <di.nethercott@gmail.com>
> > **Date:** January 28, 2022 at 4:38:13 PM PST
> > **To:** Mary Hamlin <mhamlin@banningca.gov>
> > **Subject: Warehouse objection**
> >
> > My name is Diane Nethercott. I have owned a home at Sun Lakes since 2013.
> >
> > I strenuously object to the building of a warehouse on the proposed site primarily for health reasons. The warehouse is directly adjacent to an assisted living center with the most vulnerable residents in the

city and adjacent to the many homes on the north side of Sun Lakes, and directly across the street from the rest of Sun Lakes.

From everything I have read, the city has not been honest or forthcoming about the pollution that would be caused 24/7 by refrigeration trucks polluting the air in the immediate vicinity of the thousands of homes belonging to Seniors in Banning.

This is shameful and a dereliction of duty of the elected officials in Banning.

DO NOT POLLUTE THE AIR THAT WILL DIRECTLY AFFECT THOUSANDS OF SENIORS LIVING IN BANNING.

Sincerely, Diane Nethercott

From: Adam Rush
To: Sandra Calderon
Subject: FW: Banning Pointe Warehouse Project
Date: Monday, February 7, 2022 12:30:52 AM

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director
Community Development Department

City of Banning
Direct Line: 951-922-3131
Cell Line: 760-219-2791
Direct Fax: 951-922-3128
arush@banningca.gov
99 E. Ramsey Street
Banning, CA 92220
www.banningca.gov

The information contained in this email message is intended only for the use of the individual or entity to which it is addressed and may contain information that is legally privileged and/or confidential. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, if you have received this communication in error, please notify us immediately by telephone. Thank you.

From: Mary Hamlin <mhamlin@banningca.gov>
Sent: Sunday, February 6, 2022 1:26 PM
To: Josh Zemon <joshz@creationequity.com>; Adam Rush <arush@banningca.gov>; poreilly@oprusa.com
Subject: Fw: Banning Pointe Warehouse Project

Another email

From: Roberta <rbmt@twc.com>
Sent: Sunday, February 6, 2022 12:36 PM
To: Mary Hamlin <mhamlin@banningca.gov>
Subject: Banning Pointe Warehouse Project

Surely you are aware of the grid lock which occurs multiple times daily or weekly on 2nd street and Highland Springs avenue. It's hard to imagine how bad traffic may get with all of the trucks the Banning Point warehouse project would bring from/to Highway 10, making traffic even worse than what is the case now. In addition, perhaps you've read about other cities' "buyers remorse" from the damage warehouses have done to the environment, health issues, and even infrastructure due to road damage these huge, heavy trucks cause. It's also been reported that the warehouse jobs proved to not be living wage jobs. For these reasons and many more that others are bringing to your attention, I implore you to think about all of the pluses and minuses and vote NO on the Banning Pointe warehouse project for the betterment

of citizens, young and old, of Banning. Thank you for your thoughtful consideration of my request.

Roberta Filadelfia
1840 Riviera Avenue
Banning, CA 92220
951-402-4773

From: Adam Rush
To: Sandra Calderon
Subject: FW: No to warehouse please
Date: Thursday, February 10, 2022 8:44:51 AM

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director
Community Development Department

City of Banning
Direct Line: 951-922-3131
Cell Line: 760-219-2791
Direct Fax: 951-922-3128
arush@banningca.gov
99 E. Ramsey Street
Banning, CA 92220
www.banningca.gov

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From: Mary Hamlin <mhamlin@banningca.gov>
Sent: Thursday, February 10, 2022 6:45 AM
To: Josh Zemon <joshz@creationequity.com>; poreilly@oprusa.com; Adam Rush <arush@banningca.gov>
Subject: Fwd: No to warehouse please

Sent from my iPhone

Begin forwarded message:

> **From:** Sharon <iamlovinlife@sbcglobal.net>
> **Date:** February 10, 2022 at 5:51:29 AM PST
> **To:** Mary Hamlin <mhamlin@banningca.gov>
> **Subject: No to warehouse please**
>
> When you first moved to the pass area didn't you enjoy the view of the mountains, the clean air and general feeling of the area?
> My husband and I moved to the pass area almost 8 years ago. We wanted to enjoy our retirement years enjoying the beautiful environment here.
> When we discovered a massive warehouse was going to be built across the street from where we live our first question was WHY?
> This warehouse will generate bad air quality, massive traffic problems, noise pollution and will totally destroy this area for years.

Please vote NO to the warehouse being built here.
Thank you.
Thomas & Sharon Sylva

Sandra Calderon

From: Adam Rush
Sent: Monday, January 24, 2022 12:36 PM
To: Sandra Calderon
Subject: Fwd: No Warehouses

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director

City of Banning
99 Ramsey Street
Banning, CA, 92220
Office: (951) 922-3131
Fax: (951) 922-3128
Cell: (760) 219-2791
Email: arush@banningca.gov
www.banningca.gov

Begin forwarded message:

> **From:** Mary Hamlin <mhamlin@banningca.gov>
> **Date:** January 24, 2022 at 10:43:13 AM PST
> **To:** Josh Zemon <joshz@creationequity.com>, Adam Rush <arush@banningca.gov>, poreilly@oprusa.com
> **Subject: Fw: No Warehouses**
>
> another one
>
> ---
>
> **From:** William Bradley <wmbrad1@gmail.com>
> **Sent:** Monday, January 24, 2022 10:42 AM
> **To:** Mary Hamlin <mhamlin@banningca.gov>
> **Subject:** No Warehouses
>
> Dear Madame,
> Please vote "NO" to prevent our city from becoming a disgusting area to live in. Are these warehouses the only choice for Banning? We have to live with your decisions...do not allow yourself to be "talked into" doing what you know in your heart is the wrong thing.
> Is it really possible you believe that those who voted for you want this community to deteriorate?
> Please, please, please don't do this to your citizens.
> Respectfully,
> William Bradley
> 2181 Birdie Dr.

Banning, CA

Sent from my iPad

Sent from my iPad

2612

Sandra Calderon

From: Adam Rush
Sent: Monday, January 24, 2022 12:30 PM
To: Sandra Calderon
Subject: Fwd: Warehouses

Sincerely,

Adam B. Rush, M.A., AICP
Community Development Director

City of Banning
99 Ramsey Street
Banning, CA, 92220
Office: (951) 922-3131
Fax: (951) 922-3128
Cell: (760) 219-2791
Email: arush@banningca.gov
www.banningca.gov

Begin forwarded message:

> **From:** Mary Hamlin <mhamlin@banningca.gov>
> **Date:** January 24, 2022 at 12:07:50 PM PST
> **To:** poreilly@oprusa.com, Adam Rush <arush@banningca.gov>, Josh Zemon <joshz@creationequity.com>
> **Subject: Fw: Warehouses**
>
> more...
>
> ---
>
> **From:** Bill & Connie Edwards <bce5775@gmail.com>
> **Sent:** Monday, January 24, 2022 11:25 AM
> **To:** Mary Hamlin <mhamlin@banningca.gov>
> **Subject:** Warehouses
>
> Mary Hamlin
> My name is William Edwards. My wife and Imoved to Sun Lakes C.C. in 1998 whenI retired.I be 86 in February and am suffering with C.O.P.D. and terrible Sinus problems.
> The place for warehouses is west of here along the 60 freeway,with hundreds of open acres and easy truck entrances, not in these residential areas.
> The People do not want warehouses built in residential areas.
>
> NO to Banning Point on Sun Lakes Blvd. near Highland Springs Blvd.
> NO to Sunset Crossroads on Sunset at Lincoln

NO to Big Rig Traffic and their POLLUTION.

Anyone connected to the City of Banning who votes for this thing should be replaced from their position, including Planning Commission and City Council Men or Women.

Also,is this what I as a Korean War Vet and hundreds of other vets in this area fought other wars for? So for money, they could lose their lives early because some people want to play politics and possibly fatten their wallets.

There is no Glory in that, only SHAME and GREED. I pray you will vote your heart.
Thank You. bce1936@verizon .net

2614

City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 21-4001, A PROPOSED INDUSTRIAL WAREHOUSE BUILDING MEASURING APPROXIMATELY 620,000 SQUARE FEET WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE AND SIX (6) RETAIL/RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL MAP WILL SUBDIVIDE THE 37-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES, WITHIN THE SUN LAKE VILLAGE NORTH SPECIFIC PLAN AREA. (APN: 419-140-057).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held Tuesday, October 19, 2021, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption and Design Review No. 21-7008 and Tentative Parcel Map No. 21-4001, a proposed industrial warehouse building measuring approximately 620,000 square feet which includes 10,000 square feet of office space and six (6) retail/restaurant buildings, totaling 34,000 square feet. The tentative parcel map will subdivide the 37-acre parcel into three (3) lots, for financing and conveyance purposes, within the Sun Lake Village North Specific Plan Area. The Community Development Department has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 - Infill Developments) and has prepared a Notice of Exemption (NOE).

https://us02web.zoom.us/j/82794878682?pwd=SFUrMGNKQVlQRHMxaTFHMnJIYk92QT09

Meeting ID: 827 9487 8682
Passcode: 894694
One tap mobile: +16699009128,82794878682#
Dial in: +1 669 900 9128 US
Meeting ID: 827 9487 8682
Find your local number: https://us02web.zoom.us/u/kfO5uo7yb

To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link:
https://banninglive.viebit.com

Information regarding the Notice of Exemption, Design Review and Tentative Map, can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing by accessing the videoconference or by sending their written comments by email to scalderon@banningca.us or by mail to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, Banning, California, 92220.

If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission Recording Secretary prior to, at, or during the time the Planning Commission makes its recommendation on the proposal; or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam Rush, M.A., AICP
Community Development Director

Dated: October 5, 2021
Publish: October 8, 2021

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(951)922-3117

Class Liner Ad #00185652 Summary:

Slug Line: 185652 PHN DR 21-7008

Net Cost	$253.41
Prepaid Amount	$0.00
Amount Due	$253.41

Order Detail:

Publication	Run Dates
4015 Banning Record Gazette	10/8/21 - 10/8/21

NOTICE OF PUBLIC HEARING AND NOTICE OF EXEMPTION FOR CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 21-4001, A PROPOSED INDUSTRIAL WAREHOUSE BUILDING MEASURING APPROXIMATELY 620,000 SQUARE FEET TO INCLUDE 10,000 SQUARE FEET OF OFFICE SPACE: AND SIX (6) RETAIL/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL

MAP WILL INVOLVE THE SUBDIVISION OF THE 37-ACRE LOT IN THREE (3) LOTS WITHIN THE SUN LAKE VILLAGE NORTH SPECIFIC PLAN AREA. (APN: 419-140-057).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held Tuesday, October 19, 2021, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider a Notice of Exemption and Design Review No. 21-7008 and Tentative Parcel Map No. 21-4001, a proposed industrial warehouse building measuring approximately 620,000 square feet to include 10,000 square feet of office space; and six (6) retail/restaurant buildings totaling 34,000 square feet. The tentative parcel map will involve the subdivision of the 37-acre lot in three (3) lots within the Sun Lake Village North Specific Plan Area. The Community Development Department has determined that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 - Infill Developments) and has prepared a Notice of Exemption (NOE).

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Dial in: +1 669 900 9128 US

Meeting ID: 827 9487 8682

Find your local number: https://us02web.zoom.us/u/

https://us02web.zoom.us/j/kfC5uo7yb

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BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA
Adam Rush, M.A., AICP
Community Development Director
Dated: October 5, 2021
Publish: October 8, 2021
Published in
The Record Gazette
No. 185652
10/08/2021

CITY OF BANNING

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510

PROJECT VICINITY

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057

ZONE: Sun Lakes North Specific Plan

N W E S

0 200 400 600 800

Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT LOCATION

RAMSEY ST

JOSHUA PALMER WAY

I 10

UNION PACIFIC RAILROAD

APEX AVE

LORI WAY

GRANDVIEW AVE

CAVE

CORRAL CIR

MARLBORO WAY

HIGHLAND HOME RD

GOLDEN SKY CT

HIGHLAND SPRINGS AVE

SUN LAKES VILLAGE DR

NORTHWOOD AVE

SANDPIPER ST

BROOKLAWN DR

SKYVIEW CIR

ROLLING HILLS AVE

MEADOW LAKE LN

SILVER LAKES AVE

TWIN HILLS DR

SALEM CIR

OAKHURST AVE

ESSEX WAY

BIG SPRING DR

LINKS AVE

OAKMONT DR

SUN LAKES BLVD

MAIDSTONE ST

SEMINOLE CT

SHOAL CREEK ST

PLAINFIELD DR

PINEHURST DR

RIVIERA AVE

BROOKSIDE DR

INDIAN WELLS RD

TORREY PINES RD

EL DORADO CT

AUGUSTA WAY

MERION CT

MAIRFIELD CT

LA QUINTA DR

LA COSTA DR

COUNTRY CLUB DR

SHINNECOCK DR

OAK TREE AVE

POTRERO BLVD

CHERRY HILL AVE

PEBBLE

CITY OF BEAUMONT

Banning City Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Co

PROPERTY OWNERS CERTIFICATION FORM

I, VINNIE NGUYEN certify that on May 18, 2021,

The attached property owners list was prepared by Riverside County GIS,

APN (s) or case numbers 419-140--57 for

Company or Individual's Name RCIT - GIS,

Distance buffered 300'

Pursuant to application requirements furnished by the Riverside County Planning Department. Said list is a complete and true compilation of the owners of the subject property and all other property owners within 600 feet of the property involved, or if that area yields less than 25 different owners, all property owners within a notification area expanded to yield a minimum of 25 different owners, to a maximum notification area of 2,400 feet from the project boundaries, based upon the latest equalized assessment rolls. If the project is a subdivision with identified off-site access/improvements, said list includes a complete and true compilation of the names and mailing addresses of the owners of all property that is adjacent to the proposed off-site improvement/alignment.

I further certify that the information filed is true and correct to the best of my knowledge. I understand that incorrect or incomplete information may be grounds for rejection or denial of the application.

TITLE: GIS Analyst

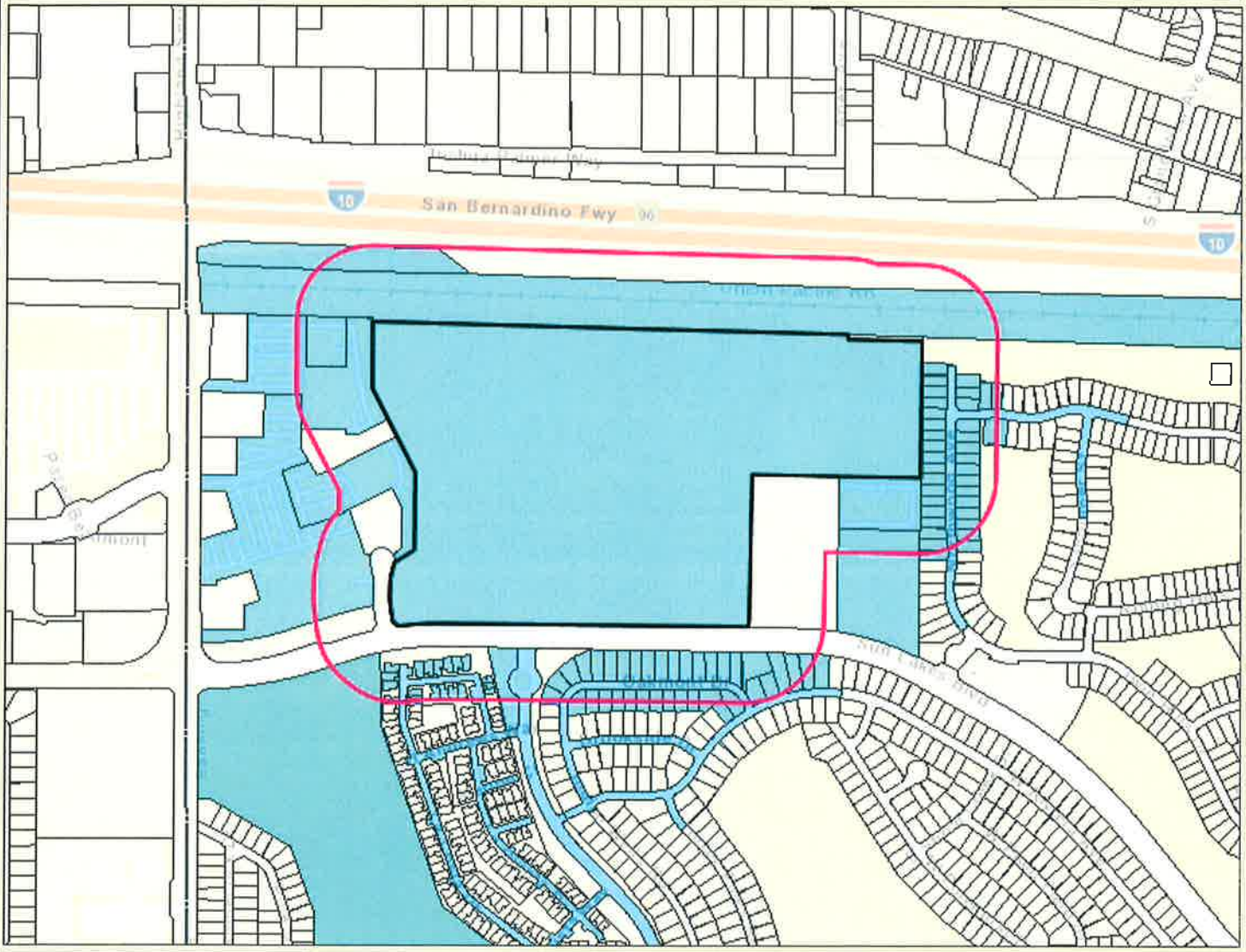
ADDRESS: 4080 Lemon Street 9TH Floor

Riverside, Ca. 92502

TELEPHONE NUMBER (8 a.m. – 5 p.m.): (951) 955-8158

Riverside County GIS Mailing Labels

APN: 419-140-057 (300 feet buffer)





Legend

- County Boundary
- Cities
- Parcels
- World Street Map

Notes

0 752 1,505 Feet

IMPORTANT Maps and data are to be used for reference purposes only. Map features are approximate, and are not necessarily accurate to surveying or engineering standards. The County of Riverside makes no warranty or guarantee as to the content (the source is often third party), accuracy, timeliness, or completeness of any of the data provided, and assumes no legal responsibility for the information contained on this map. Any use of this product with respect to accuracy and precision shall be the sole responsibility of the user.

REPORT PRINTED ON... 5/18/2021 11:01:10 AM

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419300008
CONROY REYNOLDS
5701 OAKMONT DR
BANNING CA 92220

419300013
WILLIAM JEFF KALLAL
431 E MERRIMAC ST
UPLAND CA 91784

419300021
JANE L. GETCHELL
5973 OAKMONT DR
BANNING CA 92220

419300024
NANCY A. HOHN
429 INDIAN WELLS RD
BANNING CA 92220

419300061
JAMES R. BLISS
5954 OAKMONT DR
BANNING CA 92220

419300064
DAVID C. MOLSTRE
44859 CORTE SIERRA
TEMECULA CA 92592

419400024
MYRNA E. TREACY
482 NORTHWOOD AVE
BANNING CA 92220

419400025
ERIN S. SIMPSON
494 NORTHWOOD AVE
BANNING CA 92220

419400057
AMERICA MARY WESLEY
339 NORTHWOOD AVE
BANNING CA 92220

419400058
DARLEEN INEZ MOXON
327 NORTHWOOD AVE
BANNING CA 92220

419400059
MODESTO G. GONZALEZ
315 NORTHWOOD AVE
BANNING CA 92220

419400063
KARINA C. BOONTHERNTUP
374 NORTHWOOD AVE
BANNING CA 92220

419400064
RICHARD D. KERN
268 BROOKLAWN DR
BANNING CA 92220

419400065
BEVERLY GUENIN
274 BROOKLAWN DR
BANNING CA 92220

419300007
GLORIA DEISSLER SCHMIDT
5687 RIVIERA AVE
BANNING CA 92220

419300009
JOHN C. DELONGCHAMP
5723 OAKMONT DR
BANNING CA 92220

419300014
THERESA E. WALTON
5831 OAKMONT DR
BANNING CA 92220

419300065
GARY WARREN KUSHINER
5870 OAKMONT DR
BANNING CA 92220

419400017
LYLA GAIL WOLDEN
398 NORTHWOOD AVE
BANNING CA 92220

419400021
STRATTON PAUL JOSEPH & ANNA LUISA JOINT
446 NORTHWOOD AVE
BANNING CA 92220

419290022
SECURITY TRUST CO
19 CORPORATE PLAZA
NEWPORT BEACH CA 92660

419300005
ROBERT HEINS
5659 RIVIERA AVE
BANNING CA 92220

419300022
RAMONA MCCARTY
5993 OAKMONT DR
BANNING CA 92220

419140005
SOUTHERN PACIFIC TRANSPORTATION CO
1700 FARNAM ST 10TH FL S
OMAHA NE 68102

419140029
SUN LAKES INV
41 E FOOTHILL BLVD 105
ARCADIA CA 91006

419300062
EVON E. MONTAGUE
5869 INDIAN CANYON
BANNING CA 92220

419300071
LYN REYNOLDS JOHNSON
5717 RIVIERA AVE
BANNING CA 92220

419300072
SYLVIA A. VEGA
5735 RIVIERA AVE
BANNING CA 92220

419300066
ROBERT L. HIX
P O BOX 111826
CAMPBELL CA 92011

419300068
DAVID RAMIREZ
5810 OAKMONT DR
BANNING CA 92220

419400019
JAMES A. MANLEY
422 NORTHWOOD AVE
BANNING CA 92220

419400026
WENDELL S. BAINTER
506 NORTHWOOD AVE
BANNING CA 92220

419140064
MARINITA SAGE RANCHO
3835 BIRCH ST
NEWPORT BEACH CA 92660

419400089
SUN LAKES COUNTRY CLUB HOMEOWNERS
5062 ROLLING HILLS AVE
BANNING CA 92220

419400023
GREGG TRUST DATED 2/23/2004
470 NORTHWOOD AVE
BANNING CA 92220

419400049
CHRISTOPHER SALAZAR
435 NORTHWOOD AVE
BANNING CA 92220

419400051
PATRICIA BURKE MOORE
411 NORTHWOOD AVE
BANNING CA 92220

419400052
MARGARET BEWICK
399 NORTHWOOD AVE
BANNING CA 92220

419400054
ANITA TAYLOR
375 NORTHWOOD AVE
BANNING CA 92220

419400055
WARE DONNA MARIE REVOCABLE LIVING
363 NORTHWOOD AVE
BANNING CA 92220

419140032
THRIFTY PAYLESS INC
4704 YERBA SANTA DR
SAN DIEGO CA 92115

419400016
GERALD F. RUSSES
386 NORTHWOOD AVE
BANNING CA 92220

419400018
RAYMOND A. PAQUETTE
410 NORTHWOOD AVE
BANNING CA 92220

419400047
ELPIDIO T. GABRIEL
459 NORTHWOOD AVE
BANNING CA 92220

419300017
WILLIAM L. HERR
5891 OAKMONT DR
BANNING CA 92220

419300018
SUSAN E. POTTLE
5913 OAKMONT DR
BANNING CA 92220

419300019
MARK YASUO TANAKA
747 CAPP ST
SAN FRANCISCO CA 94110

419300070
RHONDA IRENE JONES
5756 OAKMONT DR
BANNING CA 92220

419400046
JOAN MARIE DECKER
471 NORTHWOOD AVE
BANNING CA 92220

419300003
STEPHEN J. LEHTONEN
5633 RIVIERA AVE
BANNING CA 92220

419300004
MATTEGIT FAMILY TRUST DTD 4/6/2000
5647 RIVIERA AVE
BANNING CA 92220

419300010
MARY A. WILSON
5747 OAKMONT DR
BANNING CA 92220

419300052
SUN LAKES COUNTRY CLUB HOMEOWNERS
23726 BIRTCHER DR
EL TORO, CA 92630

419300069
CLARISSA A. COSTELL
5788 OAKMONT PL
BANNING CA 92220

419400043
RANDY LAUDER
507 NORTHWOOD AVE
BANNING CA 92220

419140057
BANNING 47
8800 N GAINE CTR NO 255
SCOTTSDALE AZ 85258

419140016
SUN LAKES COUNTRY CLUB HOMEOWNERS
850 S COUNTRY CLUB DR
BANNING CA 92220

419290002
PRESLEY OF SOUTHERN CALIFORNIA
4490 VON KARMAN AVE
NEWPORT BEACH CA 92660

419300002
LARRY A. CRAWFORD
5621 RIVIERA AVE
BANNING CA 92220

419300015
TERESIA F. ANDERSON
5851 OAKMONT DR
BANNING CA 92220

419300016
GARBINO MARGARET TRUST DATED 01/25/1994
5871 OAKMONT DR
BANNING CA 92220

419300067
AMOS KABA SLOAN
5830 OAKMONT DR
BANNING CA 92220

419140030
ALBERTSONS, LLC
250 E PARKCENTER BLVD
BOISE ID 83706

419140059
EPIC MANAGEMENT
1615 ORANGE TREE LN
REDLANDS CA 92374

419400014
STEVEN COOKE
275 BROOKLAWN DR
BANNING CA 92220

419400020
C K. PAPPADATO
434 NORTHWOOD AVE
BANNING CA 92220

419400027
MILDRED L. HUNTER
518 NORTHWOOD AVE
BANNING CA 92220

419400045
DAVID CONTRERAS
PO BOX 579
PALM SPRINGS CA 92263

419400056
GLORIA E. RUNNELS
351 NORTHWOOD AVE
BANNING CA 92220

419400060
JACKIE L. SUMNERS
301 NORTHWOOD AVE
BANNING CA 92220

419400061
RALPH D. CERVANTES
350 NORTHWOOD AVE
BANNING CA 92220

419400015
JAMIE JO TAYLOR
269 BROOKLAWN DR
BANNING CA 92220

419400022
HENDRIK L. VANVLIET
5016 ROLLING HILLS AVE
BANNING CA 92220

419400044
JAMES A. JORGENSON
495 NORTHWOOD AVE
BANNING CA 92220

419400062
CRABTREE 2019 REVOCABLE FAMILY TRUST
1363 PAMPAS CT
AZUSA CA 91702

419120018
CITY OF BANNING
P O BOX 998
BANNING CA 92220

419140062
MLD BANNING INV
21001 N TATUM NO 1630 630
PHOENIX AZ 85050

419300006
CAROLYN Y. DAY
5671 RIVIERA AVE
BANNING CA 92220

419300011
JOHN J. WIEGAND
5769 OAKMONT DR
BANNING CA 92220

419300012
MARK L. SEMINARO
P O BOX 8105
NEWPORT BEACH CA 92658

419300020
JOHN C. STEWARD
5953 OAKMONT DR
BANNING CA 92220

419300023
MARILYN L. LUEKER
409 INDIAN WELLS RD
BANNING CA 92220

419300060
JAMES A. SCHWAB
117 CIRCLE DR
PITTSBURGH PA 15237

419300063
MYRON J. PEMBROOK
5910 OAKMONT DR
BANNING CA 92220

419400048
KENNETH C. ANDERSON
447 NORTHWOOD AVE
BANNING CA 92220

419400050
BOMAR REVOCABLE LIVING TRUST DTD
423 NORTHWOOD AVE
BANNING CA 92220

419400053
MARTHA JANE BROWN
458 W VIRGINIA AVE
GLENDORA CA 91741

419293008
BEVERLY SNIDER
6127 WINGFOOT AVE
BANNING CA 92220

419293012
JAMES J. HENNESSEY
6187 WINGFOOT AVE
BANNING CA 92220

419293031
SCOTT JAMES ANGELL
430 LA COSTA DR
BANNING CA 92220

419293015
XIAO DONG
2 LIQUID AMBER
IRVINE CA 92620

419293010
KEITH O. BOYD
6155 WINGFOOT AVE
BANNING CA 92220

419293007
CHERYL L. HUNT
6111 WINGFOOT AVE
BANNING CA 92220

419293006
KUWANO SUZANNE C FAMILY TRUST DTD
3336 DELAWARE AVE
SANTA MONICA CA 90404

419293032
NEAL J. QUIGLEY
6170 WINGFOOT AVE
BANNING CA 92220

419293014
THOMAS OWEN PULLIAM
218 N BLUEROCK ST
ANAHEIM CA 92807

419293033
CORALYNN BERNIER
6156 WINGFOOT AVE
BANNING CA 92220

419293016
HELEN K. HORI
435 LA COSTA DR
BANNING CA 92220

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419293004
MARY BRAUDAWAY
432 LA QUINTA DR
BANNING CA 92220

419293030
ROBERT MITCHELL JACKSON
440 LA COSTA DR
BANNING CA 92220

419293013
WILLIAM MCCLOUD
405 LA COSTA DR
BANNING CA 92220

419293011
BARBARA M. FINELLY
6171 WINGFOOT AVE
BANNING CA 92220

419293035
JOHN J. MAHONEY
2001 SHEEHAN CIR
BANNING CA 92220

419293005
THELMA B. WILLINGHAM
420 LA QUINTA DR
BANNING CA 92220

419293034
PETE STEVE MARTINEZ
6140 WINGFOOT AVE
BANNING CA 92220

419293009
IRIS IBANEZ
6141 WINGFOOT AVE
BANNING CA 92220

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City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 38164, A PROPOSED MIXED-USE INDUSTRIAL/RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL MAP WILL SUBDIVIDE THE 47-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES. (APN: 419-140-057).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held Wednesday, December 1, 2021, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider Design Review No. 21-7008 and Tentative Parcel Map No. 38164, a proposed mixed-use industrial/retail development on approximately 37-acres of a 47-acre parcel within the Sun Lakes Village North Specific Plan, as amended (the "Project"). The Project includes a shell industrial building measuring 619,959 square feet, which includes 10,000 square feet of office space. In addition, the Project proposes six (6) retail/restaurant buildings totaling 34,000 square feet. The tentative parcel map will subdivide the 47-acre parcel into three (3) lots, for financing and conveyance purposes, within the Sun Lake Village North Specific Plan Area. Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Community Development Department has considered the potential environmental impacts of the Project. Community Development Department staff has also reviewed the Final Environmental Impact Report (FEIR) for the "Sun Lakes Village North Specific Plan Amendment No. 5" project certified by the City Council on December 8, 2020 (Resolution 2020-141) and the Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program (MMRP) adopted by the Council on the same day, including the impacts and mitigation measures identified therein. Based on that review, the Community Development Department has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR. All potential environmental impacts associated with the "Sun Lakes Village North Specific Plan Amendment No. 5" project and the Project are adequately addressed by the prior FEIR, the Statement of Overriding Considerations, the MMRP. Therefore, in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), a Notice of Determination (NOD) has a been prepared for the Commission to consider in conjunction with the Project.

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

https://us02web.zoom.us/j/82794878682?pwd=SFUrMGNKQVIQRHMxaTFHMnJIYk92QT09

Meeting ID: 827 9487 8682
Passcode: 894694
Dial in: +1 669 900 9128 US * Meeting ID: 827 9487 8682

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BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam Rush, M.A., AICP
Community Development Director

Dated: November 16, 2021
Publish: November 19, 2021

CITY OF BANNING

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510

PROJECT VICINITY

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057

ZONE: Sun Lakes North Specific Plan

N W E S

0 200 400 600 800

Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT LOCATION

CITY OF BEAUMONT

Banning City Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Co

Century Group Newspapers:
Fontana Herald News, Record Gazette,
Highland Community News,
Yucaipa/Calimesa News Mirror,
Redlands Community News

Phone:
Fax:
www.centurygroup.com

LEGAL ADS
CITY OF BANNING LEGALS/Accounts Payable
P.O. BOX 998
BANNING, CA 92220
(951)922-3117

Class Liner Ad #00186523 Summary:

Slug Line: 186523 Design Review 21-7008

Net Cost	$368.61
Prepaid Amount	$0.00
Amount Due	$368.61

Order Detail:

Publication	Run Dates
4015 Banning Record Gazette	11/19/21 - 11/19/21

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF DESIGN REVIEW NO. 21-7008 & TENTATIVE PARCEL MAP NO. 38164, A PROPOSED MIXED-USE INDUSTRIAL/RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH

INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL/RESTAURANT BUILDINGS TOTALING 34,000 SQUARE FEET. THE TENTATIVE PARCEL MAP WILL SUBDIVIDE THE 47-ACRE PARCEL INTO THREE (3) LOTS, FOR FINANCING AND CONVEYANCE PURPOSES. (APN: 419-140-057).

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning Planning Commission, to be held Wednesday, December 1, 2021, at 6:30 p.m. in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California, to consider Design Review No. 21-7008 and Tentative Parcel Map No. 38164, a proposed mixed-use industrial/retail development on approximately 37-acres of a 47-acre parcel within the Sun Lakes Village North Specific Plan, as amended (the Project). The Project includes a shell industrial building measuring 619,959 square feet, which includes 10,000 square feet of office space. In addition, the Project proposes six (6) retail/restaurant buildings totaling 34,000 square feet. The tentative parcel map will subdivide the 47-acre parcel into three (3) lots, for financing and conveyance purposes, within the Sun Lake Village North Specific Plan Area. Pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the Community Development Department has considered the potential environmental impacts of the Project

impacts of the Project. Community Development Department staff has also reviewed the Final Environmental Impact Report (FEIR) for the Sun Lakes Village North Specific Plan Amendment No. 5 project certified by the City Council on December 8, 2020 (Resolution 2020-141) and the Statement of Overriding Considerations and Mitigation, Monitoring, and Reporting Program (MMRP) adopted by the Council on the same day, including the impacts and mitigation measures identified therein. Based on that review, the Community Development Department has determined that the Project and the circumstances under which the Project is undertaken do not involve substantial changes which will result in new significant environmental effects, and the Project does not involve new information of substantial importance which shows that the Project will have significant effects not discussed in the prior FEIR. All potential environmental impacts associated with the Sun Lakes Village North Specific Plan Amendment No. 5 project and the Project are adequately addressed by the prior FEIR, the Statement of Overriding Considerations, the MMRP. Therefore, in accordance with CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations), a Notice of Determination (NOD) has a been prepared for the Commission to consider in conjunction with the Project.

To observe and participate in the online video portion of the meeting through your personal computer or device, follow this link:

https://us02web.zoom.us/j/82794878682?pwd=SFUrMGNKQVIQRHMxaTFHMnJI-Yk92QT09
Meeting ID: 827 9487 8682
Passcode: 894694
Dial in: +1 669 900 9128 US * Meeting ID: 827 9487 8682
To observe the live meeting through your personal computer, but not participate with video or oral comments, you may use your computer or smart phone to enter the following or click on the link: https://banninglive.viebit.com
Information regarding the CEQA Determination, Design Review and Tentative Map, can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=
All parties interested in speaking either in support of or in opposition to this item are invited to attend the hearing by accessing the videoconference or by sending their written comments by email to scalderon@banningca.us or by mail to the Community Development Department, Planning Division, City of Banning at 99 E. Ramsey Street, Banning, California, 92220.
If you challenge any decision regarding the above proposal in court, you may be limited to raising only those issues you or someone else raised in written correspondence delivered to the Planning Commission Recording Secretary prior to, at, or during the time the Planning Commission makes its recommendation on the proposal; or

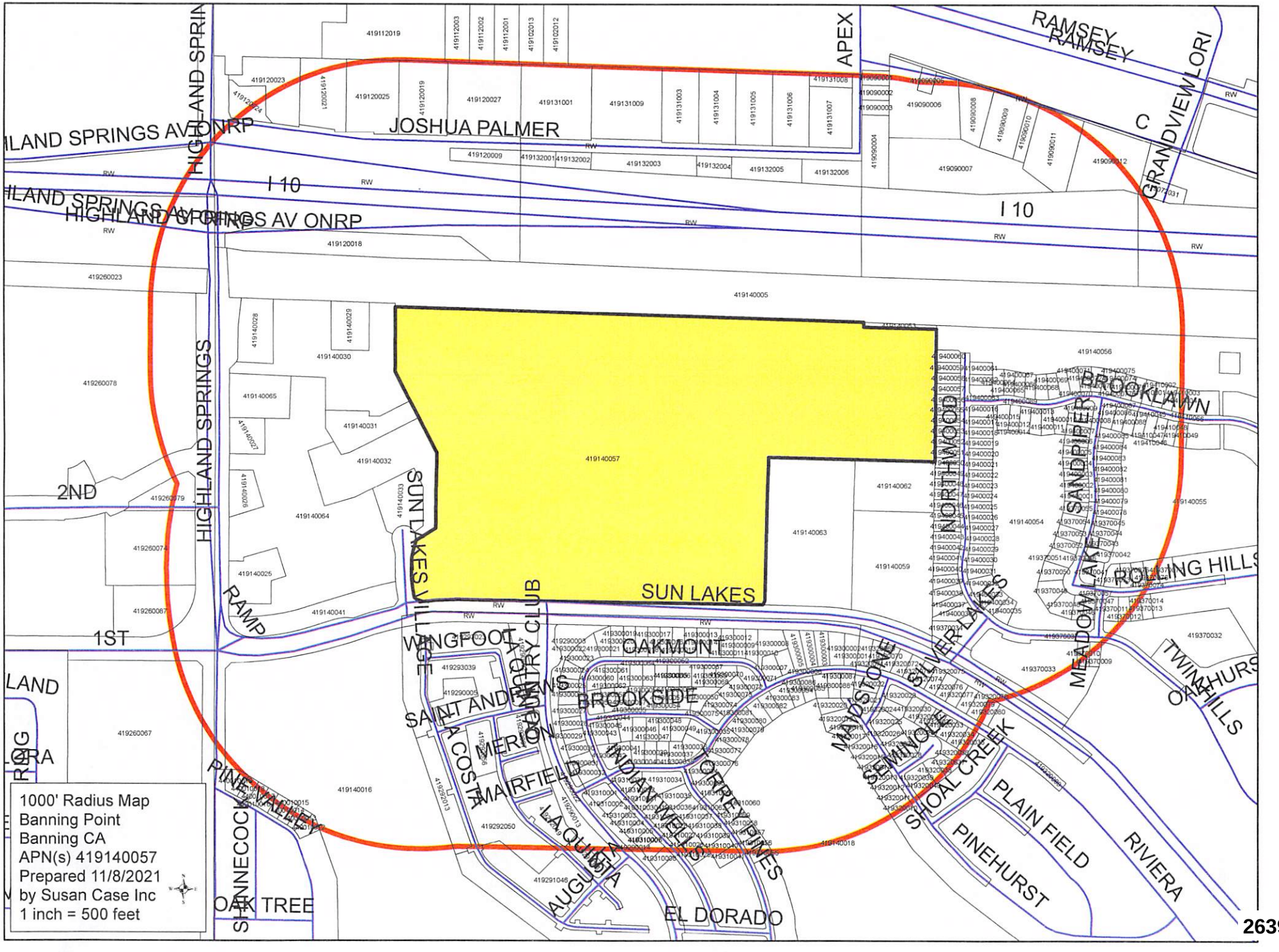
district on the proposal, or, you or someone else raised at the public hearing or in written correspondence delivered to the hearing body at, or prior to, the hearing (California Government Code, Section 65009).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

Adam Rush, M.A., AICP
Community Development Director

Dated: November 16, 2021
Publish: November 19, 2021

Published in
The Record Gazette
No. 186523
11/19/2021


1000' Radius Map
Banning Point
Banning CA
APN(s) 419140057
Prepared 11/8/2021
by Susan Case Inc
1 inch = 500 feet
SUN LAKES
JOSHUA PALMER
I 10
HIGHLAND SPRINGS AV ONRP
HIGHLAND SPRINGS
APEX
RAMSEY
GRANDVIEW LORI
2ND
1ST
RAMP
SUN LAKES VILLAGE
WINGFOOT
OAKMONT
BROOKSIDE
SAINT ANDREWS
MERION
AUGUSTA
LA QUINTA
EL DORADO
OAK TREE
SHANNECOCK
PINE VALLEY
SILVERLAKES
MADISON CLUB
SHOAL CREEK
PLAIN FIELD
PINEHURST
RIVIERA
BROOKLAWN
SADDLEBACK
MEADOWLARK
TWIN OAKS
OAKHURST
HILLS

SUSAN W. CASE, INC.
4000 BARRANCA PKWY #250
IRVINE CA 92604
PHONE OR TEXT (949) 494-6105
orders@susancaseinc.com

Certification of Preparation

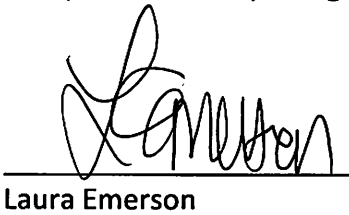
The attached list includes the names and addresses of all owners within 1000' from the exterior boundaries of the following address/APNs.

Address: Banning Point, Banning

APN(s) 419-140-057

This information was obtained through First American Core Logic, a data source utilizing the county assessor rolls and other available sources. This information is generally deemed reliable, but is not guaranteed. Return of property addresses that are deemed undeliverable by the United States Postal Service is, therefore, a possibility.

Susan W. Case, Inc. is not responsible for providing further investigation of said labels. Acceptance of this package acknowledges this fact.



Laura Emerson
Susan W. Case, Inc.
laura@susancaseinc.com

Date: 11/08/2021

SUSAN W. CASE, INC.
orders@susancaseinc.com

917 Glenneyre Street, Suite 7 • Laguna Beach, CA 92651
PHONE (949) 494-6105

File #318704
Banning Point
Banning
APN 419-140-057
1000' Owner
November 8 2021

419-072-031
Priscilla L Knights
5527 Wendy Ct
Banning CA 92220

419-090-001
Pedro Mendoza
260 Apex Ave
Banning CA 92220

419-090-002
Mgmt Ix Starlite
4900 Santa Anita Ave
El Monte CA 91731

419-090-003
Capital Nuvoo
Po Box 5455
Whittier CA 90607

419-090-004
B 10
1971 W 190th St #100
Torrance CA 90504

419-090-005
Cecc Properties
10815 Fairview Dr
Cherry Valley CA 92223

419-090-006
Leslie Frank Conn
999 Elm Ave
Beaumont CA 92223

419-090-007
B 10
1971 W 190th St #100
Torrance CA 90504

419-090-008
Lawrence L Slusser
43224 Ormsby Rd
Temecula CA 92592

419-090-009
B 10
1971 W 190th St #100
Torrance CA 90504

419-090-010
Layo S Caro
516 N 41st St
Banning CA 92220

419-090-011
Lawrence L Slusser
43224 Ormsby Rd
Temecula CA 92592

419-090-012
Cynthia J Gomez
6630 Camrose Pl
Rancho Cucamonga CA 91701

419-102-012
Teresa Bagnara
5970 W Ramsey St
Banning CA 92220

419-102-013
Bagnara Trust
39712 Brookside Ave
Cherry Valley CA 92223

419-112-001
Bagnara Trust
39712 Brookside Ave
Cherry Valley CA 92223

419-112-002
Bryan Stone
1180 N Indian Cyn Dr #303
Palm Springs CA 92262

419-112-003
A&s Assoc
1180 N Indian Canyon W303
Palm Springs CA 92262

419-112-019
Bmw Management
43172 Business Prk No #101
Temecula CA 92590

419-120-009
Prop Tlc
77 El Duna Ct
Palm Desert CA 92211

419-120-018
City Of Banning
P O Box 998
Banning CA 92220

419-120-019
Bmw Management
43172 Business Park #101
Temecula CA 92590

419-120-021
Juan Carlos Trejo
2435 W Westward
Banning CA 92220

419-120-023
Corners Inc
P O Box 1600
Rowlett TX 75088

419-120-024
Corners Inc
P O Box 285
Houston TX 77001

419-120-025
Bmw Management
43172 Business Park #101
Temecula CA 92590

419-120-027
Banning Sagemont
1713 Spyglass Ct
Beaumont CA 92223

419-131-001
Hsiuchu Chen Hou
9453 Canyon Oaks Ct
Rancho Cucamonga CA 91730

419-131-003
Mac Umer
12846 Hawthorne Blvd
Hawthorne CA 90250

419-131-004
Reyes Belen Duran
15485 Caballo Rd
Moreno Valley CA 92555

419-131-005
Hsiuchu Chen Hou
9453 Canyon Oaks Ct
Rancho Cucamonga CA 91730

419-131-006
Robert Eric Jimenez
6881 Wyndham Hill Pl
Riverside CA 92509

419-131-007
Robert Eric Jimenez
7951 Arlington Ave
Riverside CA 92503

419-131-008
Jon L Kesner
261 Apex Ave
Banning CA 92220

419-131-009
Juan Carlos Trejo
2435 W Westward Ave
Banning CA 92220

419-132-001
Prop Tlc
77 El Duna Ct
Palm Desert CA 92211

419-132-002
Marilyn J Legerat
10012 Winesap Ave
Cherry Valley CA 92223

419-132-003
Group Inv Stella
1678 Calle Solejar
Redlands CA 92373

419-132-004
Helmers Rosalie M Rev Trust
14396 Summer Glen Grove
Colorado Springs CO 80921

419-132-005
Helmers Rosalie M Rev Family Trust
14396 Summer Glen Grove
Colorado Springs CA 80921

419-132-006
Helmers Rosalie M Rev Trust
14396 Summer Glen Grove
Colorado Springs CO 80921

419-140-005
Southern Pacific Transportation Co
1700 Farnam St
Omaha NE 68102

419-140-016
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-018
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-025
Lakes Inv Sun
41 E Foothill Blvd #105
Arcadia CA 91006

419-140-026
U S Bank Natl Assn
Po Box 460169
Houston TX 77056

419-140-027
Prop Mac
315 Via Montanera
Anaheim CA 92807

419-140-028
Sobhy Yousef
1708 N Palm Canyon
Palm Springs CA 92262

419-140-029
Lakes Inv Sun
41 E Foothill Blvd #105
Arcadia CA 91006

419-140-030
Albertsons Inc
P O Box 20
Boise ID 83726

419-140-031
Lakes Inv Sun
41 E Foothill Blvd #105
Arcadia CA 91006

419-140-032
Thrifty Payless Inc
4704 Yerba Santa Dr
San Diego CA 92115

419-140-033
Lakes Inv Sun
41 E Foothill Blvd #105
Arcadia CA 91006

419-140-041
City Of Banning
P O Box 998
Banning CA 92220

419-140-053
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-054
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-055
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-056
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-057
Lakes Highland Sun
1200 N 52 Nd St
Phoenix AZ 85008

419-140-059
Epic Management
1615 Orange Tree Ln
Redlands CA 92374

419-140-062
Banning Inv Mld
21001 N Tatum No 1630 #630
Phoenix AZ 85050

419-140-063
Banning Inv Mld
21001 N Tatum No 1630 #630
Phoenix AZ 85050

419-140-064
Sage Rancho Marinita
3835 Birch St
Newport Beach CA 92660

419-140-065
Hyrosen Prop Inc
1887 Business Center Dr
San Bernardino CA 92408

419-260-023
Southern Pacific Transportation Co
1700 Farnam St
Omaha NE 68102

419-260-067
Linda University Loma
11145 Anderson St
Loma Linda CA 92350

419-260-074
State Of Calif
1102 Q St #6000
Sacramento CA 95814

419-260-078
Frederick J Hanshaw
10921 Westminster Ave
Garden Grove CA 92843

419-260-079
Frederick J Hanshaw
10921 Westminster Ave
Garden Grove CA 92843

419-260-087
Thrifty Payless, Inc
Po Box 3165
Harrisburg PA 17105

419-290-002
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-003
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-005
Lakeside Community Assn
850 Country Club Dr
Banning CA 92220

419-290-013
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-014
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-022
Security Trust Co
19 Corporate Plaza
Newport Beach CA 92660

419-291-041
Matthew F Lafond
614 La Costa Dr
Banning CA 92220

419-291-046
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-291-050
Carol J Meagher
662 La Quinta Dr
Banning CA 92220

419-291-051
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-292-001
Blumreynolds Family Trust
507 La Costa Dr
Banning CA 92220

419-292-002
Keith A Nemire
4981 Mission Hills Dr
Banning CA 92220

419-292-003
Shirley Rivera
Po Box 802714
Santa Clarita CA 91380

419-292-004
Beres Jolan Trust Dtd
531 La Costa Dr
Banning CA 92220

419-292-005
Michael J Preston
537 La Costa Dr
Banning CA 92220

419-292-006
Jeffreys Laurel E Trust
545 La Costa Dr
Banning CA 92220

419-292-007
James D Dacus
Po Box 1221
Banning CA 92220

419-292-008
Thomas N Vacar
724 Del Ganado Rd
San Rafael CA 94903

419-292-009
Parish Carl & Chrysanthe Trust Dtd
573 La Costa Dr
Banning CA 92220

419-292-010
James Corrigan
579 La Costa Dr
Banning CA 92220

419-292-011
Jacob K Charlot
587 La Costa Dr
Banning CA 92220

419-292-012
Roger R Boone
595 La Costa Dr
Banning CA 92220

419-292-013
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-014
Loray C Campbell
594 La Costa Dr
Banning CA 92220

419-292-015
Joyce E Puccio
588 La Costa Dr
Banning CA 92220

419-292-016
George H Myers
13159 San Felipe
La Mirada CA 90638

419-292-017
Lynne Freeman
572 La Costa Dr
Banning CA 92220

419-292-018
Betty J Batson
564 La Costa Dr
Banning CA 92220

419-292-019
Ronald L Eckhoff
556 La Costa Dr
Banning CA 92220

419-292-020
Joseph J Bourdon
548 La Costa Dr
Banning CA 92220

419-292-021
Dorothy J Buterbaugh
540 La Costa Dr
Banning CA 92220

419-292-022
Joann A Slivkoff
532 La Costa Dr
Banning CA 92220

419-292-023
A G Little
526 La Costa Dr
Banning CA 92220

419-292-024
John P Albade
518 La Costa Dr
Banning CA 92220

419-292-025
Albert Contreras
35802 Ave E
Yucaipa CA 92399

419-292-026
Mary E Niederkorn
555 La Quinta Dr
Banning CA 92220

419-292-027
Carol Seumalo
60450 Hop Patch Spring Rd
Mountain Center CA 92561

419-292-028
Colice Lenora H Estate Of
4186 Mississippi St
San Diego CA 92104

419-292-029
Paulson Laurel Family Trust
581 La Quinta Dr
Banning CA 92220

419-292-030
Nygaard Joseph S & Mary L Nygaard
2670 Nw Crossing Dr
Bend OR 97703

419-292-031
Karla R Joseph
4305 Paxton Ln #1005
Lilburn GA 30047

419-292-032
Walter Steve Harper
611 La Quinta Dr
Banning CA 92220

419-292-033
Donna C Capellino
619 La Quinta Dr
Banning CA 92220

419-292-034
Doris Lynn Czerep
629 La Quinta Dr
Banning CA 92220

419-292-035
Traci Ann Mallard
637 La Quinta Dr
Banning CA 92220

419-292-038
William G Brady
646 La Quinta Dr
Banning CA 92220

419-292-039
Barbara L Miller
638 La Quinta Dr
Banning CA 92220

419-292-040
Bennett Carol A Trust
630 La Quinta Dr
Banning CA 92220

419-292-041
Michalec Patricia A Trust
620 La Quinta Dr
Banning CA 92220

419-292-042
Arturo H Varela
6054 Mairfield Ct
Banning CA 92220

419-292-043
Carlos Spinelli
6034 Mairfield Ct
Banning CA 92220

419-292-044
Daniel L Muckenthaler
6014 Mairfield Ct
Banning CA 92220

419-292-045
Irene M Leone
6015 Mairfield Ct
Banning CA 92220

419-292-046
Lundgren Family Trust Dtd
18220 25th Dr
Bothell WA 98012

419-292-047
Mark L Seminaro
P O Box 8105
Newport Beach CA 92658

419-292-048
Adriana Maria Mercado
6075 Mairfield Ct
Banning CA 92220

419-292-049
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-050
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-051
Oei K A L M Trust
2412 Paseo Del Palacio
Chino Hills CA 91709

419-292-052
Maria Elena Allen
521 La Quinta Dr
Banning CA 92220

419-292-053
Traci Sue Jones
529 La Quinta Dr
Banning CA 92220

419-292-054
Christine L Caffrey
537 La Quinta Dr
Banning CA 92220

419-292-055
Sherry Ferraro
34428 Yucaipa Blvd
Yucaipa CA 92399

419-292-056
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-057
Shirley R Orlikoff
6080 Merion Ct
Banning CA 92220

419-292-058
Beringson Sharon L Trust
5244 Long Cove Ct
Banning CA 92220

419-292-059
Janis Kay Johnson
786 La Costa Dr
Banning CA 92220

419-292-060
Phyllis C Davis
6020 Merion Ct
Banning CA 92220

419-292-061
Irene Loughlin
6019 Merion Ct
Banning CA 92220

419-292-062
Jimmie Floyd Hawkins
6039 Merion Ct
Banning CA 92220

419-292-063
Harry G Nead
6059 Merion Ct
Banning CA 92220

419-292-064
David L Sailer
6072 St Andrews Way
Banning CA 92220

419-292-065
Beverly Elaine Laguardia
6048 St Andrews Way
Banning CA 92220

419-292-066
Carol Y Saule
6024 St Andrews Way
Banning CA 92220

419-292-067
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-293-001
Coffin Daniel F Tr Dtd
480 La Quinta Dr
Banning CA 92220

419-293-002
Phyllis Sweet
466 La Quinta Dr
Banning CA 92220

419-293-003
Kristen A Brewer
454 La Quinta Dr
Banning CA 92220

419-293-004
Mary Braudaway
432 La Quinta Dr
Banning CA 92220

419-293-005
Thelma B Willingham
420 La Quinta Dr
Banning CA 92220

419-293-006
Kuwano Suzanne C Family Trust Dtd
3336 Delaware Ave
Santa Monica CA 90404

419-293-007
Cheryl L Hunt
6111 Wingfoot Ave
Banning CA 92220

419-293-008
Beverly Snider
6127 Wingfoot Ave
Banning CA 92220

419-293-009
Marlene L Meeks
6141 Wingfoot Ave
Banning CA 92220

419-293-010
Martha E Kendrick
90 Edgecomb Ave #41
New York NY 10030

419-293-011
Gregory M Finelly
1056 Gale St
Escondido CA 92027

419-293-012
James J Hennessey
6187 Wingfoot Ave
Banning CA 92220

419-293-013
William Mccloud
405 La Costa Dr
Banning CA 92220

419-293-014
Thomas Owen Pulliam
218 N Bluerock St
Anaheim CA 92807

419-293-015
Xiao Dong
2 Liquid Amber
Irvine CA 92620

419-293-016
Helen K Hori
435 La Costa Dr
Banning CA 92220

419-293-017
Janice A Yellon
120 Velwood Dr
Redlands CA 92374

419-293-018
William J Condon
455 La Costa Dr
Banning CA 92220

419-293-019
Kelly Thomas Mcclelland
4932 Rolling Hills Ave
Banning CA 92220

419-293-020
Meines Barbara Family Rev Trust Dtd
475 La Costa Dr
Banning CA 92220

419-293-021
Teddy C Murray
485 La Costa Dr
Banning CA 92220

419-293-022
Joanne Crow Oliver
495 La Costa Dr
Banning CA 92220

419-293-023
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-293-024
Regina M Harrison
6175 St Andrews Way
Banning CA 92220

419-293-025
Barbara C Docouto
6157 St Andrews Way
Banning CA 92220

419-293-026
Elizabeth Alcala Bennett
6139 St Andrews Way
Banning CA 92220

419-293-027
Kenneth C Clark
5272 Breckenridge Ave
Banning CA 92220

419-293-028
David P Sheehan
460 La Costa Dr
Banning CA 92220

419-293-029
Stephen Bacher
450 La Costa Dr
Banning CA 92220

419-293-030
Robert Mitchell Jackson
440 La Costa Dr
Banning CA 92220

419-293-031
Scott James Angell
430 La Costa Dr
Banning CA 92220

419-293-032
Neal J Quigley
6170 Wingfoot Ave
Banning CA 92220

419-293-033
Coralynn Bernier
6156 Wingfoot Ave
Banning CA 92220

419-293-034
Pete Steve Martinez
6140 Wingfoot Ave
Banning CA 92220

419-293-035
John J Mahoney
2001 Sheehan Cir
Banning CA 92220

419-293-036
Ron Kington
9222 Walker St
Cypress CA 90630

419-293-037
Debra A Kelly
450 Blue Mist Way
Arden NC 28704

419-293-038
Marcella M Kern
481 La Quinta Dr
Banning CA 92220

419-293-039
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-300-001
Kathleen E Rios
5609 Riviera Ave
Banning CA 92220

419-300-002
Larry A Crawford
5621 Riviera Ave
Banning CA 92220

419-300-003
Stephen J Lehtonen
5633 Riviera Ave
Banning CA 92220

419-300-004
Mattegit Family Trust Dtd
5647 Riviera Ave
Banning CA 92220

419-300-005
Robert Heins
5659 Riviera Ave
Banning CA 92220

419-300-006
Carolyn Y Day
5671 Riviera Ave
Banning CA 92220

419-300-007
Deisslerschmidt Gloria Family Trust
2324 Hyacinth St
San Bernardino CA 92407

419-300-008
Conroy Reynolds
5701 Oakmont Dr
Banning CA 92220

419-300-009
John C Delongchamp
5723 Oakmont Dr
Banning CA 92220

419-300-010
Mary A Wilson
5747 Oakmont Dr
Banning CA 92220

419-300-011
John J Wiegand
5769 Oakmont Dr
Banning CA 92220

419-300-012
Mark L Seminaro
P O Box 8105
Newport Beach CA 92658

419-300-013
William Jeff Kallal
431 E Merrimac St
Upland CA 91784

419-300-014
Theresa E Walton
5831 Oakmont Dr
Banning CA 92220

419-300-015
Teresia F Anderson
5851 Oakmont Dr
Banning CA 92220

419-300-016
Garbino Margaret Trust
5871 Oakmont Dr
Banning CA 92220

419-300-017
William L Herr
5891 Oakmont Dr
Banning CA 92220

419-300-018
Susan E Pottle
5913 Oakmont Dr
Banning CA 92220

419-300-019
Mark Yasuo Tanaka
747 Capp St
San Francisco CA 94110

419-300-020
Steward Family Trust Utd
5953 Oakmont Dr
Banning CA 92220

419-300-021
Jane L Getchell
5973 Oakmont Dr
Banning CA 92220

419-300-022
Ramona Mccarty
5993 Oakmont Dr
Banning CA 92220

419-300-023
Marilyn L Lueker
409 Indian Wells Rd
Banning CA 92220

419-300-024
Nancy A Hohn
429 Indian Wells Rd
Banning CA 92220

419-300-025
Gonzalez Jose & Elva Trust
449 Indian Wells Rd
Banning CA 92220

419-300-026
Karen Deborah Baker
469 Indian Wells Rd
Banning CA 92220

419-300-027
Phillip A Licata
523 Dew Point Ave
Carlsbad CA 90211

419-300-028
Harold Grimes
509 Indian Wells Rd
Banning CA 92220

419-300-029
Michael Moreno
527 Indian Wells Rd
Banning CA 92220

419-300-030
David R Deal
545 Indian Wells Rd
Banning CA 92220

419-300-031
John F Brobst
563 Indian Wells Rd
Banning CA 92220

419-300-032
Steven Mestas
581 Indian Wells Rd
Banning CA 92220

419-300-033
John Ervin Swem
624 Torrey Pines Rd
Banning CA 92220

419-300-034
Norris V Choisnet
610 Torrey Pines Rd
Banning CA 92220

419-300-035
Leonardo Kostiuk
5815 Riviera Ave
Banning CA 92220

419-300-036
Robert D Cochran
5839 Riviera Ave
Banning CA 92220

419-300-037
Michael R Laichareonsup
5871 Riviera Ave
Banning CA 92220

419-300-038
Lillie L Lawaetz
5891 Riviera Ave
Banning CA 92220

419-300-039
Dills Bruce Lynn & Shirley Jean Tru
5913 W Riviera Ave
Banning CA 92220

419-300-040
Alfredo L Santos
5935 Riviera Ave
Banning CA 92220

419-300-041
Charles F Strang
4175 Hillside Dr
Banning CA 92220

419-300-042
James T Cousar
5981 Riviera Ave
Banning CA 92220

419-300-043
Edward A Morrison
5978 Brookside Dr
Banning CA 92220

419-300-044
Candace J Polito
5958 Brookside Dr
Banning CA 92220

419-300-045
Horace W Campbell
5934 Brookside Dr
Banning CA 92220

419-300-046
Roderick S Tracey
5912 Brookside Dr
Banning CA 92220

419-300-047
Steve A Vos
15122 Runnymede St
Van Nuys CA 91405

419-300-048
Gordon Gates
5868 Brookside Dr
Banning CA 92220

419-300-049
Joseph Conroy
5842 Brookside Dr
Banning CA 92220

419-300-050
Hook Leon Charles Trust
5813 Brookside Dr
Banning CA 92220

419-300-051
Douglas J Thorne
5835 Brookside Dr
Banning CA 92220

419-300-052
Sun Lakes Country Club Homeowners
23726 Birtcher Dr
El Toro CA 92630

419-300-053
Marsha Ann Ordorica
1916 W 161st St
Gardena CA 90247

419-300-054
Kymm Ann Terlau
5871 Brookside Dr
Banning CA 92220

419-300-055
Morck Florence E Trust
5891 Brookside Dr
Banning CA 92220

419-300-056
Corrine Taylor
5911 Brookside Dr
Banning CA 92220

419-300-057
Nancy L Sheets
5933 Brookside Dr
Banning CA 92220

419-300-058
George J Obrien
5955 Brookside Dr
Banning CA 92220

419-300-059
Allen D Jaszcar
5977 Brookside Dr
Banning CA 92220

419-300-060
Bradley Robert Nolte
10097 Zapata Ave
San Diego CA 92126

419-300-061
James R Bliss
5954 Oakmont Dr
Banning CA 92220

419-300-062
Evon E Montague
5869 Indian Canyon
Banning CA 92220

419-300-063
Myron J Pembrook
5910 Oakmont Dr
Banning CA 92220

419-300-064
David C Molstre
44859 Corte Sierra
Temecula CA 92592

419-300-065
Gary Warren Kushiner
5870 Oakmont Dr
Banning CA 92220

419-300-066
Hix Family Trust Dtd
5025 Rolling Hills Ave
Banning CA 92220

419-300-067
Amos Kaba Sloan
5830 Oakmont Dr
Banning CA 92220

419-300-068
David Ramirez
5810 Oakmont Dr
Banning CA 92220

419-300-069
Clarissa A Costell
5788 Oakmont Pl
Banning CA 92220

419-300-070
Rhonda Irene Jones
5756 Oakmont Dr
Banning CA 92220

419-300-071
Johnson Lyn Reynolds
5717 Riviera Ave
Banning CA 92220

419-300-072
Vega Sylvia A Trust
5735 Riviera Ave
Banning CA 92220

419-300-073
Jackson Stanley & Jennifer Ventigan
5753 Riviera Ave
Banning CA 92220

419-300-074
Rita Poole
5769 Riviera Ave
Banning CA 92220

419-300-075
Petrona Close
5785 Riviera Ave
Banning CA 92220

419-300-076
Kenneth Davis
5832 Riviera Ave
Banning CA 92220

419-300-077
Cheryl R Finlay
5818 Riviera Ave
Banning CA 92220

419-300-078
Divina Vida
1700 S Milliken Ave
Ontario CA 91761

419-300-079
Charles L Cha
5772 Riviera Ave
Banning CA 92220

419-300-080
Thomas T S Kuo
5752 Riviera Ave
Banning CA 92220

419-300-081
Lee Alan Peterson
5732 Riviera Ave
Banning CA 92220

419-300-082
Phyllis E Wobken
5712 Riviera Ave
Banning CA 92220

419-300-083
John H Schoonover
5696 Riviera Ave
Banning CA 92220

419-300-084
John Julian Wall
5672 Riviera Ave
Banning CA 92220

419-300-085
Monika Louscher
5656 Riviera Ave
Banning CA 92220

419-300-086
Neal Bailey
5640 Riviera Ave
Banning CA 92220

419-300-087
Yong Cha Kennedy
1697 Fairway Oaks Ave
Banning CA 92220

419-300-088
Linda Cunningham
5608 Riviera Ave
Banning CA 92220

419-310-001
Louis E Wilson
607 Indian Wells Rd
Banning CA 92220

419-310-002
Duarte Gildardo & Francisca Duarte
623 Indian Wells Rd
Banning CA 92220

419-310-003
John L Andrews
5411 Breckenridge Ave
Banning CA 92220

419-310-004
Karen C Hays
651 Indian Wells Rd
Banning CA 92220

419-310-005
Charles Walter Smith
663 Indian Wells Rd
Banning CA 92220

419-310-006
Curtis Raymond H Trust
677 Indian Wells Rd
Banning CA 92220

419-310-007
Mary Gallegos
17439 Santa Maria St
Fountain Valley CA 92708

419-310-008
Charles T Kudra
291 Teasdale St
Thousand Oaks CA 91360

419-310-025
Castro Joseph R Trust Dtd
1947 W 153rd
Gardena CA 90247

419-310-026
Barbara M Stanley
712 Indian Wells Rd
Banning CA 92220

419-310-027
Lewis C Kyle
692 Indian Wells Rd
Banning CA 92220

419-310-028
Johnson Norma S Trust Dtd
680 Indian Wells Rd
Banning CA 92220

419-310-029
David J Mayfield
668 Indian Wells Rd
Banning CA 92220

419-310-030
Joseph R Castro
1947 W 153rd St
Gardena CA 95248

419-310-031
John J Quinlan
2715 N Longhurst St
Orange CA 92867

419-310-032
Stella Zaremba
630 Indian Wells Rd
Banning CA 92220

419-310-033
Rodgers Catherine Trust
612 Indian Wells Rd
Banning CA 92220

419-310-034
Hinshaw Sandra L Trust
16128 Squaw Flat Rd
Sisters OR 97759

419-310-035
William Dickson Heyenga
623 Torrey Pines Rd
Banning CA 92220

419-310-036
Thelma G Bottom
637 Torrey Pines Rd
Banning CA 92220

419-310-037
Adalberto Bolano
649 Torrey Pines Rd
Banning CA 92220

419-310-038
Skasick Family Trust Dtd
663 Torrey Pines Rd
Banning CA 92220

419-310-039
Worthen Dorothy B Family Trust Dtd
679 Torrey Pines Rd
Banning CA 92220

419-310-040
Sidney Herman
693 Torrey Pines Rd
Banning CA 92220

419-310-041
Melvin D Foster
709 Torrey Pines Rd
Banning CA 92220

419-310-055
Susan Graves
706 Torrey Pines Rd
Banning CA 92220

419-310-056
Bonnie Jo Aulwes
692 Torrey Pines Rd
Banning CA 92220

419-310-057
Leon S Ingram
17303 Lockwood Valley Rd
Frazier Park CA 93225

419-310-058
Jack Randall Ritchey
670 Torrey Pines Rd
Banning CA 92220

419-310-059
Fred Sowash
658 Torrey Pines Rd
Banning CA 92220

419-310-060
Bonnie M Devine
646 Torrey Pines Rd
Banning CA 92220

419-310-061
Karl W Morris
636 Torrey Pines Rd
Banning CA 92220

419-310-062
Sun Lakes Country Club Homeowners
23726 Birtcher Dr
El Toro CA 92630

419-320-010
Mary J Gonzalez
5448 W Pinehurst Dr
Banning CA 92220

419-320-011
Junker Douglas & Damian Deantonio
5466 W Pinehurst Dr
Banning CA 92220

419-320-012
Alger Herbert Johns
5480 W Pinehurst Dr
Banning CA 92220

419-320-013
John Parsek
5494 W Pinehurst Dr
Banning CA 92220

419-320-014
Marvin L & Shirley G. Riddle
5508 W Pinehurst Dr
Banning CA 92220

419-320-015
Leo G Gagnon
5522 W Pinehurst Dr
Banning CA 92220

419-320-016
Terfar Lin
5536 W Pinehurst Dr
Banning CA 92220

419-320-017
Mary E Herchberger
5550 W Pinehurst Dr
Banning CA 92220

419-320-018
Carole Marie Butcher
5564 W Pinehurst Dr
Banning CA 92220

419-320-019
Cathy A Thomason
5578 W Pinehurst Dr
Banning CA 92220

419-320-020
Prophet Laverne Trust
5592 W Pinehurst Dr
Banning CA 92220

419-320-021
Tri Thanh Ngo
477 S Maidstone St
Banning CA 92220

419-320-022
Joseph Harbison
447 S Maidstone St
Banning CA 92220

419-320-023
David G Mora
436 S Maidstone St
Banning CA 92220

419-320-024
Robinson Sheryl Trust
466 S Maidstone St
Banning CA 92220

419-320-025
Mcmillion Betty D Trust
5549 W Pinehurst Dr
Banning CA 92220

419-320-026
Tierney Family Trust
5531 W Pinehurst Dr
Banning CA 92220

419-320-027
Philip Pogue
5515 W Pinehurst Dr
Banning CA 92220

419-320-028
Michael R Smith
5501 W Pinehurst Dr
Banning CA 92220

419-320-029
Julie Valentine Bigony
481 S Seminole Ct
Banning CA 92220

419-320-030
Jo Anne Chung
1900 Hwy 10
Huntington Beach CA 92648

419-320-031
Cecil R Reos
5498 Riviera Ave
Banning CA 92220

419-320-032
Corinne J Oreilly
5484 Riviera Ave
Banning CA 92220

419-320-033
Scott John Charles Sr & Betty Fay
5470 W Riviera Ave
Banning CA 92220

419-320-034
Jimmie L Cunnigan
5456 Riviera Ave
Banning CA 92220

419-320-035
Michael Geoffrey Owen
5440 Riviera Ave
Banning CA 92220

419-320-036
Richard Dennis Peterson
490 S Seminole Ct
Banning CA 92220

419-320-037
Diefendorf Family Trust
518 S Seminole Ct
Banning CA 92220

419-320-038
Don Sabin Ferreira
542 S Seminole Ct
Banning CA 92220

419-320-039
Patricia Portillo
5465 W Pinehurst Dr
Banning CA 92220

419-320-040
Gilbert Waring Waring
5451 W Pinehurst Dr
Banning CA 92220

419-320-069
Roger J Ford
5589 Riviera Ave
Banning CA 92220

419-320-070
John F Randel
5575 Riviera Ave
Banning CA 92220

419-320-071
Lola J Parchment
5561 Riviera Ave
Banning CA 92220

419-320-072
Rafael Labrado
5547 Riviera Ave
Banning CA 92220

419-320-073
Arons Shelly Trust
5533 Riviera Ave
Banning CA 92220

419-320-074
Traniece Lewis
5519 Riviera Ave
Banning CA 92220

419-320-075
Arthur G Line
5505 Riviera Ave
Banning CA 92220

419-320-076
Bonnie B Meltvedt
5491 Riviera Ave
Banning CA 92220

419-320-077
Lawrence O Foy
5477 Riviera Ave
Banning CA 92220

419-320-078
Ted D Linder
5463 Riviera Ave
Banning CA 92220

419-320-079
Gloria Rosemary Oconnor
5449 Riviera Ave
Banning CA 92220

419-320-080
Marguerite A Cross
5435 Riviera Ave
Banning CA 92220

419-320-089
Sun Lakes Country Club Homeowners
P O Box 19672
Irvine CA 92713

419-370-009
Charles R Nagy
569 Twin Hills Dr
Banning CA 92220

419-370-010
Jeffrey Scott Howland
11267 Snowview Ct
Yucaipa CA 92399

419-370-011
Jack M Gutting
5049 Rolling Hills Ave
Banning CA 92220

419-370-012
Richard E Norton
5037 Rolling Hills Ave
Banning CA 92220

419-370-013
Hix Family Trust Dtd
5025 Rolling Hills Ave
Banning CA 92220

419-370-014
Hinckley G Bradford Trust
5013 Rolling Hills Ave
Banning CA 92220

419-370-032
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-370-033
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-370-034
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-370-037
Sun Lakes Country Club Homeowners
19 Corporate Plz
Newport Beach CA 92660

419-370-041
Helga W Sieg
5062 Rolling Hills Ave
Banning CA 92220

419-370-042
Janu Family Trust
524 Sandpiper St
Banning CA 92220

419-370-043
Bruce Louis Brown
512 Sandpiper St
Banning CA 92220

419-370-044
Helga W Sieg
5062 Rolling Hills Ave
Banning CA 92220

419-370-045
Fratus Family Trust Dtd
488 Sandpiper St
Banning CA 92220

419-370-046
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-370-047
Sun Lakes Country Club Homeowners
850 Country Club Dr
Banning CA 92220

419-370-048
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

419-370-049
Ronald E Krogh
553 Sandpiper St
Banning CA 92220

419-370-050
Daniel Biddle
541 Sandpiper St
Banning CA 92220

419-370-051
David P Madon
529 Sandpiper St
Banning CA 92220

419-370-052
Ronald A Biggs
517 Sandpiper St
Banning CA 92220

419-370-053
John Mursa
505 Sandpiper St
Banning CA 92220

419-370-054
Margaret Anne Bundschuh
493 Sandpiper St
Banning CA 92220

419-370-055
Alan E Ronska
43980 Mahlon Vail Rd #240
Temecula CA 92592

419-370-056
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

419-370-057
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-370-073
Joseph A Bottiglieri
5028 Rolling Hills Ave
Banning CA 92220

419-370-074
Christine H Pauley
5016 Rolling Hills Ave
Banning CA 92220

419-370-075
Constantino B Albera
5004 Rolling Hills Ave
Banning CA 92220

419-370-076
James Kyongjin Kim
4992 Rolling Hills Ave
Banning CA 92220

419-370-077
Harry W Finigan
4980 Rolling Hills Ave
Banning CA 92220

419-400-001
Beverly R Jones
469 Sandpiper St
Banning CA 92220

419-400-002
Jean Adeline Swetland
17782 Whitney Dr
North Tustin CA 92705

419-400-003
Anthony Lyndell Jones
801 Rainier Ave
Renton WA 98057

419-400-004
Jill M Falat
437 Sandpiper St
Banning CA 92220

419-400-005
James H Crosby
429 Sandpiper St
Banning CA 92220

419-400-006
Nancy A Pollacek
421 Sandpiper St
Banning CA 92220

419-400-007
Matthis Family Trust Dtd
413 Sandpiper St
Banning CA 92220

419-400-008
Jon L Petrie
1278 Pine Valley Rd
Banning CA 92220

419-400-009
Catherine Jane Wilson
2252 241st St
Lomita CA 90717

419-400-010
Mason Dolph & Karla Family Trust
299 Brooklawn Dr
Banning CA 92220

419-400-011
Maria Marta Lucich
293 Brooklawn Dr
Banning CA 92220

419-400-012
Howard J Kim
287 Brooklawn Dr
Banning CA 92220

419-400-013
William Ngo Sy
281 Brooklawn Dr
Banning CA 92220

419-400-014
Steven Cooke
275 Brooklawn Dr
Banning CA 92220

419-400-015
Jamie Jo Taylor
269 Brooklawn Dr
Banning CA 92220

419-400-016
Gerald F Russes
386 Northwood Ave
Banning CA 92220

419-400-017
Lyla Gail Wolden
398 Northwood Ave
Banning CA 92220

419-400-018
Raymond A Paquette
410 Northwood Ave
Banning CA 92220

419-400-019
James A Manley
422 Northwood Ave
Banning CA 92220

419-400-020
C K Pappadato
434 Northwood Ave
Banning CA 92220

419-400-021
Stratton Paul Joseph & Anna Luisa
446 Northwood Ave
Banning CA 92220

419-400-022
Hendrik L Vanvliet
5016 Rolling Hills Ave
Banning CA 92220

419-400-023
Gregg Trust
470 Northwood Ave
Banning CA 92220

419-400-024
Myrna E Treacy
482 Northwood Ave
Banning CA 92220

419-400-025
Erin S Simpson
494 Northwood Ave
Banning CA 92220

419-400-026
Anthony Kent Hayworth
506 Northwood Ave
Banning CA 92220

419-400-027
Mildred L Hunter
518 Northwood Ave
Banning CA 92220

419-400-028
Leon P Noel
530 Northwood Ave
Banning CA 92220

419-400-029
Sax Trust Excuted
542 Northwood Ave
Banning CA 92220

419-400-030
Stawry E Kary
554 Northwood Ave
Banning CA 92220

419-400-031
Giordano Janet Trust
566 Northwood Ave
Banning CA 92220

419-400-032
Karen Rae Whempner
578 Northwood Ave
Banning CA 92220

419-400-033
Richard N Peck
590 Northwood Ave
Banning CA 92220

419-400-034
Hannsjuergen H Neugebauer
602 Northwood Ave
Banning CA 92220

419-400-035
John A Rawle
614 N0rthwood Ave
Banning CA 92220

419-400-036
Michael B Jordan
591 Northwood Ave
Banning CA 92220

419-400-037
Terrence Mcgriff
579 Northwood Ave
Banning CA 92220

419-400-038
Jose A Campuzano
567 Northwood Ave
Banning CA 92220

419-400-039
Vargo Edward R & Marilynne G Trust
555 Northwood Ave
Banning CA 92220

419-400-040
Chaitanya B Purohit
543 Northwood Ave
Banning CA 92220

419-400-041
Jerry Joe Bowman
531 Northwood Ave
Banning CA 92220

419-400-042
Carl Henry Kalb
519 Northwood Ave
Banning CA 92220

419-400-043
Randy Lauder
507 Northwood Ave
Banning CA 92220

419-400-044
James A Jorgenson
495 Northwood Ave
Banning CA 92220

419-400-045
David Contreras
Po Box 579
Palm Springs CA 92263

419-400-046
Joan Marie Decker
471 Northwood Ave
Banning CA 92220

419-400-047
Elpidio T Gabriel
459 Northwood Ave
Banning CA 92220

419-400-048
Kenneth C Anderson
447 Northwood Ave
Banning CA 92220

419-400-049
Christopher Salazar
435 Northwood Ave
Banning CA 92220

419-400-050
Bomar Trust Dtd
423 Northwood Ave
Banning CA 92220

419-400-051
Patricia Burke Moore
411 Northwood Ave
Banning CA 92220

419-400-052
Bewick Margarett Trust Dtd
399 Northwood Ave
Banning CA 92220

419-400-053
Martha Jane Brown
458 W Virginia Ave
Glendora CA 91741

419-400-054
Anita Taylor
375 Northwood Ave
Banning CA 92220

419-400-055
Ware Donna Marie Trust Dtd
363 Northwood Ave
Banning CA 92220

419-400-056
Gloria E Runnels
351 Northwood Ave
Banning CA 92220

419-400-057
America Mary Wesley
339 Northwood Ave
Banning CA 92220

419-400-058
Darleen Inez Moxon
327 Northwood Ave
Banning CA 92220

419-400-059
Modesto G Gonzalez
315 Northwood Ave
Banning CA 92220

419-400-060
Jackie L Sumners
301 Northwood Ave
Banning CA 92220

419-400-061
Ralph D Cervantes
350 Northwood Ave
Banning CA 92220

419-400-062
Cindy Lou Medley
362 Northwood Ave
Banning CA 92220

419-400-063
Karina C Boontherntup
374 Northwood Ave
Banning CA 92220

419-400-064
Richard D Kern
268 Brooklawn Dr
Banning CA 92220

419-400-065
Beverly Guenin
274 Brooklawn Dr
Banning CA 92220

419-400-066
Francis Gamal Shenouda &
280 Brooklawn Dr
Banning CA 92220

419-400-067
Richard A Spaulding
286 Brooklawn Dr
Banning CA 92220

419-400-068
John Shain Haldeman
292 Brooklawn Dr
Banning CA 92220

419-400-069
Spinden Alfred & Carol Trust Dtd
298 Brooklawn Dr
Banning CA 92220

419-400-070
Brown Trust October ,
304 Brooklawn Dr
Banning CA 92220

419-400-071
Betty L Starr
322 Brooklawn Dr
Banning CA 92220

419-400-072
Strona Barbara J Family Trust
340 Brooklawn Dr
Banning CA 92220

419-400-073
Gregory Scott Nicholson
356 Brooklawn Dr
Banning CA 92220

419-400-074
Sam M Sardo
3021 Las Brisas Trl
Jamul CA 91935

419-400-075
Pitt Family Trust Dtd
378 Brooklawn Dr
Banning CA 92220

419-400-076
David R Allred
384 Brooklawn Dr
Banning CA 92220

419-400-077
Teleki Family Trust Dtd
245 College St
Mountain View CA 94040

419-400-078
Neal A Berry
476 Sandpiper St
Banning CA 92220

419-400-079
Ronald L Mitchell
13668 Oak Mountain Dr
Yucaipa CA 92399

419-400-080
Cheryl D Dobrzynski
452 Sandpiper St
Banning CA 92220

419-400-081
Anderson Janet S Family Trust
440 Sandpiper St
Banning CA 92220

419-400-082
The Mcelwain Family Trust
428 Sandpiper St
Banning CA 92220

419-400-083
Haffer Family Trust
416 Sandpiper St
Banning CA 92220

419-400-084
Kadolph Family Trust
404 Sandpiper St
Banning CA 92220

419-400-085
George H Rumph
392 Sandpiper St
Banning CA 92220

419-400-086
Kobes Family Trust
1601 Fairway Oaks
Banning CA 92220

419-400-087
Kenneth W Ellison
387 Brooklawn Dr
Banning CA 92220

419-400-088
Dorothy Ann Rumph
2314 Wailea Beach Dr
Banning CA 92220

419-400-089
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

419-410-001
Marilyn A Garn
398 Brooklawn Dr
Banning CA 92220

419-410-002
James P Huckabey
404 Brooklawn Dr
Banning CA 92220

419-410-003
Helen Joara Minor
410 Brooklawn Dr
Banning CA 92220

419-410-004
Jairo J Gaviria
416 Brooklawn Dr
Banning CA 92220

419-410-045
Peter J Barrett
399 Brooklawn Dr
Banning CA 92220

419-410-046
Shova William H & Barbara A Rev Liv
405 Brooklawn Dr
Banning CA 92220

419-410-047
Gerald Darwin Garver
411 Brooklawn Dr
Banning CA 92220

419-410-048
Dennis E Field
417 Brooklawn Dr
Banning CA 92220

419-410-049
Yolanda Josephine Salas
423 Brooklawn Dr
Banning CA 92220

419-410-066
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

440-010-012
Katherine Thurston
626 Pine Valley Rd
Banning CA 92220

440-010-013
Sandra Lee Chaffin
612 Pine Valley Rd
Banning CA 92220

440-010-014
Beverly Simmons
598 Pine Valley Rd
Banning CA 92220

440-010-015
Ahe Susan Cain Von Der
1945 Port Weybridge Pl
Newport Beach CA 92660

440-010-016
Albert M Denitto
3890 Vista Campana S Unit
Oceanside CA 92057

440-010-017
Sherman G Elrod
564 Pine Valley Rd
Banning CA 92220

440-010-018
Dean Smith
552 Pine Valley Rd
Banning CA 92220

440-010-019
Ulysses A Jesus
540 Pine Valley Rd
Banning CA 92220

Record Gazette
218 N Murray St.

Proof of Publication
(2015.5 C.C.P.)

PHN 21-7008

State of California)
County of Riverside) **ss.**

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

May 31, 2024

Executed on: 05/31/2024

At Banning ,CA

I ceritfy (or declare) under penalty of perjury that the foregoing is true and correct.

Kelley Matthews
Signature

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF TENTATIVE PARCEL MAP NO. 38164 AND AN APPEAL BY THE PASS ACTION GROUP (PAG) OF THE PLANNING COMMISSIONS APPROVAL OF DESIGN REVIEW NO. 21-7008, BOTH FOR THE BANNING POINT PROJECT A PROPOSED MIXED-USE INDUSTRIAL AND RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL, WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL AND RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. (APN: 419-140-057)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held Tuesday, June 11, 2024, at 5:00 p.m. (or as soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California. On May 6, 2024, a Riverside County Superior Court issued a Writ of Mandate in Pass Action Group v. City of Banning, et al., (1) ordering the City within 90 days to set aside and vacate all prior approvals of the Banning Point Project in which former City of Banning Councilmember Hamlin participated, including City Council Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project, and (2) instructing the City that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of former Council Member Hamlin. In accordance with the Writ, the City Council will consider (without the participation of former Council Member Hamlin) (1) an application for approval of Tentative Parcel Map No. 38164, allowing the subdivision of approximately forty-seven (47) gross acres of vacant land into three (3) parcels, and (2) an appeal by the Pass Action Group (PAG) of the Planning Commission's approval of Design Review No. 21-7008, on December 1, 2021 (by adoption of Planning Commission Resolution No. 2021-16 by a 3-2-0 vote), together permitting the construction of a proposed mixed-use industrial and retail development on approximately 37-acres of a 47-acre parcel within the Sun Lakes Village North Specific Plan, as amended (collectively, the Project). The Project includes a shell industrial building measuring approximately 619,959 square feet, which includes approximately 10,000 square feet of office space. In addition, the Project proposes six (6) retail and restaurant buildings totaling approximately 34,000 square feet. The Project has been reviewed in connection with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Community Development Department staff have reviewed the Final Program Environmental Impact Report (FEIR) for the Sun Lakes Village North Specific Plan Amendment No. 5 project, certified by the City Council on December 8, 2020 (by adoption of Resolution 2020-141), and the Statement of Overriding Considerations, including the Mitigation, Monitoring, and Reporting Program (MMRP), adopted by the City Council on the same day, to determine if the Project is within the scope of what was analyzed in that FEIR, which is now beyond challenge.. Based on this review, an addendum/consistency checklist, entitled Banning Point Addendum / Consistency Checklist to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report (updated version dated February 10, 2022) (Addendum) has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). The Addendum evaluated the Projects potential environmental effects in light of those effects previously disclosed in the FEIR to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred. Community Development Department staff have determined that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the FEIR; (ii) all applicable mitigation measures in the FEIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum.

To observe the live meeting through your personal computer or smart phone enter the following link: https://banninglive.viebit.com or view on the Banning Government Channel on Cable Television Information regarding Tentative Parcel Map No. 38164, Design Review No. 21-7008, and the CEQA Determination (Addendum) can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID= . All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at 99 E. Ramsey Street, Banning, CA 92220. If you challenge any decision regarding the above Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Administrative City Clerk of the City of Banning at, or prior to, the public hearing (Cal. Gov. Code, 65009(b)(3)). BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA
Adam Rush, M.A., AICP
Community Development Director
Dated: May 25, 2024
Publish: May 31, 2024

City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF TENTATIVE PARCEL MAP NO. 38164 AND AN APPEAL BY THE PASS ACTION GROUP (PAG) OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW NO. 21-7008, BOTH FOR THE BANNING POINT PROJECT A PROPOSED MIXED-USE INDUSTRIAL AND RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL, WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL AND RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. (APN: 419-140-057)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held Tuesday, July 9, 2024, at 5:00 p.m. (or as soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California. On May 6, 2024, a Riverside County Superior Court issued a Writ of Mandate in Pass Action Group v. City of Banning, *et al.*, (1) ordering the City within 90 days to set aside and vacate all prior approvals of the Banning Point Project in which former City of Banning Councilmember Hamlin participated, including City Council Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project, and (2) instructing the City that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of former Councilmember Hamlin. In accordance with the Writ, the City Council will consider (without the participation of former Councilmember Hamlin) (1) an application for approval of Tentative Parcel Map No. 38164, allowing the subdivision of approximately forty-seven (47) gross acres of vacant land into three (3) parcels, and (2) an appeal by the Pass Action Group (PAG) of the Planning Commission's approval of Design Review No. 21-7008, on December 1, 2021 (by adoption of Planning Commission Resolution No. 2021-16 by a 3-2-0 vote), together permitting the construction of a proposed mixed-use industrial and retail development on approximately 37-acres of a 47-acre parcel within the Sun Lakes Village North Specific Plan, as amended (collectively. the "Project"). The Project includes a shell industrial building measuring approximately 619,959 square feet, which includes approximately 10,000 square feet of office space. In addition, the Project proposes six (6) retail and restaurant buildings totaling approximately 34,000 square feet.

The Project has been reviewed in connection with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Community Development Department staff have reviewed the Final Program Environmental Impact Report (FEIR) for the "Sun Lakes Village North Specific Plan Amendment No. 5" project, certified by the City Council on December 8, 2020 (by adoption of Resolution 2020-141), and the Statement of Overriding Considerations, including the Mitigation, Monitoring, and Reporting Program (MMRP), adopted by the City Council on the same day, to determine if the Project is within the scope of what was analyzed in that FEIR, which is now beyond challenge. Based on this review, an addendum/consistency checklist, entitled "Banning Point Addendum / Consistency Checklist to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report" (updated version dated February 10, 2022) ("Addendum") has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). The Addendum evaluated the Project's potential environmental effects in light of those effects previously disclosed in the FEIR to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred. Community Development Department staff have determined that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the FEIR; (ii) all applicable mitigation measures

in the FEIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum.

To observe the live meeting through your personal computer or smart phone enter the following link: https://banninglive.viebit.com or view on the Banning Government Channel on Cable Television

Information regarding Tentative Parcel Map No. 38164, Design Review No. 21-7008, and the CEQA Determination (Addendum) can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at PO Box 998, Banning, CA 92220, or personally deliver to: 99 E. Ramsey Street, Banning, CA 92220.

If you challenge any decision regarding the above Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Administrative City Clerk of the City of Banning at, or prior to, the public hearing (Cal. Gov. Code, § 65009(b)(3)).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

/s/ Emery J. Papp, Senior Planner

Dated: June 11, 2024
Publish: June 28, 2024

Record Gazette
218 N Murray St.

Proof of Publication
(2015.5 C.C.P.)

NPH 21-7008

State of California)
County of Riverside) **ss.**

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above matter. I am the principal clerk of the printer and publisher of Record Gazette, a newspaper published in the English language in the City of Banning, County of Riverside, and adjudicated a newspaper of general circulation as defined by the laws of the state of California by the Superior Court of the County of Riverside, under the date October 14, 1966, Case No. 54737. That the notice, of which the annexed is a copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

June 28, 2024

RECEIVED
JUL 02 2024
City of Banning
City Clerk's Office

Executed on: 06/28/2024

At Banning ,CA

I ceritfy (or declare) under penalty of perjury that the foregoing is true and correct.

Kelley Matthews
Signature

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF TENTATIVE PARCEL MAP NO. 38164 AND AN APPEAL BY THE PASS ACTION GROUP (PAG) OF THE PLANNING COMMISSIONS APPROVAL OF DESIGN REVIEW NO. 21-7008, BOTH FOR THE BANNING POINT PROJECT A PROPOSED MIXED-USE INDUSTRIAL AND RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL, WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL AND RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. (APN: 419-140-057)

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/s/ Emery J. Papp, Senior Planner
Dated: June 11, 2024 Publish: June 28, 2024

AFFIDAVIT OF MAILING OF NOTICE OF PUBLIC HEARING

Project: DR 21-7008 & TPM 38164

The undersigned hereby certifies as follows:

I am now, and at all times hereinafter mentioned was, the Development Project Coordinator of the City of Banning, California.

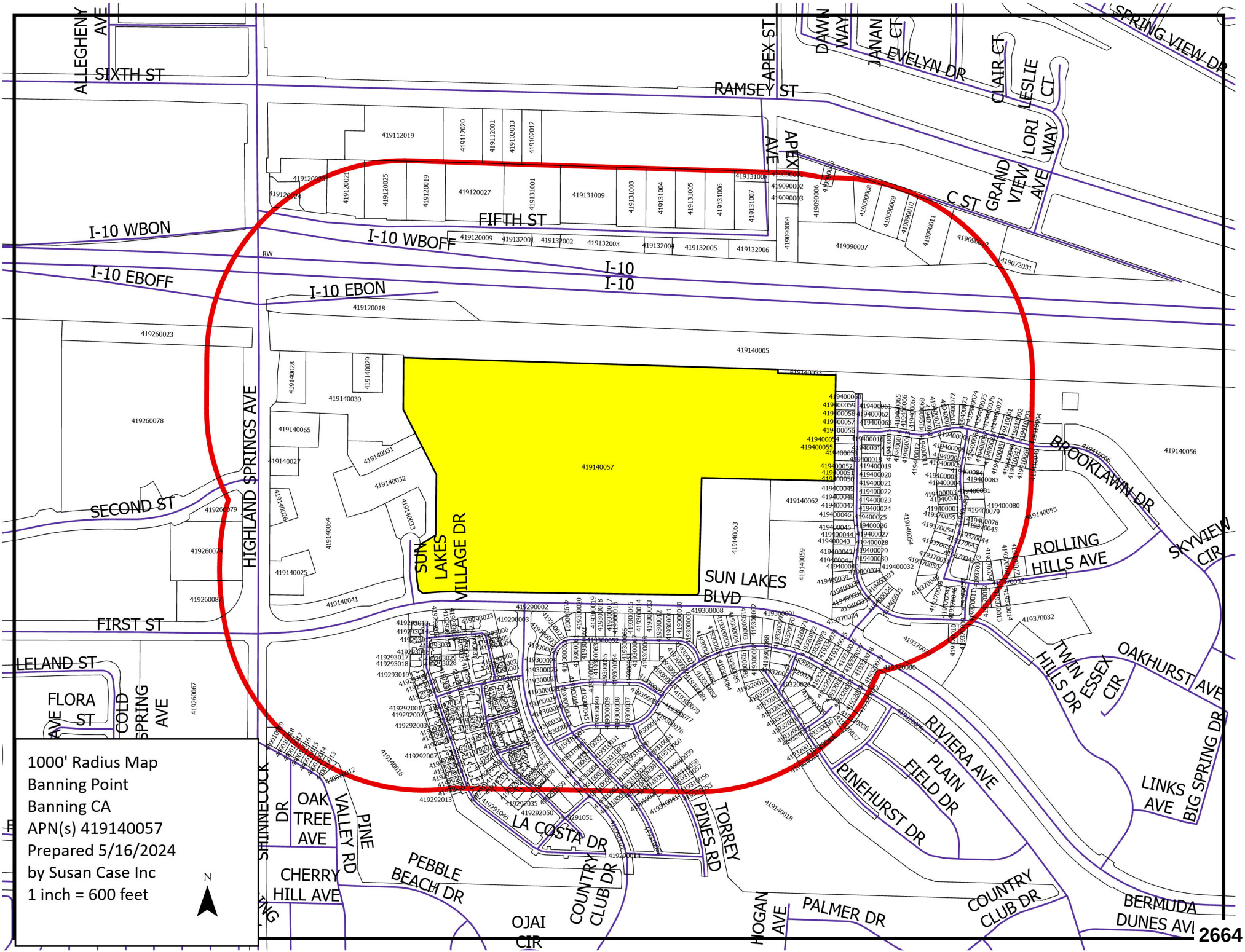
On the 25th day of June, 2024, pursuant to Government Code Sections 65091(a)(1) and (a)(4) and Banning Municipal Code Sections 17.68.020(B)(2) and (B)(3), I caused to be mailed by first-class mail, postage prepaid, a true and correct copy of the notice of public hearing attached hereto as Exhibit "B" to the owner of the real property that is the subject to the public hearing and to each property owner within 1000 feet of the subject real property, at the respective names and addresses listed in Exhibit "A," as shown on the latest equalized assessment roll or the records of the Riverside County Office of the Treasurer-Tax Collector.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on the 25th day of June, 2024, at City of Banning, County of Riverside, State of California.

Sandra B. Calderon
Development Project Coordinator
City of Banning

EXHIBIT “A”
(Attached)


1000' Radius Map
Banning Point
Banning CA
APN(s) 419140057
Prepared 5/16/2024
by Susan Case Inc
1 inch = 600 feet
N
ALLEGHENY AVE
SIXTH ST
RAMSEY ST
APEX ST
APEX AVE
DAWN WAY
JANAN CT
EVELYN DR
CLAIR CT
LESLIE CT
LORI WAY
SPRING VIEW DR
GRAND VIEW AVE
C ST
FIFTH ST
I-10 WBON
I-10 WBOFF
I-10 EBOFF
I-10 EBON
I-10
I-10
RW
HIGHLAND SPRINGS AVE
SECOND ST
FIRST ST
LELAND ST
FLORA ST
COLD SPRING AVE
SUN LAKES VILLAGE DR
SUN LAKES BLVD
BROOKLAWN DR
ROLLING HILLS AVE
SKYVIEW CIR
TWIN HILLS DR
ESSEX CIR
OAKHURST AVE
RIVIERA AVE
PLAIN FIELD DR
PINEHURST DR
LINKS AVE
BIG SPRING DR
TORREY PINES RD
LA COSTA DR
COUNTRY CLUB DR
PEBBLE BEACH DR
CHERRY HILL AVE
OAK TREE AVE
VALLEY RD
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SUSAN W. CASE, INC.
4000 BARRANCA PKWY #250
IRVINE CA 92604
PHONE OR TEXT (949) 494-6105
orders@susancaseinc.com

Certificate of Preparation

The attached list includes the names and addresses of all property owners within 1000' from the exterior boundaries of the following addresses/APNs.

ADDRESS: Banning Point, Banning

APNs: 419-140-057

This information was obtained through First American Core Logic, a data source utilizing the county assessor rolls and other available resources. This information is generally deemed reliable, but is not guaranteed. Return of property addresses that are deemed undeliverable by the United States Postal Service, is therefore, a possibility.

Susan W. Case, Inc. is not responsible for providing further investigation of said labels. Acceptance of this package acknowledges this fact.

Laura Emerson

Laura Emerson
Susan W. Case, Inc.
laura@susancaseinc.com

Date: 05/16/2024

419-072-031
Priscilla L Knights
5527 Wendy Ct
Banning CA 92220

419-090-001
Veronica Guadalupe Perez
260 Apex Ave
Banning CA 92220

419-090-002
Mgmt-iii Starlite
4900 Santa Anita Ave #2C
El Monte CA 91731

419-090-003
Arturo R Arroyo
280 Apex Ave
Banning CA 92220

419-090-004
B 10
1971 W 190th St #100
Torrance CA 90504

419-090-005
Cecc Properties
10815 Fairview Dr
Cherry Valley CA 92223

419-090-006
Leslie Frank Conn
999 Elm Ave
Beaumont CA 92223

419-090-007
B 10
1971 W 190th St #100
Torrance CA 90504

419-090-008
Lawrence L Slusser
43224 Ormsby Rd
Temecula CA 92592

419-090-009
B 10
1971 W 190th St #100
Torrance CA 90504

419-090-010
Slusser Trust Established 09/21/1989
43224 Ormsby Rd
Temecula CA 92592

419-090-011
Lawrence L Slusser
43224 Ormsby Rd
Temecula CA 92592

419-090-012
Kashi N Shaw
25967 Juanita St
Bryn Mawr CA 92318

419-102-012
Teresa Bagnara
5970 W Ramsey St
Banning CA 92220

419-102-013
Bagnara Trust Dtd 8/11/20
39712 Brookside Ave
Cherry Valley CA 92223

419-112-001
Bagnara Trust Dtd 8/11/20
39712 Brookside Ave
Cherry Valley CA 92223

419-112-019
Palmmarket.com Inc
10685 Cayenne Way
Fontana CA 92337

419-112-020
Kc Dev Genesis
2000 16th St
Denver CO 80202

419-120-009
Prop Tlc
77 El Duna Ct
Palm Desert CA 92211

419-120-018
City Of Banning
P O Box 998
Banning CA 92220

419-120-019
Palmmarket.com Inc
10685 Cayenne Way
Fontana CA 92337

419-120-021
Eduardo Perez Cruz
6261 Joshua Palmer Way
Banning CA 92220

419-120-023
Corners Inc
27290 Scott Rd
Menifee CA 92584

419-120-024
Corners Inc
P O Box 285
Houston TX 77001

419-120-025
Palmmarket.com Inc
10685 Cayenne Way
Fontana CA 92337

419-120-027
Banning Sagemont
1713 Spyglass Ct
Beaumont CA 92223

419-131-001
Highland Springs Jp
4 Executive Cir #250
Irvine CA 92614

419-131-003
Khan Mac Umer Revocable Trust Dtd
18820 Floorwood Ave
Torrance CA 90250

419-131-004
Reyes Belen Duran
15485 Caballo Rd
Moreno Valley CA 92555

419-131-005
Hsiuchu Chen Hou
9453 Canyon Oaks Ct
Rancho Cucamonga CA 91730

419-131-006
Robert Eric Jimenez
6881 Wyndham Hill Pl
Riverside CA 92509

419-131-007
Robert Eric Jimenez
7951 Arlington Ave
Riverside CA 92503

419-131-008
Jon L Kesner
261 Apex Ave
Banning CA 92220

419-131-009
Jctp
2435 W Westward Ave
Banning CA 92220

419-132-001
Prop Tlc
77 El Duna Ct
Palm Desert CA 92211

419-132-002
Marilyn J Legerat
5571 Mountainview Ave
Yorba Linda CA 92886

419-132-003
Group Inv Stella
1678 Calle Solejar
Redlands CA 92373

419-132-004
Victor Manuel Ortega
5778 Joshua Palmer Way
Banning CA 92220

419-132-005
Madhouse Investments
Po Box 30067
Stockton CA 95213

419-132-006
Helmers Rosalie M Rev Trust
14396 Summer Glen Grove
Colorado Springs CO 80921

419-140-005
Southern Pacific Transportation Co
1700 Farnam St
Omaha NE 68102

419-140-016
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-018
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-025
Sun Lakes Inv
41 E Foothill Blvd #200
Arcadia CA 91006

419-140-026
U S Bank Natl Assn
Po Box 460169
Houston TX 77056

419-140-027
Prop Mac5
315 Via Montanera
Anaheim CA 92807

419-140-028
Yousef Sobhy G & Marsha B
3675 Torito Cir
Palm Springs CA 92264

419-140-029
Sun Lakes Inv
41 E Foothill Blvd #200
Arcadia CA 91006

419-140-030
Albertsons Inc
250 E Parkcenter Blvd
Boise ID 83706

419-140-031
Lakes Inv Sun
4105 E Foothill Blvd #200
Arcadia CA 91006

419-140-032
Thrifty Payless Inc
4704 Yerba Santa Dr
San Diego CA 92115

419-140-033
Lakes Inv Sun
41 E Foothill Blvd #200
Arcadia CA 91006

419-140-041
Marinita-Sage Rancho
3835 Birch St
Newport Beach CA 92660

419-140-053
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-054
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-055
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-056
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-140-057
Lakes Highland Sun
1200 N 52 Nd St
Phoenix AZ 85008

419-140-059
Epic Management
1615 Orange Tree Ln
Redlands CA 92374

419-140-062
Banning Inv Mld
Po Box 71970
Phoenix AZ 85050

419-140-063
Banning Inv Mld
Po Box 71970
Phoenix AZ 85050

419-140-064
Marinita-Sage Rancho
3835 Birch St
Newport Beach CA 92660

419-140-065
Hyrosen Prop Inc
1887 Business Center Dr
San Bernardino CA 92408

419-260-023
Southern Pacific Transportation Co
1700 Farnam St S
Omaha NE 68102

419-260-067
EPC Highland Springs LLC
4500 Dorr St
Toledo OH 43615

419-260-074
State of California
195 Highland Springs Ave
Beaumont CA 92223

419-260-078
Beaumont Brixton
120 S Sierra Ave
Solana Beach CA 92075

419-260-079
Beaumont Brixton
120 S Sierra Ave
Solana Beach CA 92075

419-260-087
Thrifty Payless Inc
PO Box 3165
Harrisburg PA 17105

419-290-002
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-003
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-005
Lakeside Community Assn
850 Country Club Dr
Banning CA 92220

419-290-013
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-014
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-290-022
Security Trust Co
19 Corporate Plaza
Newport Beach CA 92660

419-291-041
Lindquist Patrice Revocable Trust Est
614 La Costa Dr
Banning CA 92220

419-291-046
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-291-050
Carol J Meagher
662 La Quinta Dr
Banning CA 92220

419-291-051
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-292-001
Blum-reynolds Family Trust 4/7/09
507 La Costa Dr
Banning CA 92220

419-292-002
Eugene M Hill
515 La Costa Dr
Banning CA 92220

419-292-003
Shirley Rivera
Po Box 802714
Santa Clarita CA 91380

419-292-004
Beres Jolan Revocable Living Trust
531 La Costa Dr
Banning CA 92220

419-292-005
Scott Rebecca Sue Living Trust Dtd
2453 Birdie Dr
Banning CA 92220

419-292-006
Jeffreys Laurel E Revocable Living
545 La Costa Dr
Banning CA 92220

419-292-007
Dacus Family Trust Dtd 02/11/88
Po Box 1221
Banning CA 92220

419-292-008
Thomas N Vacar
724 Del Ganado Rd
San Rafael CA 94903

419-292-009
Parish Carl & Chrysanthe Trust Dtd
573 La Costa Dr
Banning CA 92220

419-292-010
Corrigan James Patrick Revocable
579 La Costa Dr
Banning CA 92220

419-292-011
Jacob K Charlot
587 La Costa Dr
Banning CA 92220

419-292-012
Robert A Glaubig
595 La Costa Dr
Banning CA 92220

419-292-013
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-014
Loei401
14071 Peyton Dr #155
Chino Hills CA 91709

419-292-015
Gojaniuk Mary H Revocable Trust
588 La Costa Dr
Banning CA 92220

419-292-016
George H Myers
13159 San Felipe
La Mirada CA 90638

419-292-017
Freeman Lynne L Living Trust
572 La Costa Dr
Banning CA 92220

419-292-018
Betty J Batson
564 La Costa Dr
Banning CA 92220

419-292-019
Nancy Samaan
3879 Mira Arena
Palm Springs CA 92262

419-292-020
Chao Family Trust 12/29/2022
6011 Warwick Hills Way
Banning CA 92220

419-292-021
Dorothy J Buterbaugh
540 La Costa Dr
Banning CA 92220

419-292-022
Joann A Slivkoff
532 La Costa Dr
Banning CA 92220

419-292-023
Severson Socorro Living Trust Dtd
526 La Costa Dr
Banning CA 92220

419-292-024
John P Albade
518 La Costa Dr
Banning CA 92220

419-292-025
Juana Cota Barrios
510 La Costa Dr
Banning CA 92220

419-292-026
Marquez Ana Maria Revocable Living
555 La Quinta Dr
Banning CA 92220

419-292-027
Hernandez Julie Judith Revocable
33303 Wallace Way
Yucaipa CA 92399

419-292-028
Benito Sanchez Plata
571 La Quinta Dr
Banning CA 92220

419-292-029
Patricia Ann Wholley
581 La Quinta Dr
Banning CA 92220

419-292-030
Rodney Jones
587 La Quinta Dr
Banning CA 92220

419-292-031
Karla R Joseph
Po Box 2787
Mcdonough GA 30253

419-292-032
Walter Steve Harper
611 La Quinta Dr
Banning CA 92220

419-292-033
Gordon Chaegois
14728 Pipeline Ave #G
Chino Hills CA 91709

419-292-034
Phillips Beverly Ruth Living Trust
Po Box 485
Beaumont CA 92223

419-292-035
Traci Ann Mallard
637 La Quinta Dr
Banning CA 92220

419-292-038
Cynthia Ann White-piper
646 La Quinta Dr
Banning CA 92220

419-292-039
Barbara L Miller
638 La Quinta Dr
Banning CA 92220

419-292-040
Bennett Carol A Trust Dated 03/11/19
630 La Quinta Dr
Banning CA 92220

419-292-041
Michalec Patricia A Living Trust
620 La Quinta Dr
Banning CA 92220

419-292-042
Arturo H Varela
6054 Mairfield Ct
Banning CA 92220

419-292-043
Carlos Spinelli
6034 Mairfield Ct
Banning CA 92220

419-292-044
Daniel L Muckenthaler
6014 Mairfield Ct
Banning CA 92220

419-292-045
Irene M Leone
6015 Mairfield Ct
Banning CA 92220

419-292-046
Lundgren Family Trust Dtd 7/7/1993
18220 25th Dr
Bothell WA 98012

419-292-047
Carlton Fleming
6055 Mairfield Ct
Banning CA 92220

419-292-048
Adriana Maria Mercado
6075 Mairfield Ct
Banning CA 92220

419-292-049
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-050
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-051
Oei K A L M Living Trust Dated
2412 Paseo Del Palacio
Chino Hills CA 91709

419-292-052
Aida L Hadid
521 La Quinta Dr
Banning CA 92220

419-292-053
Traci Sue Jones
529 La Quinta Dr
Banning CA 92220

419-292-054
Steven H Kassman
537 La Quinta Dr
Banning CA 92220

419-292-055
Sherry Ferraro
543 La Quinta Dr
Banning CA 92220

419-292-056
Presley Of Southern Calif
4490 Von Karman Ave
Newport Beach CA 92660

419-292-057
Shirley R Orlikoff
1748 Street Ridgeview
Palm Springs CA 92264

419-292-058
Beringson Sharon L Trust
5244 Long Cove Ct
Banning CA 92220

419-292-059
Kimberly Ann Smith
6040 Merion Ct
Banning CA 92220

419-292-060
Phyllis C Davis
6020 Merion Ct
Banning CA 92220

419-292-061
Irene Loughlin
6019 Merion Ct
Banning CA 92220

419-292-062
Jon C Jeffreys
755 Oro Leaf St
Beaumont CA 92223

419-292-063
Harry G Nead
6059 Merion Ct
Banning CA 92220

419-292-064
Steven Craig Parker
6072 St Andrews Way
Banning CA 92220

419-292-065
Elizabeth Rodriguez
6048 St Andrews Way
Banning CA 92220

419-292-066
Carol Y Saule
6024 St Andrews Way
Banning CA 92220

419-292-067
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-293-001
Coffin Daniel F Revocable Living Tr
480 La Quinta Dr
Banning CA 92220

419-293-002
Lenz Frank Melchoir Revocable Living
466 La Quinta Dr
Banning CA 92220

419-293-003
Marva Jones
454 La Quinta Dr
Banning CA 92220

419-293-004
Mary Braudaway
432 La Quinta Dr
Banning CA 92220

419-293-005
Thelma B Willingham
420 La Quinta Dr
Banning CA 92220

419-293-006
Kuwano Suzanne C Family Trust Dtd
3336 Delaware Ave
Santa Monica CA 90404

419-293-007
Hunt Living Trust Dated 7/20/22
6111 Wingfoot Ave
Banning CA 92220

419-293-008
Beverly Snider
6127 Wingfoot Ave
Banning CA 92220

419-293-009
Elizabeth Ann Coll
6141 Wingfoot Ave
Banning CA 92220

419-293-010
Martha E Kendrick
6155 Wingfoot Ave
Banning CA 92220

419-293-011
William T Dunn
6171 Wingfoot Ave
Banning CA 92220

419-293-012
James Nicholl
6187 Wingfoot Ave
Banning CA 92220

419-293-013
Mccloud William Living Trust
405 La Costa Dr
Banning CA 92220

419-293-014
Lingren Louis Living Trust Dtd
415 La Costa Dr
Banning CA 92220

419-293-015
Xiao Dong
2 Liquid Amber
Irvine CA 92620

419-293-016
Helen K Hori
435 La Costa Dr
Banning CA 92220

419-293-017
Janice A Yellon
120 Velwood Dr
Redlands CA 92374

419-293-018
Miller James W Revocable Living
455 La Costa Dr
Banning CA 92220

419-293-019
Kelly Thomas Mcclelland
4932 Rolling Hills Ave
Banning CA 92220

419-293-020
Meines Barbara Family Rev Trust Dtd
475 La Costa Dr
Banning CA 92220

419-293-021
Henry Patrick Victorero
485 La Costa Dr
Banning CA 92220

419-293-022
Joanne Crow Oliver
495 La Costa Dr
Banning CA 92220

419-293-023
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-293-024
Regina M Harrison
6175 St Andrews Way
Banning CA 92220

419-293-025
Barbara C Docouto
6157 St Andrews Way
Banning CA 92220

419-293-026
Elizabeth Alcala Bennett
6139 St Andrews Way
Banning CA 92220

419-293-027
Kenneth C Clark
5272 Breckenridge Ave
Banning CA 92220

419-293-028
David P Sheehan
460 La Costa Dr
Banning CA 92220

419-293-029
Stephen Bacher
450 La Costa Dr
Banning CA 92220

419-293-030
Robert Mitchell Jackson
440 La Costa Dr
Banning CA 92220

419-293-031
Scott James Angell
430 La Costa Dr
Banning CA 92220

419-293-032
Johnson Janis K Living Trust
6170 Wingfoot Ave
Banning CA 92220

419-293-033
Coralynn Bernier
6156 Wingfoot Ave
Banning CA 92220

419-293-034
Pete Steve Martinez
6140 Wingfoot Ave
Banning CA 92220

419-293-035
Mahoney Family Revocable Living
2001 Sheehan Cir
Banning CA 92220

419-293-036
Kington Ronald Edward Living Trust
9222 Walker St
Cypress CA 90630

419-293-037
Steve L Smith
467 La Quinta Dr
Banning CA 92220

419-293-038
Kern Marcella M 2003 Trust Dated
481 La Quinta Dr
Banning CA 92220

419-293-039
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-300-001
Kathleen E Rios
5609 Riviera Ave
Banning CA 92220

419-300-002
Larry A Crawford
5621 Riviera Ave
Banning CA 92220

419-300-003
Stephen J Lehtonen
5633 Riviera Ave
Banning CA 92220

419-300-004
Mattegit Family Trust Dtd 4/6/2000
5647 Riviera Ave
Banning CA 92220

419-300-005
Heins Family Trust Dtd 7/20/23
5659 Riviera Ave
Banning CA 92220

419-300-006
Carolyn Y Day
5671 Riviera Ave
Banning CA 92220

419-300-007
Deissler-schmidt Gloria Family Trust
2324 Hyacinth St
San Bernardino CA 92407

419-300-008
Conroy Reynolds
5701 Oakmont Dr
Banning CA 92220

419-300-009
John C Delongchamp
5723 Oakmont Dr
Banning CA 92220

419-300-010
Mary A Wilson
5747 Oakmont Dr
Banning CA 92220

419-300-011
Wiegand John J Living Trust 9/9/21
5760 Oakmont Dr
Banning CA 92220

419-300-012
Joseph Morgan Williams
5787 Oakmont Dr
Banning CA 92220

419-300-013
William Jeff Kallal
431 E Merrimac St
Upland CA 91784

419-300-014
Theresa E Walton
5831 Oakmont Dr
Banning CA 92220

419-300-015
Ricardo M Aisenberg
6 Locksley Ave #8-H
San Francisco CA 94122

419-300-016
Garbino Margaret Trust Dated
5871 Oakmont Dr
Banning CA 92220

419-300-017
Herr William L & Marilyn E Family
5891 Oakmont Dr
Banning CA 92220

419-300-018
Susan E Pottle
5913 Oakmont Dr
Banning CA 92220

419-300-019
J & J Inv
769 Indian Wells Rd
Banning CA 92220

419-300-020
Steward Family 2021 Trust Utd
5953 Oakmont Dr
Banning CA 92220

419-300-021
Jane L Getchell
5973 Oakmont Dr
Banning CA 92220

419-300-022
Ramona Mccarty
5993 Oakmont Dr
Banning CA 92220

419-300-023
Martha Imelda Aguirre
409 Indian Wells Rd
Banning CA 92220

419-300-024
Nancy A Hohn
429 Indian Wells Rd
Banning CA 92220

419-300-025
Gonzalez Jose & Elva Trust Dated
449 Indian Wells Rd
Banning CA 92220

419-300-026
Lamar Hoke
469 Indian Wells Rd
Banning CA 92220

419-300-027
Terry Lynn Maynard
489 Indian Wells Rd
Banning CA 92220

419-300-028
Grimes Family Trust Dtd 7/23/21
509 Indian Wells Rd
Banning CA 92220

419-300-029
Moreno Michael & Dawna Trust
527 Indian Wells Rd
Banning CA 92220

419-300-030
David R Deal
545 Indian Wells Rd
Banning CA 92220

419-300-031
John F Brobst
563 Indian Wells Rd
Banning CA 92220

419-300-032
Steven Mestas
581 Indian Wells Rd
Banning CA 92220

419-300-033
Swem Family Revocable Trust Dtd
624 Torrey Pines Rd
Banning CA 92220

419-300-034
Brasch John F Trust
131 Waterview St
Playa Del Rey CA 90293

419-300-035
Leonardo Kostiuk
5815 Riviera Ave
Banning CA 92220

419-300-036
Robert D Cochran
5839 Riviera Ave
Banning CA 92220

419-300-037
Michael R Laichareonsup
5871 Riviera Ave
Banning CA 92220

419-300-038
Olmsted Ruth C Trust Dtd 6/3/1987
Po Box 715
Beaumont CA 92223

419-300-039
Dills Bruce Lynn & Shirley Jean
5913 W Riviera Ave
Banning CA 92220

419-300-040
Alfredo L Santos
5935 Riviera Ave
Banning CA 92220

419-300-041
Charles F Strang
4175 Hillside Dr
Banning CA 92220

419-300-042
James T Cousar
5981 Riviera Ave
Banning CA 92220

419-300-043
Edward A Morrison
5978 Brookside Dr
Banning CA 92220

419-300-044
Donald Zelmer
5958 Brookside Dr
Banning CA 92220

419-300-045
Horace W Campbell
5934 Brookside Dr
Banning CA 92220

419-300-046
Roderick S Tracey
5912 Brookside Dr
Banning CA 92220

419-300-047
Steve A Vos
15122 Runnymede St
Van Nuys CA 91405

419-300-048
Gordon Gates
5868 Brookside Dr
Banning CA 92220

419-300-049
Bailey Godfrey Separate Property Trust
18032 Lemon Dr
Yorba Linda CA 92886

419-300-050
Hook Leon Charles Revocable Trust
5813 Brookside Dr
Banning CA 92220

419-300-051
Douglas J Thorne
5835 Brookside Dr
Banning CA 92220

419-300-052
Sun Lakes Country Club Homeowners
23726 Birtcher Dr
El Toro CA 92630

419-300-053
Marsha Ann Ordorica
1916 W 161st St
Gardena CA 90247

419-300-054
Kymm Ann Terlau
5871 Brookside Dr
Banning CA 92220

419-300-055
Morck Florence E Living Trust
5891 Brookside Dr
Banning CA 92220

419-300-056
Rebecca De Keyser
5911 Brookside Dr
Banning CA 92220

419-300-057
Nancy L Sheets
5933 Brookside Dr
Banning CA 92220

419-300-058
George J Obrien
5955 Brookside Dr
Banning CA 92220

419-300-059
Allen D Jaszcar
5977 Brookside Dr
Banning CA 92220

419-300-060
Bradley Robert Nolte
10097 Zapata Ave
San Diego CA 92126

419-300-061
Bliss Family Trust Dated 09/21/2023
5954 Oakmont Dr
Banning CA 92220

419-300-062
Evon E Montague
5869 Indian Canyon
Banning CA 92220

419-300-063
Bradley Robert Nolte
10097 Zapata Ave
San Diego CA 92126

419-300-064
Barbara Taylor
5890 Oakmont Dr
Banning CA 92220

419-300-065
Gary Warren Kushiner
5870 Oakmont Dr
Banning CA 92220

419-300-066
Hix Family Revocable Living Trust Dtd
5025 Rolling Hills Ave
Banning CA 92220

419-300-067
Amos Kaba Sloan
5830 Oakmont Dr
Banning CA 92220

419-300-068
David Ramirez
5810 Oakmont Dr
Banning CA 92220

419-300-069
Clarissa A Costell
5788 Oakmont Pl
Banning CA 92220

419-300-070
Jones Rhonda Irene Revocable Trust
5756 Oakmont Dr
Banning CA 92220

419-300-071
Johnson Lyn Reynolds
5717 Riviera Ave
Banning CA 92220

419-300-072
Jeffrey R Picking
5735 Riviera Ave
Banning CA 92220

419-300-073
Jackson Stanley & Jennifer Ventigan
5753 Riviera Ave
Banning CA 92220

419-300-074
Rita Poole
5769 Riviera Ave
Banning CA 92220

419-300-075
Close Petrona Estate Of
800 S Redlands Ave
Perris CA 92570

419-300-076
Kenneth Davis
5832 Riviera Ave
Banning CA 92220

419-300-077
Cheryl R Finlay
5818 Riviera Ave
Banning CA 92220

419-300-078
Divina Vida
1700 S Milliken Ave
Ontario CA 91761

419-300-079
Charles L Cha
5772 Riviera Ave
Banning CA 92220

419-300-080
Thomas T S Kuo
5752 Riviera Ave
Banning CA 92220

419-300-081
Lee Alan Peterson
5732 Riviera Ave
Banning CA 92220

419-300-082
Phyllis E Wobken
5712 Riviera Ave
Banning CA 92220

419-300-083
John H Schoonover
5696 Riviera Ave
Banning CA 92220

419-300-084
John Julian Wall
5672 Riviera Ave
Banning CA 92220

419-300-085
Monika Louscher
5656 Riviera Ave
Banning CA 92220

419-300-086
Neal Bailey
5640 Riviera Ave
Banning CA 92220

419-300-087
Yong Cha Kennedy
1697 Fairway Oaks Ave
Banning CA 92220

419-300-088
Jackson Valda N Family Trust Dtd
742 Diamante Ct
San Jacinto CA 92583

419-310-001
Louis E Wilson
607 Indian Wells Rd
Banning CA 92220

419-310-002
Duarte Gildardo & Francisca Duarte
623 Indian Wells Rd
Banning CA 92220

419-310-003
Andrews Marguerite L Revocable
5411 Breckenridge Ave
Banning CA 92220

419-310-004
Karen C Hays
651 Indian Wells Rd
Banning CA 92220

419-310-005
Charles Walter Smith
663 Indian Wells Rd
Banning CA 92220

419-310-006
Curtis Raymond H Living Trust Dtd
677 Indian Wells Rd
Banning CA 92220

419-310-007
Mary Gallegos
17439 Santa Maria St
Fountain Valley CA 92708

419-310-008
Charles T Kudra
291 Teasdale St
Thousand Oaks CA 91360

419-310-025
Castro Joseph R Trust Dtd 07/26/1990
1947 W 153rd
Gardena CA 90247

419-310-026
Barbara M Stanley
712 Indian Wells Rd
Banning CA 92220

419-310-027
Lewis C Kyle
692 Indian Wells Rd
Banning CA 92220

419-310-028
Johnson Norma S Revocable Trust
680 Indian Wells Rd
Banning CA 92220

419-310-029
David J Mayfield
668 Indian Wells Rd
Banning CA 92220

419-310-030
Joseph R Castro
1947 W 153rd St
Gardena CA 95248

419-310-031
John J Quinlan
2715 N Longhurst St
Orange CA 92867

419-310-032
Stella Zaremba
630 Indian Wells Rd
Banning CA 92220

419-310-033
Rodgers Catherine Trust Dated 02-11-
612 Indian Wells Rd
Banning CA 92220

419-310-034
Hinshaw Sandra L Living Trust Dated
16128 Squaw Flat Rd
Sisters OR 97759

419-310-035
Linda S Chaplin
623 Torrey Pines Rd
Banning CA 92220

419-310-036
Lavalana Ree Cook
637 Torrey Pines Rd
Banning CA 92220

419-310-037
Adalberto Bolano
649 Torrey Pines Rd
Banning CA 92220

419-310-038
Skasick Family Revocable Trust Dtd
663 Torrey Pines Rd
Banning CA 92220

419-310-039
Patricia Tiel
679 Torrey Pines Rd
Banning CA 92220

419-310-040
Herman Family Trust Dtd 09/29/82
693 Torrey Pines Rd
Banning CA 92220

419-310-041
Melvin D Foster
709 Torrey Pines Rd
Banning CA 92220

419-310-055
Susan Graves
706 Torrey Pines Rd
Banning CA 92220

419-310-056
Bonnie Jo Aulwes
692 Torrey Pines Rd
Banning CA 92220

419-310-057
Leon S Ingram
28802 Shady Pl
Laguna Beach CA 92651

419-310-058
Janis K Johnson
1391 Sea Pines Dr
Banning CA 92220

419-310-059
Lakes Country Club Homeowners
658 Torrey Pines Rd
Banning CA 92220

419-310-060
Bonnie M Devine
646 Torrey Pines Rd
Banning CA 92220

419-310-061
Karl W Morris
636 Torrey Pines Rd
Banning CA 92220

419-310-062
Sun Lakes Country Club Homeowners
23726 Birtcher Dr
El Toro CA 92630

419-320-010
Mary J Gonzalez
5448 W Pinehurst Dr
Banning CA 92220

419-320-011
Maria Elena Vindolio Abedes
5466 W Pinehurst Dr
Banning CA 92220

419-320-012
Alger Herbert Johns
5480 W Pinehurst Dr
Banning CA 92220

419-320-013
Brian Joseph Shortridge
5494 W Pinehurst Dr
Banning CA 92220

419-320-014
Marvin L & Shirley G. Dated 1/6 / 2006
5508 W Pinehurst Dr
Banning CA 92220

419-320-015
Leo G Gagnon
5522 W Pinehurst Dr
Banning CA 92220

419-320-016
Lin Family Revocable Living Trust
5536 W Pinehurst Dr
Banning CA 92220

419-320-017
Mary E Herchberger
5550 W Pinehurst Dr
Banning CA 92220

419-320-018
Carole Marie Butcher
5564 W Pinehurst Dr
Banning CA 92220

419-320-019
Michael Steven Sullivan
536 Fairway Dr
Redlands CA 92373

419-320-020
Prophet Laverne Living Trust Dated
5592 W Pinehurst Dr
Banning CA 92220

419-320-021
Tri Thanh Ngo
477 S Maidstone St
Banning CA 92220

419-320-022
Robert W Collins
447 S Maidstone St
Banning CA 92220

419-320-023
David G Mora
436 S Maidstone St
Banning CA 92220

419-320-024
Robinson Sheryl Revocable Living
466 S Maidstone St
Banning CA 92220

419-320-025
Vivian C Buchanan
5549 W Pinehurst Dr
Banning CA 92220

419-320-026
Tierney Family Trust Dated 7/8/2020
5531 W Pinehurst Dr
Banning CA 92220

419-320-027
Pogue Family Trust 10/13/2023
5515 W Pinehurst Dr
Banning CA 92220

419-320-028
Smith Michael Robert Living Trust
5501 W Pinehurst Dr
Banning CA 92220

419-320-029
Perez George A & Gay Anne Living
481 S Seminole Ct
Banning CA 92220

419-320-030
Jo Anne Chung
1900 Pacific Coast Hwy #10
Huntington Beach CA 92648

419-320-031
Cecil R Reos
5498 Riviera Ave
Banning CA 92220

419-320-032
Corinne J Oreilly
5484 Riviera Ave
Banning CA 92220

419-320-033
Scott John Charles Sr & Betty Fay
5470 W Riviera Ave
Banning CA 92220

419-320-034
Cunnigan Family Living Trust Dtd
12609 S Halo Dr
Compton CA 90221

419-320-035
Kenneth Coleman
5440 Riviera Ave
Banning CA 92220

419-320-036
Richard Dennis Peterson
490 S Seminole Ct
Banning CA 92220

419-320-037
Diefendorf Family Trust Dated
518 S Seminole Ct
Banning CA 92220

419-320-038
Olmsted Ruth C Trust Dtd 6/3/1987
Po Box 715
Beaumont CA 92223

419-320-039
Patricia Portillo
5465 W Pinehurst Dr
Banning CA 92220

419-320-040
Gilbert Waring Waring
5451 W Pinehurst Dr
Banning CA 92220

419-320-069
Nancy A Ford
5589 Riviera Ave
Banning CA 92220

419-320-070
John F Randel
5575 Riviera Ave
Banning CA 92220

419-320-071
Lauradee Carter
25941 Via Pera
Mission Viejo CA 92691

419-320-072
Labrado Family Revocable Living
5547 Riviera Ave
Banning CA 92220

419-320-073
Arons Shelly Trust Dated 5/14/2020
5533 Riviera Ave
Banning CA 92220

419-320-074
Traniece Lewis
5519 Riviera Ave
Banning CA 92220

419-320-075
Arthur G Line
5505 Riviera Ave
Banning CA 92220

419-320-076
Bonnie B Meltvedt
5491 Riviera Ave
Banning CA 92220

419-320-077
Lawrence O Foy
5477 Riviera Ave
Banning CA 92220

419-320-078
Ted D Linder
5463 Riviera Ave
Banning CA 92220

419-320-079
Gloria Rosemary Oconnor
5449 Riviera Ave
Banning CA 92220

419-320-080
Marguerite A Cross
5435 Riviera Ave
Banning CA 92220

419-320-089
Sun Lakes Country Club Homeowners
P O Box 19672
Irvine CA 92713

419-370-009
Charles R Nagy
569 Twin Hills Dr
Banning CA 92220

419-370-010
Anthony Hake
557 Twin Hills Dr
Banning CA 92220

419-370-011
Christian R Haynie
5049 Rolling Hills Ave
Banning CA 92220

419-370-012
Richard E Norton
5037 Rolling Hills Ave
Banning CA 92220

419-370-013
Hix Family Revocable Living Trust Dtd
5025 Rolling Hills Ave
Banning CA 92220

419-370-014
Hinckley G Bradford Trust 9/15/05
5013 Rolling Hills Ave
Banning CA 92220

419-370-032
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-370-033
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-370-034
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-370-037
Sun Lakes Country Club Homeowners
19 Corporate Plz
Newport Beach CA 92660

419-370-041
Helga W Sieg
5062 Rolling Hills Ave
Banning CA 92220

419-370-042
Janu Family Trust Dated 4/19/2005
524 Sandpiper St
Banning CA 92220

419-370-043
Bruce Louis Brown
512 Sandpiper St
Banning CA 92220

419-370-044
Helga W Sieg
5062 Rolling Hills Ave
Banning CA 92220

419-370-045
Fratus Family Trust Dtd 10/31/94
488 Sandpiper St
Banning CA 92220

419-370-046
Sun Lakes Country Club Homeowners
850 S Country Club Dr
Banning CA 92220

419-370-047
Sun Lakes Country Club Homeowners
850 Country Club Dr
Banning CA 92220

419-370-048
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

419-370-049
Ronald E Krogh
553 Sandpiper St
Banning CA 92220

419-370-050
Daniel Biddle
541 Sandpiper St
Banning CA 92220

419-370-051
David P Madon
529 Sandpiper St
Banning CA 92220

419-370-052
Ronald A Biggs
517 Sandpiper St
Banning CA 92220

419-370-053
John Mursa
505 Sandpiper St
Banning CA 92220

419-370-054
Margaret Anne Bundschuh
493 Sandpiper St
Banning CA 92220

419-370-055
Alan E Ronska
43980 Mahlon Vail Rd #2403
Temecula CA 92592

419-370-056
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

419-370-057
Presley Of Southern California
4490 Von Karman Ave
Newport Beach CA 92660

419-370-073
Fisher Michelle Lynn Revocable Living
5028 Rolling Hills Ave
Banning CA 92220

419-370-074
Pauley Chris Family Revocable Living
5016 Rolling Hills Ave
Banning CA 92220

419-370-075
Constantino B Albera
5004 Rolling Hills Ave
Banning CA 92220

419-370-076
James Kyongjin Kim
4992 Rolling Hills Ave
Banning CA 92220

419-370-077
Harry W Finigan
4980 Rolling Hills Ave
Banning CA 92220

419-400-001
Beverly R Jones
469 Sandpiper St
Banning CA 92220

419-400-002
Paul Nissen
453 Sandpiper St
Banning CA 92220

419-400-003
Anthony Lyndell Jones
801 Rainier Ave
Renton WA 98057

419-400-004
Falat Family Trust Dated 7/12/22
437 Sandpiper St
Banning CA 92220

419-400-005
James H Crosby
429 Sandpiper St
Banning CA 92220

419-400-006
Joan E Burke
769 Indian Wells Rd
Banning CA 92220

419-400-007
Matthis Family Trust Dtd 1/12/21
413 Sandpiper St
Banning CA 92220

419-400-008
Jon L Petrie
1278 Pine Valley Rd
Banning CA 92220

419-400-009
Catherine Jane Wilson
3265 San Amadeo #B
Laguna Woods CA 92637

419-400-010
Mason Dolph & Karla Family
299 Brooklawn Dr
Banning CA 92220

419-400-011
Maria Marta Lucich
293 Brooklawn Dr
Banning CA 92220

419-400-012
Shih Anyu & Susan Chou Family Trust
5914 Myrtle Beach Dr
Banning CA 92220

419-400-013
William Ngo Sy
281 Brooklawn Dr
Banning CA 92220

419-400-014
Steven Cooke
275 Brooklawn Dr
Banning CA 92220

419-400-015
Jamie Jo Taylor
269 Brooklawn Dr
Banning CA 92220

419-400-016
Gerald F Russes
386 Northwood Ave
Banning CA 92220

419-400-017
Lyla Gail Wolden
398 Northwood Ave
Banning CA 92220

419-400-018
Raymond A Paquette
410 Northwood Ave
Banning CA 92220

419-400-019
Manley James A & Marsha K Trust
422 Northwood Ave
Banning CA 92220

419-400-020
C K Pappadato
434 Northwood Ave
Banning CA 92220

419-400-021
Stratton Paul Joseph & Anna Luisa
446 Northwood Ave
Banning CA 92220

419-400-022
Hendrik L Vanvliet
5016 Rolling Hills Ave
Banning CA 92220

419-400-023
Gregg Trust Dated 2/23/2004
470 Northwood Ave
Banning CA 92220

419-400-024
Myrna E Treacy
482 Northwood Ave
Banning CA 92220

419-400-025
Simpson George & Erin Trust Dated
494 Northwood Ave
Banning CA 92220

419-400-026
Anthony Kent Hayworth
506 Northwood Ave
Banning CA 92220

419-400-027
Mildred L Hunter
518 Northwood Ave
Banning CA 92220

419-400-028
Leon P Noel
530 Northwood Ave
Banning CA 92220

419-400-029
Sax Revocable Living Trust Excuted
542 Northwood Ave
Banning CA 92220

419-400-030
Stawry E Kary
554 Northwood Ave
Banning CA 92220

419-400-031
Giordano Janet Living Trust 7/27/16
566 Northwood Ave
Banning CA 92220

419-400-032
Karen Rae Whempner
578 Northwood Ave
Banning CA 92220

419-400-033
Richard N Peck
590 Northwood Ave
Banning CA 92220

419-400-034
Hannsjuergen H Neugebauer
602 Northwood Ave
Banning CA 92220

419-400-035
John A Rawle
614 N0rthwood Ave
Banning CA 92220

419-400-036
Michael B Jordan
591 Northwood Ave
Banning CA 92220

419-400-037
Bertha Ann Serafin
579 Northwood Ave
Banning CA 92220

419-400-038
Jose A Campuzano
567 Northwood Ave
Banning CA 92220

419-400-039
Valerie Crithfield
555 Northwood Ave
Banning CA 92220

419-400-040
Delmas Owen Tackett
543 Northwood Ave
Banning CA 92220

419-400-041
Jerry Joe Bowman
531 Northwood Ave
Banning CA 92220

419-400-042
Carl Henry Kalb
519 Northwood Ave
Banning CA 92220

419-400-043
Randy Lauder
507 Northwood Ave
Banning CA 92220

419-400-044
James A Jorgenson
495 Northwood Ave
Banning CA 92220

419-400-045
David Contreras
Po Box 579
Palm Springs CA 92263

419-400-046
Joan Marie Decker
471 Northwood Ave
Banning CA 92220

419-400-047
Elpidio T Gabriel
459 Northwood Ave
Banning CA 92220

419-400-048
Kenneth C Anderson
447 Northwood Ave
Banning CA 92220

419-400-049
Ogbonne Ikpa
13862 San Antonio Ave
Chino CA 91710

419-400-050
Walter L Penniman
423 Northwood Ave
Banning CA 92220

419-400-051
Gerald J Staheli
411 Northwood Ave
Banning CA 92220

419-400-052
Bewick Margarett Living Trust Dtd
399 Northwood Ave
Banning CA 92220

419-400-053
Martha Jane Brown
458 W Virginia Ave
Glendora CA 91741

419-400-054
Anita Taylor
375 Northwood Ave
Banning CA 92220

419-400-055
Ware Donna Marie Revocable Living
363 Northwood Ave
Banning CA 92220

419-400-056
Gloria E Runnels
351 Northwood Ave
Banning CA 92220

419-400-057
Wesley America Mary Living Trust
339 Northwood Ave
Banning CA 92220

419-400-058
Darleen Inez Moxon
327 Northwood Ave
Banning CA 92220

419-400-059
Modesto G Gonzalez
315 Northwood Ave
Banning CA 92220

419-400-060
Sumners Jackie Lee Trust
301 Northwood Ave
Banning CA 92220

419-400-061
Ralph D Cervantes
350 Northwood Ave
Banning CA 92220

419-400-062
Cindy Lou Medley
362 Northwood Ave
Banning CA 92220

419-400-063
Karina C Boontherntup
1425 Alpine Ave
Beaumont CA 92223

419-400-064
Richard D Kern
268 Brooklawn Dr
Banning CA 92220

419-400-065
Beverly Guenin
274 Brooklawn Dr
Banning CA 92220

419-400-066
Gamal Francis
280 Brooklawn Dr
Banning CA 92220

419-400-067
Richard A Spaulding
286 Brooklawn Dr
Banning CA 92220

419-400-068
John Shain Haldeman
292 Brooklawn Dr
Banning CA 92220

419-400-069
Spinden Alfred & Carol Revocable
298 Brooklawn Dr
Banning CA 92220

419-400-070
Brown Revocable Living Trust Dated
304 Brooklawn Dr
Banning CA 92220

419-400-071
Betty L Starr
322 Brooklawn Dr
Banning CA 92220

419-400-072
Strona Barbara J Family Revocable
340 Brooklawn Dr
Banning CA 92220

419-400-073
Gregory Scott Nicholson
356 Brooklawn Dr
Banning CA 92220

419-400-074
Sam M Sardo
3021 Las Brisas Trl
Jamul CA 91935

419-400-075
Pitt Family Trust Dtd 1/22/2008
378 Brooklawn Dr
Banning CA 92220

419-400-076
David R Allred
384 Brooklawn Dr
Banning CA 92220

419-400-077
Gwendolyn Palmore
392 Brooklawn Dr
Banning CA 92220

419-400-078
Neal A Berry
476 Sandpiper St
Banning CA 92220

419-400-079
Mitchell Family Trust Dtd 07/03/19
13668 Oak Mountain Dr
Yucaipa CA 92399

419-400-080
Cheryl D Dobrzynski
452 Sandpiper St
Banning CA 92220

419-400-081
Anderson Janet S Family Trust 6/11/01
440 Sandpiper St
Banning CA 92220

419-400-082
Cianchetti Linda Aquaro Revocable
428 Sandpiper St
Banning CA 92220

419-400-083
Haffer Family Trust Dated 5/15/2019
416 Sandpiper St
Banning CA 92220

419-400-084
Kadolph Family Revocable Trust
404 Sandpiper St
Banning CA 92220

419-400-085
George H Rumph
392 Sandpiper St
Banning CA 92220

419-400-086
Kobes Family Revocable Living Trust
1601 Fairway Oaks
Banning CA 92220

419-400-087
Enrique B Reyes
387 Brooklawn Dr
Banning CA 92220

419-400-088
Dorothy Ann Rumph
2314 Wailea Beach Dr
Banning CA 92220

419-400-089
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

419-410-001
Marilyn A Garn
398 Brooklawn Dr
Banning CA 92220

419-410-002
James P Huckabey
404 Brooklawn Dr
Banning CA 92220

419-410-003
Helen Joara Minor
410 Brooklawn Dr
Banning CA 92220

419-410-004
Wright Revocable Living Trust Dtd
416 Brooklawn Dr
Banning CA 92220

419-410-045
Peter J Barrett
399 Brooklawn Dr
Banning CA 92220

419-410-046
Shova William H & Barbara A Rev Liv
405 Brooklawn Dr
Banning CA 92220

419-410-047
Gerald Darwin Garver
411 Brooklawn Dr
Banning CA 92220

419-410-048
Dennis E Field
417 Brooklawn Dr
Banning CA 92220

419-410-049
Yolanda Josephine Salas
423 Brooklawn Dr
Banning CA 92220

419-410-066
Sun Lakes Country Club Homeowners
5062 Rolling Hills Ave
Banning CA 92220

440-010-012
Katherine Thurston
626 Pine Valley Rd
Banning CA 92220

440-010-013
Sandra Lee Chaffin
612 Pine Valley Rd
Banning CA 92220

440-010-014
Beverly Simmons
598 Pine Valley Rd
Banning CA 92220

440-010-015
Ahe Susan Cain Von Der
1945 Port Weybridge Pl
Newport Beach CA 92660

440-010-016
Ogbonne Ikpa
13862 San Antonio Ave
Chino CA 91710

440-010-017
Sherman G Elrod
564 Pine Valley Rd
Banning CA 92220

440-010-018
Dean Smith
552 Pine Valley Rd
Banning CA 92220

440-010-019
Ulysses A Jesus
540 Pine Valley Rd
Banning CA 92220

Josh Zemon
Creation Equity
1200 N. 52nd St.
Phoenix, AZ 85008

Josh Zemon
Creation Equity
1280 E. Levee St.
Dallas, TX 75207

City of Banning
Public Works
Department
99 E. Ramsey St.
Banning, CA 92220

City of Banning
Electric Department
99 E. Ramsey St.
Banning, CA 92220

City of Banning
Fire Department
99 E. Ramsey St.
Banning, CA 92220

EXHIBIT “B”
(Attached)

City of Banning

Community Development Department

NOTICE OF PUBLIC HEARING FOR CONSIDERATION OF TENTATIVE PARCEL MAP NO. 38164 AND AN APPEAL BY THE PASS ACTION GROUP (PAG) OF THE PLANNING COMMISSION'S APPROVAL OF DESIGN REVIEW NO. 21-7008, BOTH FOR THE BANNING POINT PROJECT A PROPOSED MIXED-USE INDUSTRIAL AND RETAIL DEVELOPMENT ON APPROXIMATELY 37-ACRES OF A 47-ACRE PARCEL, WITHIN THE SUN LAKES VILLAGE NORTH SPECIFIC PLAN, AS AMENDED. THE PROJECT INCLUDES A SHELL INDUSTRIAL BUILDING MEASURING 619,959 SQUARE FEET, WHICH INCLUDES 10,000 SQUARE FEET OF OFFICE SPACE. IN ADDITION, THE PROJECT PROPOSES SIX (6) RETAIL AND RESTAURANT BUILDINGS, TOTALING 34,000 SQUARE FEET. (APN: 419-140-057)

NOTICE IS HEREBY GIVEN of a public hearing before the City of Banning City Council, to be held Tuesday, July 9, 2024, at 5:00 p.m. (or as soon thereafter) in the Council Chambers, City Hall, 99 East Ramsey Street, Banning, California. On May 6, 2024, a Riverside County Superior Court issued a Writ of Mandate in Pass Action Group v. City of Banning, *et al.*, (1) ordering the City within 90 days to set aside and vacate all prior approvals of the Banning Point Project in which former City of Banning Councilmember Hamlin participated, including City Council Resolution 2022-14, Tentative Parcel Map No. 38164, Design Review 21-7008, and the Addendum and related CEQA findings for the Banning Point Project, and (2) instructing the City that any future hearing reconsidering approval of the Banning Point Project must be conducted without the participation of former Councilmember Hamlin. In accordance with the Writ, the City Council will consider (without the participation of former Councilmember Hamlin) (1) an application for approval of Tentative Parcel Map No. 38164, allowing the subdivision of approximately forty-seven (47) gross acres of vacant land into three (3) parcels, and (2) an appeal by the Pass Action Group (PAG) of the Planning Commission's approval of Design Review No. 21-7008, on December 1, 2021 (by adoption of Planning Commission Resolution No. 2021-16 by a 3-2-0 vote), together permitting the construction of a proposed mixed-use industrial and retail development on approximately 37-acres of a 47-acre parcel within the Sun Lakes Village North Specific Plan, as amended (collectively. the "Project"). The Project includes a shell industrial building measuring approximately 619,959 square feet, which includes approximately 10,000 square feet of office space. In addition, the Project proposes six (6) retail and restaurant buildings totaling approximately 34,000 square feet.

The Project has been reviewed in connection with the requirements of the California Environmental Quality Act (CEQA) and the CEQA Guidelines. Community Development Department staff have reviewed the Final Program Environmental Impact Report (FEIR) for the "Sun Lakes Village North Specific Plan Amendment No. 5" project, certified by the City Council on December 8, 2020 (by adoption of Resolution 2020-141), and the Statement of Overriding Considerations, including the Mitigation, Monitoring, and Reporting Program (MMRP), adopted by the City Council on the same day, to determine if the Project is within the scope of what was analyzed in that FEIR, which is now beyond challenge. Based on this review, an addendum/consistency checklist, entitled "Banning Point Addendum / Consistency Checklist to the Sun Lakes Village North Specific Plan Amendment No. 5 Environmental Impact Report" (updated version dated February 10, 2022) ("Addendum") has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Sections 15162, 15164, and 15168(c). The Addendum evaluated the Project's potential environmental effects in light of those effects previously disclosed in the FEIR to determine whether any of the conditions described in CEQA Guidelines Section 15162 calling for subsequent CEQA review have occurred. Community Development Department staff have determined that no further environmental review is required, including pursuant to Public Resources Code Section 21166, or CEQA Guidelines Sections 15162 or 15163, because (i) the Project will not have new or substantially more severe impacts than what was disclosed in the FEIR; (ii) all applicable mitigation measures

in the FEIR remain applicable to the Project and are imposed on the Project as a condition of approval; and (iii) the Project will not require any new mitigation measures, all as documented in the Addendum.

To observe the live meeting through your personal computer or smart phone enter the following link: https://banninglive.viebit.com or view on the Banning Government Channel on Cable Television

Information regarding Tentative Parcel Map No. 38164, Design Review No. 21-7008, and the CEQA Determination (Addendum) can be obtained by contacting the City's Community Development Department, Planning Division at (951) 922-3125, or by going to the City of Banning website at https://banningca.gov/Archive.aspx?AMID=60&Type=&ADID=

All parties interested in speaking either in support of or in opposition to this item are invited to attend the public hearing or by sending their written comments by email to the Administrative City Clerk at cityclerks@banningca.gov or by mail to the City Clerk at City of Banning at PO Box 998, Banning, CA 92220, or personally deliver to: 99 E. Ramsey Street, Banning, CA 92220.

If you challenge any decision regarding the above Project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Administrative City Clerk of the City of Banning at, or prior to, the public hearing (Cal. Gov. Code, § 65009(b)(3)).

BY ORDER OF THE COMMUNITY DEVELOPMENT DIRECTOR OF THE CITY OF BANNING, CALIFORNIA

/s/ Emery J. Papp, Senior Planner

Dated: June 11, 2024
Publish: June 28, 2024

CITY OF BANNING

PROJECT NUMBERS: DR 21-7008, TPM 21-4001, ENV 21-1510

PROJECT VICINITY

ADDRESS/APN: NEC of Sun Lakes Blvd. and Sun Lakes Village Dr./419-140-057

ZONE: Sun Lakes North Specific Plan

N W E S

0 200 400 600 800

Feet

6/18/2021

WILLDAN Engineering | extending your reach

PROJECT LOCATION

CITY OF BEAUMONT

Banning City Boundary

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Co

AFFIDAVIT OF POSTING OF NOTICE OF PUBLIC HEARING

Project: DR 21-7008 & TPM 38164

The undersigned hereby certifies as follows:

I am now, and at all times hereinafter mentioned was, Development Project Coordinator of the City of Banning, California.

On the 25th day of June, 2024, pursuant to Government Code Section 65091(a)(5)(B), I posted a true and correct copy of the notice of public hearing attached hereto as Exhibit "B" at each of the two public places specified below.

I certify under penalty of perjury that the foregoing is true and correct.

Executed on the 25th day of June, 2024, at Banning, County of Riverside, State of California.

Sandra B. Calderon
Development Project Coordinator
City of Banning

Notice of Public Hearing Posted at:

99 E. Ramsey Street
Banning, CA 92220

City of Banning website